



Douglas A. Ducey
Governor

Arizona State Board of Massage Therapy

*"Protecting the Public,
Serving the Industry"*

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

On Monday, December 14, 2020
Held virtually online

Board Members

Victoria Bowman, LMT, Chairwoman
Mlee Clark, LMT, Vice-Chairwoman
Nicholas L. McLain
John Ortega
Kevin Ramsey, LMT

I. CALL TO ORDER

Chairwoman Bowman called the Board's meeting to order at 9:00 a.m.

II. ROLL CALL

The following Board members participated in the virtual meeting: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

ALSO PRESENT

The following Board staff participated in the virtual meeting: Executive Director Tom Augherton, Senior Investigator Andrew White, Licensing Administrator Tony Wilcox, Licensing Administrator Kathy Rich, Minutes Administrator Andrea Cisneros, and Assistant Attorney General (AAG) Seamus Monaghan.

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

There were no Conflicts of Interest declared by Board members at the start of the Board's meeting.

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

A. Massage Board Open Minutes from the November 23, 2020 monthly meeting.

MOTION: Vice-Chairwoman Clark moved for the Board to approve the Open Minutes from the November 23, 2020 monthly meeting.

SECOND: Mr. McClain

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

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

MOTION PASSED.

VI. REVIEW, CONSIDERATION, AND DISCUSSION WITH MR. PAUL AVELAR OF THE INSTITUTE OF JUSTICE REGARDING ENGLISH LANGUAGE COMPETENCY EXAMINATIONS, THE TOEFL AND TOEIC, INCLUDING BUT NOT LIMITED TO THEIR EFFECT ON THE PRACTICE OF MASSAGE THERAPY IN THE STATE OF ARIZONA

VII. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

A. Initial Case Review

(1) 21-120 Yang, Hua

Ms. Yang participated in the virtual meeting during the Board's consideration of this matter. Interpreter Winston Chou also participated in the virtual meeting.

MOTION: Chairwoman Bowmann moved for the Board to adopt the factual allegations based on the facts contained in the investigatory report, to adopt the potential violations of A.R.S. § 32-4253(2), (6), (7), (19) and (23) as the Board's Conclusions of Law, and to offer a Consent Agreement for voluntary surrender of licensure. If the consent is not signed within 30 days, the matter shall proceed to Formal Hearing for license revocation.

SECOND: Vice-Chairwoman Clark

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

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

MOTION PASSED.

B. Formal Hearing Review File(s)

(1) 20-140 Cartes, Samuel

Attorney Bernie Pistillo participated in the virtual meeting on behalf of the licensee during the Board's consideration of this matter.

MOTION: Vice-Chairwoman Clark moved for the Board to grant counsel's request for a 60-day continuance.

SECOND: Mr. McClain

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

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

MOTION PASSED.

C. Removal of waiver of Renewal fees and late fees.

MOTION: Vice-Chairwoman Clark moved for the Board to remove the waiver of renewal fees and late fees in accordance with compliance with the Governor's Executive Order 2020-17, effective December 31, 2020.

SECOND: Chairwoman Bowmann

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

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

MOTION PASSED.

D. Statutory requirement for continuing education hours.

MOTION: Mr. Ramsey moved for the Board to continue this matter to a future meeting and direct the Executive Director to research this topic further in collaboration with other stakeholders and regulatory agencies to better inform the Board on how to proceed.

SECOND: Vice-Chairwoman Clark

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

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

MOTION PASSED.

VIII. EXECUTIVE DIRECTOR REPORT

A. Arizona Licensure Survey update

IX. SUMMARY OF CURRENT EVENTS

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

The Board directed staff to agendize the following discussion topics for a future meeting:

- Presentations from stakeholders relating to the industry and regulation.
- The passing of Proposition 207 and impact on the industry.
- Licensure survey update.
- Discussion regarding information relating to Mr. Avelar's presentation.
- Update regarding the Governor's Regulatory Review Council ("GRRC").

XI. NEXT ARIZONA MASSAGE BOARD MEETING DATE

A. Monday, January 25, 2021 at 9:00 a.m.

Meeting to be digital, online.

XII. MOTION TO ADJOURN

MOTION: Vice-Chairwoman Clark moved for adjournment.

SECOND: Mr. McClain

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

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

MOTION PASSED.

The Board's meeting adjourned at 10:58 a.m.



Tom Augherton, Executive Director