



State of Arizona
Janet Napolitano – Governor

Arizona State Board of Massage Therapy

“Protecting the Public’s Health”

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Judy Boyer, LMT; Ms. Lori Green, Public Member; Daniel Pozefsky, Public Member
Dennis Beye, LMT, Susan Pomfret, LMT, Craig Runbeck, NMD, Executive Director

Minute BOARD MEETING

April 24, 2006 10:00 a.m.
1400 West Washington St, B1
Phoenix, AZ 85007

1. Call to Order by Presiding Officer

Ms. Boyer, 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 Judy Boyer, Chair
 Daniel Pozefsky, Vice Chair
 Dennis Beye

- B. Acknowledgement of new board member appointed: Susan Pomfret

Board Member absent: Lori Green

- C. Acknowledgement of presence of Board staff and legal counsel.

Assistant Attorney General: Terrie Sanders
Assistant Attorney General: Christine Cassetta, Solicitor General Division

Board Staff: Dr. Craig Runbeck, Executive Director
 Robert Wilson, Deputy Director
 Dee Doyle, Licensing Administrator

2. Call to the Public

Ms. Boyer gave a call to the public at 10:05 am
No public was present to address the board.

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: March 27, 2006
B. Approval of Executive Session Minutes: March 27, 2006
C. Approval of Massage Therapy Application for March (120)

MOTION: Mr. Beye moved to approve the consent agenda A, B and C as listed, Mr. Pozefsky, seconded the motion.

VOTE: The motion passed 3 ayes, 1 abstain, 1 absent

4. Discussion, Consideration and Possible Action of Regulatory Matters

A. Formal Hearing for Chung Emberton Case Number 06-102 (time specific 10:00 am)

Ms. Emberton was not present.

Terrie Sanders Assistant Attorney General presented the States Case to the Board. Ms. Sanders addressed the board regarding documentation that was received on 1/20/06 that Chung Emberton pled guilty in Phoenix Municipal court to the charge of Prostitution and administering a massage with the intent to arouse. The conduct described is an act of unprofessional conduct as defined by 32-4253 A.4.

MOTION: Mr. Pozefsky moved to adopt the Finding of Facts as listed in 1, 2 and 3 of the complaint and notice of hearing. Mr. Beye seconded the motion.

VOTE: The motion passed 4 ayes, 0 no, 1 absent.

MOTION: Mr. Beye moved to adopt the Conclusion of Law as listed in 7 and 8 of the complaint and notice of hearing. Mr. Pozefsky seconded the motion

VOTE: The motion passed 4 ayes, 0 no, 1 absent.

MOTION: Mr. Pozefsky moved to REVOKE Ms. Chung Emberton's massage therapy license. Mr. Beye seconded the motion.

VOTE: The motion passed with a roll call vote, Susan Pomfret aye, Dennis Beye aye, Judy Boyer aye, Daniel Pozefsky aye, 1 absent

B. Recommended Order received from the Office of Administrative Hearing (time specific 10:00 am)

(1) Linda Le

Ms. Le was present and represented by her attorney German Salazar. The Board heard this case at 10:25 am. Ms. Sanders Assistant Attorney General for the state summarized this case for the Board. Ms. Sanders asked that the board adopt the Finding of Facts, Conclusion of Law and Recommended Order as given by the administrative law judge. Mr. Salazar addressed the Board on Ms. Le's behalf.

MOTION: Mr. Pozefsky moved to adopt the Finding of Facts as written by the Administrative Law Judge on Linda Le, Mr. Beye seconded the motion.

VOTE: The motion passed 4 ayes, 0 no, 1 absent.

MOTION: Mr. Beye moved to accept the Conclusion of Law as given by the Administrative Law Judge on Linda Le, Ms. Pomfret seconded the motion.

VOTE: The motion passed 4 ayes, 0 no, 1 absent.

DISCUSSION: Discussion was made as to the Board's options regarding discipline.

MOTION: Mr. Beye moved to accept the Administrative Law Judges recommended Order to REVOKE Linda Le's license for 2 years. Linda Le can re-apply after the 2 year time. Ms. Pomfret seconded the motion.

VOTE: The motion passed with a roll call vote, Susan Pomfret aye, Dennis Beye aye, Judy Boyer aye, Daniel Pozefsky nay, 1 absent

C. Review application for licensure for Darla Horne

Ms. Horne was present at the board meeting and represented by her attorney Garrett L. Smith.

MOTION: Ms. Boyer moved to go into Executive Session to obtain legal advice.

The Board convened Executive Session at 10:59 am.

The Board returned to Regular Session at 11:02 am.

The Board tabled this matter and asked for a substantive request for Ms. Horne to completely fill out her application and return it to the Board.

D. Review application for licensure for Katherine Bentley

Ms. Bentley was not present at the board meeting. Ms. Doyle summarized this matter for the board. Ms. Bentley is currently on probation until September 2006.

The Board TABLED Ms. Bentley application until she can provide the board with documentation that her probation has been completed by September 2006 or until the 360 day time-frame.

E. Review application for licensure for Margaret Davis

Ms. Davis was present to answer questions by the board regarding her application for licensure. Ms. Doyle summarized this matter for the board. Ms. Davis is currently on unsupervised probation until April 2008. The Board TABLED this matter to offer Ms. Davis a consent agreement as grounds for licensure. The board will review the consent agreement at the May board meeting.

F. Review application for licensure for Stacy Salazar (Changed to Penrod)

Ms. Penrod was present to answer questions from the Board.

Ms. Doyle summarized this matter for the board. Ms. Penrod is currently on probation until November 29, 2006. The Board TABLED this matter until Ms. Penrod can provide proof she has been released from probation or until the 360 day time frame.

The Board took a short recess at 11:25 am

The Board returned to regular session at 11:30 am.

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 licensee's	7,403	Closed expired/withdrawn	58	Revoked	1
Denied	17	Pending	237		
Voluntarily Surrendered	1	Total application received	7,717		

B. Federation of State Medical Boards

C. National Certification Board for Therapeutic Massage and Bodywork presentation to the Board.

John Page and Sally Hacking representative's from the National Certification Board for Therapeutic Massage and Bodywork and Patty Glenn was available via telephone to speak for The Federation of State Massage Therapy Boards. The Board asked questions from both boards regarding what they had to offer state agencies.

ADJOURNMENT

The meeting was adjourned at 12:45 pm.


Arizona Board of Massage Therapy

July 25, 2006
Date