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Governor



# Arizona State Board of Massage Therapy

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## Open Session Minutes Meeting of the Arizona State Board of Massage Therapy

Monday, August 29, 2022  
Held via videoconferencing

### Board Members

Angela M. Reiter, LMT, BC – Chair  
Myriah Mhoon – Vice-Chair  
Bailey S. DeRoest  
Michael K. Tapscott, LMT  
Vacant, Public Member

### **I. CALL TO ORDER**

Chairwoman Reiter called the Board's meeting to order at 9:00 a.m.

### **II. ROLL CALL**

The following Board members participated in the virtual meeting: Chairwoman Reiter, Vice-Chair Mhoon, Ms. DeRoest and Mr. Tapscott.

### **ALSO PRESENT**

The following Board staff and Assistant Attorney(s) General participated in the virtual meeting: Executive Director Tom Aughterton, Investigator David Elson, Licensing Specialist Paul Schuldt and Licensing Administrator Tony Wilcox. Assistant Attorney General ("AAG") Seamus Monaghan participated in the virtual meeting. AAG Elizabeth Campbell also participated in the virtual meeting to provide the Board with independent legal advice on the hearing matter(s) as stated herein.

### **III. CALL TO THE PUBLIC**

Garnet Adair addressed the Board during the Call to the Public and requested the Board place on a future agenda a presentation on safety measures for massage therapists relating to the monkey pox virus.

### **IV. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503**

Chairwoman Reiter was recused from Agenda Item No. VIII.D.

**V. REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES – Chair**

- A. Discussion and approval of the Massage Board Open Minutes from June 27, 2022 and July 25, 2022.

This item was tabled to the Board’s next meeting.

**VI. CHAIR’S REPORT**

- A. Presentation by Ms. Christine Hooper, Program Manager, Legislative & Regulatory Affairs, American Massage Therapy Association
- B. Board review, discussion and possible action on current Board policy permitting 3 hours of Continuing Education (“CE”) once during each biennial licensing period for meeting attendance.

**MOTION: Chairwoman Reiter moved for the Board return to its policy permitting 3 hours of CE once during each renewal period for Board meeting attendance, effective January 1, 2023.**

**SECOND: Mr. Tapscott**

**VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.**

**VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

- C. Board review, discussion and possible action on increase of Federal & State rejection of submitted licensing fingerprints; applicant notifications, requirement for additional \$22.00 processing fee(s); recommendation of digitized fingerprints.

**MOTION: Chairwoman Reiter moved for the Board to assess applicants in the event additional processing fees are required for resubmission of fingerprints, effective immediately.**

**SECOND: Ms. DeRoest**

**VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.**

**VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

**VII. BOARD INVESTIGATOR REPORT – Chair**

Board review, discussion and possible action on the monthly report by State Investigator David Elson, detailing the current status of submitted administrative case investigations.

**VIII. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

- A. **Formal Hearing(s) and/or Review and Possible Acceptance, Modification or Rejection of Proposed Consent Agreement**

(1) 22-148 Mi Kyong Cramer

AAG Monaghan participated in this matter on behalf of the State. AAG Campbell participated in this matter to provide the Board with independent legal advice.

**MOTION: Chairwoman Retier moved for the Board to vacate the hearing and remand this matter back to investigations to contemplate the Police Report and the further violations against the licensee as more evidence has been presented.**

**SECOND: Mr. Tapscott**

**VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.**

**VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

**B. Formal Interview(s)**

None.

**C. Investigative Review(s) – Including possible acceptance of proposed Consent Agreements.**

(1) 22-199 Salvador Salas MT-21414

Respondent participated in the virtual meeting during the Board's consideration of this matter.

**MOTION: Chairwoman Reiter moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).**

**SECOND: Ms. DeRoest**

**VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.**

**VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

The Board entered into Executive Session at 10:03 a.m.

The Board returned to Open Session at 10:30 a.m.

No legal action was taken by the Board during Executive Session.

**MOTION: Mr. Tapscott moved for the Board to dismiss this matter without prejudice.**

**SECOND: Chairwoman Reiter**

**VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.**

**VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

(2) 22-214 Xiaoyan Zhang MT-11864

**MOTION: Chairwoman Reiter moved for the Board to accept the proposed Consent Agreement for Voluntary Surrender of Licensure.**

**SECOND: Ms. DeRoest**

**VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Ms. DeRoest and Mr. Tapscott. The following Board member was absent: Vice-Chairwoman Mhoon.**

**VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

D. License Application(s) Requiring Board Review

(1) 22-188 Lan Hou

The Board took no action on this item and directed staff to further review the application to ensure its completion.

(2) 22-238 Taya Lloyd

The Respondent participated in the virtual meeting during the Board's consideration of this matter.

**MOTION: Ms. DeRoest moved for the Board to issue a Letter of Cease and Desist to the Respondent for practicing without a license.**

**SECOND: Vice-Chairwoman Mhoon**

**VOTE: The following Board members voted in favor of the motion: Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott. The following Board member recused: Chairwoman Reiter.**

**VOTE: 3-yay, 0-nay, 0-abstain, 1-recuse, 0-absent.**

**MOTION PASSED.**

**IX. REVIEW, DISCUSSION AND POSSIBLE ACTION ON RESPONDENT'S PETITION FOR EARLY TERMINATION OF PROBATION**

(1) 21-128 Danny Shan MT-26073

**MOTION: Mr. Tapscott moved for the Board to deny Respondent's petition for early termination of Probation and direct staff to initiate an investigation against the licensee for violation of a Board Order for his failure to timely comply with the terms of his Probation.**

**SECOND: Chairwoman Reiter**

**VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.**

**VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

**X. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MESSAGE BOARD AGENDAS**

- Board's interpretation of the requirements for reciprocity and universal licensing applications.
- Granting the Executive Director the authority to close cases.
- Inclusion of budgeting information in the Executive Director's report that may be beneficial for license holders.
- Implementing the requirement to submit identification cards or driver's licenses with renewal applications.
- Review by the Attorney General's Office regarding the implementation of House Bill 2438.

The next Board meeting date:

Monday, September 26, 2022 at 9:00 a.m.; to be held via videoconference.

**XI. ADJOURNMENT**

The Board's meeting adjourned at 11:13 a.m.