



State of Arizona
Janet Napolitano – Governor

Arizona State Board of Massage Therapy

“Protecting the Public’s Health”

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Judy Stahl Boyer, LMT; Nancy Gath, Public Member; Daniel Pozefsky, Public Member
Dennis Beye, LMT, Susan Pomfret, LMT, Craig Runbeck, NMD, Executive Director

Minutes BOARD MEETING

November 27, 2006 10:00 a.m.
1400 West Washington St, B1
Phoenix, AZ 85007

1. Call to Order by Presiding Officer

Ms. Boyer called the meeting to order at 10:00am.

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

Board Members present Judy Boyer, Chair
 Daniel Pozefsky, Vice Chair
 Dennis Beye
 Susan Pomfret

Board Member absent Nancy Gath

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

Assistant Attorney General: No one was present

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

2. Call to the Public

Ms. Boyer, gave a call to the public at 10:01 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: October 23, 2006 board meeting
B. Approval of Executive Session Minutes: October 23, 2006
C. Approval of Massage Therapy Application(s) November 169

MOTION: Mr. Beye moved to approve B and C of the consent agenda, Ms. Pomfret seconded the motion.

VOTE: The Motion Passed 4 ayes, 0 no, and 1 absent

Item A was removed from the consent agenda or amendments.

MOTION: Mr. Pozefsky moved to approve the October 23 minutes with the amendments, Ms. Pomfret seconded the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent

4. Discussion and Consideration and Possible Action on Administrative Matters

A. Board Review

1. Roberta Gabriel consent agreement-worked without license

Ms. Gabriel was not present at the board meeting.

Mr. Wilson summarized this case for the board. A consent agreement has been sent to Ms. Gabriel and she has signed it she will have to take and pass the National Certification Exam to meet the requirements for a regular license applicant.

MOTION: Mr. Pozefsky moved to change the civil penalty fee to \$1,000

The motion died for lack of a second.

MOTION: Mr. Beye moved to accept the consent agreement as written for Ms. Gabriel, Ms. Pomfret seconded the motion.

DISCUSSION: Was made on the amount of the civil penalty to change the consent agreement to pay \$1,000 per violation.

VOTE: The motion passed 3 ayes, 1 no and 1 absent

2. Lin Yu, applicant for licensure

Ms. Yu was present to answer questions by the board. Ms. Yu did not bring an interpreter with her.

Mr. Wilson summarized this case for the board. Ms. Yu's first application was closed it was past the 360 day time-frame. Ms. Yu is re-applying for licensure, however she was found guilty of ARS/SRC Court 2 13-235.C Uncovered Therapist on May 23, 2005 in Scottsdale, Arizona. She was placed on probation for one year beginning on May 05 and released in June 2006.

MOTION: Mr. Beye moved to DENY Ms. Yu application for Licensure according to A.R.S 32-4222.A. (7) and A.C.C. R4-15-101.8(a). Mr. Pozefsky seconds the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent

3. Jilian Huggins, review worked without required license

Ms. Huggins was not present at the board meeting.

Mr. Wilson summarized this case for the board. Ms. Huggins marked yes on her application for working without the required state license. She thought the license was available but not mandatory.

MOTION: Mr. Beye moved to accept the consent agreement as written because she told the truth on her application. Ms. Pomfret seconded the motion.

DISCUSSION: Mr. Pozefsky noted Ms. Huggins had not lied on her application however she has been working for seven months without the required state license, so the civil penalty should be increased to \$1,000.00. The Board discussed having the applicant attend a board meeting before a consent agreement is sent to determine the sanctions to be imposed.

VOTE: The motion failed with 1 aye, 3 no and 1 absent

This review was TABLED and a substantive request was made for Ms. Huggins to provide documentation that she held the required city license before the state started issuing licenses. And to attend the next scheduled board meeting to answer questions by the board.

B. National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) conference attended by Robert Wilson summary.

Mr. Wilson summarized his recent trip to Chicago.

(CHICAGO) A group of representatives of 21 state massage regulatory agencies met on November 17. Discussion centered on the need for creating a national database to collect licensure and disciplinary data regarding massage and bodywork therapists. The group reached consensus that a disciplinary database is a valuable tool in carrying out our mission as state regulatory boards to protect the public; therefore we have resolved to establish one.

C. Massage license status report

Dr. Runbeck updated the board on the license status.

Active licensee's	8,434	Closed expired/withdrawn	113	Revoked	3
Denied	17	Pending	232	Suspended	1
Voluntarily Surrendered	2				
Total application received	8,807				

Renewed - 231

Renewals Expired – 30

5. Discussion, Consideration and Possible Action on Correspondence

A. Correspondence regarding Clark Edwards

Dr. Runbeck sent a letter to Mr. Edwards regarding his expired license according to ARS 32-4255 it is a class 1 misdemeanor to practice or attempt to practice massage therapy without a license issued by the board. Also, violation of this section can lead to civil fines of up to \$5,000 for each violation.

The Board meeting scheduled for December 21, 2006 has been cancelled
The next scheduled meeting is January 22, 2007

The meeting was adjourned at 11:13 am

ADJOURNMENT