

1 **BEFORE THE ARIZONA BOARD**
2 **OF MASSAGE THERAPY EXAMINERS**

3 In the Matter of

4 **JAN MICHAEL MEADE, LMT**

5 Holder of License No. MT-13081
6 As a Massage Therapist
7 In the State of Arizona

Board Case Nos.

22-101

**CONSENT AGREEMENT AND
ORDER FOR PROBATION OF
MASSAGE THERAPY LICENSE**

8 In the interest of a prompt and judicious settlement of this case, consistent with the
9 public interest, statutory requirements and the responsibilities of the Arizona State Board
10 of Massage Therapy (Board) under A.R.S. § 32-4201, *et. seq.*, Jan Michael Meade
11 (Respondent), holder of Massage Therapist License Number MT-13081 in the State of
12 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of
13 Law and Order for Suspension (Consent Agreement) as a final disposition of this matter.

14 **RECITALS**

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

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

24 3. Respondent affirmatively agrees that this Consent Agreement shall be
25 irrevocable.

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

4 5. Respondent understands this Consent Agreement deals with Board case
5 number 22-101 involving allegations that Respondent engaged in conduct that would
6 subject Respondent to discipline under the Board's statutes and rules. The investigation
7 into these allegations against Respondent shall be concluded upon the Board's adoption of
8 this Consent Agreement.

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

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

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

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

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

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

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

15
16 ACCEPTED AND AGREED BY RESPONDENT

17
18 
19 _____
Jan Michael Meade

Dated: 10/05/21

20 **FINDINGS OF FACT**

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

23 2. Respondent is the holder of license number MT-13081 to practice as a
24 Massage Therapist in the State of Arizona.

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1 of massage therapy. The Board may also require the licensee to successfully complete a
2 Board approved rehabilitative, retraining, continuing education or assessment program.
3 *See* A.R.S. § 32-4254(D).

4 3. The conduct and circumstances described above constitute grounds for
5 discipline pursuant to A.R.S. § 32-4253(A)(10), which states, “engaging in conduct that
6 could harm the public.”

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

11 5. The conduct and circumstances described above constitute grounds for
12 discipline pursuant to A.R.S. § 32-4253(A)(15), which states, “engaging in sexual activity
13 with a client,” as it relates to A.R.S. § 32-4253(B)(2)(e), which defines sexual activity as,
14 “massaging, touching or applying any instrument or device by a licensee in the course of
15 practicing or engaging in massage therapy to the breasts of a female client unless the client
16 requests breast massage and signs a written consent form.”

17 6. The conduct and circumstances described above constitute grounds for
18 discipline pursuant to A.R.S. § 32-4253(A)(16), which states, “failing to adhere to the
19 recognized standards and ethics of the profession.”

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

23 **ORDER**

1 **IT IS HEREBY ORDERED** that License Number MT-13081 issued to Respondent to
2 practice as a massage therapist in the State of Arizona is hereby placed on **Probation** for
3 **one year** subject to the following terms and conditions:

4 **1. Continuing Education.**

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

15 **2. Civil Penalty.**

16 During the term of probation, Respondent shall remit a \$300.00 civil penalty **via**
17 **certified funds** to the Board's administrative office **within 12 months** of the effective date
18 of this order.

19 **3. General Provisions.**

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

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

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

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

6
7 DATED this 28th day of October, 2021.

8
9 ARIZONA STATE BOARD OF MASSAGE
10 THERAPY

(Seal)

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12 

13 By: _____
14 Thomas Aughterton
15 Executive Director

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23 ORIGINAL OF THE FORGOING FILED
24 this day of September 2021, with:
25 Arizona State Board of Massage Therapy
26 1740 West Adams, Suite 3401
Phoenix, Arizona 85007

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EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED
this _ day of September 2021, to:

Jan Michael Meade
Address of Record
Respondent

Elliot Alford
Alford Law PLLC
3 North Leroux Street, Suite 200
Flagstaff, Arizona 86001
Attorney for Respondent

Seamus Monaghan, AAG
2005 North Central Avenue, SGD/LES
Phoenix, Arizona 85004
Attorney for the Board

By: _____

#9780530