



Arizona State Board of
 Massage Therapy
“Protecting the Public’s Health”

1740 West Adams, Suite 3401
 Phoenix, Arizona 85007
 P: (602)542-8604
 E: info@massageboard.az.gov
 W: <https://massagetherapy.az.gov>

Douglas A. Ducey,
 Governor

OPEN SESSION MINUTES

July 29, 2019

Members of the Arizona State Board of Massage Therapy (“Board”) held a meeting at 9:42 a.m. on Monday, July 29, 2019 at the Board’s office in Boardroom C, 1740 West Adams Street, Phoenix, Arizona 85007. No executive session was held.

BOARD MEMBERS:

Earl Duskey, LMT Board Chairperson and Therapist Member
 Victoria Bowmann, LMT..... Board Vice-Chairperson and Therapist Member
 Mlee Clark, LMT Therapist Member
 John Ortega Public Member
 Vacant Public Member

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT:

Tom Aughterton..... Executive Director
 Michael Raine, Esq. Assistant Attorney General
 Mary DeLaat-Williams, Esq. Assistant Attorney General, Independent Legal Advisor
 Andrew White Senior Board Investigator
 Tony Wilcox Licensing & Operations Specialist
 April Romero Licensing & Program Specialist
 Kathy Rich Licensing Specialist

GUEST(S) PRESENT AND/OR PARTICIPATING:

Garnet Adair, LMT American Massage Therapy Association, Arizona Chapter
 Adam Heisler, LMT Respondent – Case 17-119
 Kevin LaMountain Staff Member, Board for Private Postsecondary Education
 Susan Johnston, LMT Respondent – Case 19-149
 Complainant Case 19-153
 Suzanne Woodward, LMT Respondent – Case 19-175
 Flynn Carey, Esq..... Respondent’s Attorney – Case 19-175
 Michael Farino, LMT Respondent – Case 19-177
 Sabra Barnett, Esq..... Respondent’s Attorney – Case 19-177
 Jared Slattery, LMT Respondent – Case 19-178
 Anthony Mills Applicant & Continuing Education Recipient
 Sarah Van Hoey Applicant
 Elizabeth Christianson, LMT Continuing Education Recipient

The Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in alternative format upon request.

Kathleen Rose, LMT.....	Continuing Education Recipient
Brad B.	Guest
Ellen Sohos	Guest
Dona Jones	Guest
Ramon Franco.....	Guest
Heather Lovasz, LMT.....	Continuing Education Recipient
Michelle Cordaro, LMT.....	Continuing Education Recipient
Claire Hofstetter, LMT	Continuing Education Recipient

OPEN SESSION

The meeting was called to order at 9:42 a.m. by Earl Duskey. The following order of business was then considered:

ROLL CALL

Roll call of the Board members was taken and a quorum was established.

CALL TO THE PUBLIC

No one from the public wished to address the Board.

DECLARATION OF CONFLICTS OF INTEREST

No new conflicts were declared.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Massage Board Open Session Minutes from the June 24, 2019 meeting.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to approve the Open Session Minutes from the June 24, 2019 board meeting.

BOARD PRESENTATION ON ARIZONA TRADE SCHOOL CLOSURES, STUDENT TUITION PRTECTION; BY MR. KEVIN LA MOUNTAIN, PRIVATE POST SECONDARY EDUCATION BOARD STAFF

Kevin La Mountain was not present. Earl Duskey tabled the matter until Mr. La Mountain’s arrival.

CONSENT CALENDAR

John Ortega requested the following item be pulled from the consent calendar and be voted on separately:

- A. Recommendation by staff to grant Arizona massage license for the following temporary license holder:
 - 1. Mr. Steven Van Shubert, Temporary License issued by Staff on 6.27.2019.
Request for permanent Arizona license from Board as a Canadian citizen.

A motion was made by Earl Duskey, seconded by Victoria Bowmann and passed unanimously to approve the following consent calendar items:

- B. Recommendation by staff for the filing of injunction in Superior Court against the following cases detailing unlawful use/unlawful practice of massage license:

1. Case #19-168, Castro, Sergio
2. Case #19-160, Kristen Dangerfield

C. Recommendation by staff to adopt the following policy:

1. "Payment of Annual Leave for Non-separating Employees"

After discussion, a motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to approve the following consent calendar item:

- A. Recommendation by staff to grant Arizona massage license for the following temporary license holder:
1. Mr. Steven Van Shubert, Temporary License issued by Staff on 6.27.2019.
Request for permanent Arizona license from Board as a Canadian citizen.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Request to Remove from Probationary Status

Case #17-119; Heisler, Adam

Andrew White provided a summary of Mr. Heisler's probation fulfillment. Mr. Heisler addressed the Board regarding what he has learned from his probation.

A motion was made by Mlee Clark, seconded by Victoria Bowmann and passed unanimously to terminate probation of the massage therapy license.

