

Douglas A. Ducey
Governor



Arizona State Board of Massage Therapy

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Open Session Minutes Meeting of the Arizona State Board of Massage Therapy

Monday, February 28, 2022
Held via videoconferencing

Board Members

Angela M. Reiter, LMT, BC – Chair
Myriah Mhoon – Vice-Chair
Bailey S. DeRoest
Michael K. Tapscott, LMT
Vacant, Public Member

I. CALL TO ORDER

Chairwoman Reiter called the Board's meeting to order at 9:02 a.m.

II. ROLL CALL

The following Board members participated in the virtual meeting: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott

ALSO PRESENT

The following Board staff and Assistant Attorney(s) General participated in the virtual meeting: Executive Director Tom Aughterton, Investigator David Elson, Licensing Specialist Paul Schuldt and Licensing Administrator Tony Wilcox. Assistant Attorney General ("AAG") Seamus Monaghan also participated in the virtual meeting. AAG Monique Coady participated in the virtual meeting to provide the Board with independent legal advice on the hearing matter(s) as stated herein.

III. CALL TO THE PUBLIC

Michelle Cordero, Director of Education, ASIS Massage Education, addressed the Board stating concerns regarding the lack of Board funding and staff, as well as the Board's loss of digital licensing services.

Cara Holland, LMT, Massage Instructor and General Manager, Elements Massage, addressed the Board stating concerns relating to the lack of online digital licensing services and communication with applicants.

IV. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

None.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

- A. Discussion and approval of the Massage Board Open Minutes from the January 24, 2022 monthly meeting.

MOTION: Chairwoman Reiter moved for the Board to approve Open Minutes from the Board’s January 24, 2022 monthly meeting.

SECOND: Mr. Tapscott

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

VI. CHAIR’S REPORT

- A. Presentation by LMT Laura Allen regarding general standards of practice and ethics in the massage therapy industry.

VII. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

- A. Formal Hearing(s)

MOTION: Chairwoman Reiter moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Mr. Tapscott

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board entered into Executive Session at 9:37 a.m.

The Board returned to Open Session at 9:52 a.m.

No legal action was taken by the Board during Executive Session.

1. Case No. 22-133: Adrian Hernandez, MT Lic. #24483

AAG Monaghan participated on behalf of the State. AAG Coady participated to provide the Board with independent legal advice. The Respondent also participated in the virtual meeting during the Board’s consideration of this matter, and the Complainant was present as well.

MOTION: Vice-Chairwoman Mhoon moved for the Board to continue this matter to Formal Hearing at its next regular meeting to be held on March 28, 2022.

SECOND: Chairwoman Reiter

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Chairwoman Reiter moved for the Board to require the Respondent to respond by end of day on March 14, 2022.

SECOND: Ms. DeRoest

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

2. Case No. 21-163: James Sailer, MT Lic. #16208

AAG Monaghan participated in the virtual meeting on behalf of the State. AAG Coady participated to provide the Board with independent legal advice. The Complainant also participated in the virtual meeting during the Board's consideration of this matter.

Chairwoman Reiter accepted the State's Exhibits 1-7 into the record in this matter.

MOTION: Ms. DeRoest moved for the Board to adopt the factual allegations as contained in the Complaint and Notice of Hearing as the Board's Findings of Fact in this matter.

SECOND: Chairwoman Reiter

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Chairwoman Reiter moved for the Board to adopt the alleged violations of law as contained in the Complaint and Notice of Hearing as the Conclusions of Law in this matter.

SECOND: Vice-Chairwoman Mhoon

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Mr. Tapscott moved for the Board to revoke the license.

SECOND: Chairwoman Reiter

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board recessed from 10:43 a.m. to 10:53 a.m.

3. Case No. 21-106: Alphonso Rodgers, MT Lic. #07324

AAG Monaghan participated in the virtual meeting on behalf of the State during the Board's consideration of this matter. AAG Coady participated to provide the Board with independent legal advice.

Chairwoman Reiter accepted the State's Exhibits 1-6 into the record in this matter.

MOTION: Chairwoman Reiter moved for the Board to adopt the factual allegations as contained in the Complaint and Notice of Hearing as the Board's Findings of Fact in this matter.

SECOND: Tapscott

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Chairwoman Reiter moved for the Board to adopt the alleged violations of law as contained in the Complaint and Notice of Hearing as the Conclusions of Law in this matter.

SECOND: Ms. DeRoest

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Chairwoman Reiter moved for the Board to revoke the license.

SECOND: Ms. DeRoest

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

B. Formal Interview

1. Vacant.

C. Investigative Review File(s) – Including possible acceptance of proposed consent agreement.

1. Case No. 22-115: Jonathan Riggs, MT Lic. #13639

MOTION: Chairwoman Reiter moved for the Board to summarily suspend the license based on the factual allegations and potential violations as contained in the Investigative Report and find that the health, safety and welfare of the public requires emergency action by the Board.

SECOND: Tapscott

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

2. Case No. 22-131: Joshua Finley, MT Lic. #24766

MOTION: Chairwoman Reiter moved for the Board to accept the proposed Consent Agreement for Voluntary Surrender of Licensure.

SECOND: Ms. DeRoest

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

D. License Application(s) Requiring Board Review

Vacant.

VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION RELATING TO UPDATE REGARDING HB 2438 MASSAGE THERAPIST; FINGERPRINTING; WEBSITE INFORMATION

MOTION: Chairwoman Reiter moved for the Board to support HB 2438 and to approve staff to file on the Board's behalf.

SECOND: Mr. Tapscott

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Chairwoman Reiter moved for the Board to adopt the alleged violations of law as contained in the Complaint and Notice of Hearing as the Conclusions of Law in this matter.

SECOND: Vice-Chairwoman Mhoon

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

IX. REVIEW AND DISCUSSION OF A.R.S. § 32-4222(E) AND A.A.C. R4-15-201(C) REGARDING MASSAGE THERAPY LICENSING QUALIFICATIONS AND REQUIREMENTS AS IT RELATES TO ENGLISH LANGUAGE PROFICIENCY

X. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MASSAGE BOARD AGENDAS

➤ Discussion relating to the appropriate process for requesting an increase in the Board's budget.

The next Board meeting date:

Monday, March 28, 2022 at 9:00 a.m.; to be held via videoconference

XI. ADJOURNMENT

The Board's meeting adjourned at 12:12 p.m.