

**BEFORE THE ARIZONA STATE BOARD OF
MASSAGE THERAPY**

In the Matter of:

ROBERT BRUCE JAMISON, LMT
Holder of License No. **MT-23036**

BOARD CASE NO. 18-107

For the Practice as a Massage Therapist
In the State of Arizona

DECISION AND ORDER

RESPONDENT

On February 26, 2018, during a regularly scheduled board meeting, the Arizona State Board of Massage Therapy (“Board”) held an Administrative Hearing to hear evidence, testimony and arguments regarding this case. Assistant Attorney General Michael Raine represented the State. Robert Bruce Jamison, LMT, (“Respondent”) appeared with his legal counsel Dale Furnish. Assistant Attorney General, Mary DeLaat Williams, of the Licensing and Enforcement Section of the Attorney General’s Office, appeared in person to provide independent legal advice to the Board. After hearing all of the evidence and arguments presented by the parties, the Board issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On August 22, 2017, Respondent provided massage therapy services to client KA, a female, at his clinic Jamison Therapeutic Solutions in Gilbert, AZ.
2. KA informed Respondent that she desired massage therapy services for relief from headaches.
3. Respondent informed KA that she could receive the massage therapy services while fully clothed in tight-fitting attire, and would not need to undress.
4. During the massage, however, on multiple occasions Respondent requested or suggested that KA remove her top or sports bra, to allow him better access to the sides of her breasts.

1 5. Respondent massaged KA near her breast area, which caused her discomfort and
2 she informed him that she had a lump in her breast area and was scheduled to receive an ultrasound
3 for further evaluation in the near future.

4 6. Respondent indicated to KA his belief that it was not a lump but rather a muscle
5 spasm.

6 7. Respondent continued to massage KA in her breast area, causing her pain and
7 emotional discomfort.

8 8. KA informed Respondent that the massage was causing her pain, but he did not
9 cease performing the massage in the breast area, and told her that “that’s what they all say.”

10 9. During the massage, Respondent placed his hand across her sternum, which he
11 indicated was to stabilize her while working on her neck area.

12 10. Following the massage, KA felt substantial pain on her right breast which continued
13 for several days.

14 11. On August 31, 2017, KA sought medical treatment.

15 12. KA’s treating physician found that she had lost “superior pole fullness” in her right
16 breast as a result of the massage causing a tear of her implant capsule.

17 **CONCLUSIONS OF LAW**

18 1. The conduct and circumstances described above constitute grounds for discipline
19 pursuant to A.R.S. § 32-4253(A)(6) (engaging in any act or practice in violation of this chapter or
20 any board rule).

21 2. The conduct and circumstances described above constitute grounds for discipline
22 pursuant to A.R.S. § 32-4253(A) (Committing an act of malpractice, gross negligence or
23 incompetency).

24 3. The conduct and circumstances described above constitute grounds for discipline
25 pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could result in harm or injury to
26 the public).

1 4. The conduct and circumstances described above constitute grounds for discipline
2 pursuant to A.R.S. § 32-4253(A)(14) (engaging in the performance of substandard care by a
3 massage therapist due to a deliberate or negligent act or failure to act, regardless of whether actual
4 injury to the person cared for is established).

5 5. The conduct and circumstances described above constitute grounds for discipline
6 pursuant to A.R.S. § 32-4253(A)(16) (failing to adhere to the recognized standards and ethics of
7 the massage therapy profession).

8 **ORDER**

9 Based on the foregoing, the Board issues the following Order:

10 Respondent's massage therapy license no. 23036 shall be placed on probation for one year
11 from the effective date of this Decision and Order.

12 During the one year probation, Respondent shall complete sixteen (16) hours of continuing
13 education ("CE") in the areas of ethics and communications. All 16 hours of CE shall be in addition
14 to the statutorily required twenty-four (24) hours of CE, must be pre-approved by the Board or its
15 Executive Director and shall be completed in a classroom setting.

16 Further, as a condition of probation, Respondent shall request, in writing, to be released
17 from probation at the end of the one year period. The written request must contain a minimum of
18 a two hundred (200) words regarding what he has learned in order to prevent a similar circumstance
19 in the future.

20 **NOTICE OF APPEAL RIGHTS**

21 Respondent is hereby notified that he has the right to petition for a rehearing or review by
22 filing a petition with the Board's Executive Director within thirty (30) days after service of this
23 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a
24 rehearing. A.A.C. R4-15-401(C). Service of this Order is effective on the date of personal delivery
25 or five days after the date of mailing. If a motion for rehearing is not filed, the Board's Order
26 becomes effective thirty (30) days after it is mailed to the Respondent. Respondent is further
notified that the filing of a motion for rehearing is required to preserve any rights of appeal to the
Superior Court.

1 DATED this 5th day of March, 2018

2 ARIZONA STATE BOARD OF MASSAGE THERAPY

3 By: 

4 Ryan P. Edmonson, Executive Director

5 Original Decision and Order
6 filed this 5th day of March 2018 with the:

7 Arizona State Board of Massage Therapy
8 1740 West Adams Street, Suite 3401
9 Phoenix, Arizona 85007

10 Copy of the foregoing sent via
11 Regular and Electronic mail this
12 5th day of March 2018 to:

13 Robert Bruce Jamison, LMT
14 4278 East Sidewinder Court
15 Gilbert, Arizona 85297
16 r.b.jamison@icloud.com

17 Copy of the foregoing sent via
18 Electronic mail this 5th day of March 2018 to:

19 Michael Raine, Assistant Attorney General
20 Office of Arizona Attorney General – SGD/LES
21 2005 North Central Avenue
22 Phoenix, Arizona 85067
23 michael.raine@azag.gov

24 Dale Furnish, Esq.
25 16397 North 106th Place
26 Scottsdale, AZ 85255
dale.furnish@asu.edu

Mary DeLaat Williams, Assistant Attorney General
Licensing & Enforcement Section
Office of the Attorney General - SGD/LES
2005 North Central Avenue
Phoenix, Arizona 85067
maryd.williams@azag.gov

By: 