



Douglas A. Ducey
Governor

Arizona State Board of Massage Therapy

*"Protecting the Public,
Serving the Industry"*

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**DRAFT MINUTES FOR REGULAR SESSION MEETING OF
THE ARIZONA STATE BOARD OF MASSAGE THERAPY
Held on Monday, February 24, 2020
At: 1740 W. Adams Street, Board Room #C, Phoenix, Arizona 85007**

Board Members

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

GENERAL BUSINESS

I. CALL TO ORDER

Chairwoman Bowmann called the Board's meeting to order at 9:17 a.m.

II. ROLL CALL

The following Board members were present: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey. The following Board member was absent: Mr. McClain.

Present among Board staff include: Executive Director Tom Aughterton, Senior Investigator Andrew White, Licensing Administrator Tony Wilcox, Minutes Administrator Andrea Cisneros, and Assistant Attorney General (AAG) Sabrina Khan. AAG Michael Raine was present to provide the Board with independent legal advice on the hearing cases.

III. CALL TO THE PUBLIC

Massage Therapist Zane Kane addressed the Board during the Call to the Public regarding a previous investigation that resulted in a Board sanction published on the licensee's online profile.

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. BOARD MEETING MINUTES - REVIEW, DISCUSSION AND POSSIBLE ACTION

Upon a vote of the majority of a quorum of members, the Board may go into Executive Session to discuss or consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is confidential by state or federal law. A.R.S. § 38-431.03(A)(2).

- A. January 31, 2020 Regular Session Meeting
- B. February 6, 2020 Regular Session Meeting

MOTION: Mr. Ortega moved for the Board to approve the January 31, 2020 Regular Session Meeting, and the February 6, 2020 Regular Session Meeting.

SECOND: Vice-Chairwoman Clark

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

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

- C. Executive Session Minutes, December 16, 2019
- D. Executive Session Minutes, January 31, 2020
- E. Executive Session Minutes, February 6, 2020 at 4:25 p.m.
- F. Executive Session Minutes, February 6, 2020 at 4:37 p.m.

The Board tabled items C-F to the March 2020 meeting.

VI. BOARD ELECTION OF OFFICERS

- A. Nomination and Election of Board Chair

MOTION: Vice-Chairwoman Clark nominated Chairwoman Bowmann to continue as Board Chair.

SECOND: Mr. Ramsey

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey. The following Board member abstained: Chairwoman Bowmann. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.

MOTION PASSED.

- B. Nomination and Election of Board Vice-Chair

MOTION: Mr. Ramsey nominated Vice-Chairwoman Clark to continue as the Board Vice-Chair.

SECOND: Chairwoman Bowmann

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. Ortega, and Mr. Ramsey. The following Board member abstained: Vice-Chairwoman Clark. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.

MOTION PASSED.

VII. REVIEW, DISCUSSION, AND POSSIBLE ACTION OF THE BOARD'S 2019 FIVE-YEAR REGULATORY REVIEW OF ARIZONA ADMINISTRATIVE CODE (A.A.C.), TITLE 4, CHAPTER 15, ARTICLES 1-4 BEFORE THE GOVERNOR'S REGULATORY REVIEW COUNCIL (GRRC).

- A. Presentation and Discussion by the Arizona Massage Board Task Force 2019 Five-Year Rule Committee Chair, Mara Concordia, Regarding the Board's 2019 Five-Year Regulatory Review Submission to GRRC and Possible Amendments.
- B. Presentation and Discussion of the Arizona Massage Therapy Association's Position, by Legal Counsel Greg Harris and Steve Moortel, Regarding the Board's 2019 Five-Year Regulatory Review.
- C. Board Review, Discussion, and Possible Action Regarding Proposed Amendments to A.A.C., Title 4, Chapter 15, Articles 1-4.

MOTION: Chairwoman Bowmann moved for the Board to instruct its staff to formally respond to GRRC that the Board believes the 700 hours are imperative for good education

in the massage therapy profession, and that the Board believes that the ability to communicate in English is equally as important for the safety of the public.

SECOND: Vice-Chairwoman Clark

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

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

VIII. EXECUTIVE DIRECTOR'S REPORT – REVIEW AND DISCUSSION

Laura B. Embleton, National Government Relations Director, Associated Body Work & Massage Professionals; and, James Specker, National Government Relations Director, American Massage Therapy Association (AMTA), presented to the Board regarding current and proposed legislation impacting massage industry regulation.

IX. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

A. LICENSE DENIAL FORMAL HEARING(S) – REVIEW, DISCUSSION AND POSSIBLE ACTION PURSUANT TO A.R.S. § 32-4254

(1) 20-150; Jeffrey Denton

Mr. Denton was present during the Board's consideration of this matter. AAG Khan was present on behalf of the State. AAG Raine was present and available to the Board for independent legal advice. Investigator White was called on as a State's witness in this matter.

MOTION: Mr. Ramsey moved for the Board to deny the license application in case number 20-150 regarding Jeffrey Denton.

