

Nevada State Board
of Massage Therapists
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Nevada State Board
of Massage Therapists
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BOARD MEMBERS:

Billie Shea
DeAnn Prestidge

Joe Cracraft

Email:
nvmessagebd@state.nv.us

Website:
<http://massagetherapy.nv.gov>

BOARD MEMBERS:

Michelle Viesselman
Michael Smith
Sgt. Leonard Lorusso

MINUTES

DRAFT

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

DATE: August 14, 2009
TIME: 8:30 a.m.

LOCATION:

VIDEO CONFERENCE LOCATIONS:

Las Vegas Location
Grant Sawyer State Office Building
Attorney General Office 4500
555 E Washington Ave
Las Vegas, NV

or

Carson City Location
Attorney General Office
Mock Courtroom
100 North Carson Street
Carson City, NV

The mission of the Nevada State Board of Massage Therapists is to, through licensing and regulating the practice of massage, protect the public health, safety and welfare by ensuring that only qualified competent Massage Therapy Practitioners are licensed in the State of Nevada. It is our goal to balance the needs of the public with those of licensed massage therapists, through development, implementation, enforcement, and continued improvement in the areas of the public with those of Licensed Massage Therapists, through development, implementation, enforcement, and continued improvement in the areas of therapist education, public safety, boundaries, and ethics, in compliance with the highest standards set forth within the massage therapy profession.

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

Note: Formal Hearing Schedule Item # 2

8:30 a.m.

1. Roll Call/Introduction of Board Members

- a. Introduction of new Board Members (possibly)

Michelle Viesselman-Vice Chairman presided over the Board Meeting. Michelle Viesselman called the meeting to order at 8:35 a.m. Michelle Viesselman introduced the new Board members: Robin Graber and Teresa Allemang

Board Members Present: Joe Cracraft, DeAnn Prestidge, Michael Smith, Michelle Viesselman, Robin Graber, Teresa Allemang, Billie Shea (8:45 a.m.).

Board Members Absent:-Sgt. Leonard Lorusso (with notice)

Keith Marcher stated since the new board members had not received their official appointment letter from the governor, that they should hold off from voting at this meeting and could just listen.

2. *Formal Hearing

- a. 8:30 – Bin An –Present; Yan Lan-Interpreter, Present; