



Douglas A. Ducey,  
Arizona Governor

# Arizona State Board of Massage Therapy

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## Board Members

### Chair

Angela Reiter, LMT

### Vice Chair

Myriah Moon

### Board Member

Bailey DeRoest

### Board Member

Michael Tapscott, LMT

### Board Member

Vacant

August 1, 2022

Ms. Lindsey Perry  
Arizona Auditor General  
2910 N. 44<sup>th</sup> Street, Suite #410  
Phoenix, Arizona 85018

RE: 2022 Arizona Board of Massage Therapy, Arizona Sunset Review Audit

Dear Ms. Perry:

Attached herein, please find the official response of the Arizona Board of Massage Therapy, to the summary findings of the Auditor General's Audit Team, assigned to this office for the 2022 Sunset & Performance Review.

The Board Chair, Board members, and staff, developed a good working relationship with the Audit Team, including after a replacement team leader, and intend to recalibrate identified State Board performance issues, before the upcoming post-audit visits, to achieve final Audit compliance.

The State Board looks forward to its appearance before the Senate and House committees of reference, (Heath & Human Services), and highlighting the unique relationship of this Board with Federal, State and local law enforcement.

The Board's statutory mission, reaffirmed by current Arizona Governor Doug Ducey, is to credibly protect the public, and respond to the ongoing regulatory challenge of criminal schemes and syndicates infiltrating this health industry.

Respectfully,

Tom Augherton  
Executive Director  
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602-542-8217

**Finding 1:** Board did not investigate or timely investigate, document, or review all complaints it received, increasing public safety risk

**Recommendation 1:** The Board should investigate and resolve all complaints it receives within 180 days.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 2:** The Board should establish written policies and procedures for complaint handling that include:

**Recommendation 2a:** Minimum documentation requirements, such as retaining complaint forms, correspondence with all parties and other investigative documents, final investigative reports, Board decisions, and dates associated with investigative steps and Board decisions.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 2b:** Time frames for completing key complaint-handling steps and tasks.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 2c:** Standards for prioritizing complaints based on the severity of allegations.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 2d:** Complaint-screening protocols, including determining which complaints are within its jurisdiction.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 2e:** Notification requirements for parties involved, such as when a complaint is being opened or resolved, or when a complaint falls outside the Board's jurisdiction.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 3:** The Board should develop a complaint-tracking process that allows Board staff to track all complaints it receives, monitor complaints it receives to ensure that

they are investigated and resolved, and ensure that complaints are being resolved in a timely manner.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 4:** The Board should develop and implement a formal management and analysis reporting process that includes Board staff routinely reporting to Board members and the executive director information on the nature and volume of complaints, its timeliness in investigating and resolving complaints, and the adequacy and consistency of its enforcement actions and their effectiveness in protecting the State's citizens from harm.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 5:** The Board should determine whether it will delegate authority to its executive director to dismiss complaints, and if so, it should delegate this responsibility in writing, including the types of complaints the executive director may dismiss and how the Board wants to be informed of these dismissals.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Finding 2:** Board has not made its telephone number publicly available and did not provide some information in response to our anonymous requests or on its website, restricting access to information public needs to make informed decisions about massage therapists

**Recommendation 6:** The Board should make its telephone number publicly available through its website, consistent with all other Arizona health profession regulatory boards.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 7:** The Board should respond to all telephone and email inquiries it receives from the public by providing the requested information, as authorized by statute.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 8:** The Board should update and implement its public information policies and procedures to include steps its staff should take for:

**Recommendation 8a:** Responding to email inquiries and telephone calls for information on licensees, including time frames and a schedule for staff to respond to these inquiries, and identifying what information can be disclosed.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 8b:** Posting disciplinary and applicable nondisciplinary actions/orders on its website, including identifying time frames for both posting and removing the actions/orders, identifying which actions/orders can be posted in compliance with statute, and monitoring the postings to ensure they are removed from the website in compliance with the 5-year statutory time frame.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 9:** The Board should train existing and new staff on the updated public information policies and procedures.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 10:** The Board should post copies of all statutorily required disciplinary and nondisciplinary actions/orders on its website that fall within the statutory 5-year time frame.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Sunset Factor 2:** The extent to which the Board has met its statutory objective and purpose and the efficiency with which it has operated.

**Recommendation 11:** The Board should issue licenses only to applicants who meet all statutory and rule requirements within the time frames established in rule.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 12:** Work with its electronic licensing software vendor to ensure that this software:

- a. **Recommendation 12a:** Collects all relevant data the Board needs to document and ensure license applicants comply with licensure requirements.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

- b. **Recommendation 12b:** Allows Board staff to query or create reports to monitor its licensing process, including monitoring compliance with licensing time frames.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 13:** The Board should issue renewal licenses for only 2 years, as required by statute.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 14:** The Board should identify and review all renewed licenses that have an expiration date exceeding 2 years and work with its assistant attorney general to determine what action it should take to ensure these licenses comply with the 2-year renewal time period outlined in statute, such as modifying the license expiration date.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 15:** The Board should conduct continuing-education audits of at least 10 percent of active licenses annually, as authorized by rule.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 16:** The Board should develop and implement licensing policies and procedures for:

**Recommendation 16a:** Processing initial licenses and license renewals, including procedures for handling early license renewal applications.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 16b** Conducting continuing-education audits of at least 10 percent of license renewal applicants.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 16c:** Maintaining and updating the Board-recognized school list, including steps its staff should take to add schools to the list and verify that schools continue to meet recognition requirements to be included on the list.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 17:** The Board should conduct a fee analysis as required by its policies and procedures and revise its fees as needed.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Sunset Factor 3:** The extent to which the Board serves the entire State rather than specific interests.

**Recommendation 18:** The Board should revise its conflict-of-interest disclosure form to include an “affirmative no” option when there is no conflict of interest.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

**Recommendation 19:** The Board should establish and implement a documented process for remediating disclosed conflicts of interest.

Board response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.