

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD**

Date: May 7, 8, 2007

Time: 9:00 a.m. C.S.T.

Location: 227 French Landing
HRB Conference Center
1st Floor, Iris Room
Nashville TN 37228

May 7, 2007

Members Present: Kirsten VandeBerg, LMT, Chairperson
Juliana Glasgow-Trotman, LMT, Secretary
Beverly Chumbley, RN, LMT
Rebecca Eichel, LMT
Phyllis Salyers, LMT
Marilyn Field, Citizen Member
Robbie Bell, Ex-Officio Member

Vacant Position: Citizen Member

Staff Present: Dianne Birkner, Board Manager
Dale Hill, Board Administrator
Ernest Sykes, Advisory Attorney
Christy Allen, Assistant Commissioner
Lisa Tittle, Administrative Services Manager

A quorum being present, the Board meeting was called to order by Ms. VandeBerg at 9:10 a.m.

Ms. VandeBerg welcomed Ms. Eichel back. Ms. Bell introduced Ms. Christy Allen, the newly-appointed Assistant Commissioner, Bureau of Health Licensure and Regulation.

Conflict Of Interest

Ms. Bell reviewed the Conflict of Interest Policy with the Board.

Financial Report

Ms. Tittle reviewed the Board's financial report and addressed the Board concerning its financial status as it relates to cost of inspections and the newly developed administrative procedures for

licensing educational programs. Ms. Tittle reported the Board is losing money on each inspection and suggested they may want to consider raising renewal fees of therapists and establishments.

Ms. Salyers asked that the Board charge a fee to continuing education providers. Mr. Kosten explained this would require a statutory change.

Ms. Tittle requested that she be given time to conduct a cost analysis and report back to the Board in August. Mr. Sykes suggested that the Chair appoint a committee to work with Ms. Tittle to look at each of the fees.

Ms. VandeBerg appointed a fee committee to work with Ms. Tittle. The committee will consist of three board members: Juliana Glasgow-Trotman, Phyllis Salyers and Kirsten VandeBerg; Ms. Maj Lis Nash, AMTA representative; and Ms. Debbie Hicks, TMTA representative. Ms. Tittle suggested the committee's goal could be accomplished in one meeting.

Discuss Concerns with Complaints Submitted to the Office of Investigations

The Director of Investigations, Ms. Denise Moran, was requested to appear before the Board to discuss concerns that specific types of complaints were not being investigated. Ms. Moran assured the Board that each complaint is investigated and that with non-routine type complaints, the Office of Investigations and the Office of General Counsel must work closely together to insure an investigation is done properly and legally. Ms. Moran explained to the Board she could not discuss a specific complaint or type of complaint due to confidentiality and the possibility of future Board action.

Ms. Moran also presented the **Investigation/Disciplinary Report**. She reported four (4) new complaints have been received from January 2007 through March 2007 for massage therapists and establishments. In the same time period a total of seven (7) complaints have been closed; three (3) with no action, two (2) referred to the Office of General Counsel, one (1) with a letter of concern and one (1) with a letter of warning. There are currently seven (7) open cases in Investigations. Ms. Moran complimented the Board on its statistics.

Consider Accepting the National Examination for States Licensure (NESL) Administered by the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB)

Sally Hacking, NCBTMB Director of Government Relations, explained to the Board the NESL is an examination option for states that require an examination but do not require National Certification.

Ms. Chumbley made a motion to accept the NESL as an examination option. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Minutes

Ms. Chumbley made a motion to approve the minutes of the February 12, 13, 2007 Board meeting as written. Ms. Field seconded the motion. The motion carried with Ms. Eichel and Ms. Salyers abstaining due to their absence at the February meeting.

Ms. Glasgow-Trotman made a motion to approve the minutes of the April 2, 3, 2007 Board meeting as written. Ms. Salyers seconded the motion. The motion carried with Ms. Eichel abstaining due to her absence at the April meeting.

Rules

Mr. Jerry Kosten presented rules that were sent to Rulemaking Hearing on April 17, 2007 regarding use of titles in advertising; addition of continuing education course providers; course approval process and deadlines and peer assistance program visitations in schools.

