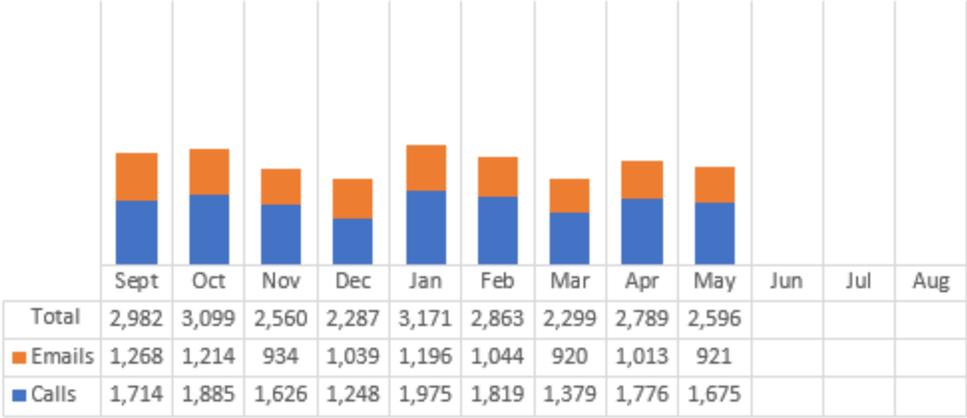


MASSAGE THERAPY STATISTICAL REPORT
June 11, 2019

MASSAGE THERAPIST	FY18	MASSAGE THERAPIST	FY19
New Licenses Issued	1,518	New Licenses Issued	1,280
Renewed Licenses Issued	12,673	Renewed Licenses Issued	9,093
Total Population	30,535	Total Population	29,589
MASSAGE THERAPY INSTRUCTOR		MASSAGE THERAPY INSTRUCTOR	
New Licenses Issued	150	New Licenses Issued	135
Renewed Licenses Issued	443	Renewed Licenses Issued	423
Total Population	1,378	Total Population	1,374
MASSAGE ESTABLISHMENTS		MASSAGE ESTABLISHMENTS	
New Licenses Issued	744	New Licenses Issued	558
Renewed Licenses Issued	477	Renewed Licenses Issued	322
Total Population	2,100	Total Population	2,321

**MASSAGE THERAPY
CUSTOMER SERVICE CONTACTS
FISCAL YEAR 2019**



MESSAGE THERAPY ADVISORY BOARD
JUNE 11TH, 2019

EDUCATION SERVICES UPDATES

BILL UPDATES THAT WILL HAVE AN IMPACT IN E&E

HB 1865: Relating to the licensing and regulation of Massage Therapy; requiring a student permit; authorizing fees.

HB 2747: Relating to certain notice requirements applicable to massage therapy – requiring massage schools to post Human Trafficking information.

If either HB 1865 or HB 2747 go into effect, our Division is making the necessary preparations to anticipate the logistics of what will be needed to implement the student permit requirements for schools and the notice requirements for posting Human Trafficking information. We will plan regional meetings to educate the schools on the new requirements and we will work directly with IT Services to make the necessary accommodations.

STATISTICS

CONTINUING EDUCATION PROVIDERS

(AS OF APRIL 30TH, 2019)

FY2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
NEW PROVIDER	4	1	3	8	2	4	5	11	5	11	-	16	-	-	-	0	35
PROVIDER RENEWED	1	25	7	33	0	1	0	1	0	1	-	1	-	-	-	0	35
TOTAL MAS PROVIDER	475	478	449	449	446	450	443	443	447	456	-	456	-	-	-	0	456
TOTAL CE PROVIDER	969	976	922	922	894	917	909	909	918	953	-	953	-	-	-	0	953

MESSAGE SCHOOLS

(AS OF APRIL 30TH, 2019)

FY2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
TOTAL SCHOOLS	62	62	60	60	-	-	-	0	-	-	-	0	-	-	-	0	60

JURISPRUDENCE EXAMINATION

(AS OF APRIL 30TH, 2019)

FY2018	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
JP EXAM FOR MT	0	1	195	196	148	174	135	457	187	208	209	604	200	228	198	626	1,883

FY2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
JP EXAMS FOR MT	156	169	203	528	133	172	166	471	254	219	-	473	-	-	-	0	1,472

AUDITS

(AS OF JUNE 30TH, 2019)

FY2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
CONTINUING ED AUDITS	0	0	0	0	0	75	50	125	10	0	50	60	25	-	-	25	210

Massage Therapy Advisory Board

Enforcement Division Staff Report June 11, 2019

Current Projects

- On March 19, met with the Enforcement Workgroup of the Massage Therapy Advisory Board to develop a penalty matrix for this program. The workgroup, consisting of four members of the advisory board, worked in collaboration with enforcement staff to complete a draft of the matrix. This draft matrix is on the agenda today for the advisory board's consideration. The advisory board members appointed to this workgroup are Antonio Gracia Jr, Raymond "Russell" Rust, Carol Willess, and Karen Vasquez.
- On April 17, enforcement hosted a training by Austin Police Department Sergeant Kevin Covington, who works on APD's Human Trafficking Unit. Sgt. Covington described the composition of his unit, and how they handle cases relating human trafficking and child exploitation. He also shared his experience with human trafficking in businesses that offer massage, and the potential trafficking signs that Department staff may witness while conducting inspections or investigations.

