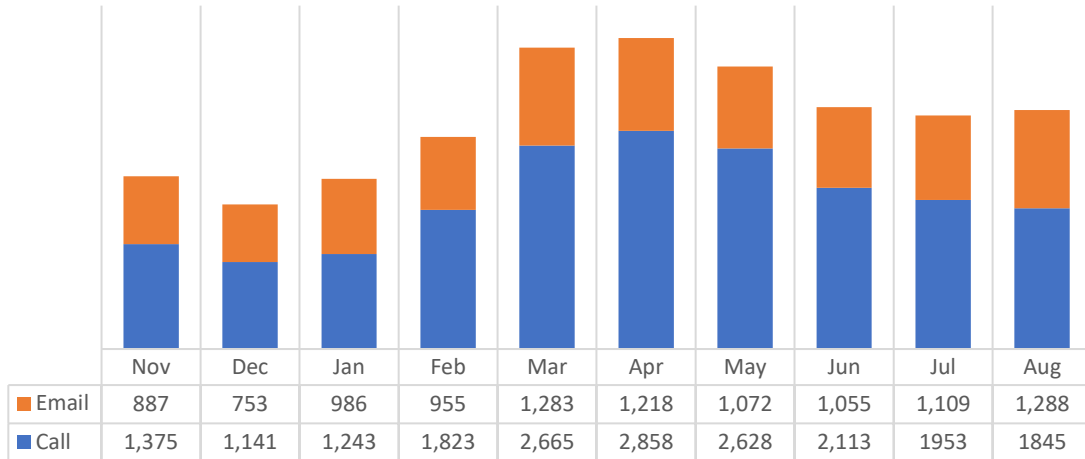


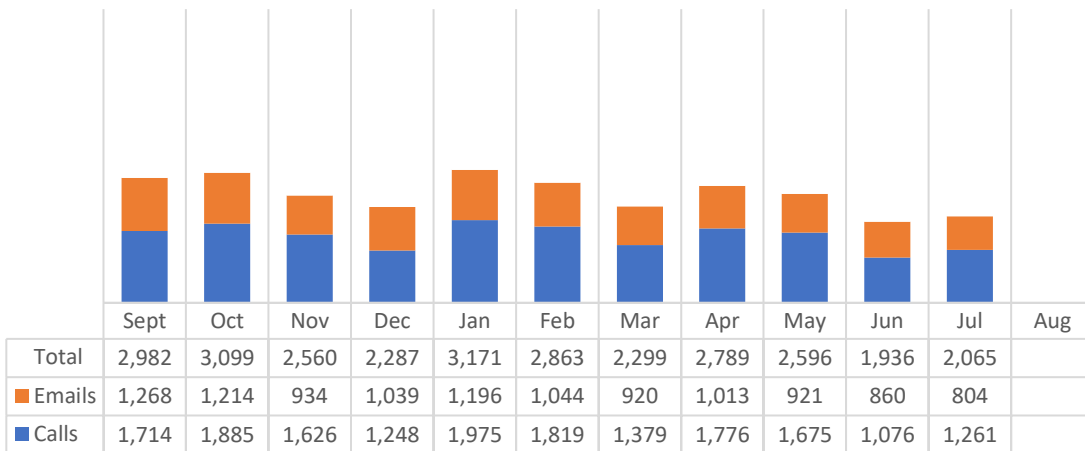
**MASSAGE THERAPY STATISTICAL REPORT**  
**August 29, 2019**