Ms. Chumbley made a motion to adopt the rules. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Ms. Birkner held a roll call vote with all members voting yes.

Mr. Kosten presented rules to be sent for a rulemaking hearing regarding practice standards and inspection of establishments; establishment licensure process; educational program approval and curriculum requirements; application requirements for educational programs and continuing education course providers.

The Board discussed making several changes to the rules. The Board recessed for lunch and will continue the rules discussion at the end of the remaining Board business.

Applicant Interviews

Glenda Bryan/Ocoee Therapeutic Massage

Ms. Bryan appeared before the Board at its February 12, 2007 meeting for failure to disclose a public intoxication charge in 2003. The Board referred Ms. Bryan to Lighthouse Professional Services for an assessment and required that she appear back before the Board at today's meeting. Ms. Chumbley made a motion to approve Ms. Bryan for an establishment license. Ms. Salyers seconded the motion. The motion carried.

Kirk Jones, D.C./Bellevue Chiropractic Center

Dr. Jones' application was deferred from the February 12, 2007 meeting to allow members time to review the large volume of information in his file. Ms. Salyers made a motion to deny Dr. Jones' application for an establishment license based on T.C.A. Section 63-18-108 (2). Ms. Field seconded the motion. The motion carried.

Karen Collins/Serenity Massage

Ms. Collins was requested to appear before the Board for failure to disclose an aggravated assault charge in 2001 on her establishment application and her massage therapist application in June 2006. Ms. Collins did not appear. Ms. Eichel made a motion to defer action and request Ms. Collins to appear at the next meeting and to submit final court documents at that time. Ms. Chumbley seconded the motion. The motion carried.

Lacey Robertson

Ms. Robertson appeared before the Board to give explanation to a DUI conviction in July 2004 and a reckless endangerment conviction in September 2004. Ms. Smithson of Lighthouse Professional Services advocated for Ms. Robertson and in a letter to the file recommended she be monitored for six (6) months. It was brought to Ms. Smithson's attention that by the Board approving a license with a condition attached it would be considered disciplinary. It was not Ms. Smithson's intention that Ms. Robertson's license be disciplined and for that reason she is advocating for Ms. Robertson without restrictions or conditions. Ms. Salyers made a motion to grant Ms. Robertson an unrestricted license. Ms. Chumbley seconded the motion. The motion carried.

Laron Officer

Mr. Officer appeared before the Board to give explanation to two assault charges and three weapons charges. Ms. Smithson of Lighthouse Professional Services advocated for Mr. Officer. It was reported that the convictions had been expunged though no documents were provided. Ms. Salyers made a motion to approve Mr. Officer for licensure. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Joanie Warren

Ms. VandeBerg and Ms. Chumbley made the Board aware that they are familiar with Ms. Warren but feel they can render an unbiased opinion.

Ms. Warren appeared before the Board to give explanation to a DUI conviction. The charge occurred in 2004 and is currently under appeal. Ms. Smithson of Lighthouse Professional Services advocated for Ms. Warren. Ms. Salyers made a motion to approve Ms. Warren for licensure. Ms. Field seconded the motion. The motion carried.

Administrator/Directors Report

Ms. Birkner presented the report regarding statistical information and license status activity since the last meeting which indicated the following:

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
Active Licensees – 4145	Active Licensees – 1315
Retired Licensees – 529	Retired Licensees – 280
Failed to Renew – 1512	Failed to Renew – 289

LICENSE STATUS SINCE LAST MEETING

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>January 2007</i>	<i>January 2007</i>
Newly Licensed – 30	Newly Licensed – 29
Reinstates – 3	Reinstates- 4
Retired- 10	Retired-14
New Applications-41	New Applications-20

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>February 2007</i>	<i>February 2007</i>
Newly Licensed – 28	Newly Licensed – 19
Reinstates – 5	Reinstates- 1
Retired- 13	Retired-12
New Applications-31	New Applications-22

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>March 2007</i>	<i>March 2007</i>
Newly Licensed – 30	Newly Licensed – 22
Reinstates – 4	Reinstates- 0
Retired- 11	Retired-17
New Applications-42	New Applications-31

Ms. Birkner reported that staff has completed the examination scores project with the NCBTMB and is now able to obtain score reports via the Internet. She also reported all Board approved continuing education that could be accounted for and the most current listing of approved

educational programs is now updated on the Board's web site. Ms. Birkner further reported that pass /fail rates have been obtained from the NCBTMB and staff will be posting the information on the web site in the near future.

