

**MINUTES OF  
TENNESSEE MASSAGE LICENSURE BOARD**

Date: October 22, 2007

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

Location: 227 French Landing  
HRB Conference Center  
1<sup>st</sup> Floor, Poplar Room  
Nashville TN 37228

Members Present: Marcela Collins, LMT, Secretary  
Justin V. Hill, LMT  
Faith Mayton, LMT  
Phyllis Salyers, LMT  
Chris Sluss, LMT

Member Absent: Marilyn Field, Citizen Member

Vacant Position: Citizen Member

Staff Present: Dianne Birkner, Board Manager  
Dale Hill, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Sandra Sturgis, Special Assistant to the Commissioner  
Albert Partee, General Counsel

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

**Welcome New Board Members**

Ms. Collins welcomed Ms. Faith Mayton, LMT, from Thompson Station, Tennessee.

**Conflict Of Interest**

Ms. Armstrong reviewed the Conflict of Interest Policy with the Board and asked that Ms. Mayton sign the policy.

### **Consider Accepting the Federation of State Massage Therapy Board (FSMTB) Massage and Bodywork Licensing Examination (MBLEx)**

Ms. Debra Persinger, Ph.D., Executive Director of the FSMTB, presented the Board an overview of the examination and requirements. Ms. Salyers attended the FSMTB's annual meeting on October 12-14, 2007 and spoke highly of the information she learned about this examination. Ms. Salyers made a motion to accept the MBLEx as an acceptable examination for licensure in Tennessee. Mr. Hill seconded the motion. The motion carried.

### **Consider Accepting the American Medical Massage Association's National Board Certification Examination**

Ms. Amanda Cihak, Legislative and External Affairs Coordinator for the AMMA, made a request for approval of the AMMA National Board Certification Examination as an acceptable examination for licensure in Tennessee. Ms. Cihak presented an overview of the validity and requirements of the examination. Mr. Hill asked Ms. Cihak how many members the AMMA presently had. Ms. Cihak stated that she did have the requested information; however, she could not provide this information in an open meeting setting but would provide the information privately to the Board.

Ms. Salyers made a motion to deny the examination. The motion died for lack of a second. Mr. Hill made a motion to offer reciprocity to the AMMA graduates. After discussion and advise of Ms. Armstrong that a rule change may be in order to accomplish his motion, Mr. Hill withdrew his motion. Ms. Persinger offered to gather information from other states to determine how many states currently accept this examination for licensure and present the findings to the Board at the next scheduled meeting. Ms. Salyers made a motion to table the discussion until the February meeting to allow more time for Ms. Persinger to gather information from other states. Mr. Sluss seconded the motion. The motion carried.

### **Minutes**

Mr. Hill made a motion to approve the minutes of the August 13, 14, 2007 Board meeting as written. Mr. Sluss seconded the motion. The motion carried.

### **Applicant Interviews**

#### **Charles Victory, Jr.**

Mr. Victory appeared before the Board in August. The Board deferred action until this meeting so that Mr. Victory could work with Lighthouse Professional Services. Ms. Smithson of Lighthouse Professional Services, was not present at the meeting but had previously contacted the Board manager to inform her that she would not be advocating for Mr. Victory due to the fact he did not meet with her after the August meeting. Mr. Victory stated he had scheduled several appointments with Ms. Smithson but that she cancelled each one. Ms. Salyers made a motion to postpone action until February to allow time for Mr. Victory to work with Lighthouse. Mr. Sluss seconded the motion. The motion carried. Ms. Birkner will assist in setting up a meeting with Ms. Smithson.

Chekanda J. Alexander

Ms. Alexander appeared before the Board to give explanation to an arrest of trespassing and assault. Ms. Alexander's case does not go to trial until January 2008. Ms. Salyers made a motion to refer Ms. Alexander to Lighthouse Professional Services and request that she appear back before the Board in February. Ms. Mayton seconded the motion. The motion carried.

