

Nevada State Board  
of Massage Therapists  
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Nevada State Board  
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101 Convention Center Drive Suite 830  
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**BOARD MEMBERS:**

Billie Shea  
DeAnn Prestidge  
Deborah Wenig  
Joe Cracraft

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**Email:**

[nvmassagebd@state.nv.us](mailto:nvmassagebd@state.nv.us)

**Website:**

<http://massagetherapy.nv.gov>

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**BOARD MEMBERS:**

Linda White  
Michelle Viesselman  
Michael Smith  
Stacy Rodd

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**MINUTES**

The Nevada State Board of Massage Therapists (NSBMT) is scheduled to hold its regularly scheduled meeting;

**DATE: October 24, 2008**  
**TIME: 10:30 a.m.**

**LOCATION:**

**Saint Mary's Art Center  
55 N. R. St  
Virginia City, NV 89440**

Pursuant to NRS 241.030 the Board may close a meeting to consider the character, alleged misconduct, competence or physical or mental health of a person.

**Note: \* denotes agenda items on which action may be taken. The primary purpose of this meeting is to educate the Board on policies and administrative procedures and to encourage discussion on important issues pertaining to the staff and Board members roles. Therefore, agenda items are instructional, and provide the opportunity to discuss the future goals of the Board. Public is welcome to attend and offer comment during those times the chair designates for public comment during and at the end of the meeting.**

**11: 00 a.m.**

**1. Roll Call/Introduction of Board Members**

Meeting called to order at 11:05 a.m. by board chairperson Billie Shea.  
Board members present: Joe Cracraft, DeAnn Prestidge, Michael Smith, Michelle Viesselman, Deborah Wenig, Linda White  
Board members absent: Stacy Rodd (with notice)

Staff present: Lisa Cooper, Lynette Carpenter, Nikki Milliken, Lori Patterson, Julie Root, Becky Wagoner

## 2. \* Discussion on Mission Statement as adopted by the Board in '07

Billie Shea read the Mission Statement and asked if there were any questions. Ms. Shea said that Board Members need to remember to set aside personal feeling when serving as a Board Member.

Joe Cracraft stated that it is the Board's primary purpose to protect the public and all of our actions should take that into consideration. He also said it is our goal to balance the needs of the public with those of licensed massage therapists. Mr. Cracraft suggested putting a copy of the mission statement with each agenda for every Board Meeting. It was agreed that it was a good idea.

## 3. \* Administrative Policy and Procedure

### a. Fingerprint Application

Lisa Cooper discussed the length of time it can take for the completed background check to come back. We are at the mercy of the Nevada Department of Public Safety. All of the schools in the State of Nevada are allowed to submit fingerprint applications on their students who are still in school. There was discussion about people working that have submitted fingerprint applications and have never submitted a massage therapist application. Ms. Cooper also talked about a 30 day notice (Verification of Work) form being sent to employers from the school and the schools getting the form back on their students who are working without a license. This has to do with the schools getting their funding.

It was decided to add on the Fingerprint Application: It is a misdemeanor to perform massage without a license.

There was also discussion that there needs to be strong repercussions of people practicing without a license.

Joe Cracraft asked Keith Marcher if we have authority to fine the businesses that are allowing someone to practice massage without a license in their establishment?

Keith Marcher stated that the Board does not have authority to do this-business licensing in local jurisdictions do.

Billie Shea asked Mr. Marcher if the Board has the ability to refuse fingerprint applications from certain schools?

Mr. Marcher suggested having a big meeting with all of the schools and let them know if the fingerprint application process was going to be abused, then the Board will not be offering this service anymore.

### b. Application

Lisa Cooper discussed recent revisions that have been made to the application, she combined the Transferring from Another State application and the New Licensee into one application. There was discussion that in the application instructions, it states about sending in a passport quality photo taken within the last 60 days. It was stated that it was put in our instructions to read that way to echo what the

Cosmetology Board does and some other Boards do. There was a general consensus to change the language to read: "Taken within the last six months."

Lisa Cooper stated we are having an issue going on with Social Security Cards that says "Valid with Work Authorization Card only". Ms. Cooper asked Keith Marcher if the Board has the right to refuse a license if the person is not allowed to work in the United States?

