



State of Arizona
Janet Napolitano – Governor

Arizona State Board of Massage Therapy

"Protecting the Public's Health"

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De Mario Vaughn, LMT; Nancy Gath, Public Member; Daniel Pozefsky, Public Member
Dennis Beye, LMT, Susan Pomfret, LMT, Craig Runbeck, NMD, Executive Director

Minutes BOARD MEETING

October 27, 2008 10:00 a.m.
1400 West Washington St, B1
Phoenix, AZ 85007

1. Call to Order by Presiding Officer

Mr. Beye, Chair, called the meeting to order at 10:05 am.

A. Roll call of Board members was done to establish a quorum to conduct the meeting.

Board Members present: Dennis Beye, Chair, LMT
Susan Pomfret, Vice Chair, LMT
Nancy Gath, Public Member

Board Members absent: De Mario R. Vaughn, LMT
Daniel Pozefsky, Public Member

B. Acknowledgement of presence of Board staff and legal counsel.

Assistant Attorney General: Elizabeth Campbell

Board Staff: Dr. Craig Runbeck, Executive Director
Robert Wilson, Deputy Director
Stan Conger, Investigations
Ellen Boyd, Licensing Administrator

2. Call to the Public was made.

No requests were made.

3. Discussion, Consideration and Possible Action of Consent Agenda *(Any item under consent may be removed for independent discussion and action by a Board Member.)*

- A. Approval of Minutes: August 25, 2008 Board Meeting
- B. Approval of Massage Therapy Application(s) September and October 242 applicants

MOTION: Ms. Pomfret moved to approve the minutes and consent agenda as listed above, Ms. Gath seconded the motion.

VOTE: The Motion Passed 3 ayes, 0 no

4. Discussion, Consideration and Possible Action of Regulatory Matters

Mr. Pozefsky arrived at 10:08

A. Board Review – Investigations

1. Oriental Chi

Mr. Beye recused.

Chair passed to Ms. Pomfert

Eli Golob, representation for Oriental Chi, addressed the Board concerning the consent agreement.

Ms. Gath made a motion to approve the consent agreement.

Mr. Pozefsky seconded the motion.

Vote: Ayes – 3

Nays - 0

Mr. Beye assumes the chair.

2. Corey Richason 06-135

Respondent and representative were present.

SP, claimant, and representative were present.

Mr. Wilson summarized the case.

Representative of respondent addressed the board.

Respondent addressed the board.

The Board questioned Respondent.

SP's representative addressed the Board.

The Board questioned SP.

SP addressed the Board.

Respondent's representative responded.

SP's representative addressed the Board.

Ms. Pomfert moved to go to Executive Session for legal advice.

Mr. Pozefsky seconded the motion.

Vote: Ayes – 4

Nays - 0

Executive Session began at 10:50.

Open Session reconvened at 10:55.

Mr. Pozefsky made a motion to move the case to a formal hearing.

Ms. Pomfert seconded the motion.

Vote: Ayes – 4

Nays - 0

3. Victor J. Milianti 08-111

Respondent nor representative were present.

Mr. Wilson summarized the case.

Complainant addressed the Board.

Ms. Gath moved to go to Executive Session for legal advice.

Ms. Pomfert seconded the motion.

Executive Session began at 11:10
Open Session reconvened at 11:15

Mr. Beye called for 5 minute recess.

Open Session reconvened at 11:21

Mr. Conger addressed the Board regarding address issues of Mr. Milianti.

Mr. Pozefsky made a motion to move the case to a formal interview.
Ms. Pomfert seconded the motion.

On further discussion, Mr. Pozefsky made a motion that in the event that Mr. Milianti does not answer the invitation to attend the formal investigation, the case will be moved to a formal hearing.
Ms. Pomfert seconded the motion.

Vote: Ayes – 4
Nays – 0

4. Cameron Wilson 08-110

Respondent nor representation were present.
Mr. Wilson summarized the case.
Mr. Conger addressed the Board.

Mr. Pozefsky made a motion to dismiss the case.
Ms. Pomfert seconded the motion.

Vote: Ayes – 4
Nays – 0

5. Jerome Battle 07-104

Respondent nor representation were present.
Mr. Wilson summarized the case.

Ms. Pomfert made a motion to dismiss the case.
Ms. Gath seconded the motion.

Vote: Ayes – 4
Nays – 0

6. Kasey Vaughn 08-100

Respondent nor representation were present.
Mr. Conger summarized the case.

Ms. Pozefsky moved to dismiss the case.
Ms. Pomfert seconded the motion.

Vote: Ayes – 4
Nays – 0

B. Board Review – Application

1. Jing Yun Zhang

Mr. Conger summarized the application.

Her transcripts are in question.

Dr. Runbeck suggested to wait and see if all hour qualifications will be met in the allotted time for licensure.

The Chair decided to table the application pending administration completion.

5. Discussion and Consideration and Possible Action on Administrative Matters

A. Report on possible violations by unlicensed persons.

1. Asian Massage Parlor

Mr. Wilson summarized.

No action was taken.

2. Robert Navarro

Mr. Conger summarized.

No action was taken.

B. Massage License Status Report

Dr. Runbeck updated the board on the license status to date.

Active: 9119

Denied: 19

Pending: 153

Voluntarily Surrendered: 6

Revoked: 7

Closed – App withdrawn and failed to qualify: 6

Closed – Expired (non-renewal): 2409

C. Administrative and Legislative updates

1. Report from the Chair on Federation meeting in Seattle

Dr. Runbeck summarized events.

Mr. Beye addressed the Board.

He attended the Seattle meeting and was very impressed. There are about 6 states now accepting the EMBLEX exam. He is hoping that Arizona will accept the test also.

Mr. Pozefsky addressed the Board.

He shared his thoughts concerning the EMBLEX exam and the Federation.

Ms. Pomfert addressed the Board.

Mr. Beye states that the Federation is willing to waive this year's dues for Arizona.

2. Discussion and consideration of joining the Federation of State Massage Therapy Licensing Boards

The Board will revisit the issue after Ms. Pomfert attends the upcoming Federation meeting.

Mr. Pozefsky left the meeting at 12:35.

The Board took a break at 12:35.

Open Session reconvened 12:40.

3. Update on Consolidation, Appropriations & Legislative Issues

Dr. Runbeck recommended to not separate the Naturopathic Board and the Massage Board at this time.

4. Executive Director Report on Current Events

Dr. Runbeck discussed these previously in #1.

5. Discussion on board meeting dates for 2009

The Board approved Board meeting dates for 2009. There will be bimonthly meetings scheduled.

6. Discussion Consideration and Possible Action on Correspondence.

1. Yoshi Nakano

Mr. Conger summarized.

Shiatsu is energy work – not massage.

Mr. Conger will respond to the letter.

The next scheduled meeting is January 26, 2009

The meeting was adjourned at 12:55 pm

ADJOURNMENT