



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  
Vacant Position, LMT; Nancy Gath, Public Member; Daniel Pozefsky, Public Member  
Dennis Beye, LMT, Susan Pomfret, LMT, Craig Runbeck, NMD, Executive Director

### *Minutes* BOARD MEETING

January 22, 2007 10:00 a.m.  
1400 West Washington St, B1  
Phoenix, AZ 85007

#### 1. Call to Order by Presiding Officer

Mr. Pozefsky, Vice Chair called the meeting to order at 10:05am.

- A. Roll call of Board members was done to establish a quorum to conduct the meeting.

Board Members present                      Daniel Pozefsky, Vice Chair  
Dennis Beye  
Susan Pomfret  
Nancy Gath

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

Assistant Attorney General:              Michelle Wood

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

#### 2. Call to the Public

Mr. Pozefsky, gave a call to the public at 10:07 am

Mr. Jim Birkholz was present to address the Board regarding waving his Continuing Education requirements because of his vast amount of education he has already obtained.

#### 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: November 23, 2006 board meeting

**MOTION:** Ms. Pomfret moved to approve the November minutes with the corrections, Mr. Beye seconded the motion.

**VOTE:** The Motion Passed 4 ayes, 0 no, and 1 vacant position

- B. Approval of Massage Therapy Application(s) December 154 and January 102

**MOTION:** Mr. Beye moved to approve the massage therapy applications on the consent agenda, Ms. Pomfret seconded the motion.

**VOTE:** The Motion Passed 4 ayes, 0 no, and 1 vacant position

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

##### A. Election of Officers –

Ms. Boyer resigned from the board.

**MOTION:** Ms. Pomfret nominated Daniel Pozefsky as Chair and Dennis Beye as Vice Chair, Ms. Gath seconded the motion.

**VOTE:** The Motion Passed 4 ayes, 0 no, and 1 vacant position

##### B. Massage license status report

Dr. Runbeck updated the Board on the licensing status.

##### C. Legislative Update

Dr. Runbeck updated the Board on legislation; he is trying to get a sponsor for the massage bill.

##### D. Online Renewal Update

Mr. Wilson updated the Board on the online renewal process.

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

##### A. Board Review

###### 1. Amin Abdul-Rahman – yes to question #20 and positive background check

Mr. Abdul-Rahman was present to answer questions by the Board regarding his application for licensure.

Mr. Wilson summarized this case for the board, Mr. Abdul-Rahman answered yes to question #20 on his application for licensure and his background check came back with a positive response. Mr. Abdul-Rahman has a class 3 felony within the past five years before the date of his application.

The Board gave Mr. Abdul-Rahman the option of withdrawing his application instead of having a denial on record. Mr. Abdul-Rahman requested that his application be withdrawn and asked if the application would be refunded and he was told no the fee's are non-refundable. Mr. Abdul-Rahman can reapply when his conviction is over five years which would be September 9, 2009.

###### 2. Eric Braha – Case 131 - Formal Interview

The Board addressed this formal interview with Mr. Braha at 10:35 am. Mr. Braha and represented by legal council Mr. Brian Schulman were present for the Formal Interview. Mr. Braha was sworn in by the court reporter. The complainant MS was also present to answer questions by the board.

Mr. Wilson summarized this case for the board, the allegation was inappropriate touch. Mr. Braha recognized the failure to communicate clearly to his client and has taken steps to include but not limited to adopting a release form and taking additional continuing education in "Ethics in Therapeutic Massage and Body Work".

**MOTION:** Mr. Beye moved to go into executive session to obtain legal advice, Ms. Pomfret seconded the motion.

**VOTE:** The motion passed 4 aye, 0 no and 1 vacant position.

The Board convened Executive Session at 10:45 am

The Board returned to Regular session at 10:50 am

MS was sworn in by the court reporter and advise about the Open Meeting Law, MS addressed the board regarding her complaint toward Mr. Braha.

Mr. Braha publicly apologized to MS for the miss communication in this situation and explained this particular technique.

The Board deliberated regarding this case.

**MOTION:** Mr. Beye moved to issue Mr. Braha an Advisory Letter and to complete an Ethics class, Ms. Pomfret seconded the motion.

**VOTE:** The motion passed 4 aye, 0 no and 1 vacant position.

3. Lobsang Dhargya – Case 116 – Formal Interview

The Board addressed this formal interview with Mr. Dhargya at 11:25 am. Mr. Dhargya was present for the Formal Interview. Mr. Dhargya was sworn in by the court reporter.

The complainant was not present to answer questions by the board.

Mr. Wilson summarized this case for the board, the allegation was inappropriate touch, and Mr. Dhargya states he did not inappropriately massage this client, he refused her business and personal offers, he stated she is a very confused woman.

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

**VOTE:** The motion passed 4 aye, 0 no and 1 vacant position.

The Board convened Executive Session at 12:05 pm

The Board returned to Regular session at 12:15 pm

The Board asked Mr. Dhargya questions to which he responded.

The Board deliberated this case.

**MOTION:** Mr. Beye moved to issue Mr. Dhargya an Advisory Letter and have him complete a class in “Ethics”, Ms. Pomfret seconded the motion.

**VOTE:** The motion passed 4 aye, 0 no and 1 vacant position.

4. Lordino Cayanan – Case 129 – Formal Interview

The Board addressed this formal interview with Mr. Cayanan at 12:20 pm. Mr. Cayanan was present for the Formal Interview. Mr. Cayanan was sworn in by the court reporter.

The complainant was unable to attend the meeting she is a firefighter and had other obligations.

Mr. Wilson summarized this case for the board, the allegation was that the licensee applied three forceful downward pushes on her spine similar to those she had received from a chiropractor; that Mr. Cayanan used stretching techniques that caused complainants breast to become uncovered.

The Board asked Mr. Cayanan questions to which he responded, he also has changed the way he does the stretch on his clients, he has them get dressed and then does the stretch on their neck if they want it.

**MOTION:** Mr. Beye moved to dismiss this case against Mr. Cayanan, Ms. Pomfret seconded the motion.

**VOTE:** The motion passed 4 aye, 0 no and 1 vacant position.

Ms. Pomfret left the meeting at 12:35 pm.

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

B Massage license status report

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

Active licensee's	8,581	Closed expired/withdrawn	207	Revoked	4
Denied	18	Pending	210		
Voluntarily Surrendered	3	Total application received	9,023		
Renewals received and processed	– 526	Renewals Expired	– 116		

C. Legislative Update

Dr. Runbeck updated the board regarding the legislation, as of today he has not been able to obtain someone to represent the Massage Board's bill. He will keep trying.

D. Online Renewal Update

Dr. Runbeck updated the board regarding the online renewal process and how he hopes it will streamline the workload for the staff. Mr. Wilson handed out a flow chart on the online renewal process.

**6. Discussion, Consideration and Possible Action on Correspondence**

- A. Correspondence received from Donna Feeley, Chair, National Certification Board for Therapeutic Massage and Bodywork (NCBTMB)
- B. Correspondence received from Kelli Demski, LMP regarding number of CE's.

The Board reviewed the correspondence received.

Dr. Runbeck informed the Board that the reduction on the CE's request from 25 to 24 is being considered.

The next scheduled meeting is March 26, 2007

The meeting was adjourned at 12:43 pm

ADJOURNMENT

*Craig Runbeck, NMO*

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Arizona Board of Massage Therapy

April 25, 2007

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Date