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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, November 22, 2021
Held via videoconferencing

Board Members

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

I. CALL TO ORDER

Chairwoman Reiter called the Board's meeting to order at 9:01 a.m.

II. ROLL CALL

The following Board members participated in the virtual meeting: Chairwoman Reiter, 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 Aughterton, 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

Attorney Oscar Lizardi addressed the Board on behalf of Allied Health Institute regarding recent correspondence to the Board relating to the examination that applicants are required to pass in order to qualify for Arizona licensure pursuant to statute.

Kevin Snedden, LMT, Director of Industry Relations, Federation of State Massage Therapy Boards, addressed the Board regarding the psychometrics and reliability of the MBLEX.

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.

The Board took no action on this item due to current members not in attendance of the August 23, 2021 monthly meeting.

- B. Discussion and approval of Board Orientation A meeting minutes from October 15, 2021.

MOTION: Ms. Mhoon moved for the Board to approve the Board Orientation A meeting minutes from October 15, 2021.

SECOND: Mr. Tapscott

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

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

MOTION PASSED.

- C. Discussion and approval of Board Orientation B meeting minutes from October 22, 2021.

MOTION: Ms. Mhoon moved for the Board to approve the Board Orientation B meeting minutes from October 22, 2021.

SECOND: Mr. Tapscott

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

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

MOTION PASSED.

- D. Discussion and approval of Board meeting minutes of October 25, 2021.

MOTION: Ms. Mhoon moved for the Board to approve the Board meeting minutes of October 25, 2021.

SECOND: Mr. Tapscott

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

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

MOTION PASSED.

VI. CONSENT CALENDAR

- A. LMT CE hours may all be taken virtually, and a total of 3 hours each year can be granted as CE hours by registering at, and attending, a three-hour Board meeting. Board grants a total of 6 hours toward biennial licensing, for attending 2 Board meetings.

- B. Board instruct staff when reviewing re-licensure applicants, prior to automatic licensure, to submit for Board review when history includes previous felony convictions, including after statute of limitations has passed.

VII. BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION ON CURRENT BOARD POLICY REGARDING NATIONAL INDUSTRY EXAM REQUIREMENT, FOR STUDENTS APPLYING FOR STATE LICENSURE WHEN PROGRAMS NOT NATIONALLY-ACCREDITED, PURSUANT TO A.R.S. § 32-4222(B)(1) AND (2).

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

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

MOTION PASSED.

The Board entered into Executive Session at 9:19 a.m.

The Board returned to Open Session at 9:41 a.m.

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

VIII. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

A. Formal Hearing
Vacant.

B. Formal Interview
Vacant.

C. Investigative Review File(s)
(1) 22-119 Randall, Kesha Lynn MT# N/A

Ms. Randall participated in the virtual meeting during the Board's consideration of this matter.

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

SECOND: Chairwoman Reiter

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

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

MOTION PASSED.

The Board entered into Executive Session at 9:50 a.m.

The Board returned to Open Session at 10:02 a.m.

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

MOTION: Chairwoman Reiter moved for the Board to deny the license based on the failure to meet application requirements under A.R.S. § 32-4222(A)(7)(a) regarding felony convictions.

SECOND: Ms. Mhoon

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

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

MOTION PASSED.

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

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: Ms. Mhoon

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

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

MOTION PASSED.

The Board entered into Executive Session at 10:08 a.m.

The Board returned to Open Session at 10:12 a.m.

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

MOTION: Mr. Tapscott moved for the Board to proceed to Formal Interview in this matter based on the potential violations of law and factual allegations as outlined in the investigative report.

SECOND: Chairwoman Reiter

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

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

MOTION PASSED.

D. License Request

Vacant.

IX. DISCUSSION AND ACTION ON BOARD ELECTION OF VICE CHAIR.

MOTION: Mr. Tapscott nominated Ms. Moon for Board Vice Chair.

SECOND: Chairwoman Reiter

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

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

MOTION PASSED.

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

➤ Agenda Item Nos. VI.A. and B. to be placed on a future agenda for Board action.

The next Board meeting date:

Monday, December 6, 2021 at 9:00 a.m.; to be held via videoconference

XI. ADJOURNMENT

The Board's meeting adjourned at 10:18 a.m.