

**FY 2010 BUDGET REDUCTIONS - SUMMARY OF ISSUES
ARIZONA NATUROPATHIC PHYSICIANS BOARD
ARIZONA BOARD OF MASSAGE THERAPY**

ALL NON-GENERAL FUNDS

FY 2010 All Non-General Funds Budget (less Federal Funds) **604,800**

AGENCY REDUCTION TARGET - ALL NON-GENERAL FUNDS (w/o Federal Funds) **\$90,700**

Fund	Reductions Amount	Percent Reductions
Naturopathic Board Fund	\$90,700	100.0%
Issue Total	\$90,700	
All Non-General Funds Total as a Percentage of Agency Non-GF Reduction Target		100%

**FY 2010 BUDGET REDUCTIONS - SUMMARY OF ISSUES
 ARIZONA NATUROPATHIC PHYSICIANS MEDICAL BOARD
 ARIZONA BOARD OF MASSAGE THERAPY**

NATUROPATHIC BOARD FUND

FY 2010 All Non-General Funds Budget (less Federal Funds) 604,800

AGENCY REDUCTION TARGET - ALL NON-GENERAL FUNDS (w/o Federal Funds) \$90,700

Priority	Issue Title¹	Reductions Amount
1	Elimination of Massage License Complaint Investigations	\$90,700
	Issue Total	\$90,700
	Fund Total as a Percentage of Non-General Fund Reduction Target	100%

¹ Please complete the attached Description and Impact Statement for each issue.

**STATE OF ARIZONA
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

**Arizona Naturopathic Physicians Medical Board
Arizona Board of Massage Therapy**

Issue Title: Elimination of Massage License Complaint Investigations

Reduction Amounts:

Naturopathic Board Fund: \$90,700

Total: \$ 90,700 (as identified by OSPB)

Issue Description and Statement of Effects

Enabling Statute ARS 32-4221 et. seq.

Given that the Board has been working short handed and underfunded for approximately 3 years there are very few places to cut further without seriously impeding the Board's legislative mandate to license and regulate massage therapists. However, if forced to make further cuts, we could eliminate the investigation section. This section investigates complaints against massage therapists and presents their findings to the Board about their investigations.

Since most complaints against massage therapists are also of a criminal nature, the board could stop unilateral enforcement actions on most cases and refer to law enforcement. This would allow the Board to cut 1.75 FTE's for a total budget reduction of \$86,000. The balance of targeted \$90,700 (\$4,700) could come from furloughs of remaining staff.

The problem with this approach is that often the high standard of proof needed to criminally convict (beyond a reasonable doubt) allows perpetrators in the closed and unmonitored environment of a massage room to escape justice. Under the current system, the Board's lower standard of proof (a preponderance of the evidence) allows us take corrective action, at least to the point of removing someone's legal justification to be alone in a room with an unclothed victim.

This directive for a further 15% reduction is a short sighted and a totally unnecessary maneuver because we are a self-funded agency. We do not use any general funds and in fact are a revenue source to the General Fund. In addition, any fines or penalties we generate go to the General Fund. The more robust our operation, the more we could assist in helping the state out of the current budget crisis. All 90/10's should be in a similar position to help.

October 9, 2009

The board has also been receiving many complaints from the regulated population and from the public about the prevalence of unlicensed massage. A review of almost any newspaper in the state will show that it is a widespread problem. These unregulated practitioners are often prostitutes and in many cases the prostitutes are victims themselves because they are involved in some form of slavery or otherwise abusive situation. Instead of cutting our appropriation, the State could increase our appropriation (this wouldn't negatively affect the General Fund). We could staff up our investigation section, effectively help police address this significant problem in our communities, use civil penalties to support the General Fund, and be totally self supporting.

DRAFT