Establishment Inspection Report

Ms. Birkner reported there were three hundred ninety-nine (399) inspections conducted during the period of January-March 2007; one hundred sixty-seven (167) in Middle Tennessee, one hundred seventy-eight (178) in East Tennessee and fifty-four (54) in West Tennessee.

The following deficiencies were cited in Middle Tennessee:

January

- 21 establishments received a single deficiency for not cleaning the massage table daily
- 9 establishments received a single deficiency for not having enough smoke detectors
- 3 establishments received a single deficiency for not having a smoke detector or the smoke detector did not work
- 3 establishments received a single deficiency for the massage therapist's working on an expired license
- 1 establishment received a single deficiency for not having an operable fire extinguisher
- Fire extinguisher not operable, no battery in smoke detector, therapist license expired
- One smoke detector needed, massage table not cleaned daily
- Fire extinguisher not operable, two smoke detectors needed

February

- 5 establishments received a single deficiency for not cleaning the massage table daily
- 3 establishments received a single deficiency for not having enough smoke detectors
- 4 establishments received a single deficiency for not having a smoke detector
- 2 establishments received a single deficiency for not having hand cleansing capabilities within 20 feet of treatment area
- Lacks two smoke detectors in client area, therapist license not available
- Two massage therapists license not available; one had expired and one not on premise

March

- 3 establishments received a single deficiency for not having smoke detectors
- 3 establishments received a single deficiency for not having enough smoke detectors
- 1 establishment received a single deficiency for not having a smoke detector OR the inspector does not recognize smoke detection
- 4 establishments received a single deficiency for not cleaning the massage table daily
- 1 establishment received a single deficiency for not having an operable fire extinguisher
- Massage therapist license not available, does not clean table daily

The following deficiencies were cited in East Tennessee:

January

- 3 establishments received a single deficiency for not having a massage therapist employed
- 7 establishments received a single deficiency for not having a current copy of the therapist's license
- 1 establishment received a single deficiency for not having a current establishment license
- 2 establishments received a single deficiency for not having an operable fire extinguisher
- 1 establishment received a single deficiency for not having a smoke detector
- 1 establishment received a single deficiency for not having hot water
- No hot water, massage therapist license not available
- No fire extinguisher, no smoke detector

February

- 3 establishments received a single deficiency for not having a massage therapist employed
- 2 establishments received a single deficiency for not having a current copy of the therapist's license
- 1 establishment received a single deficiency for not having an operable fire extinguisher
- 1 establishment received a single deficiency for not having hot water

March

- 1 establishment received a single deficiency for not having a current copy of therapist license

The following deficiencies were cited in West Tennessee:

January

- 2 establishments received a single deficiency for not having enough smoke detectors or the smoke detectors did not work
- 3 establishments received a single deficiency for not having a smoke detector
- 2 establishments received a single deficiency for not cleaning the massage table daily
- Lacks two smoke detectors, does not clean table daily
- Smoke detector does not work, does not clean table daily
- No smoke detector, does not clean table daily

February

- 2 establishments received a single deficiency for not having enough smoke detectors
- One smoke detector not working, massage table not cleaned daily

March

- 3 establishments received a single deficiency for not having enough smoke detectors

- 3 establishments received a single deficiency for not having a smoke detector or smoke detector not working
- 5 establishments received a single deficiency for not cleaning the massage table daily
- 1 establishment received a single deficiency for not having hot water
- Lacks one smoke detector in client area, therapist license not available

Office of General Counsel Report

Mr. Sykes reported the following:

Revisions to discipline, new licensee CE (0870-1-.05, .12, .19) These amendments went to rulemaking hearing on March 3, 2006. The Board approved the amendments on May 8, 2006 and it was sent to the Attorney General on May 10, 2006. It became effective April 18, 2007.

