

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD
FEBRUARY 9, 10, 2009**

February 9, 2009

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

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

Members Present: Phyllis Salyers, LMT, Chairperson
Chris Sluss, LMT, Secretary
Marcela Collins, LMT
Faith Mayton, LMT
Cynthia Jagers, LMT
Marilyn Field, Citizen Member

Vacant Position: Citizen Member

Staff Present: Dianne Birkner, Board Manager
Dale Hill, Board Administrator
Andrea Huddleston, Advisory Attorney
Diona Layden, Advisory Attorney
Elizabeth Miller, Director, Health Related Boards

The meeting was called to order at 9:04 a.m. by Ms. Phyllis Salyers, Board Chairperson.

Conflict Of Interest

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

Minutes

Mr. Sluss made a motion to approve the minutes of the October 27, 28 2008, Board meeting as written. Ms. Field seconded the motion. The motion carried.

Office of General Counsel

Ms. Huddleston presented the Board with a document that explains the role of the Attorney and suggested guidelines for contested case proceedings and final orders. Ms. Diana Layden, Office of General Counsel, was introduced as the new Board Attorney.

Inspections

Ms. Sidney Ames and Mr. Scott Baily, Establishment Inspectors, were present. Ms. Salyers suggested that, due to the Board's finances, the number of inspections be reduced. Ms. Huddleston advised that as written, the contracts could be amended. After a lengthy discussion, Ms. Field made a motion to continue 100% of initial inspections and to reduce the number of monthly periodic inspections to 5%. The inspectors will be provided quarterly lists of the establishments to be inspected. Ms. Jagers seconded the motion. The motion carried. Ms. Salyers stated the Board would revisit the issue in six (6) months.

Applicant Interviews

Billy Lamont McClain

Mr. McClain appeared before the Board to give explanation regarding multiple convictions. Based on information in Mr. McClain's file, he was requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems for Mr. McClain. Ms. Collins made a motion to approve Mr. McClain for licensure. Mr. Sluss seconded the motion. The motion carried.

Veronica Lee Hill

Ms. Hill appeared before the Board to give explanation regarding multiple convictions. Based on information in Ms. Hill's file, she was requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems for Ms. Hill. Ms. Collins made a motion to approve Ms. Hill for licensure. Mr. Sluss seconded the motion. The motion carried.

Edward Michael Collins

Mr. Collins appeared before the Board to give explanation regarding a 2006 misdemeanor conviction of driving under the influence. Based on information in Mr. Collins' file, he was requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems for Mr. Collins. Ms. Field made a motion to approve Mr. Collins for licensure. Ms. Marcela Collins seconded the motion. The motion carried.

Sheileda S. Falls

Ms. Falls appeared before the Board to give explanation to a conviction of driving on a suspended license. Ms. Collins made a motion to defer action on Ms. Falls application until the May meeting. Mr. Sluss seconded the motion. The motion carried. Ms. Huddleston stated her opinion that the Board lacked the authority to deny a license to Ms. Falls. Ms. Field made a motion to approve Ms. Falls for licensure upon written proof of payment of court costs. Ms. Jagers seconded the motion. The motion carried.

Natalie Mary Kuwik

Ms. Kuwik appeared before the Board to give explanation regarding a reckless driving conviction in 2006. Ms. Collins made a motion to approve Ms. Kuwik for licensure. Mr. Sluss seconded the motion. The motion carried.

David Michael Volentine, DC

Dr. Volentine's licensure file was brought before the Board at the August 11, 2008 meeting for consideration for licensure based on education credits received at a chiropractic school. At that meeting the Board voted to defer action on Dr. Volentine's application until he submitted an official letter or transcript from the Registrar's office confirming his completion of at least a five (5) hour Tennessee law course, which was received, and a ten (10) hour ethics course; and for receipt of summaries of his massage therapy courses and chiropractic education. Nothing more was received from the Registrar's office. Based on information provided by Dr. Volentine, Ms. Jagers made a motion to deny Dr. Volentine a license on the basis that he fails to meet the educational requirements. Mr. Sluss seconded the motion. The motion carried.

Kristal Dawn Randolph

Ms. Randolph appeared before the Board for review of her massage transcript which indicates completion of one hundred fifty (150) hours of science courses. Ms. Collins made a motion to approve Ms. Randolph for licensure by reciprocity. Ms. Field seconded the motion. The motion carried.

