



Douglas A. Ducey
Governor

Arizona State Board of Massage Therapy

*"Protecting the Public,
Serving the Industry"*

Tom Augherton
Executive Director
1740 W. Adams, Suite 3401
Phoenix, Arizona 85007
E: info@massageboard.az.gov
W: www.massageboard.az.gov

OPEN SESSION MINUTES FOR MEETING OF THE ARIZONA STATE BOARD OF MASSAGE THERAPY

On Monday, September 21, 2020
Held virtually online

Board Members

Victoria Bowman, LMT, Chairwoman
Mlee Clark, LMT, Vice-Chairwoman
Nicholas L. McLain
John Ortega
Kevin Ramsey, LMT

I. CALL TO ORDER

Chairwoman Bowman called the Board's meeting to order at 10:15 a.m.

II. ROLL CALL

The following Board members were present: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

ALSO PRESENT

The following Board staff participated in the virtual meeting: Executive Director Tom Augherton, Senior Investigator Andrew White, Licensing Administrator Tony Wilcox, Licensing Administrator Kathy Rich, Minutes Administrator Andrea Cisneros, and Assistant Attorney General (AAG) Seamus Monaghan.

III. CALL TO THE PUBLIC

No individuals addressed the Board during the Call to the Public.

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

There were no conflicts of interest declared by Board members.

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

- A. Massage Board Open Minutes from the July 27, 2020 monthly meeting.

MOTION: Vice-Chairwoman Clark moved for the Board to approve the Open Minutes from the Board's July 27, 2020 monthly meeting.

SECOND: Mr. Ramsey

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, and Mr. Ramsey. The following Board member was absent: Mr. Ortega.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

VI. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

- A. Briefing by Arizona Department of Health Services official on status of cannabis products available in Arizona to the consuming public.

Colby Bower, Assistant Director, Public Health Licensing, Policy & Intergovernmental Affairs, participated in the virtual meeting during the Board's consideration of this item.

- B. Board ratification of current COVID-19 virus regulatory waiver of state license renewal fees, late fees and the statutory requirement for 24 hours of CE credits to qualify for two-year state license renewal.

MOTION: Chairwoman Bowmann moved for the Board to ratify the current COVID-19 virus regulatory waiver of state license renewal fees, late fees and the statutory requirement for 24 hours of CE credits to qualify for two-year state license renewal. The Board shall reassess this matter at its December 2020 meeting and establish a stair-step approach to reinstating requirements to complete CEs.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, and Mr. Ramsey. The following Board member was absent: Mr. Ortega.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

- C. Nomination and selection of Arizona's official delegate to represent the State Massage Board and industry before the FSMTB Annual Meeting in October.

MOTION: Chairwoman Bowmann moved to nominate Mr. Ramsey as Arizona's official delegate to represent the Board and industry before the FSMTB Annual Meeting in October.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, and Mr. Ramsey. The following Board member was absent: Mr. Ortega.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

- D. Review, discussion and possible action regarding rescinding complaint numbers 20-125 and 20-143 and remanding back for further investigation.

MOTION: Chairwoman Bowmann moved for the Board to rescind the referral to Formal Hearing and to remand cases 10-125 and 20-143 back for further investigation.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, and Mr. Ramsey. The following Board member was absent: Mr. Ortega.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

- E. Formal Hearing(s)

Vacant

- F. Formal Interview(s)

(1) 20-140 Cartes, Samuel

Mr. Cartes did not participate in the virtual meeting during the Board's consideration of this matter. Complainant LB participated in the virtual meeting.

MOTION: Chairwoman Bowmann moved for the Board to adopt the Findings of Facts as presented in the Investigative Report and today's testimony.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Chairwoman Bowmann moved for the Board to adopt the potential violations of law as the Board's Conclusions of Law including A.R.S. § 32-4253(A)(8), (10), (13), (14), and (16).

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Chairwoman Bowmann moved for the Board to offer the licensee a Consent Agreement for voluntary surrender of licensure. If not signed in 20 days, the matter shall proceed to Formal Hearing.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

(2) 20-153 Angel, Christopher

Mr. Angel participated in the virtual meeting during the Board's consideration of this matter. Complainant KH also participated in the virtual meeting.

MOTION: Chairwoman Bowmann moved for the Board to issue an Order for Non-Disciplinary CE requiring the licensee to complete within six months 12 hours of Board staff pre-approved CE credits in business practices, communication and ethics; and, 4 hours in draping.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

G. Orders for Board Approval

Vacant

H. Probation Termination

Vacant

I. Investigation Review File(s)

(1) 21-100 Beardsley, Derek

Mr. Beardsley and Attorney Flynn Carey participated in the virtual meeting during the Board's consideration of this matter. Complainant HF also participated in the virtual meeting.

MOTION: Chairwoman Bowmann moved for the Board to issue an Order for Non-Disciplinary CE requiring the licensee to within six months complete 8 hours of Board staff pre-approved CE credits in busines practices, ethics, communication and draping. The CE credits hours completed by the licensee prior to this Order becoming effective cannot be applied to this CEs required under this Order.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, and Mr. Ortega. The following Board member voted against the motion: Mr. Ramsey.

**VOTE: 4-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.**

(2) 21-103 Peterson, Robert

Mr. Peterson participated in the virtual meeting during the Board's consideration of this matter. Complainant CC also participated in the virtual meeting.

**MOTION: Mr. McClain moved for the Board to proceed to Formal Interview in this matter.
SECOND: Vice-Chairwoman Clark**

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

Mr. McClain and Vice-Chairwoman Clark rescinded their prior motion.

**VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.
VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.**

The Board entered into Executive Session at 1:32 p.m.
The Board returned to Open Session at 1:44 p.m.
No legal action was taken by the Board during Executive Session.

**MOTION: Vice-Chairwoman Clark moved for the Board to proceed to Formal Interview in this matter based on the information contained in the investigatory report and the testimony provided during today's proceedings.
SECOND: Mr. Ramsey
VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.
VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.**

J. Application Review
Vacant



VII. EXECUTIVE DIRECTOR REPORT

- Fiscal Years 21/22 Arizona Massage Board Funding Requests from Board 90/10 Revolving Fund.
- Calendar Year 2020 Fiscal Impact of Board State License Renewal Waivers.
- October, 2020 Board Meeting Agenda to include Board discussion and consideration of state license revocations for new criminally-convicted licensed therapists.

VIII. SUMMARY OF CURRENT EVENTS

IX. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MASSAGE BOARD AGENDAS

The Board discussed agenda items relating to review of transcripts from Arizona massage schools and an update regarding ID cards.

X. NEXT ARIZONA MASSAGE BOARD MEETING DATE

- A. Monday, October 26, 2020 at 9:30 a.m.
Meeting to be digital, online.

B. MOTION TO ADJOURN

MOTION: Vice-Chairwoman Clark moved for adjournment.

SECOND: Chairwoman Bowmann

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

A large, stylized handwritten signature in dark ink, appearing to read "Tom A.", positioned above the printed name of the Executive Director.

The Board's meeting adjourned at 1:56 p.m.

Tom Augherton, Executive Director