<b>MASSAGE THERAPIST</b>	<b>FY18</b>	<b>MASSAGE THERAPIST</b>	<b>FY19</b>		<b>TO DATE</b>
<b>New Licenses Issued</b>	<b>1,518</b>	<b>New Licenses Issued</b>	<b>1,709</b>		<b>178</b>
<b>Renewed Licenses Issued</b>	<b>12,673</b>	<b>Renewed Licenses Issued</b>	<b>11,229</b>		<b>1,081</b>
<b>Total Population</b>	<b>30,535</b>	<b>Total Population</b>	<b>29,607</b>		<b>29,607</b>
<b>MASSAGE THERAPY INSTRUCTOR</b>		<b>MASSAGE THERAPY INSTRUCTOR</b>			
<b>New Licenses Issued</b>	<b>150</b>	<b>New Licenses Issued</b>	<b>170</b>		<b>10</b>
<b>Renewed Licenses Issued</b>	<b>443</b>	<b>Renewed Licenses Issued</b>	<b>510</b>		<b>42</b>
<b>Total Population</b>	<b>1,378</b>	<b>Total Population</b>	<b>1,380</b>		<b>1,380</b>
<b>MASSAGE ESTABLISHMENTS</b>		<b>MASSAGE ESTABLISHMENTS</b>			
<b>New Licenses Issued</b>	<b>744</b>	<b>New Licenses Issued</b>	<b>722</b>		<b>75</b>
<b>Renewed Licenses Issued</b>	<b>477</b>	<b>Renewed Licenses Issued</b>	<b>393</b>		<b>32</b>
<b>Total Population</b>	<b>2,100</b>	<b>Total Population</b>	<b>2,434</b>		<b>2,434</b>

# **MASSAGE THERAPY CUSTOMER SERVICE CONTACTS FISCAL YEAR 2018**



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



**MESSAGE THERAPY ADVISORY BOARD****AUGUST 29<sup>TH</sup>, 2019****OCCUPATIONAL & TECHNICAL SERVICES UPDATES****BILL UPDATES THAT WILL HAVE AN IMPACT IN E&E**

Bill Implementation Teams have been created for the implementation of **HB 1875** and **HB 2747** for massage therapy. We have assigned tasks regarding FAQ's, applications, the human trafficking poster, fingerprinting and outreach. The implementation of both bills will be completed in phases and we will keep you informed of the progress.

## STATISTICS

### CONTINUING EDUCATION PROVIDERS

(AS OF JULY 31<sup>ST</sup>, 2019)

<b>FY2019</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
<b>NEW PROVIDER</b>	4	1	3	8	2	4	5	11	5	11	6	22	2	6	-	8	49
<b>PROVIDER RENEWED</b>	1	25	7	33	0	1	0	1	0	1	0	1	0	0	-	0	35
<b>TOTAL MAS PROVIDER</b>	475	478	449	449	446	450	443	443	447	456	462	462	452	455	-	0	455
<b>TOTAL CE PROVIDER</b>	969	976	922	922	894	917	909	909	918	953	937	937	930	933	-	0	933

### MESSAGE SCHOOLS

(AS OF JULY 31<sup>ST</sup>, 2019)

<b>FY2019</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
<b>TOTAL SCHOOLS</b>	62	62	60	60	60	62	62	62	62	62	63	63	63	65	-	0	65

## JURISPRUDENCE EXAMINATION

(AS OF JULY 31<sup>ST</sup>, 2019)

<b>FY2018</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
<b>JP EXAM FOR MT</b>	0	1	195	196	148	174	135	457	187	208	209	604	200	228	198	626	1,883
<b>FY2019</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
<b>JP EXAMS FOR MT</b>	156	169	201	526	133	171	166	470	254	219	232	705	171	230	-	401	2,102

## AUDITS

(AS OF AUGUST 31<sup>ST</sup>, 2019)

<b>FY2019</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
<b>LICENSEE CE AUDITS</b>	0	0	0	0	0	75	50	125	10	0	50	60	1	39	25	65	250

## **Massage Therapy Advisory Board**

### **Enforcement Division Staff Report August 29, 2019**

#### **Current Projects**

- On July 15, the Commission approved the penalty matrices for the Massage Therapy program, as proposed by the Massage Therapy Advisory Board. The matrices are now published on the Department's website at <https://www.tdlr.texas.gov/enforcement.htm>

#### **Case Highlights**

##### **Case No. MAS20180010025 - Shuxia Han (Respondent), Individually and d/b/a Lisa Massage**

On July 22, 2019, the Executive Director signed an agreed order finalizing the settlement agreement between the Department and Shuxia Han. This case alleged two (2) types of violations, each a separate source of liability for Respondent.

The first type were violations alleged against Respondent in her capacity as the owner of Lisa Massage, specifically, for failing to maintain required employment documents, and for allowing unlicensed individuals (other than Respondent) to practice massage therapy on the premises.

The second type of violation was alleged against Respondent in her individual capacity, specifically, for practicing massage therapy on the grounds of Lisa Massage without first obtaining a massage therapist's license.

