

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

3  
4 In the Matter of:

**BOARD CASE NO. 19-138**

5 YONG LIANG QU  
6 Holder of License No. **MT-18115**  
7 For the Practice as a Massage Therapist  
8 In the State of Arizona,

**DECISION AND ORDER**  
**(Non-Disciplinary)**

Respondent.

9           On June 24, 2019, the Arizona State Board of Massage Therapy (“Board”) held an  
10 Administrative Hearing to hear evidence, testimony and arguments regarding this case. Assistant  
11 Attorney General Michael Raine represented the State. Kenneth Reader (“Respondent”) was  
12 present and represented by Attorney David Bednar. Assistant Attorney General, Elizabeth  
13 Campbell, of the Licensing and Enforcement Section of the Attorney General’s Office, appeared  
14 in person, to provide independent legal advice to the Board. After hearing all of the evidence and  
15 arguments presented by the parties, the Board issues the following Findings of Fact, Conclusions  
16 of Law and Order:

17                                   **FINDINGS OF FACT**

- 18           1.    On December 14, 2018, client Respondent provided massage therapy services to  
19 client WF at First Class Reflexology in Chandler, AZ.
- 20           2.    Before the massage, WF had shown Respondent an anatomical drawing to  
21 demonstrate specifically where she would and would not like to be massaged. She  
22 did not express any desire to be massaged on her buttocks.
- 23           3.    Respondent also engaged in massage therapy and stretching techniques that  
24 applied heavy pressure that caused WF pain and made her feel unnecessarily  
25 exposed due to inadequate draping.
- 26

## CONCLUSIONS OF LAW

1           1. The conduct and circumstances described above constitute grounds for discipline  
2 pursuant to A.R.S. § 32-4253(A)(6) (engaging in any act or practice in violation of this chapter  
3 or any board rule), as it relates to any alleged statutory violation asserted below.

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

6           3. The conduct and circumstance described above constitute grounds for discipline  
7 pursuant to A.R.S § 32-4253 (A)(14) (engaging in substandard care due to deliberate or negligent  
8 conduct, whether or not it results in actual injury to a client).

9           4. The conduct and circumstances described above constitute grounds for discipline  
10 pursuant to A.R.S. § 32-4253 (A) (16) (failure to adhere to the recognized standards and ethics  
11 of the profession), as it relates to Arizona Administrative Code R4-15-103 (1)(e) (“Providing  
12 draping that ensures the safety, comfort, and privacy of the client.”)

## ORDER

13  
14           Based on the Board’s adoption of the Findings of Fact and Conclusions of Law, it is  
15 hereby ordered that license number MT-18115 issued to Yong Qu for practicing as a massage  
16 therapist in the State of Arizona will be placed on Non-Disciplinary Order.

17           It is further ordered that within the nine (9) months period Respondent shall take and  
18 complete twelve (12) hours of continuing education—six (6) hours in person in the areas of  
19 Business Practices and six (6) in Communication. These continuing education hours shall be in  
20 addition to and may not be used to satisfy the hours required for the renewal of Respondent’s  
21 massage therapist license under A.R.S. § 32-4225. Respondent shall seek and obtain pre-  
22 approval of his continuing education courses from Board or its designee (staff).

## GENERAL PROVISIONS

23  
24           1. Respondent shall pay all necessary fees and complete all continuing education  
25 requirements throughout the term of his Non-Disciplinary Order to maintain his massage therapy  
26 license.

1           2.     Respondent shall obey all federal and state laws and rules governing the practice  
2 of Massage Therapists.

3           3.     Respondent shall pay all costs associated with complying with this Order.

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

8           5.     Respondent shall remain in compliance with all requirements of his Order and  
9 shall inform the Board within ten (10) days regarding any changes to the terms of his Order or  
10 his address of record with the Board.

11          6.     The effective date of this Decision and Order is the date that is signed by Board's  
12 Executive Director.

13                                   **NOTICE OF APPEAL RIGHTS**

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

1 DATED this 1<sup>st</sup> day of July, 2019.

2 ARIZONA STATE BOARD OF  
3 MASSAGE THERAPY

4 By:   
5 Thomas Augherton, Executive Director

6 Original Decision and Order  
7 filed this 1<sup>st</sup> day of July, 2019 with the:

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

11 Copy of the foregoing sent via  
12 Regular and Electronic Mail  
13 this 1<sup>st</sup> day of July, 2019 to:

14 Yong Liang Qu  
15 17744 Gazania Drive  
16 Chino Hills, California, 91709  
17 [yongliangqu@yahoo.com](mailto:yongliangqu@yahoo.com)  
18 Respondent

19 *Attorney for Respondent*  
20 David G. Bednar, Esq.  
21 Bank of America Building  
22 121 E Birch Avenue Suite # 409  
23 Flagstaff, Arizona 86001-4621

24 Copy of the foregoing sent via Electronic Mail  
25 this 1<sup>st</sup> day of July, 2019 to:

26 Michael Raine, Assistant Attorney General  
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By: 