Gwendolyn Kim Delorme

Ms. Delorme appeared before the Board because her transcript does not indicate completion of a ten (10) hour ethics course. Ms. Collins made a motion to approve Ms. Delorme's application pending written documentation of completion of the ethics requirement. Ms. Mayton seconded the motion. The motion carried.

Joyce Kay Fisher

Ms. Fisher appeared before the Board for licensure by reciprocity. Ms. Collins made a motion to approve Ms. Fisher for licensure. Ms. Field seconded the motion. The motion carried.

Heidi Louise Paulson

Ms. Paulson appeared before the Board to request a waiver of the transcript requirement due to natural disasters in Louisiana and Texas. Ms. Field made a motion to approve Ms. Paulson for licensure. Ms. Collins seconded the motion. The motion carried.

James Derusha

Mr. Derusha appeared before the Board due to a felonious drug possession charge. Due to lack of a timely motion, Ms. Salyers made a motion to defer action on the application so that Mr. Derusha could contact Lighthouse Professional Services or an agency of his choice, for an assessment. Mr. Derusha was informed that any costs for an assessment conducted by Lighthouse Professional Services would be covered by the Board. He is to appear before the Board at the May 4, 2009 meeting. Ms. Field seconded the motion. The motion carried.

Allison Paige Akins

Ms. Akins appeared before the Board. A review of her transcript indicates that Ms. Akins is lacking fifteen (15) hours in science courses. Ms. Collins made a motion to approve the application pending receipt of a completed transcript indicating completion of the hours. Mr. Sluss seconded the motion. The motion carried.

File Reviews

Cynthia J. Show/Show Time Massage Therapy

Ms. Show's application for a massage establishment license was reviewed because of unreadable fingerprints. Ms. Collins made a motion to approve the establishment license for Show Time Massage Therapy. Ms. Mayton seconded the motion. The motion carried.

Kolleen K. Williams/Forever Tan

Ms. Williams' application for a massage establishment license was reviewed because of unreadable fingerprints. Ms. Collins made a motion to approve the establishment license for Forever Tan. Ms. Mayton seconded the motion. The motion carried.

Rosemary Annette Howard

Ms. Howard's application for a massage therapist license was reviewed because of unreadable fingerprints. Ms. Collins made a motion to approve Ms. Howard for licensure. Ms. Mayton seconded the motion. The motion carried.

Administrator/Directors Report

Ms. Birkner presented the report regarding statistical information and license status activity.

As of December 31, 2008 there are a total of 4,157 licensed massage therapists and 1,491 licensed massage establishments.

LICENSE STATUS SINCE LAST MEETING

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>October 2008</i>	<i>October 2008</i>
Newly Licensed – 42	Newly Licensed – 24
Reinstates – 5	Reinstates- 2
Retired- 15	Retired- 12
New Applications- 51	New Applications- 21

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>November 2008</i>	<i>November 2008</i>
Newly Licensed – 43	Newly Licensed – 20
Reinstates – 4	Reinstates- 1
Retired- 17	Retired- 5
New Applications- 66	New Applications- 22

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>December 2008</i>	<i>December 2008</i>
Newly Licensed – 35	Newly Licensed – 26
Reinstates – 2	Reinstates- 3
Retired- 19	Retired- 14
New Applications- 33	New Applications- 28

Ms. Birkner asked for suggestions for the 2009 newsletter.

Establishment Inspection Report

Ms. Birkner reported there were forty-two (42) inspections conducted in Middle Tennessee, one hundred five (105) conducted in East Tennessee and twenty-four (24) conducted in West Tennessee during the months of October, November and December 2008.

The following deficiencies were cited in Middle Tennessee:

- 1 establishment received a single deficiency for not having a copy of the establishment license
- 2 establishments received a single deficiency for not having a working smoke detector

- 3 establishments received a single deficiency for equipment not being clean
- 1 establishment received a single deficiency for not having a massage therapist
- 1 establishment received deficiencies for not having a smoke detector or a massage therapist
- 1 establishment received deficiencies for not having a massage therapist and for the establishment license not being available
- 1 establishment received deficiencies for not having a smoke detector or a current copy of the therapist's license and for having dust and oil on shelves and bottles

The following deficiencies were cited in East Tennessee:

