

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:

**CHRISTIAN WELLS, LMT
RESPONDENT**

**NASHVILLE, TENNESSEE
TENNESSEE LICENSE NO. 11579**

)
)
)
)
)
)

**BEFORE THE TENNESSEE
MESSAGE LICENSURE BOARD**

CASE NO. 2017037441

ORDER OF SUMMARY SUSPENSION

This matter was heard on the 3rd day of October 2017, at a public meeting before the Tennessee Massage Licensure Board ("Board"), upon the application of the Tennessee Department of Health, Division of Health Related Boards ("State"), for a summary suspension of Respondent's license pursuant to Tennessee Code Annotated Section ("Tenn. Code Ann. §") 4-5-320(c).

JURISDICTION

The Tennessee Massage Licensure Board ("Board") is responsible for the regulation and supervision of the practice of massage therapy in Tennessee. T.C.A. § 63-18-101 *et seq.* T.C.A. § 63-18-108 grants the Board the duty and power to suspend, revoke, or otherwise discipline the license of a massage therapist upon proof that the individual has violated the provisions of Title 63, Chapter 18, of the Tennessee Code Annotated or any substantive rule promulgated by the Board. Under Tenn. Code Ann. § 4-5-320(c), the Board has the authority to summarily suspend a license if it finds that the public health, safety, or welfare imperatively require emergency action.

FACTS

1. Respondent has been at all times pertinent hereto licensed by the Board as a massage therapist, having been granted license number 11579 on May 5, 2016, which is currently active with an expiration date of August 31, 2019.

2. From about January 2017 until about July 2017, Respondent practiced as a massage therapist at Massage Envy, located at 330 Franklin Road, Suite 120A, Brentwood, Tennessee 37027.
3. On about July 19, 2017, Respondent provided a massage to an adult female client ("Client 1").
4. During the massage, Respondent touched Client 1's genitals and digitally penetrated Client 1's vagina. When this happened, Client 1 froze in shock and could not immediately bring herself to words.
5. Client 1 did not tell or indicate to Respondent that she wanted him to touch her genitals or to digitally penetrate her.
6. The day following the massage, Client 1 reported Respondent's actions to Massage Envy.
7. As a result of the above, Massage Envy terminated Respondent.
8. Following his termination, based on information on Respondent's Facebook page, Respondent continued to practice massage therapy.
9. When interviewed by investigators from the Department of Health, Respondent admitted that:
 - a. Respondent had an erection while massaging Client 1.
 - b. During the massage, Respondent traced his thumb along Client 1's panty-line area.
 - c. Respondent grazed Client 1's vagina.
 - d. Respondent's DNA could possibly be found on Client 1's labia.
 - e. Respondent's thumb might have slipped in Client 1's vagina.

CONCLUSIONS OF LAW

The facts found above are sufficient to establish that Respondent has violated the following statutes for which disciplinary action, including summary suspension, by the Board is authorized:

10. The facts above in paragraphs three (3), four (4), five (5), and nine (9) constitute a violation of TENN. CODE ANN. § 63-18-108:

- (6) Is guilty of willful negligence in the practice of massage;

(7) Has violated any of the provisions of this chapter or any substantive rule promulgated under the authority of this chapter;

(12) Is guilty of unethical or unprofessional conduct.

11. The facts above in paragraphs three (3), four (4), five (5), and nine (9) constitute a violation of
TENN. COMP. R. & REGS 0870-01-.02:

(3) Sexual conduct, sexual activity, or sexualizing behavior involving a client is strictly prohibited at all times. A massage therapist may not initiate, arrange for, or engage in such activities, including if the client attempts to sexualize the relationship.

12. The facts above in paragraphs three (3), four (4), five (5), and nine (9) constitute a violation of
TENN. COMP. R. & REGS 0870-01-.19(1):

(n) Respect the client's boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and autonomy, as well as the client's reasonable expectations of professional behavior[.]

SUSPENSION

In consideration of the evidence presented, and pursuant to the authority granted under Tenn. Code Ann. § 4-5-320(c), Tenn Code Ann. §§ 63-7-115, and the Rules of the Board 1000-01-.01, *et seq.*, the Board hereby preliminarily finds that the misconduct of Respondent, Christian Wells, LMT, is so severe that it imperatively requires emergency action to protect the public health, safety, and welfare prior to the initiation of formal disciplinary charges.

It is therefore **ORDERED** that:

13. Respondent's Tennessee massage therapist license, license number 11579, is hereby
SUMMARILY SUSPENDED;

14. Upon receipt of this Order, Respondent shall **CEASE AND DESIST** from practicing and advertising massage therapy in the state of Tennessee;

15. This suspension shall be effective immediately and shall remain in effect until the conclusion of the contested case hearing against Respondent or until otherwise ordered by the Tennessee Massage Licensure Board.
16. Pursuant to T.C.A. § 4-5-320(d)(1), Respondent may present his version of the situation to the Board at an informal conference if a timely request is made by 5:00 p.m. on October 10, 2017, to Director, Massage Licensure Board, 665 Mainstream Drive, Nashville, Tennessee 37243.
17. The sole issue at the informal conference mentioned above shall be whether the public health, safety or welfare imperatively required emergency action by the Board.

SO ORDERED, this 3rd day of October, 2017.

Ed Bolden
Chairperson/Acting Chairperson
Tennessee Massage Licensure Board

PREPARED FOR ENTRY:


Marc R. Guilford
Marc R. Guilford (B.P.R. #025419)
Assistant General Counsel
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611
Attorney for the State

10/3/17
DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Christian Wells, 2448 Battleground Drive, Murfreesboro, Tennessee 37129 by delivering same in the United States regular mail and United States certified mail, number **7016 0600 0000 6507 4545**, return receipt requested, with sufficient postage thereon to reach its destination.

This 3rd day of October, 2017.



Marc R. Guilford
Assistant General Counsel