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Board Case Nos.

20-119

## CONSENT AGREEMENT AND ORDER FOR SUSPENSION OF MASSAGE THERAPY LICENSE

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Massage Therapy (Board) under A.R.S. § 32-4201, *et. seq.*, Tiffany Han (Respondent), holder of Massage Therapist License Number MT-07510 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (Consent Agreement) as a final disposition of this matter.

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1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

2. Respondent understands that she has a right to a public administrative hearing concerning this matter, at which hearing Respondent could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.

1           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
2 irrevocable.

3           4.     Respondent understands that this Consent Agreement or any part of the  
4 agreement may be considered in any future disciplinary action by the Board against  
5 Respondent.

6           5.     Respondent understands this Consent Agreement deals with Board case  
7 number 20-119 involving allegations that Respondent engaged in conduct that would  
8 subject Respondent to discipline under the Board's statutes and rules. The investigation  
9 into these allegations against Respondent shall be concluded upon the Board's adoption  
10 of this Consent Agreement.

11          6.     Respondent understands that this Consent Agreement does not constitute a  
12 dismissal or resolution of any other matters currently pending before the Board, if any,  
13 and does not constitute any waiver, express or implied, of the Board's statutory authority  
14 or jurisdiction regarding any other pending or future investigation, action or proceeding.

15          7.     Notwithstanding any language in this Consent Agreement and Order, this  
16 Consent Agreement and Order does not preclude in any way any other State agency or  
17 officer or political subdivision of this state from instituting proceedings, investigating  
18 claims, or taking legal action as may be appropriate now or in the future relating to this  
19 matter or other matters concerning Respondent, including but not limited to, violations of  
20 Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to  
21 the Board, this Consent Agreement and Order makes no representations, implied or  
22 otherwise, about the views or intended actions of any other state agency or officer or  
23 political subdivisions of the State relating to this matter or other matters concerning  
24 Respondent.

1           8.     Respondent acknowledges and agrees that, upon signing this Consent  
2 Agreement and returning this document to the Board's Executive Director, Respondent  
3 may not revoke Respondent's acceptance of the Consent Agreement or make any  
4 modifications to the document regardless of whether the Consent Agreement has been  
5 signed by the Executive Director. Any modification to this original document is  
6 ineffective and void unless mutually agreed by the parties in writing.


7           9.     This Consent Agreement is effective only when signed by the Executive  
8 Director on behalf of the Board.

9           10.    If a court of competent jurisdiction rules that any part of this Consent  
10 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
11 shall remain in full force and effect.

12          11.    Respondent understands that this Consent Agreement constitutes  
13 disciplinary action and is a public record that may be publicly disseminated as a formal  
14 action of the Board and may be reported as required by law to the National Practitioner  
15 Data Bank or other such databases.

16          12.    Respondent agrees that the Board will adopt the following Findings of Fact,  
17 Conclusions of Law and Order.

18  
19 ACCEPTED AND AGREED BY RESPONDENT

20  
21   
22 Tiffany Han

Dated: 02/24/2021

23 **FINDINGS OF FACT**

24          1.     The Board is the duly constituted authority for licensing and regulating the  
25 practice of Massage Therapy in the State of Arizona.

1           2.     Respondent is the holder of license number MT-07510 to practice as a  
2     Massage Therapist in the State of Arizona.

3           3.     On August 20, 2019, the Board was notified by the Mesa Police  
4     Department that Respondent had been arrested on August 6, 2019, for sex crime  
5     violations related to Respondent's massage therapy license. Specifically, the Respondent  
6     was suspected of performing oral sex on a massage client for money, at River Spa in  
7     Mesa, Arizona.

8           4.     The Mesa police interviewed the "suspected" client, and Respondent was  
9     identified as the seller/provider of the act. Respondent was issued a citation on August 6,  
10    2019, for violations including: Prostitution, Massage: Uncovered Genitals or Anus,  
11    Massage: Knowingly Intend to Arouse/Gratify, Massage: Intentionally View A Disrobed  
12    Client, Massage: Body Part in Contact with Private Anatomical, Criminal Nuisance-  
13    Premises, Massage: Readable Sign, Massage: Employ Therapist Name/License Not  
14    Provided. This citation was not communicated by the Respondent to the Board, as  
15    required by law.

