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8
9 **BEFORE THE ARIZONA STATE BOARD OF MASSAGE THERAPY**

10 In the Matter of

11 **LAN WANG,**

12 Holder of License No. MT-07946
As a Massage Therapist
13 In the State of Arizona

Board Case No. 13-117

**CONSENT AGREEMENT
FOR SUSPENSION AND
PROBATION**

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15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Lan Wang
18 ("Respondent"), holder of Massage Therapist License Number MT-07946 in the State of
19 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
20 of Law and Order ("Consent Agreement") as a final disposition of this matter.

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RECITALS

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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.

1 2. Respondent understands that she has a right to a public administrative
2 hearing concerning this matter, at which hearing she could present evidence and cross
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 and/or judicial action, concerning the matters set forth herein.

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

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

11 5. Respondent understands this Consent Agreement deals with Board case
12 number 12-102 involving allegations that Respondent engaged in conduct that would
13 subject her to discipline under the Board's statutes and rules. The investigation into these
14 allegations against Respondent shall be concluded upon the Board's adoption of this
15 Consent Agreement.

16 6. Respondent understands that this Consent Agreement does not constitute
17 any waiver, express or implied, of the Board's statutory authority or jurisdiction
18 regarding any future investigation, action or proceeding.

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

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

4 9. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

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

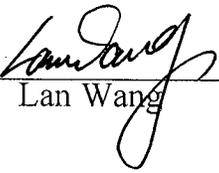
15 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement may
20 result in disciplinary action. A.R.S. § 32-4253(A)(23).

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

23 ...
24 ...

25 ACCEPTED AND AGREED BY RESPONDENT

1
2 
Lan Wang

Dated: 6/13/2014

3 **FINDINGS OF FACT**

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

6 2. Respondent is the holder of license number MT-07946 to practice as a
7 Massage Therapist in the State of Arizona.

8 3. On January 15, 2014, Respondent was convicted of Facilitation to Commit
9 Money Laundering in the Second Degree a class 6 undesignated felony, in Maricopa
10 County Superior Court case number CR2012-147073.

11 4. Respondent failed to notify the Board that she had been charged with a
12 felony offense within 10 days after the charge was filed.

13 **CONCLUSIONS OF LAW**

14 1. The Board possesses jurisdiction over the subject matter and over
15 Respondent pursuant to A.R.S. § 32-4201 *et seq.*

16 2. The felony conviction described above in the Findings of Fact is grounds
17 for discipline under A.R.S. § 32-4253(A)(4) (Being convicted of a felony or other offense
18 involving moral turpitude or conviction for prostitution, solicitation or another similar
19 offense. A conviction by a court of competent jurisdiction is conclusive evidence of the
20 commission of the crime). Under A.R.S. §13-604(A), the class 6 undesignated felony is
21 treated as a felony for all purposes until such time as the court may actually enter an
22 order designating the offense a misdemeanor.

23 3. The conduct described in the Findings of Fact constitutes unprofessional
24 conduct under A.R.S. § 32-3208(A) and (D), which provide that it is unprofessional
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1 conduct for a health professional who has been charged with a misdemeanor involving
2 conduct that may affect patient safety or a felony after receiving or renewing a license or
3 certificate to fail to notify the health professional's regulatory board in writing within ten
4 working days after the charge is filed.

5 **ORDER**

6 Based upon the above Findings of Fact and Conclusions of Law, the Board issues
7 the following Order:

8 1. Respondent's Massage Therapist License No. MT-07946 is immediately
9 **suspended** for a period of **30 days**. During the period of suspension, Respondent shall
10 complete 6 hours of Board staff pre-approved continuing education in professional and
11 personal ethics and provide documentation proving successful completion of the required
12 continuing education to the Board. These continuing education hours shall be in addition
13 to the hours required for the renewal of Respondent's massage therapist license under
14 A.R.S. § 32-4225.

15 2. Immediately following the period of suspension, Respondent's license shall
16 be placed on **probation** for a period **12 months**, subject to the following terms and
17 conditions:

18 a. No sooner than twelve (12) months from the beginning of
19 Respondent's probationary period, Respondent shall request in writing that
20 the Board terminate her probation. Respondent's request for termination
21 will be considered at a regularly scheduled Board meeting. Respondent is
22 required to personally appear at that Board meeting. Respondent's
23 probationary period will continue until Respondent's request for
24 termination is received and the Board terminates the probation.

1 b. Throughout the term of Respondent's probation, Respondent shall
2 furnish all massage therapy employers with a copy of this Consent
3 Agreement.

4 c. Respondent shall pay all necessary fees and complete all continuing
5 education requirements throughout the term of her probation to maintain
6 Massage Therapist License No. MT-07946.

7 d. Throughout the term of Respondent's probation, Respondent shall
8 personally appear before the Board when requested to do so by the Board
9 or Board staff.

10 e. Respondent shall obey all federal and state laws and rules governing
11 the practice of Massage Therapists.

12 3. Respondent shall pay all costs associated with complying with this Consent
13 Agreement.

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

19 DATED this 23rd day of June, 2014.

20 ARIZONA STATE BOARD OF MASSAGE
21 THERAPY

22 (Seal)

23 By: Kathleen Phillips
24 KATHLEEN PHILLIPS
25 Executive Director

26 ORIGINAL OF THE FORGOING FILED
this 23rd day of June, 2014, with:

Arizona State Board of Massage Therapy

1 1700 West Washington, Suite 250
Phoenix, Arizona 85007

2 EXECUTED COPY OF THE FOREGOING MAILED
3 BY CERTIFIED MAIL

4 this 24th day of June, 2014, to:

5 Lan Wang
6 Address of Record
7 Respondent

8 EXECUTED COPY OF THE FOREGOING MAILED

9 this 24th day of June, 2014, to:

10 H.M. Walthall, Esq.
11 105 South Stapley Drive
12 Mesa, Arizona 85204
13 Attorney for Respondent

14 Elizabeth A. Campbell
15 Assistant Attorney General
16 1275 W. Washington Street, CIV/LES
17 Phoenix, Arizona 85007
18 Attorney for the Board

19 
20 _____
21 #3826453