Case Highlights

Case No. MAS20180003069 - Xiaolin Yang (Respondent) d/b/a New Shanghai Spa

On March 25, 2019, the Executive Director signed an agreed order that finalized the settlement agreement between the Department and Xiaolin Yang (Respondent) d/b/a New Shanghai Spa. As part of this negotiated settlement, Respondent accepted liability for two separate instances of individuals engaging in sexual contact on the massage establishment premises. The Department discovered these violations in May 2018, when the Georgetown Police Department notified a Department Investigator that the GTPD had executed search warrants recently at New Shanghai Spa, and that as a result of those warrants (i) on May 17, 2018, Respondent was charged with the second-degree felony offense of Aggravated Promotion of Prostitution, and (ii) on May 24, 2018, Yuexia Sun, an individual employed by Respondent who was on the premises when the warrants were executed, was charged with the Class B misdemeanor offense of Prostitution. To resolve these two violations, Respondent agreed to pay the Department an administrative penalty of \$6,000, and to the revocation of New Shanghai Spa's business license.

Case No. MAS20190002816 – Mei Wang (Respondent) d/b/a Relax

On April 4, 2019, the Executive Director signed an agreed order that finalized the settlement agreement between the Department and Respondent. As part of this negotiated settlement, Respondent accepted liability for having allowed three (3) unlicensed individuals perform massage therapy for clients of Relax. Each individual initially claimed to be providing reflexology services, but our Investigator gathered sufficient evidence to prove these services were massage, as all involved manipulation above the client's feet including the thighs. To resolve these three violations, Respondent agreed to pay the Department an administrative penalty of \$5, 625.

Case Nos. MAS20180007619 & MAS20180007627 - Arturo Chamberlain (Respondent)

On August 14, 2018, the Executive Director granted the Department's Motion for Default against Respondent. The order found Respondent committed three separate instances of sexual assault, specifically : (i) on or about July 12, 2016, during a massage therapy session, Respondent touched his client's breast without her written consent, and (ii) on or about July 13, 2016, during a massage therapy session, Respondent touched his client's breast without her written consent; and (iii) during that same July 13 session, Respondent touched his client's genitals. Based on these findings, the Executive Director revoked Respondent's massage therapist's license.

Case No. MAS20180008234 - Jonathan "Lance" Lechtenberg (Respondent)

On or about April 29, 2008, Respondent was licensed as a Massage Therapist. This license expired January 31, 2018.

TEX. OCC. CODE § 455.152(a) states a person is not eligible for a license as a massage therapist, if the person is convicted of a sexual offense, including assaults by contact if the offence is a sexual act.

On or about October 18, 2016, in a case heard by the Dallas Municipal Court No. 7, Respondent was convicted of assault by contact. The specific assaultive act Respondent committed was touching the victim with Respondent's erect penis while the victim lay on the massage therapy table. And since this assault itself is an illegal sexual act, it is considered by the Department to be a sexual offense.

Thus, on April 9, 2019, the Department notified Respondent his Massage Therapist license was revoked by operation of law, effective October 18, 2016, i.e., the date Respondent was convicted of assault by contact.

Key Statistics – Fiscal Year 2019

Shown below are key statistics for the Massage Therapy program and for all TDLR programs combined through April of Fiscal Year 2019.

<u>Statistic</u>	<u>MAS</u>	<u>TDLR</u>
• Number of cases opened:	856	7,136
• Number of cases resolved:	814	6,613
• Number of Final Orders:	114	1,137
• Total amount of penalties assessed:	\$170,575	\$1,906,570
• Total amount of penalties collected:	\$129,798	\$962,437

Massage Therapy Advisory Board Meeting Field Inspections Division Report



The Face of TDLR

June 11, 2019

MOST COMMON VIOLATIONS FOUND DURING INSPECTIONS

Licensed Massage Therapy Establishment Most Common Violations Found During Inspections
Fiscal Year 2019 Quarter 1