BOARD PRESENTATION ON ARIZONA TRADE SCHOOL CLOSURES, STUDENT TUITION PRTECTION; BY MR. KEVIN LA MOUNTAIN, PRIVATE POST SECONDARY EDUCATION BOARD STAFF

Kevin LaMountain gave a presentation to the Board on the closure of private postsecondary schools, with a special emphasis on Cortiva Institute.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Formal Hearing(s)

Case #19-149; Johnston, Susan

Susan Johnston was present. Michael Raine was present and appeared on behalf of the State. Mary DeLaat-Williams was present to provide independent legal advice to the Board.

The State filed a motion to vacate the decision to hold a formal hearing and move to a formal interview and continue the matter to the August board meeting.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to vacate the decision to hold a formal hearing and move to a formal interview and continue the matter to the August board meeting.

Case #19-153; Jean-Pierre, Grayson

Grayson Jean-Pierre was not present. Michael Raine was present and appeared on behalf of the State. Mary DeLaat-Williams was present to provide independent legal advice to the Board.

The State presented its case in chief, including witness testimony from the complainant. The State submitted 2 exhibits, which were accepted by the Board.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adopt the Factual Allegations as the Findings of Fact.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adopt the Alleged Violations as the Conclusions of Law.

A motion was made by Victoria Bowmann and seconded by John Ortega to revoke the respondent's massage therapy license. The motion passed 4 – 0 by the following roll call vote:

Mlee Clark – Aye

Victoria Bowmann – Aye

John Ortega – Aye

Earl Duskey – Aye

Investigation Review File(s)

Case #19-175; Woodward, Suzanne

Suzanne Woodward was present with attorney Flynn Carey. Andrew White summarized the investigative report, which included allegations of unprofessionalism and sexual assault. Mr. Carey addressed the Board to request dismissal of the case on the grounds of jurisdiction. Mr. Carey and Ms. Woodward answered further questions from the Board.

After discussion, a motion was made by Earl Duskey, seconded by Victoria Bowmann and passed 3 – 1 to issue an advisory letter regarding the intertwining of advertisements that could potentially mislead the public.

John Ortega voted against the motion.

The Board took a break from 11:27 a.m. – 11:32 a.m.

Case #19-177; Farino, Michael

Michael Farino was present with attorney Sabra Barnett. Andrew White summarized the investigative report, which included allegations of sexual assault. Ms. Barnett addressed the Board to request dismissal of the case.

A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to move the matter to a formal interview.

Case #19-178; Slattery, Jared

Jared Slattery was present. Andrew White summarized the investigative report, which included allegations of unprofessionalism and sexual conduct. Mr. Slattery addressed the Board regarding the incident. Andrew White updated the Board on the additional continuing education Mr. Slattery has taken as a result of the incident.

After discussion, a motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to issue a Non-Disciplinary Order for Continuing Education to include 8 hours of live continuing education in the areas of ethics and business practices, in addition to the statutorily required continuing education hours, to be completed within 4 months of the effective date of the order.

Application Review

Joseph, Aaryn

Aaryn Joseph was not present to answer any questions regarding her massage therapy license application or her background. Andrew White provided a summary of the applicant's application and background.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to grant the applicant a massage therapy license.

Mills, Anthony

Anthony Mills was present to answer any questions regarding his massage therapy license application or his background. Andrew White provided a summary of the applicant's application and background.

A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to grant the applicant a massage therapy license.

Van Hoey, Sarah

Sarah Van Hoey was present to answer any questions regarding her massage therapy license application or her background. Andrew White provided a summary of the applicant's request for a fee waiver as a second time applicant.

After discussion, a motion was made by Earl Duskey, seconded by Mlee Clark and passed unanimously to deny the applicant's request for a fee waiver.

SELECTION OF A BOARD MEMBER DELEGATE FOR THE FSMTB 2019 ANNUAL MEETING. DISCUSSION AND APPROVAL OF BOARD REPRESENTATIVE. DIRECTION TO STAFF.

A motion was made by Victoria Bowmann, seconded by Earl Duskey and passed unanimously to nominate Mlee Clark as the Board's representative at the FSMTB's 2019 Annual Meeting.

ASSISTANT ATTORNEY GENERAL'S REPORT ON THE LEGAL COMPLIANCE ANALYSIS OF LEGISLATIVE-ENACTED HB 2569

Micheal Raine reviewed the Attorney General's memo on the analysis of HB2569 and suggested for the Board's consideration the possible adoption of a substantive policy statement for residency requirements.

EXECUTIVE DIRECTOR'S REPORT

The Board reviewed the budget and agency operations with Tom Aughterton.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTRUE MEETING AGENDAS

Invitation of a keynote speaker from the Acupuncture Board of Examiners on their program developed to treat opioid addiction.

Discussion of the development of a massage therapy program to treat opioid addiction with the use of CBD oil.

SUMMARY OF CURRENT EVENTS

None were discussed.

NEXT BOARD MEETING DATE

Monday, August 26, 2019 beginning at 9:30 a.m.

ADJOURNMENT

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adjourn at 12:33 p.m.