Keith Marcher stated that off the top of his head he believes "yes."

There was general consensus if a person is not eligible to work in the United States, then they should not be able to get licensed in Nevada.

There was discussion about adding in the application instructions to include under Minimum Requirements number 2: add the test NESL.

Lisa Cooper also stated we are going to be adding more screening questions to the application in Section 7, Question 2: Have you been arrested? Have you been convicted? We will be making two separate questions on the application because of the way it is currently worded it is confusing.

Ms. Cooper went over the Temporary Application and the changes recently made to it. The problems we were having with the Temporary License Application is the pages were getting split apart and not being completed.

Discussion was held about out of state transfers and whether or not they should have to go through a background check. After much debate, it was decided to keep the policy the same for now for the applicants transferring from another state allowing them to get the Certified Statement from State Licensing Authority form signed from the state they are transferring from and foregoing the background check.

There was discussion about the stated processing time of 7-10 business days. It was decided it should now read: a minimum of 15 business days.

For status checks on an application, if an applicant calls, they are told we do status checks by written request only and they can send us an email or a fax because it would be too time consuming for staff to answer these via telephone calls.

i. Returned Applications

Lisa Cooper stated if an application is not administratively complete, the whole application gets returned to the applicant with a sheet attached letting them know the reason it was returned.

ii. Character Reference letter

After a discussion among Board members and staff, it was agreed that we would no longer send out reference letters, but we will still require accurate addresses and telephone numbers for five character references as part of the application and will check the addresses against the United States Postal Service database.

c. Renewal

After some discussion, it was decided that on the renewal instruction sheet we would change processing time from 7 to 10 business days to a minimum of 15 business days.

It was also agreed to change on the renewal application instructions to read under Photo Instruction: Include 1 Current passport photo to replace what it currently says which is: Include 1 current passport quality, passport sized photo. We will also be changing the language: Taken with 60 days of renewal date to read: Taken within six months.

i. CEH forms

Each of the CEH forms were reviewed and explained when to use each one.

ii. Returned Renewals

It was explained that if a renewal is not administratively complete, it is returned to the licensee with a sheet explaining what was missing/incorrect.

d. Duplicate License Affidavit

Lisa Cooper explained that we are currently having a problem in the South with people saying they have lost their license. We are now copying the license so we have a copy of the license with the certificate number in the top left hand corner so when an inspector is out in the field, we can verify that the correct licensee has the correct license posted and somebody else is not using their license.

e. Verification of Licensure

Lisa Cooper stated we are getting more of these recently from licensees moving to other states.

**4. \* Administrative Changes, Additions/Requirements**

a. Budget

The budget was reviewed.

b. Needs analysis

Billie Shea stated that there are some web tools available as options we can look into with G. L. Suites.

Deborah Wenig would like a top priority list of what the Board would like to do. She also stated that we need to watch our overhead and costs because of the economy. We need to reevaluate this after our slow season coming up.

Michelle Viesselman stated we need to research costs and benefits of any needs we may have for the Board. She also brought up about doing our license like a credit

card. We would have to purchase the machine. Our current software with G. L. Suites would communicate.

Billie Shea would like to see the carpets steam cleaned in the Reno office and paint the office in Las Vegas.

It was also asked if we need new computers in either office. Lisa Cooper stated that Nikki Milliken has a new computer tablet and we will be ordering two more, one for each of the other inspectors. Discussion was held about working out some of the issues we are having with G.L. Suites.

c. Staff requirements

Lisa Cooper stated we have another inspector coming on board November 17, 2008. Her name is Jennifer Scofield for the south. As far as other staffing needs, after the regulation is passed in the Legislative Session of 2009, we will want to add a minimum of two more inspectors in the south.

d. Equipment

Lisa Cooper stated with our current telephone system we have six lines, but only two of the lines currently rollover. She would like to upgrade our telephone system. It will cost \$30,000 to \$40,000 for the upgraded telephone system. We will state this for next year's budget. We need both locations integrated between both offices. We need to be plugged into the State backbone. Improvements could cost between \$80,000-\$100,000. We will need to get some quotes for the future.

e. Board Compensation

Lisa Cooper stated that the Board is allowed Board Salary and Per Diem for food only (regulated by United States General Service Administration) these are per diem rates. Mileage is at a different rate: it is for gas and wear and tear on your vehicle. A mileage form must be filled out and given to Lisa Cooper to be reimbursed for mileage. Every Board member will be getting mileage forms with their checks from now on.