1. **16 Tex. Admin. Code Ch. 117.82(a)(1-3)** A massage establishment shall employ or contract with only licensed massage therapists to perform massage therapy or other massage services. Documentation of the employment or contract relationship and verification that the licensed massage therapist is a United States citizen or a legal permanent resident with a valid work permit shall be maintained by the massage establishment and made available during an inspection or investigation.
2. **16 Tex. Admin. Code Ch. 117.82(h)(2)** A massage establishment shall maintain a current list of all establishment employees and/or contractors at all times which includes: (A) full name; and (B) license number and expiration date (if licensed as a massage therapist).
3. **16 Tex. Admin. Code Ch. 117.91(a)(3)** The consultation document shall include a statement that the licensee shall not engage in breast massage of female clients without the written consent of the client.
4. **16 Tex. Admin. Code Ch. 117.90(g)** A licensee shall notify each client of the name, mailing address, telephone number, and web address of the department for the purpose of directing complaints to the department
5. **16 Tex. Admin. Code Ch. 117.91(a)(6)** The consultation document shall include the signature of both the client and the licensee.
6. **16 Tex. Admin. Code Ch. 117.91(a)(1)** The consultation document shall include the type of massage therapy services or techniques the licensee anticipates using during the massage therapy session.
7. **16 Tex. Admin. Code Ch. 117.91(a)(5)** The consultation document shall include a statement that if uncomfortable for any reason, the client may ask the licensee to cease the massage and the licensee will end the massage session.
8. **Tex. Occ. Code Ch. 455.202(c); 16 Tex. Admin. Code Ch. 117.82(h)(1)** A massage establishment shall properly maintain and secure for each client the initial consultation documents, all session notes, and related billing records.
9. **16 Tex. Admin. Code Ch. 117.91(a)(4)** The consultation document shall include a statement that draping will be used during the session, unless otherwise agreed to in writing by both the client and the licensee.
10. **16 Tex. Admin. Code Ch. 117.91(a)(2)** The consultation document shall include the parts of the client's body that will be massaged or the areas of the client's body that will be avoided during the session, including indications and contraindications.

Licensed Massage Therapy Schools Most Common Violations Found During Inspections

We have been working with our IT department and will be able to provide a list of the most common violations found during Massage School inspections by the next advisory board meeting.

RECENT ACCOMPLISHMENTS

Field Inspections Massage Inspectors and Management staff continue to work with the Strategic Response Coordinator, Jennifer Harless to train on identifying, documenting, and reporting signs of human trafficking. Thank you to Jennifer for providing excellent training opportunities in the form of seminars, articles, and by working one on one in the field with inspectors.

PERSONNEL UPDATES

Field Inspectors, Jack Phillips and Robyn Finney, accepted Investigator positions in the Enforcement Division with start dates of February 19 and May 1, respectively. Congratulations to Jack and Robyn!

We are happy to welcome back Jorge Vega to Field Inspections as an Inspector in the San Antonio area on March 1, 2019.

North Region Manager, Joe Carrasco, resigned, effective May 24 to seek new opportunities out of state. A big thank you to Joe for his hard work and dedication and we wish him all the best. The posting to fill this position is open until June 4.

We have two Inspector positions open, one for the Northwest Houston area and a second for the Denton County area.

FIELD INSPECTIONS STATISTICS

Massage Establishments

	MAS	
	FY 2019	FY 2018
SEPT	32	
OCT	106	
NOV	87	
QTR 1	225	
DEC	51	
JAN	64	
FEB	46	0
QTR 2	161	0
MAR	58	0
APR	91	3
MAY		8
QTR 3	149	11
JUNE		29
JUL		43
AUG		11
QTR 4		83
Year to Date/ Year End	535	94

Massage Schools

	FY 2019	FY 2018
SEPT	5	0
OCT	6	0
NOV	5	0
QTR 1	16	0
DEC	1	0
JAN	1	0
FEB	0	1
QTR 2	2	1
MAR	0	0
APR	0	0
MAY		0
QTR 3	0	0
JUNE		0
JUL		3
AUG		6
QTR 4		9
Year to Date/ Year End	18	10

Regulatory Program Management (RPM) Staff Report
Massage Therapy Advisory Board Meeting

June 11, 2019

Personnel Update

- Jerry Gonzalez is our new Massage Therapy, Barber and Cosmetology Programs Specialist in RPM's Business and Professionals Section. He began his duties on March 1st and is the lead on the Massage Therapy Program, assisting Jennifer Harless with our Human Trafficking initiatives, and assisting Elizabeth Perez and Marinela LaFleur with the Barber and Cosmetology Programs. Jerry came to us from the Education and Examination Division and has over 28 years of experience working in massage therapy regulation.

Update Regarding Massage Therapy Program Activities

- After conducting extensive research on other jurisdictions' licensing requirements, Elizabeth Perez and Marinela La Fleur finalized the Massage Therapy Substantial Equivalency Table on January 28th. The Equivalency Table is used by the Licensing Division when assessing out-of-state license applications.
- Jerry Gonzalez and Elizabeth worked with the Advisory Board Enforcement Workgroup, including Enforcement Division staff on March 19th to develop the Massage Therapy Program Penalty Matrix.
- Jerry, Elizabeth, and Marinela attended a meeting provided by the Education and Examination Division with the Federation of State Massage Therapy Boards (FSMTB) on March 29th. The meeting consisted of the FSMTB providing a presentation of the services they offer for each member state, along with the administration of the national examination (MBLEx).
- Jerry, Elizabeth, and Marinela worked with the Advisory Board Education Workgroup and Education and Examination Division staff on April 26th to review proposed rule revisions for Subchapter F, Massage Schools.
- Jerry, Elizabeth, and Marinela have researched and provided valuable information for executive office and legislative inquiries during the session.
- RPM program staff continue to assist Enforcement, Field Inspections, Licensing and Customer Service with inquiries that arise during investigations, inspections, as well as addressing daily industry questions and emails.