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BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY

In the Matter of

COREY RICHASON, LMT

Holder of License No. MT-03431P
As a Massage Therapist
In the State of Arizona

Board Case No. 06-135

**CONSENT AGREEMENT FOR
PROBATION AND CONTINUING
EDUCATION**

RECITALS

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 Board of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Corey Richason ("Respondent"), holder of Massage Therapist License Number MT-03431P 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.

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 he has a right to a public administrative hearing concerning the above-captioned matter, at which hearing he 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.

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

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

5. Respondent understands this Consent Agreement deals with Board Case No. 06-135 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

7. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct

that is the subject of this Consent Agreement.

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

9. Respondent understands that the Consent Agreement shall not become effective unless and until adopted by the Board and signed by its Executive Director.


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

11. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

12. Respondent understands that this Consent Agreement is disciplinary and is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

13. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § 32-4253(A)(23).

ACCEPTED AND AGREED BY RESPONDENT


Corey Richason, LMT 3/20/09

Dated:

FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating massage therapists in the State of Arizona.
2. Respondent is the holder of license number MT-03431P, which allows him to practice as a massage therapist in the State of Arizona.
3. On or about August 10, 2006, SP was given a massage by Respondent. At that time, Respondent was employed by Massage Envy.
4. Respondent exposed SP's breasts when SP had not consented to a breast massage and exposing SP's breasts violated Massage Envy's draping policy.
5. During the massage, Respondent touched SP's breasts. SP had not requested a breast massage, nor had she signed a written consent form for a breast massage.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-4201 *et seq.*
2. The Board may discipline a massage therapist who has engaged in sexual activity with a client. A.R.S. § 32-4253(A)(15).
3. The conduct and circumstances described above with regard to SP constitute sexual activity in violation of A.R.S. § 32-4253(B)(2)(e) ("Sexual activity" means massaging, touching or applying any instrument or device by a

licensee in the course of practicing or engaging in massage therapy to the breasts of a female client unless the client requests breast massage and signs a written consent form).

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ORDER


IT IS HEREBY ORDERED THAT License Number MT-03431P issued to Corey Richason to practice as a massage therapist in the State of Arizona is hereby placed on **PROBATION** for a period of one year.

IT IS FURTHER ORDERED that Respondent shall, within 90 days after the effective date of this Order, complete 8 hours of Board Staff pre-approved Continuing Education ("CE") on ethics, specifically to include instruction on boundary issues.

DATED and effective this 23rd day of March, 2009.

ARIZONA BOARD OF MASSAGE
THERAPY

SEAL


Craig Runbeck, N.M.D.
Executive Director

ORIGINAL OF THE FORGOING FILED
this 23 day of March, 2009, with:

Arizona Board of Massage Therapy
1400 West Washington, Suite 230
Phoenix, Arizona 85007

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 23 day of march, 2009, to:

Corey Richason, LMT
Address of Record
Respondent

EXECUTED COPY OF THE FOREGOING MAILED
this 23 day of march, 2009, to:

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