

Tennessee Board of Massage Licensure



Newsletter

Spring 2008

A regulatory agency of the State of Tennessee

Vol. 7, No. 1

227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243
<http://tennessee.gov/health> (615) 253-2111 or 1-800-778-4123, extension 32111 Fax: (615) 532-5164

IT'S THE LAW



Public Chapter 83 MANDATORY DOMESTIC VIOLENCE REPORTING

The General Assembly passed a new law last legislative session that mandates health care practitioners shall report cases of suspected or confirmed domestic violence to the Tennessee Department of Health.

The mandatory monthly reporting is by a web-based system through the Department's Division of Health Statistics. The system became operational in October, 2007 and the Department has mailed you the details of the required data to be reported and the instructions on how to use the reporting tool. The Board will keep you informed as more information is available.

The complete text of the Public Act, including provisions for any areas of exemption; enforcement of the Act; and action to be taken for violations of the Act, is available on the following website:

tennessee.gov/sos/acts/index.htm

Public Chapter 529

PROHIBITION OF EMPLOYMENT OF ILLEGAL ALIENS

If the Commissioner of Labor and Workforce Development receives a complaint that a person licensed by a state regulatory board knowingly employs, recruits or refers for a fee for employment, an illegal alien, that person is subject to an investigation and contested case hearing.

If there is proof a person knowingly employed, recruited or referred for a fee for employment, an illegal alien, which occurred while acting within the scope of practice of his/her license, the regulatory board will be required to revoke, suspend, or deny the person's license.

For the first violation, the regulatory board will be required to suspend the person's license until they show they no longer employ, recruit or refer for a fee for employment, an illegal alien. This can be made by the person filing a sworn statement that they no longer employ illegal aliens.

If a second violation occurs within three (3) years from the first order, the regulatory agency will be required to suspend the person's license for one (1) year.

The complete text of the Public Act, including provisions for any areas of exemption; enforcement of the Act; and action to be taken for violations of the Act, is available on the following website:

The act took effect January 1, 2008.

tennessee.gov/sos/acts/index.htm



Public Chapter 410 “NON-SMOKER PROTECTION ACT”

Public Chapter 410 creates the Non-Smoker Protection Act which will **prohibit** smoking in all enclosed public places within the State of Tennessee including, but not limited to, the following places:

(2) “Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public including, but not limited to, banks, laundromats, factories, **professional offices**, and retail service establishments; and **(7) “Health care facilities”**. **(Nursing homes and long-term care facilities are exempted)**

The legislation requires offices and health care facilities to do the following:

- Inform all existing employees and any prospective employees upon their application for employment of the prohibition on smoking; and
- “No Smoking” signs or the international “No Smoking” symbol, shall be clearly and conspicuously posted at every entrance to every public place and place of employment where smoking is prohibited.

The Department of Health shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Act. Information about these inspections will be communicated with the appropriate offices and/or health care facilities in the future.

The complete text of the Public Act, including provisions for any areas of exemption; enforcement of the Act; and action to be taken for violations of the Act, is available on the following website:

tennessee.gov/sos/acts/index.htm

RULE CHANGES

The following is a summary of the rule changes pertaining to Massage Therapy Continuing Education:

0870-1-.12(4) Continuing Education – Course Approval

All providers of required continuing education courses pertaining to federal and Tennessee statutes and rules concerning massage therapists and establishments, including those providers identified by rules as being Board-approved, must receive Board approval prior to submitting the course.

Approval granted by the Board is effective only for the continuing education cycle in which the course was approved. All course approvals granted prior to July 24, 2007 will expire at the end of the current continuing education cycle on December 31, 2008. After that, all courses/hours provided for credit in meeting continuing education requirements must be approved in accordance with rules in every continuing education cycle in which they are offered.

The complete set of rules governing Massage Therapists and Establishments is available on our website at www.tn.gov/health. Click on “Licensing”, choose “Health Professional Boards”, then select “Tennessee Massage Licensure Board”.