As part of this negotiated settlement, Respondent accepted liability for all three (3) violations and agreed to pay an administrative penalty of \$5,250.

##### **Case No. MAS20190002221 – Zhi Cheng Zhong d/b/a Massage Culture**

On July 24, 2019, the Executive Director signed an agreed order that finalized the settlement agreement between the Department and Zhi Cheng Zhong.

As part of this negotiated settlement, Respondent, the owner of the licensed massage establishment Massage Culture, accepted liability for allowing two (2) unlicensed individuals to practice massage therapy on the business' premises and agreed to pay an administrative penalty of \$3,750.

**Case No. MAS20180007325 - Roderick Keshon Chandler**

On July 15, 2019, the Executive Director granted the Department's Motion for Default Order, resolving this case. The resulting Decision of the Executive Director (Default Order) found Respondent, a licensed massage therapist, did engage in sexual contact with a client during a massage therapy session.

Specifically, during a session with his female client, Respondent touched and manipulated his client's breasts. As Respondent's actions were not a component of a breast massage therapy procedure specifically authorized by the client, these actions thus constituted prohibited sexual contact.

Based on this finding, the Default Order assessed Respondent an administrative penalty of \$5,000 and revoked Respondent's massage therapist's license

**Case No. MAS20180014432 – Little Utopia, Inc. (Respondent) d/b/a Victoria Spa**

On July 22, 2019, the Executive Director signed an agreed order that finalized the settlement agreement between the Department and Little Utopia, Inc. As part of this negotiated settlement, Respondent, a corporation who owns the licensed massage establishment Victoria Spa, accepted liability for allowing unlicensed individuals practice massage therapy on the business' premises, and for two (2) failures to maintain required employment documents.

Atypically, this case is based on three (3) separate investigations of Victoria Spa conducted months apart by different entities. First, on December 27, 2017, the Houston Police Department's Westside Differential Response Team (DRT) inspected Victoria Spa in response to allegation of human trafficking on the premises. During that inspection, the DRT found Respondent allowed unlicensed individuals to practice massage therapy on the premises.

Then, during a follow-up inspection on July 19, 2018, the DRT found Respondent had failed to maintain sufficient documentation of the business' employment relationships.

Finally, on or about October 11, 2018, the Department investigated Victoria Spa and found that approximately four (4) months after the DRT's second inspection, Respondent continued to fail to maintain sufficient employment records, this time.

Ultimately, the three (3) violations were combined into one case which Respondent agreed to resolve by paying an administrative penalty of \$3,000.

### **Case No. MAS20180016486 - Li Duan**

On or about August 13, 2018, Respondent submitted her application for a Massage Therapist License to the Department.

As part of its application review process, the Department conducted a check of Respondent's criminal history. This check revealed that on or about September 12, 2014, in a case heard in the County Court of Adams County, Colorado, Respondent pled guilty to and was convicted of the misdemeanor offense of prostitution.

If a person is convicted or pleads guilty/nolo contendere to prostitution or some other sexual offense, or received deferred adjudication for the same, then as per TEX. OCC. CODE CH. 455, their massage therapist license (or massage establishment license, massage school license, massage therapist license, or massage therapy instructor license, as appropriate) is revoked, and that person becomes permanently ineligible for licensure.

Thus, on June 12, 2019, the Department notified Respondent her Massage Therapist License application was denied and that this conviction rendered her permanently ineligible for licensure as a massage therapist.

### **Key Statistics – Fiscal Year 2019**

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

<b><u>Statistic</u></b>	<b><u>MAS</u></b>	<b><u>TDLR</u></b>
• Number of cases opened:	1,165	10,038
• Number of cases resolved:	1,190	9,325
• Number of Final Orders:	194	1,698
• Total amount of penalties assessed:	\$327,200	\$2,952,750
• Total amount of penalties collected:	\$260,781	\$1,555,995

# **Massage Therapy Advisory Board Meeting**

## **Field Inspections Division Report**



**The Face of TDLR**

**August 29, 2019**

### **MOST COMMON VIOLATIONS FOUND DURING INSPECTIONS**

**Licensed Massage Therapy Establishment Most Common Violations Found During Inspections**  
**Fiscal Year 2019 Quarter 3**

