



State of Arizona
Janice Brewer – Governor

Arizona State Board of Massage Therapy

“Protecting the Public’s Health”

1400 West Washington • Suite 300 • Phoenix, AZ 85007 • Telephone 602-542-8604 • FAX 602-542-8804
Dennis Beye, LMT; Susan Pomfret, LMT; John Ortega, Public Member
Jennifer Coomes, LMT, Diane Pruetz, Public Member, Craig Runbeck, ND, Executive Director

Minutes/draft BOARD MEETING

November 23, 2009 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
John Ortega, Secretary, Public Member
Jennifer Coomes, LMT
Diane Pruetz, Public Member

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

New Board Member, Diane Pruetz, introduced herself.

Assistant Attorney General: Elizabeth Campbell

Asst. Attorney General
Solicitor General Office: Christopher Munns

Board Staff present: Dr. Craig Runbeck, Executive Director
Kathleen Phillips, Deputy Director
Stan Conger, Investigations
Ellen Boyd, Licensing Administrator

2. Call to the Public.

None

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 24, 2009 Board Meeting Minutes.
- B. Approval of 267 Massage Therapy Applications: October 13, 2009 – November 14, 2009

MOTION: Ms. Pomfret moved to approve the consent agenda as presented.
Mr. Ortega seconded the motion.

VOTE: The Motion Passed 4 ayes, 0 nays

4. Discussion, Consideration and Possible Action of Regulatory Matters

A. Formal Hearing

1. Robert Ochoa Jr. Case #98-113

Neither Respondent nor Complainant were present.

Ms. Campbell made an opening statement.

Mr. Conger was sworn in and questioned by Ms. Campbell.

The Board questioned Mr. Conger.

Ms. Campbell made a closing statement.

Ms. Pomfret made a motion to adopt the Finding of Facts as presented.

Mr. Ortega seconded the motion.

Vote: Ayes – 5

Nays – 0

Ms. Pruetz made a motion to adopt the Conclusions of Law as presented.

Ms. Pomfret seconded the motion.

Vote: Ayes – 5

Nays – 0

Ms. Coomes made a motion for the revocation of Mr. Ochoa's license.

Ms. Pomfret seconded the motion.

Roll Call Vote:

Ms. Coomes – Aye

Ms. Pomfret – Aye

Mr. Ortega - Aye

Mr. Beye – Aye

Ms. Pruetz - Aye

2. Petition for re-hearing of YuQin Wang

Ms. Wang and her council, Mr. Rybarsyk were present.

Mr. Rybarsyk addressed the Board.

Ms. Campbell addressed the Board.

Mr. Rybarsyk gave his rebuttal.

The Board questioned Ms. Campbell.

Ms. Coomes made a motion to deny the petition for a rehearing.

Ms. Pomfret seconded the motion.

Ms. Pomfret moved to accept documentation as presented.

Ms. Coomes seconded the motion.

Vote: Ayes – 4

Nays – 1

Chairman Beye called for a break at 11:00 am

The Board reconvened at 11:07 am

B. Formal Interview

1. Clark Keup Case # 09-102

Mr. Conger summarized the case.

The Board questioned Mr. Keup.

Complainant LS addressed the Board.

The Board questioned LS.

Mr. Keup addressed the Board.

Ms. Pomfret made a motion to adopt #2 of the Finding of Facts as presented.

Ms. Pruetz seconded the motion.

Vote: Ayes – 5

Nays – 0

Mr. Ortega made a motion to adopt the Conclusions of Law 32-42-53-A8 & 32-42-538-A14 & 32-42-538-A16 as presented.

Ms. Pomfret seconded the motion.

Vote: Ayes – 5

Nays – 0

Ms. Pomfret made a motion to issue a Letter of Reprimand to Mr. Keup in regards to his inadequate draping of a client and include the requirement that Mr. Keup obtain at least eight hours of CE in pregnancy massage and/or side posture massage and proper draping. These eight hours are to be pre-approved by Board staff. These 8 hours are to be in addition to the required CE for license renewal. In addition to the eight hours, Mr. Keup must complete ethics training as part of the 25 hours required for license renewal.

Ms. Pruetz seconded the motion.

Roll Call Vote:

Ms. Coomes – Aye

Ms. Pomfert – Aye

Mr. Ortega - Aye

Mr. Beye – Aye

Ms. Pruetz – Aye

Chairman Beye called for a break at 12:07 pm

The Board reconvened at 12:12 pm

C. Investigative Interview

1. Ross Turchaninov Case #90-104

Mr. Conger summarized the case.

Ms. Pomfret made a motion to dismiss the case.

Ms. Pruetz seconded the motion.

5. Discussion and Consideration and Possible Action on Administrative Matters

A. Massage License Status Report

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

Active: 9232

Denied: 19

Pending: 180

Voluntarily Surrendered: 8

Revoked: 8

Closed – App withdrawn and failed to qualify: 191

Expired (non-renewal): 3954

Renewed Licenses: 6203

B. Report on alleged violations by unlicensed persons

None

C. Discussion and Consideration of Administrative Matters and Legislative Updates

1. Mr. Beye reported on the FSMTB

He was elected as an officer of the Board of Directors. The MBLEX is an accepted test for Arizona licensure. A law change will need to take place to make the MBLEX exam a part of the licensure process requirement.

2. Brookline College Advisory Board

Dr. Runbeck addressed the Board on the invitation to serve on the Advisory Board of Brookline College. Ms. Campbell addressed the Board concerning conflict issues. Dr. Runbeck will contact Brookline College and inform them of the Board's decision.

3. Board Meeting dates for 2010 were set.

February 22
April 26
June 28
August 23
October 25
November 22

The next scheduled meeting is February 22, 2010.

The meeting was adjourned at 12:35 pm

ADJOURNMENT