Grace Marie Smith

Ms. Collins acknowledged that she was Ms. Smith's program director but that she could be unbiased. Ms. Smith appeared before the Board to give explanation to a DUI charge in 2003. A letter from Ms. Smithson of Lighthouse Professional Services advocates for Ms. Smith. Ms. Salyers made a motion to grant Ms. Smith a license. Mr. Sluss seconded the motion. The motion carried.

**Administrator/Directors Report**

Ms. Birkner presented the report regarding statistical information and license status activity through September 2007:

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
Active Licensees – 4127	Active Licensees – 1381
Retired Licensees – 603	Retired Licensees – 324
Failed to Renew – 1707	Failed to Renew – 324

**LICENSE STATUS SINCE LAST MEETING**

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>July 2007</b></i>	<i><b>July 2007</b></i>
Newly Licensed – 47	Newly Licensed – 33
Reinstates – 12	Reinstates- 3
Retired- 11	Retired-13
New Applications-66	New Applications-27

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>August 2007</b></i>	<i><b>August 2007</b></i>
Newly Licensed – 49	Newly Licensed – 19
Reinstates – 5	Reinstates- 2
Retired- 14	Retired-10
New Applications-47	New Applications-26

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>September 2007</b></i>	<i><b>September 2007</b></i>
Newly Licensed – 39	Newly Licensed – 26
Reinstates – 5	Reinstates- 0
Retired- 16	Retired-8
New Applications-49	New Applications-33

Ms. Birkner further reported that effective October 1, 2007, the lodging reimbursement rate for Davidson Co. increased to \$107.00. She also informed the Board that Mr. Shaun Lewis had recently been hired as a licensing technician and would be working half/days with board staff and assisting with the daily processing of mail, answering phone calls, working files and performing other duties as needed.

### **Establishment Inspection Report**

Ms. Birkner reported there were sixty-four (64) inspections conducted during the period of July-September 2007; all in East Tennessee. She further reported that due to the Board's change in the number of periodic inspections conducted and in order that all contract terms be awarded the same, the current contract for East TN inspections will expire on January 7, 2008. The Bureau office is still in the process of preparing a new Request for Proposal (RFP) for all three regions.

#### **The following deficiencies were cited in East Tennessee:**

##### **July:**

- 1 establishment received deficiencies for not having a massage therapist employed and for not having smoke detectors
- 1 establishment received a single deficiency for not having a current copy of the therapist's license
- 2 establishments received a single deficiency for not having smoke detectors or the smoke detector did not function properly
- 1 establishment received a single deficiency for not having hot water

- 2 establishments received deficiencies for not having a fire extinguisher or the fire extinguisher did not function
- 1 establishment received deficiencies for not having a fire extinguisher or smoke detector
- 1 establishment received deficiencies for not having their establishment license available and no smoke detector

**August:**

No deficiencies were cited

**September:**

- 1 establishment received a single deficiency for not having a smoke detector
- 1 establishment received deficiencies for not having an operable fire extinguisher, no hot water and neither of the two therapists' licenses were available

**Investigation/Disciplinary Report**

Ms. Denise Moran, Director, Office of Investigations, reported there are a total of thirteen (13) open complaints for massage therapists and establishments. She further reported that from January 2007 through September 2007, twenty-four (24) new complaints have been received. Of those complaints, twelve (12) had been closed with no action, two (2) were closed with a letter of concern, two (2) with a letter of warning and four (4) were referred to the Office of General Counsel.

**Office of General Counsel Report**

Ms. Armstrong reported the following:

Proposed rule changes pertaining to fee increases, additional approved examinations, housekeeping changes, revisions to educational program requirements, and revisions professional, ethical and establishment standards are scheduled to go to a rulemaking hearing on December 18, 2007

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. The Board approved the amendment on May 7, 2007 and it was sent to the Attorney General on June 22, 2007 and is still there.

**Litigation:**

The Office of General Counsel currently has three (3) open disciplinary cases pertaining to the Board of Massage Licensure.

## **Review and Discuss Legislation**

There is no new legislation to report on.

