



State of Arizona
Janet Napolitano – Governor

Arizona State Board of Massage Therapy

“Protecting the Public’s Health”

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De Mario Vaughn, LMT; Nancy Gath, Public Member; Daniel Pozefsky, Public Member
Dennis Beye, LMT, Susan Pomfret, LMT, Craig Runbeck, NMD, Executive Director

Minutes BOARD MEETING

November 26, 2007 10:00 a.m.
1400 West Washington St, B1
Phoenix, AZ 85007

1. Call to Order by Presiding Officer

Mr. Pozefsky, Chair called the meeting to order at 10:02am.

- A. Roll call of Board members was done to establish a quorum to conduct the meeting.

Board Members present: Daniel Pozefsky, Chair and Public Member
Susan Pomfret, LMT
Dennis Beye, Vice Chair, LMT

Board Members absent: De Mario R. Vaughn, LMT
Nancy Gath, Public Member

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

Assistant Attorney General: Michelle Wood

Board Staff: Dr. Craig Runbeck, Executive Director
Robert Wilson, Deputy Director
Leah Doyle, Licensing Administrator

2. Call to the Public

Mr. Pozefsky, gave a call to the public at 10:03 am

No public addressed 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: September 24, 2007 board meeting
B. Approval of Executive Session Minutes: September 24, 2007 board meeting
C. Approval of Massage Therapy Application(s) October and November – 240

MOTION: Ms. Pomfret moved to approve the consent agenda as listed above, Mr. Beye seconded the motion.

VOTE: The Motion Passed 3 ayes, 0 no

4. Discussion, Consideration and Possible Action of Regulatory Matters

A. Board Review –

1. Eric Morgan – Initial Application Review

Mr. Morgan was not present to address the board.

Mr. Wilson summarized this application for licensure for the board.

MOTION: Ms. Pomfret moved to go into executive session to obtain legal advice, Mr. Beye seconded the motion.

VOTE: The motion passed 3 ayes, 0 no

The Board convened Executive Session to obtain legal advice at 10:13am

The Board returned to Regular Session at 10:25 am

The Board reviewed the application for licensure and discussed Mr. Morgan's background.

Mr. Pozefsky **TABLED** this matter to the January 28, 2008 board meeting.

5. B. The Board discussed Moral Turpitude. The Board received a memo regarding the concept, definitions and examples of Moral Turpitude

2. Shu Huang – Initial application review

Ms. Huang was not present at the board meeting. Mr. Wilson summarized this application for licensure for the board. Ms. Huang answered yes to question 21 on her application for licensure and stated in part, "I was found guilty of prostitution and criminal conspiracy on 9/21/05." Then on 4/10/06 her attorney asked for a re-trial of the case.

The Board discussed the documents that were sent to the board from Mr. Lamb, attorney at Law for Ms. Huang. The documents that were received by the Board for this case were not what the Board requested at the September 24, 2007 board meeting.

Legal advice was given to the Board by Michelle Wood.

Motion: Mr. Beye moved to deny licensure to Ms. Huang on lack of proof of her case being overturned. Ms. Pomfret seconded the motion.

Vote: The motion passed 3 yes, 0 no

3. Paul Hykes – 06-139 Update on Initial Review

Mr. Hykes was present.

Susan Pomfret recused herself from board agenda items referring to Paul Hykes. The Board did not have a quorum to proceed with this agenda item. Because of the recusal the Board lacked a quorum for this matter.

Mr. Pozefsky **TABLED** this matter to the next Board meeting.

4. Daniel Velasquez – Renewal Application Review

Mr. Velasquez was not present. Mr. Wilson summarized this application for renewal of licensure for the board. Mr. Velasquez answered "YES" to the question #10 and #15 on his renewal application for licensure.

Mr. Velasquez failed to notify the Board within 10 working days of a criminal charge filed against him.

ARS 32-3208

Mr. Velasquez failed to maintain the qualifications of his original license. **ARS 32-4253**

Motion: Mr. Beye moved to go into executive session to obtain legal advice. Ms. Pomfret seconded the motion.

Vote: The motion passed 3 yes, 0 no

**The Board convened Executive Session to obtain legal advice at 10:45am
The Board returned to Regular Session at 11:00 am**

MOTION: Ms. Pomfret moved to allow Mr. Velasquez to withdraw his renewal application. Mr. Velasquez would need to sign an Agreement to Withdrawal and return it to the Board within 30 days. He may reapply for licensure when his probation is complete. Mr. Beye seconded the motion.

VOTE: The motion passed 3 yes, 0 no

5. Robert Kane - Renewal Application Review

Mr. Kane answered "YES" to the question #15 on his renewal application for licensure. Mr. Kane was present. Mr. Wilson summarized this application for renewal of licensure to the board.

Mr. Kane failed to notify the Board within 10 working days of a charge filed against him. **ARS 32-3208**

Mr. Kane failed to meet qualifications of his original license. **ARS 32-4253**

Mr. Kane discussed his criminal offense with the Board.

Motion: Mr. Beye moved to allow Mr. Kane be allowed to withdraw his renewal application. Mr. Kane should sign an Agreement to Withdrawal and return it to the Board within 30 days. Ms. Pomfret seconded the motion. Mr. Kane verbally assured the Board that he would do this.

Vote: The motion passed 3 yes, 0 no

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	8,747	Closed withdrawn	122	Revoked	4
Denied	18	Pending	168	Suspended	2
Voluntarily Surrendered	3	Total application received	10,447		

Renewed - 3,609

Renewals Expired – 1,383

C. Board direction on distance learning: Should the staff accept online classes, for all aspects of Massage except for hands on exercises, as legitimate hours toward a license? Calls have come in to ask our position on this concept.

The Board discussed a "News Release" from the NCBTMB. The NCMTMB is adopting distance education as a credible component of massage therapy training.

The Board recessed at 11:30am

The Board returned to regular session at 11:35 am

Discussion on distance education continued.

This item is not an action item for the Board. The Board all agreed that the private post secondary schools and community colleges will have to approve how much distance learning can be used in order to graduate from a Massage Therapy school.

- D. Board Meetings for 2008 – The proposed dates for 2008 were presented to the Board. No action was taken.
- E. Mr. Pozefsky combined 5.E. Unlicensed Therapists (Tucson) and
- 6.A. Correspondence received from – “Complaints to Mayor of Tucson and Governor’s Office re: unlicensed therapists – Staff response”

Mr. Wilson briefed the Board on correspondence he’s received regarding this ongoing issue.

Mr. Beye recused himself from board agendas items referring to this matter. The Board did not have a quorum to proceed with this agenda item.

Mr. Pozefsky **TABLED** both these matters.

- F. Cease and Desist
Mr. Wilson summarized for the Board the Cease & Desist list Stan Conger, Investigator, has been working on for the Board. No action was taken.

6. Discussion, Consideration and Possible Action on Correspondence

- B. Correspondence received from Patrick Shannahan, Ombudsman/Citizens’ Aide, and Response from Mr. Pozefsky

Dr. Runbeck discussed with the Board the final report from Mr. Shannahan. No action was taken.

The next scheduled meeting is January 28, 2008

The meeting was adjourned at 12:07 pm

ADJOURNMENT



Arizona Board of Massage Therapy

January 29, 2008
Date