Board Salary is \$150.00/day. Per Diem applies when you have traveled 80 miles one way from your home base. If the Board has paid for a meal for a Board Member, then the Board Member does not get the \$64.00 per diem allowance, it is one or the other.

Mileage rate went up in August.

f. Meeting Frequency Quarterly vs. Every Other Month

The consensus of the Board members was to keep Board meetings every other month for now.

## 5. \*Job Description of Board Members

a. Roles of Board Members and Staff

There was a discussion held about the hours the chairperson is putting in each week in the office and going over budget last year. It was also asked since there are more staff members in the office has this affected the amount of time the Chairperson is spending in the office?

Lisa Cooper stated that the reason we went over budget for this item is because the Board salary rate went up to \$150.00 and our figure we had budgeted for that item was based on the old amount of \$80.00 plus \$26.00 for per diem. Ms Cooper also said that the chairperson is currently getting paid 1-2 hours per week. In actuality, the chairperson is actually putting in 2-3 hours a day, seven days a week and not getting paid for it.

Billie Shea went over what the role is of each of the Board members, that they must be subordinate to the public and what the job descriptions are. Board members can refer to the website: [www.boardsource.org](http://www.boardsource.org) for more information.

## 6. Open Meeting Law in a Social Setting

### a. Rules of etiquette for Board Members

Any issue that comes to a Board member should be directed to the office. Board members cannot engage in ex-parte discussions outside of a Board meeting and discuss an item that is an agenda item.

Joe Cracraft asked to clarify ex-parte and asked about the relationship with Keith Marcher and Billie Shea

Keith Marcher responded saying ex -parte pertains to him and any Board member He cannot contact any Board member individually and he does not discuss any case ahead of time with any Board member. Keith Marcher also said it is not a good idea for a few Board members to discuss Board business outside of a Board Meeting. He gave the advice to not talk about business unless you are in a meeting. Nevada is a quorum state-you can meet in groups less than a quorum, but he does not recommend it, doing this can invite a complaint. The same goes with e-mails-cannot discuss business via e-mails amongst Board members

## 7. Regulations that Govern Boards

### a. Ethics Commission

- i. Ethics Opinion: Billie Shea serving as Chair on the Board while simultaneously serving as President of the Nevada Chapter of the AMTA would create a conflict of interest.

Billie Shea explained that she appeared before the Ethics Commission. It is not necessarily a conflict of interest , but as Chairperson of the Nevada State Board of Massage Therapists, she would have to disclose if there would be a conflict of interest with AMTA and vice versa. She would need to recuse herself from the

situation. Also, as a Board Member, she cannot accept any gratuity of any kind. The conclusion: disclose, recuse and do not accept any big gifts.

Joe Cracraft felt there was an automatic potential for a conflict of interest to represent a profession (AMTA) vs. representing a public body (member of The Board).

Keith Marcher stated this happens a lot with boards, it came up with the Pharmacy Board. Billie Shea could stay in both positions, but would always need to disclose affiliation with both positions.

Billie Shea asked if we are going to establish policy on this?

Keith Marcher stated it is up to the Governor to do a background check and make that decision. He also stated that you can wear two hats, but make sure you wear the right hat at the right time. Mr. Marcher said that if the Board is not comfortable with this, then in June of next year, the Board does not need to elect Ms. Shea as chairperson.

#### b. Reporting requirements of the Ethics Commission

Billie Shea stated if you earn over \$6,000 as a Board Member, you must send a FDS (Financial Disclosure Statement) in before January 15<sup>th</sup> of each year. There is also the Nevada Acknowledgement of Ethical Standards for Public Officials. Each Board Member must fill out this form and they can give it to Lisa Cooper and she will mail it in.

Billie Shea reminded everyone about the trainings twice a year at the Attorney General's office.

