

BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY

In the Matter of:

Stephen L. Burton, LMT

Board Case No 12-121

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

License No. MT-15474
As a Massage Therapist
In the State of Arizona

On November 26, 2012, the Arizona Board of Massage Therapy (Board) conducted a Formal Interview regarding Stephen Burton, holder of license number MT-15474 (Respondent). The proceedings in this matter are governed by A.R.S. § 32-4254(E) and (F). Respondent participated in the Formal Interview. The Board reviewed all of the documents submitted regarding this matter and received statements from Respondent and Complainant at the Formal Interview. The Board, after considering all of the information issues the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On October 28, 2011, a male client GS requested a two hour deep tissue massage from Respondent.
2. Respondent proceeded to give GS 1.5 hours of myofascial release and .5 hours of deep tissue massage.
3. During the massage GS complained of pain and asked Respondent to "lighten up" because GS could not take the pain, but Respondent continued with the same amount of pressure and manipulation until the massage was over. *WJ*
4. After the massage, GS continued to suffer from pain causing him to see a physician who referred him to an orthopedic doctor.
5. After x-rays, the orthopedic doctor stated that GS had received severe neck strain like

1 whiplash without being in an accident. An MRI showed GS had a torn labrum that required
2 surgery.

3 **CONCLUSIONS OF LAW**

4 1. The conduct and circumstances described above with regard to GS constitute grounds for
5 disciplinary action under A.R.S. § 32-4253(A)(14) (Engaging in the performance of substandard
6 care by a massage therapist due to a deliberate or negligent act or failure to act, regardless of
7 whether actual injury to the person cared for is established.

8 2. The conduct and circumstances described above with regard to GS constitute grounds for
9 disciplinary action under A.R.S. § 32-4253(A)(16) (Failing to adhere to the recognized standards
10 and ethics of the massage therapy profession.

11 **ORDER**

12
13 Based on the foregoing Findings of Fact and Conclusions of Law, it is ordered as follows:

14 Respondent's license is placed on probation until the next renewal date, December 14, 2013.

15 During the probation time Respondent shall complete at least 16 hours of staff pre-approved
16 continuing education on ethics and boundaries in addition to the continuing education required
17 for renewal of his license. Respondent shall appear before the Board at its last Board meeting in
18 2013 to request release from probation. Respondent's failure to complete the continuing
19 education will subject him to future disciplinary action by the Board. (A.R.S. § 32-4253
20 (A)(23)).

21 **REHEARING/APPEAL RIGHTS**

22 Respondent has the right to petition for a rehearing or review of this Order. Pursuant to A.R.S. §
23 41-1092.09 and A.A.C. R4-15-401(A), the petition must be filed with the Board within thirty-
24 five (35) days from the date of mailing if the Order was served by certified mail. Pursuant to
25 A.A.C. R4-15-401(C), the petition must set forth legally sufficient reasons for granting the

1 rehearing or review. The filing of a petition for rehearing or review is required to preserve any
2 rights of appeal to the Superior Court that the party may wish to pursue. The timely filing of a
3 motion for rehearing or review shall stay the enforcement of the Board's Order. If a motion for
4 rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it
5 is mailed, unless pursuant to A.A.C. R4-15-401(F), the Board has expressly found good cause to
6 believe that this Order shall be effective immediately. upon the issuance and has so stated in this
7 Order.

8 Dated and signed this 4th day of December, 2012.

9 ARIZONA BOARD OF MASSAGE THERAPY

10 By: Kathleen Phillips

11 Kathleen Phillips
12 Deputy Director
13

14 ORIGINAL OF THE FOREGOING FILED
15 this 4th day of December, 2012 with the:

16
17 Arizona State Board of Massage Therapy
18 1400 West Washington, Suite 300
19 Phoenix, AZ 85007
20

21 EXECUTED COPY OF THE FOREGOING MAILED
22 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
23 this 4th day of December, 2012, to:

24
25 Stephen Burton
26 1144 S 96th Place
27 Mesa, Arizona 85208
28 Respondent
29

30 COPY OF THE FOREGOING MAILED
31 this 4th day of December, 2012, to:

32
33 Elizabeth Campbell
34 Assistant Attorney General
35 1275 W. Washington Street, CIV/LES
36 Phoenix, Arizona 85007
37

38 Notifications/Mailings completed by Kathleen Phillips _____

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See Reverse for Instructions	