- 3 establishments received a single deficiency for not having a smoke detector
- 2 establishments received a single deficiency for not having a working smoke detector
- 1 establishment received a single deficiency for not having a copy of the massage therapist's license
- 2 establishments received a single deficiency for not having a massage therapist
- 1 establishment received deficiencies for not having a working fire extinguisher or smoke detector
- 1 establishment received deficiencies for not having a fire extinguisher or smoke detector
- 1 establishment received a single deficiency for the therapist's license being expired

The following deficiencies were cited in West Tennessee:

- 1 establishment received a single deficiency for not having a smoke detector
- 1 establishment received a single deficiency for equipment not being clean
- 1 establishment received deficiencies for public areas being cluttered and visible signs of garbage in public areas

Investigation/Disciplinary Report

Ms. Juanita Stone, Disciplinary Coordinator, Office of Investigations, reported that as of January 2009 there are a total of eleven (11) open complaints for massage therapists and eleven (11) open complaints for establishments. She further reported that for massage therapists, eight (8) complaints had been closed, one (1) with no action, and seven (7) were referred to the Office of General Counsel. For massage establishments, five (5) had been closed, one (1) with no action, and four (4) were referred to OGC. Ms. Stone informed the Board that the number of investigations has increased significantly from 2007 to 2008. A total of seventeen (17) complaints were filed against massage therapists in 2007 and a total of forty-two (42) complaints were filed in 2008. A total of nine (9) complaints were filed against massage establishments in 2007 and a total of twenty (20) complaints were filed in 2008. The majority of the complaints filed were for unlicensed practice. Ms. Stone stated Ms. Moran would be meeting with the Board at an upcoming meeting to give a report from her meeting with the Attorney General's office on procedures for collecting unpaid fees and fines.

Financial Report

The Board reviewed their financial report for the fiscal year ending June 30, 2008.

Continuing Education Audit Report

The Board reviewed the continuing education audit report which indicates for the period of January 2008 through October 2008 there were fifty-two (52) licensees audited. Thirty-seven (37) licensees were in compliance and fifteen (15) were non compliant.

Office of General Counsel Report

Ms. Huddleston reported the following:

Rules:

1. Continuing Education, Titles and Peer (0870-1-.03 and 0870-1-.12). The rulemaking notice was filed and the rule went to hearing on April 17, 2007. The Board approved the amendments and they were sent to the Attorney General on June 22, 2007. The Attorney General approved the amendments and the rules were sent to the Secretary of State's office on April 30, 2008. The rules became effective July 14, 2008.
2. Fee increases, Continuing Education, Examination, Standards and Schools (0870-1-.01, .02, .04-.06, .08, .09, .12, .14, .15, .19; 0870-2-.02, .03, .05 to .09). The Board voted on May 5, 2008, to send these amendments to a rulemaking hearing. These rules have passed through OGC/BHLR approval and the rulemaking hearing was conducted October 27, 2008. The rules were forwarded to the Attorney General on December 11, 2008.

Litigation:

The Office of General Counsel, Tennessee Department of Health, currently has twenty (20) open cases pertaining to the Massage Licensure Board.

Review and Discuss Legislation

Ms. Huddleston explained that the massage law does not give the Board the authority to deny, restrict or discipline a license for immoral, unethical or dishonorable conduct. She suggests a change in the law and stated the deadline to submit new legislation for the 2010 session is July or August 2009. She stated that an amendment could be submitted through one of the massage associations.

Ratify Agreed Citations

Jon A. Beasley, LMT

Mr. Sluss made a motion to ratify the Agreed Citation in the amount of \$200.00 on Jon Beasley, LMT, for working on a lapsed license. Ms. Jagers seconded the motion. The motion carried.

Kimberly Jane Malone, LMT

Mr. Sluss made a motion to ratify the Agreed Citation in the amount of \$100.00 on Kimberly Jane Malone, LMT, for working on a lapsed license. Ms. Jagers seconded the motion. The motion carried.

Amanda Diane Tacker, LMT

Mr. Sluss made a motion to ratify the Agreed Citation in the amount of 300.00 on Amanda Diane Tacker, LMT, for working on a lapsed license. Ms. Jagers seconded the motion. The motion carried.

Annual Report from Lighthouse Professional Services

Ms. Smithson, Director of Lighthouse Professional Services, presented the Board with the annual report detailing activities from November 14, 2003 through December 31, 2008. A copy of the report is on file in the Board's administrative office.

Consider Amendment to Extend Lighthouse Professional Services Contract

Ms. Collins made a motion to exercise the option to renew the grant to Lighthouse Professional Services for an additional year, at the current fee. Ms. Field seconded the motion. The motion carried.