16          5.     On September 28, 2020, the Respondent pled guilty to a violation of Mesa  
17    Code of Ordinances. Specifically Respondent pled guilty to one count of administering  
18    massage therapy for a gratuity or compensation of any kind to a person whose genital  
19    organs or anus are not covered by opaque material. This information was not provided to  
20    the Board as required by law.

21          6.     Respondent is currently on unsupervised probation with Mesa Municipal  
22    Court and is expected to be released on September 28, 2021.

23          6.     At its November 23, 2020, meeting the Board voted to offer this Consent  
24    Agreement for 12 months suspension of license.

25                                   **CONCLUSIONS OF LAW**  
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1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-4201 *et seq.*

2. The Board possesses statutory authority to enter into a consent agreement with a massage therapist to limit or restrict the licensee's practice or to rehabilitate the licensee, protect the public and ensure the licensee's ability to safely engage in the practice of massage therapy. The Board may also require the licensee to successfully complete a Board approved rehabilitative, retraining, continuing education or assessment program. *See* A.R.S. § 32-4254(D).

3. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(15), which states, “Engaging in sexual activity with a client,” as it relates to A.R.S. §32-4253(B)(2)(c) which defines “sexual activity” to include [“Making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with a client.”]

4. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(16), which states, “Failing to adhere to the recognized standards of ethics of the massage therapy profession.”

5. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(19), which states, “failing to report to the board any act or omission of a licensee or applicant or any other person who violates this chapter.”

6. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(23), which states, “violating Board statutes, rules, or orders.”

## ORDER

1 **IT IS HEREBY ORDERED** that License Number MT-07510 issued to Tiffany Han to  
2 practice as a massage therapist in the State of Arizona is hereby placed on suspension for  
3 **12 months** subject to the following terms and conditions:

4 **1. Continuing Education.**

5 During the term of suspension, Respondent shall complete **20 hours** of continuing  
6 education, which must include courses covering the following subjects: ethics and  
7 business practices. These continuing education hours shall be in addition to and shall not  
8 be used to satisfy the hours required for the renewal of Respondent's massage therapist  
9 license under A.R.S. § 32-4225. Respondent shall seek and obtain pre-approval of her  
10 continuing education courses from Board or its designee (staff). Respondent shall  
11 provide the Board or its staff with proof of successful completion of the continuing  
12 education hours in satisfaction of this requirement **within 12 months** of the effective date  
13 of this order.

14 **2. Civil Penalty.**

15 During the term of suspension, Respondent shall remit a \$500.00 civil penalty **via**  
16 **certified funds** to the Board's administrative office **within 12 months** of the effective date of  
17 this order.

18 **3. General Provisions.**

19 a. Respondent shall pay all necessary fees throughout the term of Respondent's  
20 suspension to maintain Respondent's massage therapy license in active status.

21 b. Respondent shall pay all costs associated with complying with this Order.

22 c. If Respondent violates this Order in any way or fails to fulfill the requirements  
23 of this Order, the Board, after giving the Respondent notice and the opportunity to be  
24 heard, may revoke, suspend or take other disciplinary actions against Respondent's  
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1 license. The issue at such a hearing will be limited solely to whether this Order has been  
2 violated.

3 d. This Order shall terminate 12 months from the effective date of the Order, if all  
4 terms and conditions have been successfully completed to the satisfaction of the Board,  
5 and Respondent requests and is granted release by the Board.

6 DATED this 26<sup>th</sup> day of February, 2021.

7  
8 ARIZONA STATE BOARD OF MASSAGE  
THERAPY

9 (Seal)

10  
11 By: \_\_\_\_\_

12 Thomas Augherton  
13 Executive Director  
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1 ORIGINAL OF THE FORGOING FILED  
this 26<sup>th</sup> day of February 2021, with:

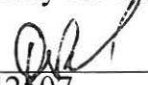
2 Arizona State Board of Massage Therapy  
3 1740 West Adams, Suite 3401  
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED  
this 26<sup>th</sup> day of February 2021, to:

6 Tiffany Han  
4201 East Frye Road  
7 Phoenix, Arizona 85048  
Respondent

8 Russell Richelsoph  
9 Davis Miles McGuire Gardner, PLLC  
40 East Rio Salado Parkway, Suite 425  
10 Tempe, Arizona 85281  
Attorney for Respondent

11 Seamus Monaghan, AAG  
12 2005 North Central Avenue  
Phoenix, Arizona 85004  
13 Attorney for the Board

14 By:   
#9142507