



Douglas A. Ducey
Governor

Arizona State Board of Massage Therapy

*"Protecting the Public,
Serving the Industry"*

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 MEETING OF THE ARIZONA STATE BOARD OF MASSAGE THERAPY

Held on Monday, December 16, 2019

At: Office of the Arizona State Board of Massage Therapy
1740 W. Adams Street, Board Room #C, Phoenix, Arizona 85007

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 9:31 a.m.

II. ROLL CALL

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

Present among Board staff include: Executive Director Tom Augherton, Senior Investigator Andrew White, Licensing Administrator Tony Wilcox, Minutes Administrator Andrea Cisneros, and Assistant Attorney General (AAG) Sabrina Khan.

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. Discussion and approval of the Massage Board Open Minutes from the November 25, 2019 monthly meeting.

MOTION: Vice-Chairwoman Clark moved for the Board to approve the November 25, 2019 Massage Board Open Minutes.

SECOND: Mr. Ortega

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. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

A. Formal Hearing(s)

(1) Vacant

B. Formal Interview(s)

(1) 20-114 Huang, Yong Fang

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

MOTION: Vice-Chairwoman Clark moved for the Board to accept the proposed Consent Agreement for 30 days' suspension and two year probation to complete 16 CE hours, with the addition of a \$500 Civil Penalty to be paid within six months.

SECOND: Mr. Ramsey

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.

(2) 20-115 Li, Shu Ling

Ms. Li was present with an interpreter during the Board's consideration of this matter.

MOTION: Vice-Chairwoman Clark moved for the Board to accept the Findings of Fact as discussed, including the conviction and Respondent's failure to disclose pursuant to A.R.S. § 32-3208.

SECOND: Mr. Ortega

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.

MOTION: Vice-Chairwoman Clark moved for the Board to accept the Conclusions of Law as discussed, including the violations of A.R.S. § 32-4253(A)(4) and A.R.S. § 32-3208(A).

SECOND: Mr. Ortega

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.

MOTION: Vice-Chair Clark moved for the Board to issue an Order for 30 days' suspension of licensure and two year probation. Within six months, the Respondent shall complete no less than 16 hours of pre-approved CE live, in-person regarding ethics. The CE hours shall be in addition to the hours required for renewal. Respondent shall pay a Civil Penalty in the amount of \$500 within six months.

SECOND: Mr. Ortega

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.

(3) 20-116 Jones, Rodyon

Mr. Jones was present and complainant SE participated telephonically during the Board's consideration of this case.

MOTION: Mr. Ramsey moved for the Board to issue a Non-Disciplinary CE Order. Within six months, the Respondent shall complete a minimum of 16 hours of Board staff pre-approved live, in-person regarding business practices, ethics, and PTSD. The CE hours shall be in addition to the hours required for renewal.

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.

C. Removal from Probation

(1) 19-102 Thompson, Adam

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

MOTION: Vice-Chairwoman Clark moved for the Board to terminate the probation.

SECOND: Mr. Ortega

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. Investigation Review File(s)

(1) 20-125 Rogerson, Jack

Mr. Rogerson was present during 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 Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

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

MOTION PASSED.

E. Application Review

(1) Li, Jie

MOTION: Mr. McClain moved for the Board to deny the application.

SECOND: Mr. Ramsey

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.

MOTION: Mr. McClain moved to amend the prior motion to include that the denial of licensure was based on tampering or falsifying of a fingerprint clearance card.

SECOND: Mr. Ramsey

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.

(2) Liang, Shu Zhi

MOTION: Chairwoman Bowmann moved for the Board to grant licensure.

SECOND: Mr. Ramsey

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.

(3) Carrillo, Diana

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

MOTION: Vice-Chairwoman Clark 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. Ortega

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 entered into Executive Session at 11:58 a.m.

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

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

MOTION: Vice-Chairwoman Clark moved for the Board to grant the renewal with a Consent Agreement for probation to run concurrent with the criminal probation. Within three months, Ms. Carrillo shall complete no less than 6 hours of Board staff pre-approved CE in ethics. The CE hours shall be in addition to the hours required for renewal. Ms. Carrillo shall pay the remaining balance of \$85 to receive her renewal.

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.



MOTION: Vice-Chairwoman Clark moved for the Board to require Ms. Carrillo to appear before the Board prior to termination of the Probation. In the event that the criminal probation is terminated early, Ms. Carrillo may petition the Board for early termination of the Probation.

SECOND: Mr. Ortega

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.

VII. EXECUTIVE DIRECTOR'S REPORT

- A. Agency Operations
- B. Update on proposed rules pending before the Governor's Regulatory Review Council (GRRC)

VIII. DISCUSSION ON REINSTITUTING MASSAGE BOARD'S LICENSEE PHOTO IDENTIFICATION CARDS

IX. SUMMARY OF CURRENT EVENTS

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

XI. NEXT ARIZONA MASSAGE BOARD MEETING DATE

Friday, January 31, 2020 at 9:30 a.m.

At: The Arizona State Boards & Commission Building
1740 W. Adams, Phoenix, Arizona 85007, Hearing Room C

XII. MOTION TO ADJOURN

MOTION: Vice-Chairwoman Clark moved for adjournment.

SECOND: Mr. Ortega

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 1:00 p.m.

Tom Augherton, Executive Director