SECOND: Vice-Chairwoman Clark

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

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

(2) 20-151; Olga Gasca

Ms. Gasca was present during the Board's consideration of this matter. AAG Khan was present on behalf of the State. AAG Khan was present on behalf of the State. AAG Raine was present and available to the Board for independent legal advice. Investigator White was called on as a State's witness.

MOTION: Chairwoman Bowmann 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. Ortega, and Mr. Ramsey. The following Board member was absent: Mr. McClain.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 11:26 a.m.

The Board returned to Open Session at 11:39 a.m.
No legal action was taken by the Board during Executive Session.

MOTION: Mr. Ortega moved for the Board to offer a Consent Agreement for Probationary Licensure, effective until February 10, 2021. If the applicant does not sign the Consent Agreement within ten days, the license shall be denied based on A.R.S. §§ 32-4222(A)(7) and 32-4253(A)(4).

SECOND: Chairwoman Bowmann

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

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

(3) 20-152; Jie Li

Ms. Li participated telephonically during the Board's consideration of this matter. AAG Khan was present on behalf of the State. AAG Raine was present and available to the Board for independent legal advice. Investigator White was called on as a State's witness.

MOTION: Vice-Chairwoman Clark moved for the Board to deny the license based upon A.R.S. § 32-4222(A)(10).

SECOND: Mr. Ortega

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

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

B. REQUEST FOR PROBATION TERMINATION

(1) 19-163; Gabriel Houseal, Lic. #MT-19171.

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

MOTION: Vice-Chairwoman Clark moved for the Board to grant the request for Probation Termination.

SECOND: Mr. Ortega

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

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

C. INVESTIGATION REVIEW FILES – REVIEW, DISCUSSION AND POSSIBLE ACTION

(1) 20-138; Joseph Anthony Higgins, Lic. #MT-24304.

The Board tabled this matter for a future agenda, and instructed staff to further investigate the case to determine whether the licensee is currently incarcerated.

(2) 20-140; Samuel Ramon Cartes, Lic. #MT-18590.

Mr. Cartes was present during the Board's consideration of this matter. Complainant LB was also present.

MOTION: Vice-Chairwoman Clark moved for the Board to continue the investigative review file for Board staff to obtain further information including the additional soap notes from previous therapy sessions and the police report.

SECOND: Mr. Ramsey

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

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

(3) 21-141; Dulce Krisna Villaescusa, Lic. #MT-23625.

Ms. Villaescusa was present with Attorney Ramiro Flores during the Board's consideration of this matter.

MOTION: Chairwoman Bowmann moved for dismissal.

SECOND: Vice-Chairwoman Clark

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

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

(4) 20-143; Jack Gerald Rogerson, Lic. #MT-01531.

The Board considered this matter in conjunction with case number 20-125.

MOTION: Chairwoman Bowmann moved for the Board to consolidate cases 20-143 and 20-125, and to refer the matters to Formal Hearing.

SECOND: Mr. Ortega

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

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

D. REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING CONTINUING THE FORMAL INTERVIEW IN CASE NO. 20-125 AND POSSIBLE CONSOLIDATION WITH CASE NO. 20-143.

(1) Jack Rogerson Lic. #MT-01531

The Board considered this matter in conjunction with case number 20-143 and voted to consolidate the cases and refer to Formal Hearing.

E. APPLICATION REVIEW

(1) Yoha Wan Heo

MOTION: Vice-Chairwoman Clark moved for the Board to approve the license.

SECOND: Chairwoman Bowmann

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

**VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.**

(2) Xiaoyan Ma

MOTION: Chairwoman Bowmann moved for the Board to deny the license based on the applicant residing in a place for the purpose of prostitution and pleading guilty to the charge.

SECOND: Mr. Ortega

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

**VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.**

X. LICENSEE PHOTO IDENTIFICATION CARDS – REVIEW AND DISCUSSION

- A. Presentation by company representatives Ms. Denise Daly and Mr. Tim Orscheid of Colorid Solutions, on approved State Contract Vendor contract for Photo ID Licensing Cards, (*via teleconference call*).

XI. SUMMARY OF CURRENT EVENTS

By law, the Summary of Current Events is limited to summarizing recent occurrences pertaining to the field of Massage Therapy. The Board cannot propose, discuss, deliberate or take legal action on any matter under this Agenda Item unless it is properly noticed for legal action.

XII. ITEMS FOR FUTURE MASSAGE BOARD AGENDAS – DISCUSSION AND POSSIBLE ACTION

Chairwoman Bowmann requested the staff agendaize for a future meeting a discussion topic regarding the use of CBD as an acceptable oil for use on massage therapy clients.

XIII. NEXT ARIZONA MASSAGE BOARD MEETING DATE

Monday, March 30, 2020 at 9:30 a.m.

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

XIV. ADJOURNMENT

MOTION: Vice-Chairwoman Clark moved for adjournment.

SECOND: Mr. Ramsey

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

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board's meeting adjourned at 2:02 p.m.

A handwritten signature in dark ink, appearing to read "Tom A.", is positioned above a horizontal line. The signature is fluid and cursive.

Tom Aughterton, Executive Director