



State of Arizona
Janet Napolitano – Governor

Arizona State Board of Massage Therapy

"Protecting the Public's Health"

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De Mario Vaughn, LMT; Nancy Gath, Public Member; Daniel Pozefsky, Public Member
Dennis Beye, LMT, Susan Pomfret, LMT, Craig Runbeck, NMD, Executive Director

Minutes BOARD MEETING

January 28, 2008 10:00 a.m.
1400 West Washington St, B1
Phoenix, AZ 85007

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

Mr. Beye, Vice Chair called the meeting to order at 10:01am.

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

Board Members present: Susan Pomfret, LMT
Dennis Beye, Vice Chair, LMT
De Mario R. Vaughn, LMT

Board Members absent: Daniel Pozefsky, Chair and Public Member
Nancy Gath, Public Member

- 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
Leah Doyle, Licensing Administrator

2. **Call to the Public**

Mr. Beye, gave a call to the public at 10:02 am

Mr. Lee Wells Sr. was present to address the Board regarding his son, Lee Wells Jr., LMT

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 26, 2007 Board Meeting
B. Approval of Executive Session Minutes: November 26, 2007 Board Meeting
C. Approval of Massage Therapy Application(s) October and November – 290

MOTION: Ms. Pomfret moved to approve the consent agenda as listed above, Mr. Vaughn seconded the motion.

VOTE: The Motion Passed 3 ayes, 0 no

4. Discussion, Consideration and Possible Action of Regulatory Matters

A. Board Review – Licensing

1. Shu Huang – appeal for the denial of licensure

Ms. Shu Huang was present to answer any questions from the board.

Dr. Runbeck and Mr. Wilson summarized the licensing application and appeal for the denial of licensure for the Board. Ms. Huang's application for licensure was denied at the November 26, 2007 board meeting on lack of proof of her case being overturned.

Mr. Beye, Ms. Pomfret and Mr. Vaughn agreed that Ms. Huang had sent in the correct court documents with her appeal letter on January 2, 2008.

Legal advice was given to the Board by Michelle Wood.

Motion: Ms. Pomfret moved to reconsider the denial of her licensing application and grant her a massage license. Mr. Vaughn seconded the motion.

Vote: The motion passed 3 yes, 0 no

2. Eric Morgan – Initial Application Review

Mr. Morgan was not present to address the board.

Mr. Wilson summarized the licensing application and background history of Mr. Morgan.

The Board discussed Mr. Morgan's background. Michelle Wood advised the Board of their legal options.

Mr. Morgan arrived at the board meeting at 10:15am to answer questions from the Board. He explained his criminal background to the Board.

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

VOTE: The motion passed 3 ayes, 0 no

The Board convened Executive Session to obtain legal advice at 10:28 am

The Board returned to Regular Session at 10:37 am

The Board discussed granting Mr. Morgan a license with stipulations.

Motion: Ms. Pomfret moved to grant Mr. Morgan a license subject to terms and conditions. Mr. Morgan is executing a Consent Agreement that includes these terms. Mr. Vaughn seconded the motion.

Vote: The motion passed 3 yes, 0 no

The Board recessed at 10:40 am

The Board returned to regular session at 10:46 am

B. Board Review – Investigations

1. Lee Wells Jr. – Initial Review (case #07-100)

Mr. Wilson summarized the licensing application and background history of Mr. Wells Jr.

Mr. Lee Wells Sr. was present to make his call to the public. Mr. Wells Sr. wrote a letter in regards to his son, Lee Wells Jr., concerning his son's background which he read aloud for the Board.

Michelle Wood gave the Board legal advice. The Board discussed moving this matter to a formal hearing.

Motion: Ms. Pomfret moved for a formal hearing regarding Mr. Wells Jr.'s license. Mr. Vaughn seconded the motion.

Vote: The motion passed 3 yes, 0 no

2. Kino Cohen – Initial Review (case #07-101)

Mr. Wilson summarized for the Board an investigation concerning Mr. Cohen. The Board lacks jurisdiction over this case since Mr. Cohen's license is expired.

Motion: Ms. Pomfret moved to dismiss the case on lack of jurisdiction. Mr. Vaughn seconded the motion.

Vote: The motion passed 3 yes, 0 no

5. Discussion and Consideration and Possible Action on Administrative Matters

A. Election of Officers

Dr. Runbeck advised the Board of past elections.

Mr. Beye indicated his willingness to serve as the new Chair.

Ms. Pomfret indicated her willingness to serve as the new Vice Chair.

Motion: Ms. Pomfret moved for Mr. Beye to become Chair, and herself to become Vice Chair. Mr. Vaughn seconded the motion.

Vote: The motion passed 3 yes, 0 no

B. Massage license status report

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

Active licensee's	8,745	Active – Restricted	1	Closed withdrawn	98
Revoked	4	Denied	20	Pending	240
Suspended	2	Voluntarily Surrendered	3	Closed – Expired	1,687

Total application received 10,800

Renewed 06/01/06-01/17/08 4,067 Non-Renewed 06/01/06-01/17/08 1,656

C. Cease and Desist

The Board was given an updated list of people who have been sent a Cease and Desist letter.

Mr. Wilson explained to the Board the purpose of a Cease and Desist letter.

D. Accept / Not Accept certain continuing education classes from SWIHA

Earl Dusky a rep from Southwest Institute of Healing Arts was present to answer questions from the Board.

Ms. Pomfret provided a list of continuing education classes from SWIHA.

Mr. Dusky explained for the Board the different subjects that are taught for continuing education at SWIHA.

The Board discussed the several different therapy classes offered by SWIHA. Michelle Wood gave legal advice to the Board on this matter. The Board agreed that the current policy of allowing approved schools to determine what should be taught as CE was the correct one. No change in policy was adopted.

E. Dr. Runbeck summarized for the Board on legislation impacting the Board. The Board discussed the idea of consolidating several different Boards.

Motion: Mr. Vaughn moved to oppose the consolidation of Boards. Ms. Pomfret seconded the motion.

Vote: The motion passed 3 yes, 0 no

The Board recessed at 11:50 am

The Board returned to regular session at 11:56 am

6. Discussion, Consideration and Possible Action on Correspondence

A. Correspondence received from Michele Shaw – “Re: Unlicensed therapists – Tucson, AZ”

Mr. Wilson gave a brief summary on the email he had received from Ms. Shaw, who is part of Police Intelligence in Tucson, AZ. The Board discussed legal options they might in order to settle this matter.

Dennis Beye recused himself from board agenda items referring to unlicensed therapists – Tucson, AZ. The Board did not have a quorum to proceed with this agenda item. Because of the recusal the Board lacked a quorum for this matter.

B. Correspondence received from NCBTMB News – “Re: NCBTMB Adopts Distance Education Component

This correspondence was only to inform the Board of what took place with the NCBTMB. No discussion was made on the matter.

The next scheduled meeting is March 24, 2008

The meeting was adjourned at 12:04 pm

ADJOURNMENT



Arizona Board of Massage Therapy

March 24, 2008

Date