### 8. Procedures for Summary Suspensions and Administrative Hearings

Billie Shea did an overview of this so Board Members could understand the procedures.

Keith Marcher said that we may want to attach motion forms to every case. The Board thought it was a good idea to do this in the future.

There was also discussion among the Board about closing the Board meetings for Disciplinary Hearings. Keith Marcher stated that the Board can only close the meeting for certain reasons. Mr. Marcher said we would still have to open the meetings to deliberate and vote. It is always at our discretion to keep them open, no reason to have to close our hearings. Mr. Marcher also stated that anyone that answered "yes" on an application could ask to close the meeting, but we would still have to open it to deliberate and vote. The important thing for our hearings, it is always going to come to he said, she said (credibility of the witnesses). Need to put on the record why you think someone is telling the truth and why you are making that determination on that witness. Witness determination credibility is not reviewable by the court.

Billie Shea held a discussion about the format she would like the minutes to be reported. She does not want he said, she said content, but for the minutes to have the points of the discussion under each item.

Joe Cracraft asked why we do not take a high quality recorder when our inspectors are going out or for Stacy Rodd and his detectives to use recorders on their inspections?

Keith Marcher said he will have to check on the legality of this, might need a warrant to do this. There is a NRS regarding this.

Keith Marcher stated that we have had four cases go to judicial review. We have one case in Supreme Court over denial of an application. We have not lost any cases.

Mr. Marcher also discussed the issue of Discipline Imposed. He said it is very important for the record. We can do administrative costs against them.

Michelle Viesselman asked are there limitations to what we can impose?

Mr. Marcher stated that under NRS.640C.710 (2), you can send someone for a psychological evaluation or counseling and get inventive of what will make sense for that person. The Board needs to make sure whatever conditions you are putting on people is consistent, not arbitrary and not discriminatory. He added that we cannot revoke someone's license for more than ten years.

Keith also discussed Suspension vs. Revocation of a license. Suspension: Once conditions are fulfilled the suspension is automatically lifted. Revocation: after a person's license is revoked, they must reapply as a new applicant and appear before the Board. Suspension is less punitive. A person with a history of prostitution should have their license revoked.

## **9. Generational Issues and the Effects on the Discipline Process**

### a. Discussion on Briggs Myers

#### i. Communications Styles

Lisa Cooper and Billie Shea went over the different personality traits of the different generations and for everyone to remember when they are dealing with applicants to give a little understanding about the different communication styles and age groups.

## **10. Roberts Rules of Order –**

### a. Implied and respectful

Billie Shea said that everyone has a Roberts Rules of Order that they can review at any time.

## **11. \*2009 legislature**

### a. Ability to Cite for unlicensed activity and enforce NAC's

This is the most important item of the whole list..

b. Add a License for Reflexology

Billie Shea stated we are taking Reflexology out of our exemptions. Clark County, Southern Nevada and the City of Las Vegas have come to our Board about taking this out. They are backing us on this.

c. Impose Fines and Administrative Costs

We are following what the Contractor's Board amounts are.

d. Ability to disconnect phone lines.

**12. NRS 640C. Review**

Lisa Cooper handed out a memo from Ernest Adler, our lobbyist and went over the different points of what we are trying to amend to our NRS. The Board went over each of the points of NRS 640C that we are trying to get amended. The Legislative Counsel Bureau Legal Division is going to give us a ruling as to whether we can amend NRS.640C.700 to make it clear that violent offenders may not be licensed whether or not his/her crime is more than ten years old.

**13. Future goals as a Board – Areas we would like to grow into**

The following were areas discussed for future goals for our Board:

- NRS Statutes for 2011
- NAC's
- Newsletter. There was discussion about having a newsletter such as the Nursing Board and Chiropractic Board has.
- Webpage Development (GL Suites)
- Establishing an educational credentialing

**14. Current NAC's**

a. Issues that we may have with current NAC's

Nikki Milliken, Inspector, stated with the way the current NAC's are written she is having big issues with establishments and the storage of linens. The linens need to be sealed in a plastic sealed container, on a shelf or in a closed environment. Our current NAC's do not specify this.