## **Report from the Federation of State Massage Therapy Board's (FSTMB) Annual Meeting**

Ms. Salyers attended the meeting and reported the major issue discussed was the MBLEx examination. Several states have voted to accept the examination and others have it under consideration at an upcoming Board meeting. She also reported the FSTMB is looking into a data base that would have all information needed for any Board; transcript of grades, test scores, continuing education and disciplinary actions.

Ms. Salyers passed out a brochure regarding the Federation of Associations of Regulatory Boards' (FARB) annual meeting to be held January 25-27, 2008 in Santa Fe, New Mexico. Ms. Collins asked the members if they would like to attend. Ms. Mayton, Mr. Sluss, Mr. Hill and Ms. Collins each stated they would like to go. Ms. Collins said the Board is in favor of each member attending because they have so many new members on the Board. Ms. Salyers stated she would not be able to attend. Ms. Armstrong advised the Board that a vote was **Ratification**.

Ms. Collins disclosed that she knows Amy Arthon, Janelle Christy and Joseph Pranger but that she could be unbiased in her vote. Mr. Hill disclosed that he knows Linda Hibbler-Davenport but that he could be unbiased in his vote.

Mr. Hill made a motion to ratify all new and reinstatement licenses for massage therapists and massage establishments issued from July 28, 2007 through October 5, 2007. Ms. Salyers seconded the motion. The motion carried.

## **Massage Therapists**

FRANCES ELENA ALDERETE  
LEANILDA MARIE ANDREUCCETTI  
AMY RENEE ARTHON  
CHRISTIAN AUGUSTUS  
JULIE ANN BAILEY  
IVA MICHELLE BALDWIN  
AMANDA DENISE BECKENDORF  
THOMAS F BETTINI  
BRANDIE LEE BIXBY  
MONTERRICA EVONNE BLAKE  
FELECIA YVETTE BOLDEN  
ANGELA CLAIRE BROWN  
ASHLEY DIANE BROWN  
CHRISTOPHER JAMES BUTLER

CASSIDY A CARDWELL  
ASHLEY ELIZABETH CARTER  
JESSICA KATE CHAMBERS  
JANELLE LYNN CHRISTY  
WHITNEY ELYSE COLLINS  
MARGARET ANN COOPER  
JENNIFER ANN COPPOCK  
REAGAN LEIGH CORNETT  
BRANDI NICOLE COY  
VANESSA ANNE CRADDOCK  
VALERIE NOWELL CRAWFORD  
SELINA CAROL CRISWELL  
KELLYE JOANN CROFT  
DAYNA ELIZABETH CULLUM

LINDA LEE DELGADO  
RACHEL RENEE DERRINGTON  
PENNY DENISE DICKMAN  
RUTH M DILLEY  
CHARLES WILLIAM DUNCAN  
STACY BON DUNCAN  
KENNETH JOE DUNN  
TAMMY KAYE DUNN  
CANDACE RAE FARRIS  
CHRISTY LYNN FLETCHER  
LOU ANNE FRITZ  
BRANDON SCOTT FRY  
KIMBERLY ANN GARDNER  
KATINA GRANDBERRY  
DEREK THOMAS GREENE  
REBECCA JEAN GREENE  
ASHLEY NICOLE GRIFFITH  
APRIL HEATHER HAIDER  
CHRISTINE MARIE HALE  
CLEDIS HAMILTON HAMILTON  
LAURA ELIZABETH HAMPTON  
CANDICE NOEL HARBOLIC  
ANDREA NICOLE HARCROW  
SETH ALLEN HARTLEY  
HEATHER AUSTEEN HATCHER  
TRACY MEGAN" HAY"  
AMANDA MARIE HERRON  
LINDA YVETTE HIBBLER-  
~~DANRPORTILL~~  
AMY NICOLE HOOVER  
JEFFREY SCOTT HORNE  
MARCI ANN HOWARD  
KIMBERLY ANN JACKSON  
KNOX LYNN JANOWICK  
MARY C JAYE  
JAMIE MARIE JOHNSON  
SHEILA ANN JOHNSON  
JACQUELINE TERESE' KEENUM