Board Correspondence

A letter from John D. Kestner, LMT, Chief Academic Officer, Reflections of Health School of Massage, was presented to the Board at its October 27, 2008 board meeting requesting clarification of draping techniques. Ms. Huddleston will prepare a letter to provide clarification that massage to the genitalia is absolutely prohibited and should remain draped at all times; that cross-gender breast massage is also prohibited, however, therapeutic breast massage is permitted if performed by a licensed massage therapist of the same sex as the client with written informed consent; that draping of the breast area should remain until such time as that particular area is being treated; and that massage to the gluteal muscles is permitted but the buttocks should also remain draped until that particular area is being treated, always leaving the gluteal cleft covered.

Clarification of T.C.A. 63-18-110 (c)

Ms. Birkner explained that she had received numerous inquiries regarding whether or not a licensed massage therapist in another state would require a Tennessee license if that therapist were coming to Tennessee to participate in a sporting event or one time function. After discussion, Ms. Huddleston volunteered to draft a policy for the Board to review at the May meeting. Ms. Collins made a motion that these type of circumstances would fall under the exemptions referred to in the law. Ms. Jagers seconded the motion. The motion carried.

Application Reviews

Ms. Huddleston explained that the current statute does not allow the Board to deny an application based on a misdemeanor conviction; however, applicants with a history of alcohol or drug misuse may still be referred to Lighthouse Professional Services for assessments.

Ratifications

Ms. Collins made a motion to approve all new and reinstated licenses for massage therapists and massage establishments issued from October 8, 2008 through January 21, 2009. Mr. Sluss seconded the motion. The motion carried.

Massage Therapists

CATHERINE ACEVEDO
TERRY ELIZABETH ADAMS
BODIE LEITH NEWELL AKIN
JASMINE WYND ALDEN
STEPHEN CRAIG ALLISON
ERIC BENJAMIN APPLEBAUM
ADRIANNE NELLIGAN ARMSTRONG
TRACY DAWN ARMSTRONG
SHAKIRA ANN BALY
SUZAN W. BARDWELL
MADGE LORINE BARES
LORI DENISE BARGAS
TAWNYA LYNNE BELL
MIRANDA KAY BIRDSONG
HEATHER NICHOLE BISHOP
SAMANTHA JO-MARIE BLACKMON
REBEKAH JOY BLESCH
JENNIFER MORGAN-RAE BLOCKER
BEVERLY LYNN BLUMENBERG
LAURA LYNNE BOWLES
SANDRA LEE BOWMAN
JEFFREY CECIL BOYD

AMY LEIGH BRADFORD
CHELSEA KAY BREWER
STEPHANIE ELAINE BROCK
JACQUELINE NELDA BROWN
PETER ISAAC BRYAN
KRISTYN ELIZABETH CABLE
JACQUELYN DENISE CAGE
PHILIP DWAYNE CARR
TRAVIS KING CARRIER
AMANDA NICOLE CASSELMAN
ASHLEY MARIE COAKER
KC KAREN COCHRAN
ANTHONY CHAINTEZ COHRAN
HEATHER MARIE COLLAZO
MELISSA RAE COLLINS
JACQUELINE LEE COVINGTON
ASHLEY MICHELLE CRAVER
MARCIE ANNE CREIGHTON
PAIGE FINLEY CUNNINGHAM
CATHERINE DYANNA DAHLMAN
LESLIE ANNE DAVIS
PEGGY MAE DAVIS

STEPHANIE LORRAINE DENTON
CHERYL K. DILG
CRYSTAL GAYLE DORRIS
NICOLE LORRAINE DOUGLAS
HALSTON TAYLOR DUKE
JOANNA ANDERSON DUPEE
GEORGE BRYAN DWYER
JANIS SUE EMERY
GLORIA JEAN ENGLAND
ELIZABETH FLORY
TINA LYNN FOWLER
MISTI DAWN GARRETT
LUSITA C. GORGONIO
WHITNEY L. GRAHAM
JENNIFER SUE GREGORY
BRITTANY SUE GRIFFIN
NEILLE CAMILLE GRYDER
SHINJI HAMADA
KATIE DIANE HARRIS
CHRISTINE YVONNE HARRISON
ARION HAYES
FAITH VICTORIA HENDRIX
AMY MOSRIE HENRY
LESLIE ANN HOOKER
LISA RENAE HOOKER
WILLIAM RUSSELL HOXIE
MISTY PAULETTE JACKSON
TABATHA ANN JETER
GUISHUN JIANG
BRANDY LYNN JOHNSON
JAMIE RENEE' JOHNSON
JESSICA ELIZABETH JONES
KRISTY MARIE JONES
SHEILA MAE KASSEE
KRISTEN L. KELSEY
GREGORY STEVEN KNAPP
KARLA CHRISTINE KUYKENDALL
ELODIE S. LAFONT
CASSANDRA LYNN LAMB
EMILY JO LANGE
DONOVAN SHANE LAVERGNE
LINQING LI
BERNITA LIPSEY
LACY BETH LOVING
PEGGY S. LOWDER