Revise reciprocity, Require CE regarding laws, CE accreditation, Conditioning licenses (0870-1-.04, .07, .08, .12)-(06-1326) The rulemaking notice was filed and the rule went to hearing on October 25, 2006. The Board approved the amendment on November 13, 2006 and it was sent to the Attorney General on November 17, 2006. It is still there.

Additional CE revisions, Titles revisions, Access to peer assistance (0870-1-.03, .12; 0870-2-.02)- (07-1158) The rulemaking notice was filed and the rule went to hearing on April 17, 2007. It is before the Board today for a roll call vote as to final approval.

Litigation:

The Office of General Counsel currently has nine (9) open disciplinary cases pertaining to the Board of Massage Licensure.

Ratifications

Ms. Chumbley made a motion to ratify all new and reinstated licenses for massage therapists and massage establishments issued from January 26, 2007 through April 25, 2007. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Massage Therapists

BETHANY ELIZABETH ADDISON
 ADONIA LICHILLE ANDERSON
 BRANDY LANE BECKER
 MEGAN MCAULEY BECKER
 ROBIN NICOLE BEYERSDORF LMT
 FANCE LEE BRANNOCK
 LISA ANN BROWN
 TRACY ANN BUCHANAN
 TRICIA SUE BURDICK
 CAROLYN ANN CARLSON

DAVID CLEO CARLSON
 ANGIE ELIZABETH CHAMPINE
 CARRIE LEIGH CLARK
 ELIZABETH ANN CLARK
 JENNIFER LOUISE CLOYD
 ROLANDA LA-SHAY COBIN-DICKSON
 JAMIE M COLON-ORELUP
 CARLA RAE COOTER
 MAR CORELLI
 LINDA CORWIN

BUFFIE INGRID CUTSHALL
STEVEN LACY DAVIS
SUSAN ANNETTE DAVIS
SUSAN CHRISTINA DAVIS
JOANNE KAY DEGROFF
RENEE CATHRINE DEICHMAN
NOEL THOMAS DILLARD
SUZANNE RENAE DUKE
LORI ANN FOSTER
BONITA EVETTE FREY
DONDI LYNN GASPER
LORENE MISTY GOODNER
MELODY JEANNE HAMM
PAULINE ANNE HERLIHY
VENIS M HOLMES
MICHELE ELAINE HOOD
CHRISTINA MARIE HOWARD
TAMMY MCMICHAEL HOWELL
STACIE CLAIRE HUNT
SHARON ELAINE JANKOWSKI
DAWN S JONES
HEATHER HONI JORDAN
LAUREN A KESTNER
AMY NICOLE KNEZ
COURTNEY ELIZABETH LAIRD-BROWNING
CASEY ANNE LAURITSEN
CAROLYN MARIE LAWSON LMT
MISTY LYNN LEHNERT
SARAH JANE LEWIS
LAURA RENEE LOVE
JON MATTHEW MANDEVILLE
APRIL DONETT MARTIN

JESSICA TARA MARTIN
CARRIE LEIGH MCDONALD
GEORGIA BETH MCGREW
ALEXANDRE L.M. MEADOWS
CHERYL LEA MEDLEY
TRACY MENDEZ
AMY CHRISTINE MOUNT
TERA DANYELLE NIEMEYER
CASSIE LONDYN O'KELLEY
KIMBERLY ANNETTE OWNBY
MARY LEIGH ANN PARRISH
TERRI LYNN PATTERSON
ERICA LYNN PATTON
BRENDA SUSAN PAULUS
CURTIS H PETTYJOHN
RHONDA DENISE POE
LYNDSEY NICOLE POLK
CAROLE RACINE
LISAMARIE REEDMAN
TERESA GAIL RICKER
HOPE AMBER ROOD
NINA MARIE SANTAMARIA
RACHEL TAMAVE SAVAIKI
CASSANDRA RAQUEL SMITH
TERI LYNN STALLO
TRACY LYNN STONE LMT
LESLIE N TAYSE
JEFFREY B WELLS
SARENA LEE WESTENHAVER
LEAH IRENE WHITE
JENNIFER JO WILSON
LAKESHA WILLETT YOUNG