**Massage Therapists Reinstated**

KENNETH RAY BAKER JR  
CARA AMELIA BING  
KATHERINE BLANCHARD  
~~ER~~DERICK LEE BOYLE  
JESSICA ELAINE CAVINESS  
LISA ANNE CRABTREE MT

STEPHANIE KIMBERLIE KENNETT  
RACHEL MARIE KIMBRO  
LEANNE KNOLL  
RACHEL DEANN LAYMON  
EDEN KEOLANI LEAR  
DANIELLE RESHEA MCFARLAND  
AMY ELIZABETH MOORE  
BORIS MORENO  
MARY BETH NEELEY  
AMANDA LEIGH NORRIS  
STACY ANNE OSBORN  
PATRICIA SUE OVERBAY  
MELISSA M PARKERSON  
LYNN FORD PASCHALL SR  
JOSEPH LUKE PRANGER  
PAULA JEANETTE RANDOLPH  
GREGORY DALTON REEVES  
JESSICA ANN RIPPER  
REBECCA RITCH  
WILLIAM FRANK RITZER  
CHRISTINE DIANE ROGERS  
JOHN MICHAEL SHUMATE  
TINA ROSE SIMON  
CAROL ANN SIMPSON  
ANGIE RENEA SPEARS  
KRISTINA MARIE TAIT  
DARREN TEIGUE  
JENNIFER LYNN TENCH  
GREGORY H THOMAS  
JACQUELYN STARKS THOMAS  
ANN KIMBERLY TRAMMELL  
CASEY DAWN TRENTAM  
VANESSA RENATE VANWART  
ANGELA MANICA WHALEY  
JOHN ROBERT WHARTON  
TERESA RENA WILES  
ERICA LINDSAY WILSON  
MARGARET ELIZABETH ZACHRY

PAMELA GAIL CRISE  
ANGELA MARIE ENGELMAN  
ELIZABETH ANNE FLAKE  
SUMMER LEE HAYES LMT  
LISA MICHELLE HORTON  
SANDRA HURST JOHNSON  
MARCIA A. MCCLANAHAN  
KRYSTYNA MARIE  
~~EDWARD~~ JOHN PORRECA MT  
KATHLEEN ROSEMARY  
CASSANDRA ELAINE SAVELY  
KAREN RENEE' SUTTON  
TERESSA LATRELLE TATE

**Massage Establishments**

A THERAPEUTIC MASSAGE OF SPRING HILL  
AHHH!!! SOME BODYWORKS AND MASSAGE  
AMAZING BODYWORKKS  
ANAM CARA MASSAGE AND BODYWORK  
APPALACHIAN HEALING THERAPIES  
ATTITUDES SALON  
BELLA AMICI  
BENEFICIAL MASSAGE AND BODYWORK  
BILL DUNCAN/HEALTH YOURSELF  
BRIAN D. JOHNSTON, LMT  
CALMING INFLUENCE, LLC  
CARTER SPORT THERAPY  
CENTER FOR ADVANCED MEDICINE  
DAY SPA  
DEEP TISSUE MASSAGE  
DREAM TOUCH SPA, LLC  
EAST TENNESSEE HEMATOLOGY-ONCOLOGY, P.C.  
ELIZABETH BURDINE THERAPEUTIC MASSAGE  
ENVY SALON AND SPA  
FAMILY THERAPEUTIC MASSAGE AND BODYWORK DAY  
~~SPA~~ AMOUR AND GLITZ SALON  
HEART 2 HANDS  
INTUITIVE TOUCH MASSAGE THERAPIES  
JESSICA'S MASSAGE THERAPY  
KRISTINYA D. MERRIMAN  
LAURA BOLTON MASSAGE  
LIFETIME COSMETICS INC.  
MAGIC NAILS  
MAGIC TOUCH HEALTH SPA  
MICHELLE'S BUSINESS OF BEAUTY