AMBER DAWN LUX
BRIDGETT NICOLE MALONE
MELANIE DANIELLE MARKWELL
TAMARA LYNNE MASON
MICHAEL N. MCBRIDE
LORA IDELL MCNABB
ALEXANDRA LOUISE MEARS
JESSICA CHRISTINE MERCADO
BRANDIE SHEA MIRACLE
ALLYSON ASAY MIX
DAVID A. MOMAN
JENNIE MONTERO
ALYSTAR MARIE MOORE
CAROL ANN MOORE
CHRISTI L. MOSS
JAROLYN LAO-ANG MOULDER
ESTHER MACY NOONER
RENEE JEANNINE OUELLETTE
LEANN GAIL PAINTER
BRANDON DEAN PARSONS
LILLIAN DIANNE PEARCE
HOLLY AMANDA PEARSON
DIANNA KAYLYNN PICKARD
ALIVIA JESSICA POWELL
VICTORIA RUBY PURTELL
MICHELLE ANNE RABORN
REBECCA FAYE RAINS
CARA NICOLE RAINWATER
LAUREN MARIE RAMPY
SUZANNE MCPHEE RANDALL
VALERIA DEZELL REYNOLDS
DEBORAH R. RITTER
JOHN PAUL ROBERSON
ERICA LEE SANDERS
JULIA HELENA BO SAUDER
JAMES MARVIN SAWYER
CHRISTINA MARIE SCHRAMM
MERRY MELODY SCHUR
ZACHARY DAVID SIDWELL
SANDRA A. SMITH
SUMMER GALE SMITH
JAMIE DEE STERLING
EDGAR JESSE STONE
JENNIFER DIANNE SWALLOWS
BENJAMIN RICHARD SWANSON

GAIL TANKSLEY
REANGELYN KEALOHA TAYLOR
KRISTOPHER COCKRAN TERRY
RICHMOND BOHLER TERRY
JESSICA DAWN THACKER
DIANA LYNN THOMAS
MAXINE ELOUISE THOMAS
RODNEY LAMAR THORNTON
TAMMY JEAN TILSON
LURA MARIE TRUITT
AMBER LYNN VITSE
ALEESA DENISE WADE

JENNIFER DAWN WAMPLER
AMANDA BETH WATKINS
MISTY RACHAEL WHITE
CHERYL ANN WHITLEY
JANET LYNN WILLIAMS
LUCILLE ANN WILLIAMS
TRACI LYNETTE WILLIAMS
LIANJI WU
SHELIA ANNETTE WYNNE
AMY RENEE YEARWOOD
ELIZABETH RENEE YOUNG
MAYRA A. YU-MORALES

Massage Therapists Reinstated

JON A. BEASLEY
FREDERICK LEE BOYLE
LISA STEELE BROWNE
KRISTEN MEDORA CHRISTOPHER
ERICA MICHELLE DUDEK LMT
PAULA JEAN ESTES
LEA ROQUE GARCIA
RACHEL ELIZABETH GOODSON
DJUNA LATRICE HENDERSON
KATRUM CURRINE HUNTER
SIMONA JENESE KENDRICK
SAMUEL LEE

KIMBERLY JANE MALONE LMT
ELIZABETH NICOLE MARSHALL
CAROL ANN MULLINS
REBECCA EICHEL NORMAN
DENISE SHERIE' OWENS
ESTHER RUTH REDMOND LMT
STEPHANIE SUE SCHUTTERA
KIRBY NICOLE SMITH
LUANN SURFACE LMT
AMANDA DIANE TACKER
ANGELA MAE WELLS
REBECCA CLAIRE WHITNEL

