



State of Arizona
Janet Napolitano – Governor

Arizona State Board of Massage Therapy

“Protecting the Public’s Health”

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Mara Concordia, LMT; Judy Boyer, LMT; Ms. Lori Green, Public Member; Daniel Vasquez, LMT
Vacant Public Member, Craig Runbeck, NMD, Executive Director

Minutes

REGULAR BOARD MEETING

January 24, 2005, 11:00 a.m.
Basement Conference Room B1
1400 West Washington St
Phoenix, AZ 85007

1. Call to Order by Presiding Officer

Ms. Concordia, Chair called the meeting to order at 11:05 am.

A. Roll call of Board members was done to establish a quorum to conduct the meeting.

Board Members Present: Mara Concordia, Chair
Lori Green
Judy Boyer via telephone
Boar Member Absent: Daniel Vasquez

Legal Counsel Present: Dawn Lee, Assistant Attorney General
Victoria Mangiapane, Solicitor General

Staff Present: Dr. Craig Runbeck, Executive Director
Dee Doyle, Licensing Administrator

2. Call to the Public

Ms. Concordia Gave a call to the public at 11:07 am.

Mr. Espinosa was present to address the Board regarding his application for licensure.

Ms. Retting was present to address the Board regarding continuing education requirements.

3. Discussion and consideration of Consent Agenda (Any item under consent may be removed for independent discussion and action by a Board Member.)

- A. Approval of Minutes: December 20, 2004
- B. Approval of Minutes: January 10, 2005, Telephone Conference
- C. Approval of Minutes: January 18, 2005, Telephone Conference
- D. Approval of Massage Therapy Application(s) 306 names listed

MOTION: Ms. Green moved to approve the consent agenda as listed. Ms. Boyer seconded the motion.

VOTE: The motion passed 3-0

4. Discussion and Consideration of Application(s) for Licensure Regulatory Matters

A. **Parameters for consent agenda items. R415-101 Definitions, 8.D Good Moral Character**

Dr. Runbeck summarized the parameters for the consent agenda on the definitions on "Good Moral Character" for the Board. The Board is bound by its statutes and the five year limitation for Good Moral Character. Does the Board wish to pursue statute changes so the Board will have more latitude with regards to application requirements? Ms. Concordia asked that the Board review the statute changes and put on as a future agenda item to review more thoroughly.

B. Board Review

1. Jennifer Crall

Ms. Crall was present to answer questions from the Board regarding her application for licensure.

Ms. Doyle summarized this application for the Board. Ms. Crall answered yes to question #29 on her application. Ms. Crall has a Consent Agreement with the City of Phoenix for her establishment license for employing unlicensed massage therapist.

MOTION: Ms. Green moved to approve Ms. Crall application for licensure with a Letter of Concern regarding ethical practice and to be above reproach and no gray areas. Ms. Boyer seconded the motion.

VOTE: The motion passed 3-0

2. Betty Hawley

Ms. Hawley was present to answer questions from the Board regarding her application for licensure.

Ms. Doyle summarized this application for the Board. Ms. Hawley background check shows she was arrested on 2/16/04 and charged with Assault-Touched to injure. She was found guilty.

Ms. Lee assistant attorney general asked if Ms. Hawley had satisfied her probation.

Ms. Boyer asked to have this matter tabled by the Board until Ms. Hawley could provide documentation regarding her probation.

Ms. Hawley acquired documentation from the Phoenix Court and she will be on probation until April 05. The Board tabled this matter until Ms. Hawley obtains documentation releasing her from probation.

3. Rebecca Kuzyk

Ms. Kuzyk was present to answer questions from the Board regarding her application for licensure.

Ms. Doyle summarized this application for the Board. Ms. Kuzyk's background check shows she was arrested on 6/1/2003 and charged with a Felony in Guymon, Oklahoma, she also answered yes to questions #20 and 23 on her application.

MOTION: Ms. Boyer moved to deny Ms. Kuzyk's application for licensure. Ms. Green seconded the motion.

VOTE: The Motion passed 3-0

4. Christopher Nixon

Mr. Nixon was not present at the Board meeting.

Ms. Doyle summarized this application for the Board. Mr. Nixon answered all but one of the questions on his application however his background check came back with a conviction on 11/22/00 guilty and 3 years probation with 6 months in jail.

The Board tabled this matter to obtain further information from Mr. Nixon regarding his probation status.

5. Anna Prassa

Ms. Prassa was present to answer questions from the Board regarding her application for licensure.

Ms. Doyle summarized this application for the Board. Ms. Prassa's background check shows she was arrested on 11/18/200 and charged with Assault-touch to injure. She was placed on probation for one year.

MOTION: Ms. Green moved to approve Ms. Prassa's application for licensure. Ms. Boyer seconded the motion.

VOTE: The motion passed 3-0

6. Jian Xia Zhang

Ms. Zhang was not present at the Board meeting.

Ms. Green recused herself from this review of Ms. Zhang's application.
The Board tabled Ms. Zhang application for licensure for lack of a quorum.

7. JoAnn Ruszel-Margeson

Ms. Ruszel-Margeson was present to answer question from the board regarding her application for licensure.

Ms. Doyle summarized this application for licensure for the Board. Ms. Ruszel-Margeson submitted an official transcript to the Board showing an AS Degree in Physical Therapy instead of Massage Therapy.

MOTION: Ms. Boyer moved to approve Ms. Ruszel-Margeson's application for licensure. Ms. Green seconded the motion.

VOTE: The motion passed 3-0.

