



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 • Voice Telephone 602-542-8242 • FAX 602-542-3093  
 TTY for Americans with Disability 800-367-8939 • Disability Voice Relay 800-842-4681  
 Vacant Position, LMT; Judy Boyer, LMT; Ms. Lori Green, Public Member; Daniel Pozefsky, Public Member  
 Dennis Beye, LMT, Craig Runbeck, NMD, Executive Director

### *Minutes*

### BOARD MEETING

March 27, 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  
    Lori Green, Secretary  
    Dennis Beye, Treasurer

Board Member absent:      Daniel Pozefsky, Vice Chair

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

Assistant Attorney General:      Terrie Sanders  
 Assistant Attorney General:      Victoria Mangiapane, Solicitor General

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 10:02 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: February 27, 2006  
 B. Approval of Teleconference Minutes: March 1, 2006  
 B. Approval of Massage Therapy Application for March (105)

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

**VOTE:** The motion passed unanimously 3-0

#### 4. **Discussion, Consideration and Possible Action of Regulatory Matters**

- A. Discussion and Consideration of Recommended Order received from the Office of Administrative Hearing (**time specific: 10:00 a.m.**)  
 (1) Jean Saint Louis

The Board heard this case at 10:10 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 and Conclusion of Law, but modify the Order as follows. "Mr. Jean Saint Louis license be suspended for a period of nine (9) months, after expiration of the suspension period, his license be placed on probation for a period of two years; that Mr. Saint Louis shall submit \$50.00 to the Board as restitution payment for Ms. Kang within 14 days of the effective date of the Order entered in this matter; and that Mr. Saint Louis shall take an ethics continuing education class for massage therapists within six months from the effective date of the Order. The class selected by Mr. Saint Louis shall be pre-approved by the Board and he shall be responsible for all costs associated with the class."

Ms. Sonia Kang the complainant was present to address the Board.

Mr. Jean Saint Louis was present he was not represented by his attorney Shab Amiri, Esq.; he addressed the Board on his own behalf.

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

The Board convened Executive Session at 10:25 am.  
The Board returned to Regular Session at 10:38 am.

Discussion was made by the Board regarding the recommended time for suspension.

**MOTION:** Ms. Green moved to accept the Finding of Facts as written by the Administrative Law Judge on Mr. Saint Louis. Mr. Beye seconded the motion

**VOTE:** The motion passed 3-0-1 one absent

**MOTION:** Mr. Beye moved to accept the Conclusion of Law as given by the Administrative Law Judge. Ms. Green seconded the motion.

**VOTE:** The motion passed 3-0-1 one absent

**MOTION:** Ms. Green moved to modify the Administrative Law Judges Order as follows, to suspend Mr. Saint Louis license for a period of nine (9) months expiration of the suspension period his license be placed on probation for a period of two years; that Mr. Saint Louis shall submit \$50.00 to the Board as restitution payments for Ms. Kang within 14 days of the effective date of the Order entered in this matter; and that Mr. Saint Louis shall take an ethics continuing education class for massage therapists within six months from the effective date of the Order. The class selected by Mr. Saint Louis shall be pre-approved by the Board and he shall be responsible for all costs associated with the class. Ms. Boyer seconded the motion.

**VOTE:** The roll call vote with Ms. Green, yes, Ms. Boyer yes and Mr. Beye no and Mr. Pozefsky absent. The motion passed 2-1-1 one absent

The Board to a short recess at 10:55 am  
The Board returned to regular session at 11:00 am.

**B. Darla Horne, Board Review**

Ms. Horn was not present at this board meeting her attorney asked for a continuance till the April board meeting. This matter was TABLED until the April board meeting.

**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	7,283	Suspended	1	Closed expired/withdrawn	50
Revoked	1	Denied	17	Pending	207

Voluntarily Surrendered 1 Total application received 7,559

- B. Federation of State Medical Boards presentation to the Board
- C. National Certification Board for Therapeutic Massage and Bodywork presentation to the Board.

Dr. Runbeck informed the Board that a representative from the National Certification Board for Therapeutic Massage and Bodywork and The Federation of State Massage Therapy Boards will be present via phone or in person at the April 24, 2006 board meeting.

- D. Discussion regarding investigation procedure/Cease and Desist/working without the required state license.

Dr. Runbeck addressed the board regarding persons practicing massage therapy without a license. Consistent with ARS 32-4255, if the staff receives a complaint about an unlicensed person, we will send a cease and desist order. When the Board staff can establish a violation of the law we will issue a complaint and notice of hearing. The Board will then hold a hearing to determine if a violation has occurred. The Board could issue a fine, and/or refer the case to law enforcement for prosecution.

#### ADJOURNMENT

The meeting was adjourned at 11:30 am.

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Arizona Board of Massage Therapy

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Date