- 1. 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).
- 2. 16 Tex. Admin. Code Ch. 117.90(q)** 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.
- 3. 16 Tex. Admin. Code Ch. 117.90(f)** For each client, a licensee shall keep accurate records of the dates of massage therapy services, types of massage therapy and billing information. Such records must be maintained for a minimum of two years.
- 4. 16 Tex. Admin. Code Ch. 117.82(a)(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. Required documentation for each person providing massage therapy or other massage services shall include: (3) if an employee, a completed I-9 form, or if under an independent contractor or contract labor agreement, a copy of the contract signed by both the owner or operator and the licensed massage therapist.
- 5. 16 Tex. Admin. Code Ch. 117.82(c)** A massage establishment must maintain separation from rooms used wholly or in part for residential or sleeping purposes by a solid wall or by a wall with a solid door which shall remain locked during business hours.
- 6. 16 Tex. Admin. Code Ch. 117.83(j)** Used towels shall be washed in chlorinated hot water.
- 7. Tex. Occ. Code Ch. 455.204(b); 16 Tex. Admin. Code Ch. 117.83(b)** A license must be displayed in an appropriate and public manner at the business location of the licensed business, or in the primary office or place of employment of the licensed individual. In the absence of a primary office or place of employment, the licensed individual shall carry a current identification card.



**8. 16 Tex. Admin. Code Ch. 117.90(l)** A licensee shall not allow an unlicensed person to engage in activity for which licensure is required.

**9. 16 Tex. Admin. Code Ch. 117.91(a)(3)** The consultation document shall include a statement that that the licensee shall not engage in breast massage of female clients without the written consent of the client;

**10. 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.

## **RECENT ACCOMPLISHMENTS**

Field Inspections and the Enforcement Division are working with the Office of the Attorney General to identify what reports to refer when signs of Human Trafficking are identified. On May 29<sup>th</sup> Assistant Attorney General, John Ramsey accompanied Liaison, Juan Munoz and Strategic Response Coordinator, Jennifer Harless on inspections to ensure we document any serious violations appropriately if need to refer the report to the OAG.

## **PERSONNEL UPDATES**

Congratulations to Ronald Gericke, who accepted a promotion from an Inspector to the North Region Manager position on June 17<sup>th</sup>.

We are happy to announce that four Field Inspectors were hired over the summer. We welcomed Tom Singleton and Donna Johnson on June 17<sup>th</sup> in Houston. In the Dallas/Fort Worth area we welcomed Thuy Kepner on July 15<sup>th</sup> and Sandy Luker on August 1<sup>st</sup>.

Soon we will post for several Field Inspector positions throughout the state to cover the additional workload associated with programs transferring to TDLR.

## **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	65	8
QTR 3	214	11
JUNE	44	29
JUL	34	43
AUG		11
QTR 4	78	83
Year to Date/ Year End	678	94

### **Massage Schools**

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	3	0
QTR 3	3	0
JUNE	1	0
JUL	5	3
AUG		6
QTR 4	6	9
Year to Date/ End	27	10

FY2018 Q1 and Q2 numbers were completed by the E&E division.

## **Regulatory Program Management Staff Report**

### **Massage Therapy Advisory Board Meeting**

August 29, 2019

#### **Update and Discussion Regarding Massage Therapy Program Activities**

- Yvonne Campos and Jerry Gonzalez attended the Central Texas Domestic Minor Sex Trafficking Roundtable (CTDMST) in Killeen, Texas on 06/17/19 regarding human trafficking.
- Marinela LaFleur and Jerry Gonzalez are members of the Massage Therapy Bill Implementation Team (BIT) and have started the process of agency-wide implementation of the statutory revisions from 86<sup>th</sup> Legislative Session.
- The TDLR Health Monitor, June 2019 edition, contains an overview of statutory revisions from 86<sup>th</sup> Legislative Session that affect the Massage Therapy Program. The Health Monitor may be found on the Massage Therapy home page at: <https://www.tdlr.texas.gov/mas/mas.htm>.
- RPM staff continue to assist Enforcement, Field Inspections, Licensing, and Customer Service with questions that arise during investigations, inspections, as well as addressing daily industry questions and emails.