**15. Future NAC's to be written**

- a. Dress Code
- b. Basic Education Massage Program
- c. Draping

The Board will work something up.

d. Living conditions

e. Laundry facility

There was discussion about how the language should read.

Keith Marcher stated it should say: A clean and sanitary environment.

f. Massage Table defined

g. Notify the Board of an address change

The Physical Therapy Board enforces this. .

Keith Marcher says it should say 10-15 days-at least 15 days to include business and residential address. We can cite and charge fees once we get citing ability if a licensee does not follow this.

h. Notify the Board of any contact with law enforcement within 48 hours

It was discussed about tying this to the application. It was also said that if a person is not in compliance with a regulation, it would be grounds for Disciplinary Action and any violation of any regulation is grounds for disciplinary action and the person would have to appear before the Board.

A discussion was held on having a page in the application where the applicant signs a statement saying they will notify the Board within 48 hours if they have been arrested while their application is pending.

## **16. Federation of State Massage Therapy Board Annual Meeting**

Lisa Cooper recapped the meeting in Seattle. She passed out information they received at the meeting to Board members. She stated that they are pushing the MBLEX test and are very adamant that they are pushing the test upon The Boards.

Billie Shea who also attended and feels FARB can serve a good purpose of bringing other States' Boards' together. NCBTMB is a legally defensible exam. MBLEX to date has given 3,000 exams. A lot of the states are accepting it. Florida, Oregon and are accepting it exclusively. The biggest issue our Board is going to have is that people coming from other states that have taken and passed this exam and are we going to issue licenses to these applicants?

Lisa Cooper stated that our problem is we will have to go back to the legislature and change our language in our NRS to be able to accept the MBLEX. Fourteen states are MCLEX exclusive. There is a 78% pass/fail rate. This is a licensure exam, no certification attached to it.

There was discussion about the cost of administering the test and how it is administered. Our Board would process everything. The exam could be given in Reno and Las Vegas as there are approved testing sites in these locations.

Joe Cracraft did not feel it would be a good idea for Board members and educational members to be proctors for the exam because you would lose security of the exam. He asked if we could try to change our NRS in the 2009 Legislative Session.

Lisa Cooper stated it would not be a good idea right now because NCBTMB would show up to fight it.

It was decided among the Board that anybody that has taken the MBLEX and submits an application with us, they will go before our Board for a Portfolio Review. Lisa Cooper stated that we have under our NRS.640C.320 (5) a section regarding Portfolio Review.

The Nevada State Board of Massage Therapists will need to add in our application instructions: If you have taken the MBLEX you will need to contact our office.

Lisa Cooper stated that the cost of membership for FARB (Federation of State Massage Therapy Board) is capped at \$2,800. Board members are encouraged to join the Federation,.

## 17. Public Comments

None

## 18. \* 5:00 pm Adjournment

**Meeting adjourned at 5:05 p.m.**

**Motion:** Linda White made a motion to adjourn the meeting.

**Seconded:** Deborah Wenig

Please note: The State of Nevada Board of Massage Therapists may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

\*\*Under the Public Comment agenda item, members of the general public may bring matters not appearing on this agenda to the attention of the Board. The Board may discuss the matters, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future agenda for action. In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than five (5) minutes.

NOTE: WE WILL MAKE REASONABLE ACCOMMODATIONS FOR MEMBERS OF THE PUBLIC WHO ARE DISABLED AND WISH TO ATTEND THE MEETING. SHOULD SPECIAL ARRANGEMENTS FOR THE MEETING BE NECESSARY, PLEASE NOTIFY THE MASSAGE THERAPY LICENSING BOARD IN WRITING AT 1755 E. Plumb Lane Suite 252, Reno, NV 89502 or CALL LISA COOPER, (775) 688-1888, AS SOON AS POSSIBLE.

The Agenda was posted at the following places:

Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, NV

Office of the Attorney General, 100 N. Carson Street, Carson City, NV

Office of the Attorney General, 5420 Kietzke Lane Ste 202, Reno, NV

Nevada State Board of Massage Therapists Website

Nevada State Board of Massage Therapists, 1755 E. Plumb Lane Suite 252, Reno, NV 89502

Nevada State Board of Massage Therapists, 101 Convention Center Drive Suite 830,

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