<p>2008 BOARD MEETING DATES</p> <ul style="list-style-type: none"> • May 5 & 6 • August 11 & 12 • October 27 & 28 <p>All meetings begin at 9:00 a.m., and will be held in the Poplar Room at:</p> <p>227 French Landing Ground Floor Heritage Place – MetroCenter Nashville, TN 37228</p>
--

DISCIPLINARY ACTIONS **May 2005-July 2007**

Licensee: Melissa Glasscock, LMT, Morristown, TN
Violation: Practicing in an unlicensed facility.
Action: Assessed civil penalties in the amount of \$500.

Licensee: Kimberly Hitson, LMT, Cunningham, TN
Violation: Practicing in an unlicensed facility.
Action: Assessed civil penalties in the amount of \$100; assessed case costs.

Licensee: Denise Knight, LMT, Smyrna, TN
Violation: Failure to comply with 2002 continuing education requirements.
Action: License suspended until such time as she pays a civil penalty in the amount of \$150, and

completes 20 hours plus the continuing education hours required for 2004; assessed case costs.

Licensee: Jacqueline Lane, LMT, Newport, TN
Violation: Practicing in an unlicensed facility.
Action: Assessed \$200 in civil penalties and case costs.

Licensee: Michael Groover, Unlicensed, Hopkinsville, KY
Violation: Operating an unlicensed facility.
Action: Assessed \$2,000 in civil penalties, and case costs.

Licensee: Tamanie Dove, LMT, Hendersonville, TN
Violation: Criminal Conviction
Action: License revoked; assessed \$5,000 in civil penalties.

Licensee: Charlotte Baker, LMT, Dover, TN
Violation: Practicing in an unlicensed facility.
Action: Assessed \$200 in civil penalties and case costs.

Licensee: Sharene Boykin, LMT, Camden, TN
Violation: Practicing in an unlicensed facility.
Action: Assessed \$200 in civil penalties and case costs.

Licensee: Michael Gold, d/b/a/ Advanced Aesthetics, Unlicensed, Nashville, TN
Violation: Operating an unlicensed facility
Action: Assessed \$8,500 in civil penalties.

Licensee: Krystal Gottfried, LMT, Clarksville, TN
Violation: Practicing in an unlicensed facility.
Action: Assessed \$300 in civil penalties and case costs.

Licensee: Hair Bender Internationale', Massage Establishment, Chattanooga, TN
Violation: Operating massage establishment without a license.
Action: Assessed \$2,500 in civil penalties.

Licensee: Heartland Medical, Massage Establishment, Harrogate, TN
Violation: Operating massage establishment without a license.
Action: Assessed \$3,000 in civil penalties.

Licensee: Samuel Lee, LMT, Doraville, GA
Violation: Operating an unlicensed facility employing unlicensed individuals.
Action: Assessed \$1,500 in civil penalties and case costs.

Licensee: Lela Maddux, LMT, Cleveland, TN
Violation: Operating an unlicensed facility; practicing in an unlicensed facility;

Action: Assessed \$700

Licensee: Charlotte McCullough, LMT, Auburntown, TN
Violation: Practicing in an unlicensed facility.
Action: Assessed \$200 in civil penalties and case costs.

Licensee: The Millenium, Unlicensed, Woodbury, TN
Violation: Unlicensed facility.
Action: Assessed \$500 in civil penalties and case costs.

Licensee: Teresa Mitchell, LMT, Antioch, TN
Violation: Operating an unlicensed facility; practicing in an unlicensed facility.
Action: Assessed \$4,200 in civil penalties.

Licensee: James Nash, LMT, Camden, TN
Violation: Operating an unlicensed facility.
Action: Assessed \$2,500 in civil penalties and case costs.

Licensee: Elysse O'Conner, Unlicensed, Huntsville, AL
Violation: Practicing without a license.
Action: Assessed \$750 in civil penalties and case costs.