Massage Therapists Reinstated

KENNETH HOWELL ALLEN
JON A. BEASLEY
BENICA DALE DAUGHERTY
ANNE B. GREEN
NATHAN T. HOFFMAN
MELANIE R JOHNSON
VALERIE ANNETTE LAVENDER
ROSA DAWN MCCASKILL
BERNARD G. MERRELL
HEIDI L. PALMER

RACHEL LOUISE STOKES
BRENDAN JACK SWEETMAN

Massage Establishments

ALEX MEADOWS-MASSAGE THERAPY
AMANDA G. BRAZIER LMT
APPALACHIAN LASER SKIN SOLUTIONS DAY SPA
BEAUTIFUL HAIR SALON AND DAY SPA
BILL OTT LMT
BODY PERSPECTIVES
BON ALLURE SALON AND SPA
CREATIONS HAIR DESIGN, LLC
DD'S DESIGNS
ECLIPSE SALON
ELYSIUM
EXODUS SALON AND SPA
FELICITY
FITNESS TOGETHER
GENALEIGH DORN, LMT
HA LEE'S ALTERNATIVE HEALTH SOLUTIONS
HEALTHY ADDICTIONS MASSAGE
HOLLYWOOD BODY SPA
INSPIRATIONAL FITNESS, INC. DBA HEALTHY
INTUITIVE TOUCH THERAPY
JAN'S PERFECT TOUCH
KIMBERLY'S
KNEADED TOUCH MASSAGE
LISA L. POINTER, LMT
LIVE WELL MASSAGE THERAPY
M & M NAILS AND DAY SPA
MASSAGE ENVY
MASSAGE THERAPY BY ALISON CAMPBELL
MASSAGE WORKS
MERLE NORMAN COSMETICS AND DAY SPA
MYRA'S MASSAGE
MYSTIQUE STUDIO ONE
NATURAL HEALTH MASSAGE THERAPY
PAMPERING PLUS SALON AND SPA
RAINDROPS SALON MASSAGE
RENAISSANCE DAY SPA
RICHARD VALDEZ MASSAGE THERAPY
RIVERGATE MASSAGE THERAPY
RIVERS THERAPEUTIC MASSAGE
SALON INVISIONS, INC.
SALON SOUTH

SAVING FACES
SHAY'S LOFT
SHEAR ELEGANCE SALON AND DAY SPA
SHEAR STRUCTURE
SIMPLY SKIN MEDSPA
SIMPLY YOU
SISKIN HOSPITAL FOR PHYSICAL REHABILITATION
SKIN CARE AND COSMETIC BY CARMEN, INC.
SOUTHERN ACCENTS
SPECIALISTS OF THERAPEUTIC MASSAGE
STONE DANCE HOLISTIC BODY THERAPIES-1
STONE DANCE HOLISTIC BODY THERAPIES-2
SUZANNE INFANTE, LMT
TABBI CRIPPEN, L.M.T.
TERESA GEOGHEGAN BROWN, LMT
TERRI PATTERSON
THE RENAISSANCE
THE RIGHT TOUCH MASSAGE THERAPY
THERAPEUTIC BALANCE BODYWORK ASSOCIATES
TRI-CITIES MASSAGE GROUP
VITAL TOUCH MASSAGE THERAPY OF WOODLAND POINTE
WILLIAM NAVE DENTAL STUDIO
YMCA OF METROPOLITAN CHATTANOOGA-NORTH RIVER FAMILY YMCA

Massage Establishments Reinstated

MASSAGE BY ROBIN
THERAPEUTIC MASSAGE FOR RELAXATION AND WELLNESS

Ratification of Approved Continuing Education Courses

Ms. Salyers made a motion to ratify the following continuing education courses:

1. Reiki for Massage Therapists-Level I-8 hours offered by Ed D. Bolden
2. Reiki Level I & II Training-16 hours offered by Health Education Resources & Services, Janny E. Adkins, RN

Ms. Glasgow-Trotman seconded the motion. The motion carried.

