



State of Arizona  
Janet Napolitano – Governor

## Arizona State Board of Massage Therapy

"Protecting the Public's Health"

1400 West Washington • Suite 230 • Phoenix, AZ 85007 • Telephone 602-542-8604 • FAX 602-542-3093  
Judy Boyer, LMT; Nancy Gath, Public Member; Daniel Pozefsky, Public Member  
Dennis Beye, LMT, Susan Pomfret, LMT, Craig Runbeck, NMD, Executive Director

### *Minute* BOARD MEETING

August 28, 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 10:02 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  
                                         Nancy Gath

- B. Board Member absent      Susan Pomfret

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

Assistant Attorney General:      Terrie Sanders

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: July 24, 2006 board meeting (was pulled from the consent agenda)  
B. Approval of Executive Session Minutes: July 24, 2006 board meeting  
C. Approval of Massage Therapy Application(s) August 102

**MOTION:** Mr. Pozefsky moved to approve B & C of the consent agenda, Mr. Beye seconded the motion.

**VOTE:** The Motion Passed 4-0-1

Approval of Minutes for July 24, were pulled from the consent agenda.

**MOTION:** Mr. Pozefsky moved to approve the July minutes with the amendments, Ms. Gath seconded the motion.

**VOTE:** The motion passed 4-0-1

#### **4. Discussion and Consideration and Possible Action on Administrative Matters**

##### **A. Board Review**

##### **1. Lobsang Dhargya Case 06-116**

Mr. Dhargya was present to answer questions from the board regarding this complaint.

Mr. Wilson summarized this case for the board. The complaint pertains to sexual misconduct and in appropriate touching of client, according to A.R.S. 32-4253 (A) (15) (16) and (2) (c) (d) (3).

**MOTION:** Mr. Pozefsky moved to send this complaint to the Office of Administration for a formal hearing, Mr. Beye seconded the motion.

**VOTE:** The motion passed 4-0-1

##### **2. Lordino Cayanán Case 06-129**

Mr. Cayanán was present to answer questions from the board regarding this complaint.

Mr. Wilson summarized this case for the board. The complaint pertains to practicing or offering to practice beyond the scope of the practice of massage therapy and failing to adhere to the recognized standards and ethics of the massage therapy profession according to A.R.S. 32-4253 (A)(13)(16) (B) (1)(2)(d).

**MOTION:** Mr. Beye moved to send this complaint to at Formal Interview, Mr. Pozefsky seconded the motion.

**VOTE:** The motion passed 4-0-1.

##### **3. Robert Mitchell Case 06-124**

Mr. Mitchell was present to answer questions from the board regarding this complaint.

Mr. Wilson summarized this case for the board. The complaint pertains to sexual activity with a client according to A.R.S. 32-4253 A (15) (16) (23) B (2) (a) (c).

**MOTION:** Mr. Beye moved to go into Executive Session to obtain legal advice, Mr. Pozefsky seconded the motion.

**VOTE:** The motion passed 4-0-1

The Board convened Executive session at 10:43 am

The Board returned to Regular session at 10:47 am

**MOTION:** Mr. Pozefsky moved to Table this case pending the disposition of Mr. Mitchell's criminal case trial, Mr. Beye seconded the motion.

**VOTE:** The motion passed 4-0-1

##### **4. Michael Rehak Case 06-130**

Mr. Rehak was not present to address the board.

Mr. Wilson summarized this case for the board. This complaint pertains to sexual activity with a client, according to A.R.S. 32-4253 A. (16) (23) B. (2) (a) (c). Mr. Rehak offered to surrender his license to the board; Mr. Wilson has not received it as yet.

**MOTION:** Mr. Pozefsky moved this case to a Formal Hearing, Ms. Gath seconded the motion.

**VOTE:** The motion passed 4-0-1

##### **5. Eric Braha Case 06-131**

Mr. Braha was present to address the board and represented by Mr. Brian Schulman, Attorney at Law. The complainant was also present to address the board regarding this complaint.

Mr. Wilson summarized this case for the board. This complaint pertains to failing to adhere to the recognized standards and ethics of the massage therapy profession. According to A.R.S. 32-4253.A (16) 2. (c)(B).

**MOTION:** Mr. Posefsky moved to send this case to the Office of Administrative Hearings for a Formal Hearing.

The motion failed for lack of a 2<sup>nd</sup>.

**MOTION:** Mr. Beye moved to send this case to a Formal Interview, Mr. Pozefsky seconded the motion.

**DISCUSSION:** The Board discussed how the procedure was done and what the options were, crossing the line vs. medical care.

**VOTE:** The motion passed 4-0-1.

**6. Michael Dugan –applicant**

Mr. Dugan was present to address and answer questions from the board.

Dr. Runbeck addressed the board on Mr. Dugan’s behalf. Discussion was made as to Mr. Dugan’s conviction and if it falls within the five year time frame.

**MOTION:** Mr. Beye moved to approve Mr. Dugan’s application for licensure, Mr. Pozefsky seconded the motion.

**VOTE:** The motion passed 4-0-1.

- B. Massage license status report
  - 1. Renewals sent out - 155
  - 2. Renewals received and processed 42

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

Active licensee’s	7,994	Closed expired/withdrawn	58	Revoked	3
Denied	17	Pending	207		
Voluntarily Surrendered	1	Total application received	8,299		

**5. Discussion, Consideration and Possible Action of Regulatory Matters**

- A. Discussion and Consideration for a budget request for 2 additional investigator positions.

Dr. Runbeck addressed the board regarding the growing concerns with advertisement from unlicensed massage therapist and the board’s duty regarding this matter.

The board instructed staff to seek funding for two additional investigators positions.

**MOTION:** Mr. Beye moved to seek funding to add two investigator positions, Mr. Pozefsky seconded the motion.

**VOTE:** The motion passed 4-0-1

Next scheduled Board meeting September 25, 2006

**ADJOURNMENT**

The meeting was adjourned at 11:59 am

*Craig Runbeck, M.D.*

Arizona Board of Massage Therapy

October 2, 2006

Date