Licensee: Options Full Service Salon, Massage Establishment, Morristown, TN
Violation: Unlicensed facility.
Action: Assessed \$500 in civil penalties and case costs.

Licensee: Stephanie Phillips, LMT, Clarksville, TN
Violation: Practicing in an unlicensed facility.
Action: Assessed \$100 in civil penalties and case costs.

Licensee: Chadwick Porter, LMT, Brentwood, TN
Violation: Guilty of a crime.
Action: License revoked; assessed \$1,000 in civil penalties.

Licensee: Shallon Seeley, LMT, Talbott, TN
Violation: Practicing in an unlicensed facility.
Action: Assessed \$300 in civil penalties and case costs.

Licensee: Sunshine Thurman, LMT, Kingston Springs, TN
Violation: Practicing in an unlicensed facility.
Action: Assessed \$700 in civil penalties.

Licensee: VIP Family Spa, Massage Establishment, Jackson, TN
Violation: Business was found to be a public nuisance.

Action: License revoked; assessed \$1,000 in civil penalties.

Licensee: Amy Wallace, LMT, Rogersville, TN
Violation: Practicing in an unlicensed facility.
Action: Assessed \$800 in civil penalties.

Licensee: Castello-Munger, Ava Dean, LMT - Cleveland, TN
Violation: Violated or attempted to violate, directly or indirectly, or has assisted in or abetted the violation of, or conspired to violate, any provision of the practice act or lawful order of the board.
Action: License revoked; assessed \$1,000.00 in civil penalties and ordered to pay case costs.

Licensee: Griffin, Glen – Nashville, TN
Violation: Engaging in the practice of massage therapy for compensation without a license.
Action: Assessed \$12,000.00 in civil penalties, plus case costs.

Licensee: Griffin, Glen – d/b/a Le' Tique Spa – Nashville, TN
Violation: Guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing, or permitting any unlicensed person to perform massage in such licensee's establishment; violation of board order.
Action: License revoked; assessed \$12,000.00 in civil penalties, plus case costs.

Licensee: Hayes, Summer Lee, LMT – Sevierville, TN
Violation: Engaging in the practice of massage therapy for compensation prior to licensure; guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing or permitting any unlicensed person to perform massage in such licensee's establishment.
Action: Assessed \$3,000.00 in civil penalties, plus case costs.

Licensee: Meislohn, Brenda, Unlicensed – Fulton, KY
Violation: Engaged in the practice of massage therapy for compensation without a license.
Action: Ordered to cease and desist from the practice of massage therapy until licensed by the Board; assessed \$2,000.00 in civil penalties and case costs.

Licensee: Moser, Lisa Michelle, LMT – Memphis, TN
Violation: Engaging in the practice of massage therapy for compensation and advertising for massage therapy under an expired license.
Action: Ordered to cease and desist from the practice of massage therapy until her license is reinstated by the Board; assessed \$4,500.00 in civil penalties and case costs.

Licensee: Nash, James, LMT - Camden, TN
Violation: Violation of a Board Order. Action: License placed on probation for two (2) renewal periods and assessed civil penalties and case costs.

Licensee: Poe, Danielle, LMT – Knoxville, TN
Violation: Engaging in the practice of massage therapy for compensation prior to licensure.
Action: Assessed \$3,000.00 in civil penalties and case costs.

Reporting Violations of Statutes and Rules

If you know that a massage therapist is practicing without a license, practicing outside his/her scope of practice, practicing in an unlicensed massage establishment, operating an unlicensed massage establishment, or in violation of any of the statutes and rules, you can report the massage therapist to the Office of Investigations at 1-800-852-2187, or by downloading a complaint form from the Board's website. Complaints may be filed anonymously.

