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

5 In the Matter of:

6 **Joshua Richardson**
7 Holder of License No. **MT-23656**

BOARD CASE NO. 20-144

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

DECISION AND ORDER

10 RESPONDENT

11 On July 27th, 2020, during a regularly scheduled board meeting, the Arizona State
12 Board of Massage Therapy (“Board”) conducted a Formal interview with Respondent Joshua
13 Richardson pursuant to A.R.S. § 32-4254(E). Respondent appeared and was not represented by
14 counsel. Following the Formal Interview, the Board substantiated violations of its statutes and
15 issues the following Findings of Fact, Conclusions of Law and Order:

16 **FINDINGS OF FACT**

17 1. On January 17, 2020, client NW received massage therapy services from
18 Respondent at Rubs Massage Studio in Sahuarita, Arizona.

19 2. NW lodged a complaint with Rubs Massage Studio in 2020 and reported to local
20 law enforcement that during her massage, Respondent undraped NW and left her breasts and
21 underwear exposed while she laid on the table. According to NW, Respondent then slipped his
22 hands in her underwear and began to massage her pubic and vaginal area before aggressively
23 massaging her breasts. NW was not given a written consent to sign at any point before, during, or
24 after the massage.

25 3. Respondent denies that he engaged in the activity that NW alleges. He admitted,
26 however, that he did not receive written consent to massage NW’s breast and vagina because he
was not aware that he was required to have a written consent by law, and that he did undrape her

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3 leaving her exposed on the table. Respondent stated all consents were verbally requested and
4 provided.

5 **CONCLUSIONS OF LAW**

6 1. The conduct and circumstances described above constitute grounds for discipline
7 pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could result in harm or injury to
8 the public), as it relates to A.R.S. § 32-4253(B)(2)(e) (defining “sexual activity” as: Massaging,
9 touching or applying any instrument or device by a licensee in the course of practicing or
10 engaging in massage therapy to the breasts of a female client unless the client requests breast
11 massage and signs a written consent form.)

12 2. The conduct and circumstances described above constitute grounds for discipline
13 pursuant to A.R.S. § 32-4253(A)(16) (failing to adhere to the recognized standards and ethics of
14 the massage therapy profession), as it relates to A.R.S. § 32-4253(B)(2)(g) (defining “sexual
15 activity” as: Intentionally viewing a completely or partially disrobed massage therapy client in
16 the course of treatment if the viewing is not related to treatment under current practice standards
17 and is intended to appeal to the prurient interest of the massage therapy client or the massage
18 therapist.)

19 **ORDER**

20 IT IS HEREBY ORDERED that License Number MT-23656 issued to Joshua
21 Richardson to practice as a massage therapist in the State of Arizona is hereby placed on
22 suspension for 12 months subject to the following terms and conditions:

23 **1. Continuing Education.**

24 During the term of suspension, Respondent shall complete **12 hours** of continuing
25 education, which must include courses covering the following subjects: ethics and proper
26 draping procedures. These continuing education hours shall be in addition to and shall not be
used to satisfy the hours required for the renewal of Respondent’s massage therapist license
under A.R.S. § 32-4225. Respondent shall seek and obtain pre-approval of his continuing
education courses from Board or its designee (staff). Respondent shall provide the Board or its

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3 staff with proof of successful completion of the continuing education hours in satisfaction of this
4 requirement.

5 **2. Civil Penalty**

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

9 **3. General Provisions.**

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

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

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

17 d. This Order shall terminate 12 months from the effective date of the Order, if all terms
18 and conditions have been successfully completed to the satisfaction of the Board.

19 **NOTICE OF APPEAL RIGHTS**

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

DATED this 30th day of July, 2020

ARIZONA STATE BOARD OF MASSAGE THERAPY



By:



Thomas Augherton, Executive Director

Original Decision and Order
filed this 30th day of July 2020 with the:

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

Copy of the foregoing sent via Certified, Regular, and Electronic mail –
This 30th day of July 2020 to:

Joshua Richardson
212 East Camino Rancho Cielo
Sahuarita, Arizona 85269
Jdricha77@hotmail.com
Respondent

COPY of the forgoing emailed -
This 30th day of July 2020 to:

Seamus Monaghan
Assistant Attorney General
2005 North Central Avenue SGD/LES
Phoenix, Arizona 85004
Attorney for the Arizona Board of Massage Therapy