MITCHELL ROBERT STUDIO SALON  
REFINE MEDISPA  
REFINE MEDISPA  
SELF HEALTH AND WELLNESS CENTER LLC  
SERENDIPITY DAY SPA  
SERENITY MASSAGE  
SERENITY SALON AND DAY SPA  
SIMPLICITY MASSAGE THERAPY  
SLENDER WRAP  
SPA DEJOUR  
STUDIO A SALON AND SPA  
TANGLES  
TANGLES HAIR AND NAIL SALON "TANGLES SALON"  
TANYA E GATTIS LMT  
THERAPEUTIC BODYWORKS  
TOM GALLAHER, MD, PLLC  
TOUCH---THE GIFT OF LIFE  
YMCA OF GREENE COUNTY, INC.

**Massage Establishments Reinstated**

SALON DE JAAS  
SERENITY MASSAGE THERAPY

**Ratification of Approved Continuing Education Courses**

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

1. Tennessee Massage Law & Ethics for Licensure Renewal-2 hours each by  
by Cumberland Institute of Holistic Therapies

Mr. Sluss seconded the motion. The motion carried.

**Appoint a Continuing Education Course Reviewer**

Mr. Hill volunteered to review the courses. Ms. Armstrong advised the Board that a vote was not necessary. Mr. Hill, later in the meeting, withdrew his offer to review the courses. Ms. Collins subsequently volunteered to review the courses.

**Clarify Definition of Outcalls**

Ms. Salyers felt the rule pertaining to outcalls was not clear and requested clarification of what constitutes an outcall. After a lengthy discussion the Board felt a change in the rule was not needed.

### **Election of Officers**

Mr. Hill made a motion to nominate himself as chairman. Mr. Sluss seconded the motion. The motion carried. Mr. Hill will serve as chairman for the remainder of the term vacated by Ms. Vandenberg which expires in February 2008.

### **Request Approval of Continuing Education Courses**

#### **Primordial Sound Meditation-10 hours by Mary Glesige**

Ms. Glesige was present. After reviewing the course content, Ms. Salyers made a motion to deny the course because it did not meet the content criteria as defined in the rules. Mr. Hill seconded the motion. The motion carried.

#### **Tennessee Law 2 CE Hour Home Study Course by Vicki Sutherland**

Ms. Salyers made a motion to deny this course based on the rule that requires all Tennessee law and rules continuing education courses, including multi-media courses, be presented in a lecture type setting. Mr. Hill seconded the motion. The motion carried.

### **Board Correspondence**

The Board reviewed a letter from Jennifer Smith of St. Jude Children's Hospital. Ms. Smith is requesting an exemption of an establishment license to provide infant massage instruction at the hospital. After discussion Ms. Armstrong advised the Board that she should consult with an attorney for legal advise.

### **Adverse Licensure Conditions**

#### **Julie Lynn Dunlap**

Ms. Dunlap was issued a conditional license on November 13, 2006. The Board mandated that she be monitored by Lighthouse Professional Services for one year. On behalf of Ms. Dunlap, Ms. Smithson of Lighthouse Professional Services wrote a letter which stated Ms. Dunlap will have successfully completed all mandates of the program and requests the conditions be lifted on November 19, 2007 and that the "Adverse Actions" flag and all corresponding disciplinary information be removed from the licensure verification system. Ms. Armstrong advised the Board that the adverse actions flag could not be removed until the length of time mandated by Health Related Boards and the Office of Investigations. Mr. Sluss made a motion to issue Ms. Dunlap an unrestricted license upon receipt of a letter from Lighthouse Professional Services, on or after November 19, 2007 stating Ms. Dunlap has completed the program. Mr. Hill seconded the motion. The motion carried.

The two contested cases scheduled for October 23<sup>rd</sup> has been either continued and/or withdrawn.

Being no further business Ms. Salyers made a motion to adjourn. Mr. Hill seconded the motion. The motion carried and the Board adjourned at 1:27 p.m.

Adopted by the Tennessee Massage Licensure Board on this the 11<sup>th</sup> day of February 2008.