Massage Establishments

ABBY'S CHAIR MASSAGE
ACTIVE HEALTH MASSAGE AND BODYWORK
AGOTA SPRINGS
ALL ABOUT YOU, MASSAGE THERAPY, WELLNESS AND GIFT SHOP
ALMA KING LMT
AMATA DAY SPA AND SALON
ANJE DOWLER MASSAGE
BARBARA GREENE
BIOWIT CORPORATION DAB ELEMENTS
BODY RENEWAL THERAPEUTIC MASSAGE
CANSLER YMCA
CHATTANOOGA ORTHOPAEDIC GROUP P.C.
CLARKSVILLE COLONICS
CM MASSAGE
COFFEY FAMILY MEDICAL CLINIC, PC DBA NU ME MED SPA

CRADIC CHIROPRACTIC
CUMBERLAND FAMILY CARE/RENEWAL SKIN SOLUTIONS
DASIA MASSAGE AND BODYWORK
DRAUGHON'S JUNIOR COLLEGE
DWAN'S FOUR SEASON SALON AND SPA
ENTERPEACE MASSAGE THERAPY
GARDEN MASSAGE AND SPA
GOD SENT HANDS MASSAGE THERAPY
GREAT DAY CHIROPRACTIC
HAND AND STONE MASSAGE SPA
HANDS OF LIGHT MASSAGE THERAPY
HEALTH 4 LIFE CHIROPRACTIC
HEALTHY ADDICTIONS THERAPEUTIC MASSAGE II
HEAVENLY-MASSAGE
HILLCREST CHIROPRACTIC LLC
JESSICA M SCOTT
KELLIE D DAVIS, LMT
LEVADA'S BEAUTY AND TANNING SPOT
LORRAINE GROVES
LYMPHATIC THERAPY SERVICES, LLC
MASAJES
MASSAGE PLUS AND GERIATRIC MASSAGE
MASSAGE WORKS
ME. INC.
MIND AND BODY OF BRENTWOOD
NAMASTE
NATURAL HEALING MASSAGE THERAPY
NATURE'S FOUNTAIN
NATURE'S HEALING ARTS
N'BALANCE
NICOLE DOUGLAS, CMT, LMT
NORTHSIDE MED SPA
PARADISE SALON AND TAN
PROFESSIONAL THERAPEUTIC MASSAGE OF THE HIGHLANDS
PROFILES: LASER AND MEDICAL AESTHETICS
RELEASE RESTORE RESULTS
RENEW BODY SPA
RICHARD L. VERASTEGUI
RUDDER CHIROPRACTIC CENTER, LLC
RUDDER CHIROPRACTIC CENTER, LLC
SALON LA VIE
SERENITY MASSAGE
SERENITY MASSAGE
SHEAR REFLECTION SALON
SONALI

SPA-HA
STEVEN A. CLARK, LMT
SUNSHAK TANNING SALON
THE ACUPUNCTURE CENTER
THE ART OF MASSAGE
THE FIXX
THE GLOWING BODY
THE SALON
THERAPEUTIC REALITY
THERATOUCH
TIARAMISU HAIR SPA AND BOUTIQUE
TIGGES CHIROPRACTIC
TOTAL WELLNESS CHIROPRACTIC, PLLC
TUMMY SOLUTIONS
UPTOWN HAIR DESIGNERS
WESTGATE RESORTS, LTD.
YMCA-LINDSAY YOUNG DOWNTOWN
ZEN MASSAGE

Massage Establishments Reinstated

ADVANTAGE HAIR SALON/DAY SPA
HIGH-TECH INSTITUTE
HIS AND HERS STYLING SALON
ISIM WELLNESS
KNEAD FOR WHOLENESS
LASER THERAPY AND CHIROPRACTIC CENTER
THE MASSAGE THERAPY CLINIC, LLC

Approved Continuing Education Courses

Mr. Sluss made a motion to approve the following continuing education courses:

1. Myokinematic Restoration-15 hours, by Postural Restoration Institute in Graysville, Illinois on February 21, 22, 2009
2. Tennessee Law Course-2 hours, by Vicki Sutherland, LMT
3. Tennessee Law Course-2 hours, by Nancy G. Dennis
4. Tennessee Ethics-2 hours, by Nancy G. Dennis
5. Medical Qigong Introductory Seminar-6 hours, by J. Michael Wood
6. Medical Qigong Practitioner, Level I-32 hours, by J. Michael Wood
7. Medical Qigong Practitioner, Level II-32 hours, by J. Michael Wood
8. Medical Qigong Practitioner, Level III-32 hours, by J. Michael Wood
9. Medical Qigong Practitioner, Level 4-32 hours, by J. Michael Wood
10. Chair Massage Workshop-8 hours, by Dianne Williams, LMT

11. Hot Stone Massage-8 hours, by Dee Vickers, LMT
12. Shiatsu for Massage-6 hours, by Steven Schwartz, MAOM, LMT

Ms. Collins seconded the motion. The motion carried.