Appoint Delegate to Attend the Federation of State Massage Therapy Boards Annual Meeting

Ms. Glasgow-Trotman made a motion which was seconded by Ms. Chumbley to appoint the following members to attend the meeting which will be held in Orlando, Florida October 12-14, 2007: Juliana Glasgow-Trotman, Phyllis Salyers, Rebecca Eichel and Kirsten VandeBerg. The motion carried.

Ms. Field left the meeting at 5:00 p.m.

Rules Discussion Continued

After lengthy discussion the Board suggested several additional changes to the draft rules. Mr. Kosten will revise the rulemaking hearing rules and present them to the Board tomorrow.

Ms. Chumbley made a motion to recess. Ms. Eichel seconded the motion. The motion carried and the Board recessed at 5:25 p.m.

**MINUTES OF
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May 8, 2007

Members Present: Kirsten VandeBerg, LMT, Chairperson
Juliana Glasgow-Trotman, LMT, Secretary
Beverly Chumbley, RN, LMT
Rebecca Eichel, LMT
Phyllis Salyers, LMT
Marilyn Field, Citizen Member
Robbie Bell, Ex-Officio Member

Vacant Position: Citizen Member

Staff Present: Dianne Birkner, Board Manager
Dale Hill, Board Administrator
Ernest Sykes, Advisory Attorney

A quorum being present, the meeting reconvened at 9:05 a.m.

Consent Order

Lisa Moser, LMT

Elisha Hodge, Assistant General Counsel, presented a Consent Order in which Ms. Moser agrees that she practiced on an expired license from 2003-2006 and advertised her services. Ms. Moser further agrees to cease from practice until her license is reinstated, pay forty-five (45) Type C civil penalties in the amount of one hundred dollars (\$100.00) each for a total of forty-five hundred dollars (\$4500.00) plus costs. Ms. Eichel made a motion to accept the Consent Order. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Brenda Meislohn

Elisha Hodge, Assistant General Counsel, presented a Consent Order in which Ms. Meislohn agrees that she practiced and advertised from approximately August 2006 until December 2006 without a license. Ms. Meislohn agrees to cease from practice and advertising massage therapy until she is granted a license, that she pay four (4) Type A civil penalties in the amount of five hundred dollars (\$500.00) each for a total of two thousand (\$2000.00) plus case costs.

Ms. Salyers made a motion to accept the Consent Order. Ms Chumbley seconded the motion. The motion carried.

Contested Cases

Summer Hayes, d/b/a Day Spa by Summer, a/k/a Massage Therapy by Summer

The State was represented by Ms. Elisha Hodge. Ms. Hayes was not present.

James A. Hornsby, Administrative Law Judge, presided over the hearing. Ms. Hodge motioned for default. The Board voted and granted the motion.

Ms. Hayes is charged with practicing with an expired massage establishment license and employing an unlicensed massage therapist. Ms. Eichel made a motion to accept Findings of Fact numbers 10 through 12. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Ms. Chumbley made a motion to accept the Conclusions of Law as written and that number 13 of the Causes of Action relates to item number 12 of the Allegations of Fact. Ms. Field seconded the motion. The motion failed.

Ms. Eichel made a motion to accept Causes of Action numbers 13 through 15 based on rules in 0870-1-.02 to support Allegations of Fact as it relates to numbers 10 through 12. Ms. Salyers seconded the motion. The motion carried.

Ms. Glasgow-Trotman made a motion to assess six (6) Type A civil penalties in the amount of five hundred dollars (\$500.00) each for a total of three thousand dollars (\$3000.00) plus costs. Ms. Salyers seconded the motion. The motion carried.

Ms. Salyers made a motion to suspend Ms. Hayes' license until all penalties are paid. Ms. Chumbley seconded the motion. The motion failed.

Ms. VandeBerg stated the Board's action was taken for the safety and welfare of the public and to uphold the laws of this Board. Ms. Chumbley made a motion to accept the Policy Statement. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Glen Griffin

Glen Griffin, d/b/a Le'Tique Spa

The State was represented by Ms. Elisha Hodge. Mr. Griffin was represented by Mr. Mark Freeman.

James A. Hornsby, Administrative Law Judge, presided over the hearing.

