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Governor



Arizona State Board of Massage Therapy

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

Monday, October 25, 2021
Held via videoconferencing

Board Members

Angela M. Reiter, LMT, BC – Chair
Lisa M. Lucchesi – Vice Chair
Bailey S. DeRoest
Myriah Mhoon
Michael K. Tapscott, LMT

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 Lucchesi, Ms. DeRoest, Ms. Mhoon and Mr. Tapscott.

ALSO PRESENT

The following Board staff and Assistant Attorney(s) General participated in the virtual meeting: Executive Director Tom Augherton, Investigator David Elson, Licensing Specialist Paul Schuldt, Licensing Administrator Tony Wilcox and Minutes Administrator Andrea Cisneros. Assistant Attorney General ("AAG") Seamus Monaghan also participated in the virtual meeting.

III. CALL TO THE PUBLIC

No individuals addressed the Board during the Call to the Public.

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 August 23, 2021, monthly meeting.

- B. Discussion and approval of the Massage Board Open Minutes from Board Orientations A and B on October 15, 2021 and October 22, 2021.

These items were tabled to the Board's next meeting.

VI. CONSENT CALENDAR

- A. Vacant.

VII. BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION ON ARIZONA AUDITOR GENERAL UPDATE AND THE 2021-2022 ARIZONA MASSAGE BOARD SUNSET PERFORMANCE AUDIT.

VIII. BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING PRESENTATION ON EVENTS AT 2021 ANNUAL MEETING OF THE FEDERATION OF STATE MASSAGE THERAPY BOARDS ("FSMTB")

IX. BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION ON WHETHER TO OPEN A COMPLAINT ON THE FOLLOWING MATTER(S)

- A. Investigative Case
(1) 22-115 Riggs, Jonathan MT#13639

MOTION: Chairwoman Reiter moved for the Board to open a complaint and initiate an investigation against Mr. Riggs.

SECOND: Ms. DeRoest

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

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

X. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

- A. Formal Hearing

Vacant.

- B. Formal Interview

(1) 21-163 Sailer, James MT#16208

MOTION: Chairwoman Reiter moved for the Board to proceed to Formal Hearing in this matter for the purposes of possible license revocation based on the potential violations of law and the factual allegations as set forth in the investigative report.

SECOND: Ms. Mhoon

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

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

C. Investigative Review File(s)

(1) 22-106 Rodgers, Alphanso MT#07324

MOTION: Mr. Tapscott moved for the Board to proceed to Formal Hearing based on the potential violations of law and the factual allegations as set forth in the investigative report.

SECOND: Ms. Mhoon

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

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

(2) 21-110 Faulstich, Stephen MT#22301

This item was continued to the Board's next meeting.

D. License Request

Vacant.

E. Board review, discussion and possible action relating to acceptance of proposed Consent Agreement for voluntary surrender of licensure or take other action the Board deems necessary on the following case(s):

(1) 22-125 Roanhorse, Thomas MT#28058

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 Lucchesi, Ms. DeRoest and Mr. Tapscott. The following Board member was absent: Ms. Mhoon.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 9:59 a.m.

The Board returned to Open Session at 10:14 a.m.

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

MOTION: Ms. Mhoon moved for the Board to void the license based on the fact that Mr. Roanhorse did not meet qualifications at the time it was issued.

SECOND: Mr. Tapscott

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

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

Chairwoman Reiter directed staff to place a note in the file to be reviewed when Mr. Roanhorse applied for licensure in the future.

XI. EXECUTIVE DIRECTOR'S REPORT

- A.** Board review, discussion and possible action for ending current waiver of 24 hours of industry-continuing education ("CE") for biennial license renewal, on March 1, 2022; continuation of waiver to permit stipulated classroom hours to be taken online.

MOTION: Ms. Mhoon moved for the Board to extend the current CE waiver to March 1, 2022.

SECOND: Mr. Tapscott

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

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Mr. Tapscott moved for the Board to continue the waiver to permit stipulated classroom hours to be taken online.

SECOND: Ms. DeRoest

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

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

- B.** Review and discussion of received correspondence RE: Arizona statute requiring school national accreditation for applicants seeking licensure.

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 Lucchesi, Ms. DeRoest and Mr. Tapscott. The following Board member was absent: Ms. Mhoon.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 10:33 a.m.

The Board returned to Open Session at 10:45 a.m.

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

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

The Board instructed staff to agendaize the following items for a future meeting:

- Review and possible action relating to human trafficking statistics and formation of subcommittee.

The next Board meeting date:

Monday, November 22, 2021 at 9:00 a.m.; to be held via videoconference

XIII. ADJOURNMENT

The Board's meeting adjourned at 10:57 a.m.