



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

March 30, 2005, 9:00 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 9:06 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 arrived at the meeting at 10:17 am.
New Public Board Member: Daniel Pozefsky

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

Staff Present: Paula Brierley, Deputy Director
Dee Doyle, Licensing Administrator
Staff Absent: Dr. Craig Runbeck, Executive Director

2. Call to the Public

Ms. Concordia Gave a call to the public at 9:07 am.

No public addressed the board.

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: January 24, 2005
- B. Approval of Minutes: January 31, 2005, Telephone Conference
- C. Approval of Minutes: February 7, 2005, Telephone Conference
- D. Approval of Minutes: February 15, 2005, Telephone Conference
- E. Approval of Minutes: February 28 2005, Telephone Conference
- F. Approval of Massage Therapy Application(s) 248 names listed

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

VOTE: The motion passed 3-0

4. Discussion and Consideration on Request for Rehearing-Time specific (9:15 am)

This matter was heard at 9:25 after the Executive Session

A. Gillian Kranson

Ms. Kranson and her attorney Mr. German Salazar were present and addressed the Board regarding the request for a re-hearing on the Board decision of Ms. Kranson Final Order.

Ms. Dawn Lee, Assistant Attorney General for the State reaffirmed the states decision to hold to the original decision to deny Ms. Kranson's application for licensure.

Ms. Victoria Mangipane, Assistant Attorney General advised the Board that this was to vote only on granting or denying Ms. Kranson's request for a re-hearing on her final order, not to rehear her case.

MOTION: Mr. Pozefsky moved to deny Ms. Kransons request for a re-hearing, Ms. Green seconded the motion.

VOTE: The motion passed 3-0

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

A. Parameters for consent agenda items. R4-15-101 Definitions, 8.D Good Moral Character

Ms. Concordia, Chair tabled this matter to be addressed at the next scheduled board meeting to better define Good Moral Character in the Rules.

B. Board Review Reconsideration and Tabled Applications for Licensure.

1. Diane Peterson – Reconsideration on the denial of her application for licensure.

Ms. Peterson was present to answer questions from the Board. Ms. Concordia summarized this matter for the Board; Ms. Peterson took and passed the NCBTMB the final requirement to obtain licensure.

MOTION: Ms. Green moved to rescind the board's prior motion on denial of Ms. Petersen's application, Mr. Pozefsky seconded the motion.

VOTE: The motion passed 3-0

MOTION: Ms. Green moved to approve Diane Petersen's application for licensure, Mr. Pozefsky seconded the motion.

VOTE: The motion passed 3-0

2. Serena Hernandez

Ms. Hernandez did not appear at the Board meeting, she arrived after the meeting at 11:30 am.

Ms. Brierley summarized this application for licensure for the board.

MOTION: Mr. Pozefsky moved to approve Serena Hernandez application for licensure with a Letter of Concern regarding professional concern on her DUI, Ms. Green seconded the motion.

VOTE: The motion passed 3-0

3. Vanessa Hein

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

Ms. Brierley summarized this application for the Board. Ms. Hein's background check shows she was arrested on 2/19/04 and charged with Shoplifting. She was found guilty.

MOTION: Mr. Pozefsky moved to go into Executive Session,

VOTE: The motion passed unanimously.

The Board went into Executive Session at 9:15 am.
The Board reconvened Regular Session at 9:25 am.

MOTION: Mr. Pozefsky moved to deny Vanessa Hein's application for licensure according to A.R.S. § 32-4222 (A) (4) and (7) and R4-15-101 (8) (a) (b). Ms. Green seconded the motion.

VOTE: The Motion passed 3-0

C. Board Review of Applications for Licensure

1. Lynn Weikel

Ms. Weikel was present to answer questions from the Board.

Ms. Brierley summarized this application for the Board. Ms. Weikel's background check came back with a Felony arrest on 7/27/2001, she was convicted of fraud.

MOTION: Mr. Pozefsky moved to deny Ms. Weikel application for licensure according to A.R.S. § 32-4222 (A) (4) and (7) and R4-15-101 (8) (b). Ms. Green seconded the motion.

VOTE: The Motion passed 3-0

2. Lisa Quam

Ms. Quam was present to answer questions from the Board.

Ms. Brierley summarized this application for the Board. Ms. Quam's answered yes to question #27 on her application and provided the necessary documentation. Ms. Quam's background check came back with a misdemeanor for working without the required license in September 2001 and also in June of 1998.

MOTION: Mr. Pozefsky moved to deny Ms. Quam's application for licensure according to A.R.S. § 32-4222 (A) (4) and (7) and R4-15-101 (8) (f). Ms. Green seconded the motion.

VOTE: The motion passed 3-0

3. Oi Hui

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

Ms. Brierley summarized this application for the Board. Ms. Hui's answered yes to question #25 on her application and provided the necessary documentation. On December 16, 2004 Ms. Hui's City of Phoenix license was revoked. Ms. Hui stated she was out of the country and was unable to appeal in the ten day time limit.

MOTION: Mr. Pozefsky moved to deny Ms. Hui application for licensure according to A.R.S. § 32-4222 (A) (4) and (8) and R4-15-101 (8) (d). Ms. Green seconded the motion.

VOTE: The motion passed 3-0

Ms. Boyer arrived at the Board meeting.

