



State of Arizona
Janet Napolitano – Governor

Arizona State Board of Massage Therapy

“Protecting the Public’s Health”

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Mara Concordia, LMT ~David Falkow, LMT~ Ms. Lori Green, Public Member ~ Daniel Vasquez, LMT
Vazquez-Morris, Paulina, Public Member ~ Craig Runbeck, NMD, Executive Director

Minutes

SPECIAL BOARD MEETING

October 27, 2003 at 2:00 PM
Basement Conference Room B1
1400 West Washington St
Phoenix, AZ 85007

1. Call to Order by Presiding Officer

A. Roll call of Board members and establishment of a quorum to conduct meeting.
Meeting called to order at **2:08 pm** By Dr. Craig Runbeck, (Acting Chair)
Board Members present: Ms. Mara Concordia, Ms. Lori Green, Mr. Daniel Vasquez,
and Ms. Paulina Vazquez-Morris. Mr. Falkow entered the meeting at 2:16 P.M.
4 Present, One absent.

B. Acknowledgement of presence of Board staff and legal counsel.
Present: Dr. Craig Runbeck: Executive Director, Ms. Paula Brierley: Deputy Director,
Ms. Nancy Beck, Assistant Attorney General, and Ms. Gail Anthony, Licensing
Administrator.

2. Call to the Public

No one from the public addressed the Board at this time.

3. Discussion and consideration of Consent Agenda

A. **Approval of Minutes: Review, discussion and vote on minutes of
September 5, 2003**

Ms. Nancy Beck made the following recommendations regarding changes
in the Minutes of September 5, 2003 Board Meeting.
Removal of the following paragraph under the date and place of meeting,
“ Pursuant to A.R.S. §38-431 (A) (3) the Board may go into executive session
to obtain legal advice for any matter on the agenda. The executive session
will not be open to the public. All items listed for discussion or consideration
are subject to possible decision and vote by the Board.”

Removal of the following sentence: “The Board may take action on
any item on this agenda.” Ms. Beck stated that she felt that these needed to
be on the agenda, but not the minutes.

Under 2. B, Ms Beck recommended the insertion of the following:
“The Executive Director, Dr. Craig Runbeck gave a brief orientation
to the Board members.” And the sentence “no action taken” could be left after

the insertion.

Under 2. E., in the sentence under the bolded paragraph, Ms. Beck suggested remove the word “appointing”, and replace it with “election.”

Under item 2. F, Ms Beck suggested inserting the following:
“Dr. Runbeck presented the budget to the Board”.

Under item 2. G, Ms. Beck recommended that more information is needed to be added to the minutes regarding this item.

After discussion and consideration by the Board, it was decided that the minutes would be rewritten, and presented to the Board for a vote at the next meeting.

Acting Chair Dr. Runbeck asked the Board’s permission to move on to item 5 in the agenda at this point in the meeting, and return to item 4 later. The Board agreed with this, and item 4 was moved under item 5 (3).

4. Regulatory Matters

A Nominations and Vote for Arizona State Board of Massage Therapy Interim Officers.

This item was held until later in the meeting.

The Board returned to this item that had been moved from earlier in the meeting.

After discussion and consideration by the Board, Mr. Vasquez moved to have Dr. Runbeck continue to chair the meetings until the Board voted on the election of officers in January of 2004, Second by Mr. Falkow. Motion carried 4 Ayes, One Absent.

5. Discussion and Consideration of Administrative and Procedural Matters

(1) Proposed Massage Therapy Rules.

At the beginning of the discussion of the proposed rules, Ms. Beck asked if the rules writer had the draft from the association in hand at the writing of these rules, Dr. Runbeck answered, yes. Ms. Beck voiced her opinion that this is regrettable because a lot of opposition was voiced at the last meeting regarding the proposed rules from the association.

Discussion on the proposed rules continued by the Board, item number 8 regarding the number of massage therapist applications believed to be received by the Board was questioned by Ms. Concordia. Dr. Runbeck noted that this number would be adjusted to reflect a probable increase to 5,000 to 6,000 applications.

The Board agreed the following sentence on page two needs clarification by the rules writer:
“The Board will also realize a moderate to substantial benefit from the new application forms because applicants should find it easier to apply and thus have fewer questions and make fewer mistakes that require Board attention.”

Item number 10 on page three was question; Dr. Runbeck stated that a hearing would be scheduled, regarding the public hearing of the rules package.

It was suggested by Ms.Beck that the word “fees” be inserted into the sentence under R4-15-101 number 3, “application packet” after the word “forms.”

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Dr. Runbeck suggested under R4-15-101 1., add letter G: (“*specialized*”) accrediting body recognized by the United States Dept. of Education.

Under R4-15-101 number 5 “clock hours’ be changed from”60 minute period” to “50 minute period.”

Under R4-15-101 number 7, Ms. Beck commented that she thought that this was too vague and that it needed to be more specific.

Under R4-15-101 number 8 Good moral character, it was decided that, i. Rape, ii Sexual abuse, iii Actual or threatened violence or actual use of a weapon of violence, and iv. The illegal use, sale, or distribution of a controlled substance be remove. However, it is still under discussion if number 8 should be removed completely. It was pointed out that this is redundant, in that this language appears in the law under 32-4252 and 32-4222. It was suggested by Ms. Beck that the board ask the rules writer if the language appears there for a specific reason.

Under number 8 B. it was suggested that the word “involving” possibly be changed to “convicted,” but again the need to ask the rules writer if there is a specific reason the word “involving” is used.

On item C., Possibly strike the language: is not on “criminal probation”. Ms. Beck feels this is beyond the statutory authority of the Board, again, clarify with the rules writer.

