



Douglas A. Ducey
Governor

Arizona State Board of Massage Therapy

"Protecting the Public's Health"

Tom Augherton
Executive Director
1740 W. Adams, Suite 3401
Phoenix, Arizona 85007
Office: (602) 542-8604
E: info@massageboard.az.gov
W: www.massageboard.az.gov

OPEN SESSION MINUTES FOR REGIONAL MEETING OF THE ARIZONA STATE BOARD OF MASSAGE THERAPY

Held on Monday, October 28, 2019
At: Pima County Community College, West Campus,
Center for the Arts, Proscenium Theatre
2202 W. Anklam Road, Tucson Arizona 85745

Board Members

Victoria Bowman, LMT, Chairwoman
Mlee Clark, LMT, Vice-Chairwoman
John Ortega
Kevin Ramsey, LMT

I. CALL TO ORDER

Chairwoman Bowman called the Board's meeting to order at 10:38 a.m.

II. ROLL CALL

The following Board members were present: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

Present among Board staff include: Executive Director Augherton, Senior Investigator Andrew White, Licensing Administrator Tony Wilcox, Minutes Administrator Andrea Cisneros, Assistant Attorney General (AAG) Michael Raine, and AAG Marc Harris was present for independent legal advice.

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

There were no conflicts of interest declared by the Board members.

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

A. The Board's September 30, 2019 meeting was cancelled due to a lack of a quorum.

V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

A. Formal Hearing(s)

(1) 19-173 Calmese, Juvall

Mr. Calmese was present without legal counsel during the Board's consideration of this matter. AAG Raine was present on behalf of the State.

MOTION: Vice-Chairwoman Clark moved for the Board to find that the State has demonstrated by a preponderance of the evidence the factual allegations in the Complaint and to adopt these allegations as the Board's Findings of Fact.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

MOTION: Vice-Chairwoman Clark moved for the Board to find that the Findings of Fact constitute a violation of the statutes and/or rules set forth in the Complaint and adopt the alleged violations as the Board's Conclusions of Law.

SECOND: Mr. Ramsey

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

MOTION: Vice-Chairwoman Clark moved for the Board to issue an Order for One Year Suspension of Licensure. Within one year, Mr. Calmese shall complete 6 hours of Board staff pre-approved in-person Continuing Education (CE) in each of the following topics: business practices, communication, draping, and ethics, for a total of 24 CE hours. The CE hours shall be in addition to the hours required for license renewal. Mr. Calmese shall pay a Civil Penalty in the amount of \$250 within twelve months. After one year, Mr. Calmese shall return to the Board to demonstrate his compliance with the Board's Order and to request termination of the suspension.

SECOND: Mr. Ramsey

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

B. Formal Interview(s)

(1) 20-110 Harris, Ronnie

Mr. Harris was present without legal counsel during the Board's consideration of this matter.

MOTION: Vice-Chairwoman Clark moved for the Board to find that the alleged massage and sexual activity occurred with a client in violation of A.R.S. § 32-4253(A)(10) and (15), and to issue an Order for Six Months' Suspension of Licensure. Within six months, Mr. Harris shall complete 16 hours of Board staff pre-approved CE in business practices and ethics. The CE hours shall be in addition to the hours required for license renewal. Mr. Harris shall pay a Civil Penalty in the amount of \$500 within six months. After six months, Mr. Harris shall return to the Board to demonstrate compliance with the Board's Order and to request termination of the suspension.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, and Mr. Ortega. The following Board member voted against the motion: Mr. Ramsey.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

C. Investigation Review File(s)

(1) 20-111 Hargrett, Romania

Ms. Hargrett was present during the Board's consideration of this matter.

MOTION: Chairwoman Bowman moved for dismissal.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

(2) 20-113 Cox-Pitt, Sirena

Ms. Cox-Pitt was not present during the Board's consideration of this matter.

MOTION: Mr. Ortega moved for the Board to proceed to Formal Interview in this case.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

(3) 20-114 Huang, Yong Fang

Ms. Huang was present with legal counsel, Mr. Flynn Carey.

MOTION: Mr. Ortega moved for the Board to proceed to Formal Interview in this case.

SECOND: Ms. Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega and Mr. Ramsey.

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

MOTION PASSED.

(4) 20-115 Li, Shu Ling

Ms. Ling was present during the Board's consideration of this matter.

MOTION: Mr. Ortega moved for the Board to proceed to Formal Interview in this case.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

(5) 20-116 Jones, Rodyon

Mr. Jones was present during the Board's consideration of this matter.

MOTION: Vice-Chairwoman Clark moved for the Board to proceed to Formal Interview in this case.

SECOND: Mr. Ramsey

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

(6) 20-117 Blanchord, Justin

Mr. Blanchord was present during the Board's consideration of this matter.

MOTION: Vice-Chairwoman Clark moved for the Board to offer the licensee a Consent Agreement for \$100 Civil Penalty to be paid within ninety days. If declined, the matter shall proceed to Formal Interview.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

C. Application Review

(1) Jin, Yan

MOTION: Chairwoman Bowman moved for the Board to grant the license.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

(2) Li, Hong Mei

MOTION: Chairwoman Bowman moved for the Board to grant the license.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

(3) Yang, Qing

MOTION: Chairwoman Bowman moved for the Board to grant the license.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

(4) Branigan, Taylor

Mr. Branigan was present during the Board's consideration of this matter.

MOTION: Chairwoman Bowman moved for the Board to grant the license.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

VI. EXECUTIVE DIRECTOR'S REPORT

A. Board Operations

VII. SUMMARY OF CURRENT EVENTS

No action was taken by the Board under this Agenda item.

VIII. CALL TO THE PUBLIC

No individuals addressed the Board during the Call to the Public portion of the meeting.

IX. DISCUSSION AND UPDATE BY VICE-CHAIR MLEE CLARK ON FEDERATION OF STATE MASSAGE THERAPY BOARDS (FSMTB) 2019 ANNUAL MEETING

Vice-Chairwoman Clark presented an update regarding the topics covered during the FSMTB's 2019 Annual Meeting.

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

No action was taken by the Board under this Agenda item.

XI. NEXT ARIZONA MASSAGE THERAPY BOARD MEETING DATE

Monday, November 25, 2019 at 9:30 a.m.

At: The Arizona State Boards & Commission Building

1740 W. Adams, Phoenix, Arizona 85007, Hearing Room C

XIII. AUDIENCE QUESTIONS AND ANSWERS WITH BOARD

The audience discussed with the Board and staff issues surrounding the practice of massage therapy.

XIII. MOTION TO ADJOURN

MOTION: Chairwoman Bowman moved for adjournment.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowman, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

The Board's meeting adjourned at 3:05 p.m.



Tom Augherton, Executive Director