

Douglas A. Ducey  
Governor



# Arizona State Board of Massage Therapy

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

Monday, March 28, 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-Chairwoman 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 Augherton, Investigator David Elson, Licensing Specialist Paul Schuldt and Licensing Administrator Tony Wilcox. Assistant Attorney General ("AAG") Seamus Monaghan also participated in the virtual meeting. AAG Monique Coady 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**

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

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

Chairwoman Reiter was recused from Agenda Item Nos. VIII and XI as stated herein.

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

- A. Discussion and approval of the Massage Board Open Minutes from the February 28, 2022 monthly meeting.

**MOTION: Chairwoman Reiter moved for the Board to approve Open Minutes from the Board's February 28, 2022 monthly meeting.**

**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.**

**VI. CHAIR'S REPORT**

- A. Presentation by Ruth Werner, BCTMB; *"The Purpose of Education for Massage Therapy Practice."*

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

- A. Formal Hearing(s)

1. Case No. 22-133: Adrian Hernandez, MT Lic. #24483

AAG Monaghan participated on behalf of the State. AAG Coady participated to provide the Board with independent legal advice.

**MOTION: Chairwoman Reiter moved for the Board to accept the proposed Consent Agreement for Voluntary Surrender of Licensure and vacate the Formal Hearing in this matter.**

**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.**

2. Case No. 22-110: Stephen Faulstich, MT Lic. #22301

3. Case No. 22-168: Stephen Faulstich, MT Lic. #22301

The Board considered case number 22-110 in conjunction with case number 22-168. AAG Monaghan participated in the virtual meeting on behalf of the State. AAG Coady participated to provide the Board with independent legal advice. The Complainants also participated in the virtual meeting during the Board's consideration of this matter.

**MOTION: Chairwoman Reiter moved for the Board to grant the State's motion to deem the allegations in the Complaint and Notice of Hearing as admitted.**

**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.**

**MOTION:** Chairwoman Reiter moved for the Board to adopt the factual allegations and potential violations of law as contained in the Complaint and Notice of Hearing as the Findings of Fact and Conclusions of Law in this matter.

**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.**

**MOTION:** Ms. DeRoest moved for the Board to revoke the license effective immediately pursuant to R4-15-401(f) based on the Board's finding that the immediate effectiveness is necessary to preserve the public health and safety.

**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.**

4. Case No. 22-132: Gary Patrick Kahl, MT Lic. #01363

AAG Monaghan participated in the virtual meeting on behalf of the State during the Board's consideration of this matter. AAG Coady participated to provide the Board with independent legal advice.

**MOTION:** Chairwoman Reiter moved for the Board to accept the proposed Consent Agreement for Surrender of Licensure and vacate the Formal Hearing in this matter.

**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

1. Vacant.

C. Investigative Review File(s) – Including possible acceptance of proposed consent agreement.

1. Case No. 21-145: Hee Yang, MT Lic. #17196

**MOTION:** Chairwoman Reiter moved for the Board to summarily suspend the license based on the factual allegations and potential violations as contained in the Investigative Report and find that the health, safety and welfare of the public requires emergency action by the Board.

**SECOND:** Vice-Chairwoman Mhoon

**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.**

**MOTION: Chairwoman Reiter moved for the Board to proceed to Formal Hearing in this matter based on the factual allegations and potential violations of law as contained in the investigatory report.**

**SECOND: Vice-Chairwoman Mhoon**

**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. Case No. 21-146: Sam Larrabee, MT Lic. #02725P

**MOTION: Chairwoman Reiter moved for the Board to summarily suspend the license based on the factual allegations and potential violations as contained in the Investigative Report and find that the health, safety and welfare of the public requires emergency action by the Board.**

**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.**

**MOTION: Chairwoman Reiter moved for the Board to proceed to Formal Hearing in this matter based on the factual allegations and potential violations of law as contained in the investigatory report.**

**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.**

3. Case No. 21-148: Mi Kyong Cramer, MT Lic. #13631

**MOTION: Mr. Tapscott moved for the Board to proceed to Formal Interview in this matter.**

**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.**

4. Case No. 21-150: Yun Song McCabe, MT Lic. #23897

**MOTION: Chairwoman Reiter moved for the Board to summarily suspend the license based on the factual allegations and potential violations as contained in the Investigative Report and find that the health, safety and welfare of the public requires emergency action by the Board.**

**SECOND: Vice-Chairwoman Mhoon**

**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.**

**MOTION: Chairwoman Reiter moved for the Board to proceed to Formal Hearing in this matter based on the factual allegations and potential violations of law as contained in the investigatory report.**

**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.**

5. Case No. 22-191: Sarina Yang, MT Lic. #09055 (Revoked, 2015)

The Board took no action on this item noting that the application was withdrawn.

D. License Application(s) Requiring Board Review

Vacant.

**VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION ON INFORMATION RECEIVED AND TESTIMONY FROM OFFICER HEATHER LARRISON, PLYMOUTH, MN, SPECIAL OPERATIONS LICENSING, REGARDING INVESTIGATIONS RELATED TO ALLIED HEALTH CARE, AZ**

Chairwoman Reiter was recused from this matter.

**IX. REVIEW, DISCUSSION AND POSSIBLE ACTION RELATING TO LEGISLATIVE UPDATE REGARDING HB 2438 MASSAGE THERAPIST; FINGERPRINTING; WEBSITE INFORMATION**

**X. REVIEW, DISCUSSION AND POSSIBLE ACTION, DIRECTING BOARD STAFF TO TRANSMIT A FORMAL REQUEST TO THE JOINT LEGISLATIVE BUDGET COMMITTEE ("JLBC"), AND THE EXECUTIVE BUDGET OFFICE ("EBO"), REQUESTING URGENT ACCESS TO THE CURRENT BOARD REVOLVING FUND BALANCE FOR THE AC UISION OF ADDITIONAL LICENSING STAFF TO MAINTAIN BOARD OPERATIONAL ABILITY**

**MOTION: Vice-Chairwoman Mhoon moved for the Board to accept the draft correspondence and instructed staff to transmit the request.**

**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.**

**XI. EXECUTIVE DIRECTOR'S REPORT**

A. Letter from Allied Health Career Institute Regarding Potential Litigation.

**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 11:42 a.m.

The Board returned to Open Session at 12:00 p.m.

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

Chairwoman Reiter was recused from this matter.

**MOTION: Vice-Chairwoman Mhoon moved for the Board to direct staff to correct the language on the Board's public facing website by removing the language indicating that the Board does not accept applications from Allied Health Career Institute and to amend the remaining clause of warning per the Board's discussion.**

**SECOND: Ms. DeRoest**

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

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

**MOTION PASSED.**

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

The next Board meeting date:

Monday, April 25, 2022 at 9:00 a.m.; to be held via videoconference

**XIII. ADJOURNMENT**

The Board's meeting adjourned at 12:13 p.m.