4. James Marusteri

Mr. Marusteri was present to answer questions by the board. Mr. Marusteri answered no to all the questions on his application.

Ms. Brierley summarized this application for licensure for the Board. Mr. Marusteri's background check came back with an arrest and conviction on 10/13/2002 for drug paraphernalia possession/use. Mr. Marusteri was found guilty, fined and is presently on probation for a three year term. Mr. Marusteri has one more year of probation.

MOTION: Mr. Pozefsky moved to deny Mr. Marusteri application for licensure according to A.R.S. § 32-4222 (A) (4) and (9) and R4-15-101 (8) (c) and (g). Ms. Boyer seconded the motion.

VOTE: The motion passed 4-0

5. Sara Cunningham

Ms. Cunningham was not present at the Board meeting.

This matter was TABLED to receive the additional court records that have been requested.

6. Jessie Houtz

Ms. Houtz was present to answer questions by the Board.

Ms. Brierley summarized this application for the Board. Ms. Houtz answered no to all the questions on her application however her background check came back with a Felony amended to a misdemeanor for a March 10, 2001 domestic violence charge and conviction.

The Board TABLED this matter and requested the pre-sentencing and other court documentation to review at the next scheduled board meeting.

7. Patience Mormino

Ms. Mormino was present to answer questions by the Board.

Ms. Brierley summarized this application for the Board. Ms. Mormino criminal background check came back with an arrest and conviction for disorderly conduct on 2/26/99. Ms. Mormino answered no to all the questions on her application.

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

VOTE: The motion passed 4-0

8. Viktoria Plumaj

Ms. Plumaj was not present to answer questions from the Board.

Ms. Brierley summarized this application for the Board. Ms. Plumaj criminal background checks show's she was arrested on 9/10/2003 and found guilty for criminal trespassing.

The Board TABLED this matter and requested additional court documentation need final disposition on charges.

9. Michelle McFadden

Ms. McFadden was present to answer questions from the Board.

Ms. Brierley summarized this application for the Board. Ms. McFadden answered yes to questions #22 and #28 on her application. She was arrested on 9/22/00 and charged with theft a felony. Ms. McFadden was placed on probation for three years which she completed on December 3, 2003. Ms. McFadden applied for a City of Phoenix license on May 2001 which was denied, she appealed and the denial was overturned.

MOTION: Ms. Boyer moved to deny Ms. McFadden's application for licensure according to A.R.S. § 32-4222 (A) (4) and (7) and also R4-15-101 (8) (a) (b). Mr. Pozefsky seconded the motion.

VOTE: The motion passed 4-0

10. Vanessa Varela

Ms. Varela was present to answer questions from the Board.

Ms. Brierley summarized this application for the Board. Ms. Varela answered yes to question #22 on her application. Ms. Varela's background check also came back with an arrest on 3/26/2004 and charge with false statement to obtain benefits/fraud scheme/theft-obtained by misrepresentation.

MOTION: Ms. Boyer moved to deny Ms. Varela's application for licensure according to A.R.S. 32-4222 (A) (4) and (7) and also R4-15-101 (8) (b). Mr. Pozefsky seconded the motion.

VOTE: The motion passed 4-0

6. Discussion and Consideration for Continuing Education requirements and draft Rules.

Ms. Brierley handed out information for Dr. Runbeck, Executive Director regarding Continuing Education and what other licensing states are presently doing. Ms. Concordia, Chair tabled this matter so the Board could review the handout information and come prepared to discuss continuing education requirements at the next scheduled board meeting.

7. Discussion and Consideration of Legislation regarding HB2521.

Ms. Boyer was at the Commerce Committee hearing at the Legislature regarding the hearing of HB2521. Ms. Boyer addressed the Board regarding her testimony as an individual Massage Therapist not as a Board member. She stated they are lowering the standards for licensure; applicants not having to be a high school graduate or obtain a GED. Also that some massage school graduates would not be required to take the NCBTMB in order to be licensed. Ms. Boyer stated that the bill passed through the commerce committee without opposition.

Ms. Concordia, Chair stated for the record the Board's position was opposed to this legislation from the beginning. The Board wanted to take that position right from the beginning, but she was advise by Dr. Runbeck that the Board could not take a position regarding this bill and it was not necessary for her to attend the stake holders meeting and that it was his place to represent the Board. If this was stated incorrectly then she wants to be informed as to why she was told this.

MOTION: Ms. Boyer moved to instruct staff Executive Director to let the legislature know that the Arizona State Board of Massage Therapy opposed this bill. Mr. Pozefsky seconded the motion

VOTE: The motion passed 4-0

8. Discussion and Consideration of Election of Board Officers.

MOTION: Ms. Boyer moved to re-elect Ms. Mara Concordia as the Chair, Ms. Green seconded the motion

VOTE: The motion passed 4-0

MOTION: Ms. Concordia moved to elect Ms. Judy Boyer as Vice Chair, Mr. Pozefsky seconded the motion.

VOTE: The motion passed 4-0

9. Discussion and Consideration of Correspondence.

The Board reviewed correspondence received from Ms. Laura Wong, LMT a Certified Shiatsu Practitioner

The next scheduled board meeting will be April 25, 2005.

The Meeting was ADJOURNED at 11:05 am.

ADJOURNMENT

Date this _____ day of _____

Arizona Board of Massage Therapy

Signed by Board Chair: _____