LIGHTHOUSE PROFESSIONAL SERVICES

Peer assistance is available through Lighthouse Professional Services for those Massage professionals who find themselves in need of help regarding:

- Abuse of, or addiction to, any chemical substance including alcohol, street drugs, prescription drugs, or over-the counter medications
- Compulsive behaviors
- Depression
- Codependency
- Anger/explosive behaviors
- Anxiety disorders
- Pain management issues
- Sexual disorders and/or misconduct
- Psychotic disorders
- Personality disorders
- Co-existing illnesses
- Any other behavior that impairs, or potentially impairs, one's ability to function effectively as a massage therapist
- Referral may be either "board ordered" or by self-referral.

Self-referrals are individuals who recognize their need for help and voluntarily choose to participate in treatment. These clients remain confidential from the board as long as they are successfully working their recommended treatment aftercare plans.



Cover Tennessee: Health Care for Tennessee's Uninsured

Governor Phil Bredesen's multi-pronged effort, **Cover Tennessee**, extends health insurance to uninsured individuals in Tennessee through three insurance programs and a pharmacy assistance program.

CoverTN is an affordable and portable health insurance initiative for working Tennesseans who are uninsured. Comprehensive coverage for children is provided through **CoverKids**, and chronically ill adults are eligible for **AccessTN**. **CoverRx** is a statewide pharmacy assistance program designed to assist those who have no pharmacy coverage, but have a critical need for medication.

Cover Tennessee provides health insurance coverage that is affordable to participants and affordable to the state.

Overview of Programs

CoverTN

CoverTN is a partnership between the state, small businesses and self-employed individuals to provide coverage for the most needed medical services. CoverTN is a voluntary initiative for uninsured Tennesseans to obtain private insurance. The individual owns the plan, not the state or the company. To promote personal responsibility, premiums are based on weight, tobacco use and age – with an average monthly premium of \$50 for each payer.

CoverTN is affordable. The program features no deductibles and pricing is simple and straightforward: \$20 co-payment for a doctor's office visit and \$10 for most prescription drugs. There is also coverage for hospitalization and other medical needs.

Enrollment is a two-step process. Once a business is confirmed as eligible, BlueCross BlueShield of Tennessee, the program's insurer, sends out enrollment materials, and individuals have 90 days to make a decision.

CoverKids

CoverKids offers comprehensive health insurance coverage to uninsured children 18 years-old and younger, and maternity coverage for pregnant women with household incomes below 250 percent of the federal poverty level. Families above the income limit, who wish to purchase coverage for their child, can "buy in" to the program by paying monthly premiums. The coverage is similar to the benefits offered to dependents of state employees. BlueCross BlueShield of Tennessee administers the program.

AccessTN

AccessTN provides comprehensive health insurance options to uninsurable Tennesseans. AccessTN, a high-risk pool, was created for persons with one of 55 specified medical conditions, or those who are unable to get insurance in the commercial market because of their health status. BlueCross BlueShield of Tennessee administers the program.

CoverRx

CoverRx is a statewide pharmacy assistance program designed to assist those who have no pharmacy coverage, but have a critical need for medication. CoverRx is not health insurance. It provides up to five prescriptions per month. (Insulin and diabetic supplies will not count against the monthly limit.) Express Scripts administers the program.

More information on all **Cover Tennessee** programs is available at www.CoverTN.gov or by calling **1-866-COVERTN (1-866-866-268-3786)**.

Tennessee Board of Massage Licensure
227 French Landing, Suite 300
Heritage Place, MetroCenter
Nashville, TN 37243



Report all address changes in writing within 30 days of the address change.

**Tennessee Massage Licensure Board
Board Members as of February 20, 2008**

Faith Mayton, LMT
Board Member
Thompsons Station

Phyllis Salyers, LMT
Chairperson
Kingsport

Marcela M. Collins, LMT
Board Member
Clarksville

Chris Sluss, LMT
Secretary
Kingsport

Marilyn Field
Citizen Member
Dickson

Vacant
Massage Therapist
Board Member

Vacant
Citizen
Board Member

Board Staff

Lisa Lampley
Unit Director

Dianne Birkner
Board Manager

Dale Hill
Board Administrator

Mary Ann Beaty
Licensing Tech