The meeting adjourned for the day at 4:00 p.m.

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD**

February 10, 2009

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

Members Present: Phyllis Salyers, LMT, Chairperson
Chris Sluss, LMT, Secretary
Marcela Collins, LMT
Faith Mayton, LMT
Cynthia Jagers, LMT
Marilyn Field, Citizen Member

Vacant Position: Citizen Member

Staff Present: Dianne Birkner, Board Manager
Dale Hill, Board Administrator
Andrea Huddleston, Advisory Attorney
Diona Layden, Advisory Attorney
Elizabeth Miller, Director, Health Related Boards

The meeting was called to order at 9: 00 a.m. by Ms. Phyllis Salyers, Board Chairperson.

Contested Cases

The contested cases for Trent A. Holt, LMT and David Michals, LMT were continued.

Discuss Continuing Education Course Content

Ms. Collins did not approve the following courses submitted by Richard Ridley, LMT, Cheri Ridley, PTA, LMT, RCR Lorie Warren, LMT, RCR and Steven Schwartz, MAOM, LMT, because the information provided did not indicate approval to use copyrighted material.

Hot Stone Massage-8 hours
Introduction to Myofascial Release/Scar Tissue Massage-8 hours
Fibromyalgia-10 hours
Lymphatic Drainage-8 hours
Sports Massage and Stretching-8 hours
Aromatherapy-6 hours

Ms. Huddleston advised the Board that their rules do not require information regarding permission to use copyrighted material to be submitted. Mr. Sluss made a motion to approve each of the courses based on course content. The motion died for lack of a second. Ms. Collins made a motion to deny the courses and asked that the course providers be requested to attend the May 2009 meeting. Ms. Mayton seconded the motion. The motion carried.

Consent Orders

Susan Lynch, LMT, License # 102

Ms. Andrea Huddleston, Office of General Counsel, presented a Consent Order wherein Ms. Lynch agreed to surrender her massage therapist license because she violated the former Consent Order.

Ms. Collins made a motion to accept the Consent Order. Mr. Sluss seconded the motion. The motion carried.

Sherry Harding and Ambience Day Spa

Ms. Andrea Huddleston, Office of General Counsel, presented a Consent Order wherein Ms. Harding agreed that she advertised and provided massage therapy services without the benefit of either a massage therapist license or a massage establishment license from approximately March 2008 through at least July 2008. Ms. Harding agreed to cease and desist all unlicensed practice of massage therapy and not allow the practice of massage therapy in any establishment under her ownership or management unless and until she obtains a massage establishment license. Ms. Harding further agreed to pay the actual and reasonable costs of prosecuting this case, not to exceed seven hundred and fifty dollars (\$750.00). The costs shall be paid in full within thirty (30) days from the issuance of the Affidavit of Costs.

Ms. Collins made a motion to accept the Consent Order. Ms. Jagers seconded the motion. The motion carried.

Discuss Rule Amendments

The Board reviewed the proposed rules that were discussed at the May 6, 2008 meeting. Several changes were made and will be processed by Ms. Huddleston. Ms. Collins made a motion not to make any changes to the educational programs at this time. Mr. Sluss seconded the motion. The motion carried.

Ms. Collins made a motion to approve the rules as amended and to send the rules to rulemaking hearing at the Board's May 4, 2009 meeting. Mr. Sluss seconded the motion. The motion carried.

Hold Election of Officers

Ms. Salyers made a motion to nominate Chris Sluss as Secretary. Ms. Field seconded the motion. The motion carried.

Ms. Sluss made a motion to nominate Ms. Salyers as Chairperson. Ms. Field seconded the motion. The motion carried.

Being no further business, Mr. Sluss made a motion to adjourn. Ms. Collins seconded the motion and the meeting adjourned at 1:35 p.m.

These minutes were ratified at the meeting held on August 10 – 11, 2009.