Under F., has not practiced without the required license in the state or in another jurisdiction within the United States within two years preceding the date of the application, it was suggested that “two years” be changed to “five years” for reasons of consistency.

Under R4-15-101 number 11, the question was brought up as to why this is defined here, because it is already defined in statute. If the rules writer thinks there is a specific need for the definition, the Board feels the language should include “enrolled in an approved school.”

Under number 12., delete the word “therapy” after: Therapeutic Massage, and after Bodywork.

Under number 13., the words “Provisional License”: were questioned. Dr. Runbeck stated he had spoken to the rules writer regarding this issue. Dr. Runbeck stated that this is for the “grandfathering purpose” and that if someone received a provisional license by the Board, it would become a regular license at time of renewal.

It was stated by Ms. Beck that the word “provisional” is an odd use of the word; however, the statute requires it. Dr. Runbeck stated that he had spoken to the rules writer regarding the use of “provisional,” and that the rules writer felt it was acceptable.

Ms. Beck questioned if number 15, defining “practice of massage therapy” was this needed? Dr. Runbeck said he was under the impression that if it is defined in statute, it does not have to be defined again in rule.

A discussion was entered into by the Board, regarding R4-15-101 number 16., during this discussion it was discovered that the Board had too many questions regarding this item, the most pending was the definition of “Self-Supportive as a massage therapist” and how the board was going to regulate this. It was suggested by Dr. Runbeck that he would take a look at how the Acupuncture Board developed this, and perhaps get guidance from them since they have similar

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statute. The information gained would be brought back to the Board by Dr. Runbeck, for further discussion on this matter.

Under number 17, discussion was entered into by the Board regarding the definition of “Supervised Instruction” and “Board approved school”. Would this supervised instruction also be allowed to take place at an off site or extension site of the school. Some of the Board members were hesitant to allow this, unless “supervised instruction” was clearly defined. Ms. Beck stated that under statute 32-4221 b, 2(A), it states “Direct Supervision”. Dr Runbeck suggested then that the Board would have to clearly define what “Direct Supervision” would mean.

Under R4-15-102 A (1), Dr. Runbeck stated the application fee should be changed to \$204.00, the reason being is that there are plans to prorate the application fee, and the amount comes to \$8.50 prorated per month, X a 24 month period, which equals \$204.00. Dr. Runbeck wanted to stagger the renewals of the licenses between one and two years. Ms. Beck brought up the fact that statute states the Board has to issue a two year license. After more discussion by the Board, it was clear that this issue needed further attention, and was not going to be resolved at that time. Dr. Runbeck agreed to have further discussion with the rules writer and Ms. Beck on this issue and would bring back the information and the issue to the Board.

Under C., the Board shall charge “25” per page; this should be changed to “25 cents.”

Under D., the word “application” should be inserted before license, and the word “or”, should be changed to “on.”

The board required clarification from Dr. Runbeck on F., Dr. Runbeck stated that his intent was to have written confirmation from the National board, in the form of a transcript. The question was brought up about the reference to national certification number. Does everyone who takes the national test get issued a number, even if they do not pass the exam? Dr. Runbeck was going to look into this further. After discussion by the Board, it was agreed that they would leave in the number of hours at 500 in the rules, and let the accrediting body figure out what the number of hours should be, therefore, G. i. – xii should be deleted.

The rules writer placed the following question on the rules copy, under R4-15-201 (A) (3):

Do you want letters from health care providers or any on else attesting to applicant’s good moral character? The Boards decision was no.

The Statements under R4-15-201 B (1) and (3) need to be added to R4 15-202, “Application for a provisional license”, and R4-15-203, “Application for a License by Reciprocity.”

R4-15-202 A (1) (A)., remove “accredited college”, and replace with “approved school.”

Under number 4, include after, “effective date of this chapter”, “May 12, 2003.”

Under R4-15-203 B., the Board discussed the issue of the National Certification Board the (NCTMB), and decided that the words “other agency” needed to be left in after Ms. Beck pointed out that the language “other agency” is stated in the statute.

**A 5 minute break was taken at 4:20 pm
Meeting was back in session at 4:25 pm.**

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Board member Ms. Vasquez –Morris and Assistant AG Ms. Nancy Beck, left the meeting during the break, and did not return to the meeting.

Under R4-15-204 the board directed “Council on Massage Therapy Accreditation” be added after “Private Post Secondary” approved. The Board agreed to add COMTA.

Dr. Craig Runbeck introduced Mr. Greg Harris with the law firm Louis and Roca, representing the Arizona Massage Association, and was involved with the process of the Massage Therapy legislation.

Mr. Harris addressed the Board, and informed them that he had helped move the legislation through the process. He informed the Board that the process of moving this legislation was not an easy task, while trying to balance the interests and concerns of existing practitioners, educators, municipalities and law enforcement, and that all of these issues had to be taken into account during discussions through the process. Mr. Harris thanked the board for the opportunity to address them, and to offer himself as a resource. Mr. Harris told the Board if they have questions regarding how the law was crafted the way it was, and certain provisions were worded the way they were, to please ask him.

(2) Organizational Needs

No organizational needs were discussed, no action taken.

(3) Proposed Legislation

Dr. Runbeck presented proposed legislation for 32-4228 Massage and Bodywork Therapy Schools.

After discussion and consideration by the Board, Mr. Falkow moved to accept the proposed legislation, Second by Mr. Vasquez, Motion carried 4 Ayes, One Absent.

6. Discussion and consideration of Correspondence and Questions for the Board.

There was no correspondence or questions for the Board, no action taken.

Ms. Green made a motion at 5:00 to adjourn the meeting, second by Mr. Falkow, Motion carried 4 Ayes, and One Absent.

The meeting was adjourned at 5:00PM

DATED THE _____ DAY, OF _____, 2003

Arizona State Board of Massage By: _____