The two cases will be combined due to the facts being the same. Ms. Glasgow-Trotman acknowledges she knew Mr. Freeman from a case in the past. Neither Counsel has a problem with her hearing the case.

Mr. Griffin is charged with practicing massage without a license and for allowing an unlicensed practitioner to practice in his massage establishment.

After hearing testimony the Board considered the disciplinary actions separately.

Glen Griffin

Ms. Eichel made a motion to accept as Findings of Fact, Allegations of Fact numbers 8 through 11. Ms. Chumbley seconded the motion. The motion carried. Ms. Chumbley made a motion to accept as Conclusion of Law, Causes of Action numbers 12 and 13 based on T.C.A. Section 63-18-104 and Mr. Griffin's testimony that he did provide massages to his clients. Ms. Salyers seconded the motion. The motion carried.

Ms. Eichel made a motion to assess twenty-four (24) Type A civil penalties in the amount of five hundred dollars (\$500.00) each for a total of twelve thousand dollars (\$12000.00) plus cost. Ms. Field seconded the motion. The motion carried.

Ms. VandeBerg stated it is the Board's duty and responsibility to enforce the law for the safety and welfare of the public. Ms. Eichel made a motion to accept the Policy Statement. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Glen Griffin, d/b/a Le'Tique Spa

Ms. Chumbley made a motion to accept as Findings of Fact, Allegations of Fact numbers 8 through 10. Ms. Salyers seconded the motion. The motion carried. Ms. Chumbley made a motion to accept as Conclusion of Law number 11 of the Causes of Action based on Findings of Fact number 10. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Ms. Chumbley made a motion to revoke the establishment license of Le'Tique Spa, license number 904. Ms. Glasgow-Trotman seconded the motion. The motion carried. Ms. Glasgow-Trotman made a motion to assess the owner, Mr. Griffin, twenty-four (24) Type A civil penalties in the amount of five hundred dollars (\$500.00) each for a total of twelve thousand dollars (\$12000.00) plus cost. Ms. Salyers seconded the motion. The motion carried with Ms. Eichel and Ms. Chumbley opposed. The Chairperson did not vote.

Ms. VandeBerg stated the Board's action was taken to enforce the massage practice act to protect the safety and welfare of the public. Ms. Glasgow-Trotman made a motion to accept the Policy Statement. Ms. Field seconded the motion. The motion carried.

The Board recessed for lunch at 12:50 p.m. and reconvened at 1:40. Mr. Kosten presented the Board with a copy of the revisions suggested at yesterday's meeting.

Ms. Field made a motion to postpone voting on the rulemaking hearing rules until the August meeting so that members have enough time to review the revisions. Ms. Glasgow-Trotman seconded the motion. The motion carried. Mr. Sykes stated he thought the Board's decision to postpone the rules was wise and it would allow him time to review the logistical licensure process of THEC.

Petition for Reconsideration

James Nash, LMT

Mr. Nash is requesting the Board to consider dismissal of the fine and five year probation handed down at the February 13, 2007 Board meeting.

Mr. Sykes went on record to say anyone is permitted to argue his case to introduce any new information. It is his opinion that Mr. Nash did not present any new evidence and that he would not have grounds for reconsideration and that he has the right to appeal the Board's decision to Chancery Court.

Ms. Salyers made a motion to deny Mr. Nash's Petition for Reconsideration on grounds of insufficient evidence. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Ms. Field left the meeting at 2:00 p.m.

Agreed Order

Danielle Poe, LMT

Ms. Hodge presented and Agreed Order in which Ms. Poe admits to practicing massage on an expired license from approximately December 2003 until June 2004 at Day Spa by Summer. Ms. Poe agrees to pay six (6) Type A civil penalties in the amount of five hundred dollars (\$500.00) each for a total of three thousand dollars (\$3000.00) plus costs. Ms. Salyers made a motion to accept the Agreed Order. Ms. Chumbley seconded the motion. The motion carried.

There being no further business, Ms. Chumbley made a motion to adjourn. Ms. Glasgow-Trotman seconded the motion. The motion carried and the meeting adjourned at 2:50 p.m.

These minutes were ratified by the Board at the August 13, 2007 meeting.