8. Diane Peterson

Ms. Petersen was present to answer questions by the Board regarding her application for licensure.

Ms. Concordia asked Ms. Petersen why she did not want to take and pass the National Certification Board exam which would be the only way Ms. Petersen could be licensed in Arizona.

The reciprocity and provisional requirements were not meet by Ms. Petersen information sent with her application.

Ms. Petersen answered the Board; with she feels she has already completed thru her extensive number of hours and studies over a three year period of time what is necessary for licensure and because she held city licenses in Aurora and Denver Colorado this should qualified her for an Arizona license.

Ms. Concordia went over the Board statutes and how an applicant can be licensed in Arizona. Ms. Petersen could obtain a license in the State of Arizona if she would take and pass the National Certification Board exam then she could come in under the regular application.

Ms. Petersen then stated that she was applying under the Reciprocity application. She is coming from the state of Colorado but Colorado is a non licensing state.

Ms. Concordia Tabled this matter until the January 31, 2005 Telephone conference to review additional information in Ms. Petersen's file.

9. Serina Hernandez

Ms. Hernandez was unable to attend this board meeting.

Ms. Concordia moved to Table Ms. Hernandez's application to obtain additional information regarding the dates of her arrest. The board will need information regarding the charge and what she was convicted of and if she is still on probation.

C. Interview Review Requested.

1. Rene G. Soto

Mr. Soto was present at the Boards request to answer questions regarding his positive background check.

The Board asked questions of Mr. Soto to which he responded.

MOTION: Ms. Green moved to grant Mr. Soto a license with a Letter of Concern because he did not answer the questions appropriately on his application and he did not supply the requested information to the Board.
Ms. Boyer seconded the motion.

VOTE: The motion passed 3-0

D. Discussion regarding the Office of Administrative Hearing results.

1. Memo and Instruction from the Attorney General Solicitor's General office
 - A. Gillian Kranson

Ms. Kranson was not present at the Board meeting.

Victoria Mangiapane Assistant Attorney General, Solicitor General's office was present to represent and advise the Board. Ms. Mangiapane went over the procedure and direction of the Board regarding the Administrative Law Judge decision.

Ms. Concordia we will now review case number 05F00566-MTB.

Ms. Lee Assistant Attorney General representing the State of Arizona. The Administrative Law Judges decision was supported by the evidence and testimony presented at the hearing. The State again is requesting that the Board accept the recommended Finding of Facts, Conclusion of Law and Recommended Order.

MOTION: Ms. Green moved to accept the Findings of Facts in there entirety as presented by the Office of Administrative Hearing for case number 0500566-MTB, Gillian Kranson. Ms. Boyer seconded the motion.

VOTE: The motion passed 3-0

The Board Modify the Conclusion of Law to correct the typographical error under paragraph number three to read A.R.S. 32-4222 (A) (8), instead of (f).

MOTION: Ms. Green moved to accept the Conclusion of Law with the correction stated above, Ms. Boyer seconded the motion.

VOTE: The motion passed 3-0

MOTION: Ms. Green moved to accept the recommended order for denial of licensure from the Administrative Law Judge as presented. Ms. Boyer seconded the motion.

VOTE: A Roll call vote: Ms. Green, Ms. Concordia and Ms. Boyer voted yes. The motion passed unanimously.

B. Xinh Moore

Ms. Moore was not present at the Board meeting.

Ms. Concordia Chair the Board deliberated case number 05F00163-MTB.

Ms. Lee Assistant Attorney General representing the State of Arizona, the Administrative Law Judges decision was supported by the evidence and testimony presented at the hearing. The State again is requesting that the Board accept the recommended Finding of Facts, Conclusion of Law and Recommended Order.

MOTION: Ms. Green moved to accept the Findings of Facts in there entirety as presented by the Office of Administrative Hearing for case number 0500163-MTB, Xinh Moore. Ms. Boyer seconded the motion.

VOTE: The motion passed 3-0

The Modify the Conclusion of Law to correct the typographical error under number seven to read A.R.S. 32-4253 (B)(2)(b).

MOTION: Ms. Green moved to accept the Conclusion of Law with the correction stated above. Ms. Boyer seconded the motion.

VOTE: The motion passed 3-0

MOTION: Ms. Green moved to accept the recommended order for denial of licensure for Xinh Thi Moore from the Administrative Law Judge as presented. Ms. Boyer seconded the motion.

VOTE: A Roll call vote: Ms. Green, Ms. Concordia and M.s Boyer voted yes. The motion passed unanimously.

E. Discussion and Consideration for applications for licensure

1. Applied working without state licensure
2. Not applied working without state licensure
3. Have a state license but worked before license was received

This matter was tabled until the February board meeting.

F. Discussion and Consideration for Continuing Education requirements

This matter was tabled until the February board meeting.

5. Discussion and Consideration of Legislation.

Dr. Runbeck handed HB2521 to the Board members to review.

6. Discussion and Consideration of Board Matters.

A. Discussion for changing or adjusting the start time for the board meetings.
The Board discussed changing the Board meeting time to earlier in the day. At present they will keep it at 11:00 am.

7. Discussion and Consideration of Correspondence.

Ms. Annie Naylor from the Center for Muscle Therapy sent the Board a letter regarding her recent visit to the Board's office and how she was helped by the front desk and staff of the Massage Therapy Board quickly and professionally.

ADJOURNMENT

The Meeting was ADJOURNED at 1:20 pm.

Date this _____ day of _____

Arizona Board of Massage Therapy

Signed by Board Chair: _____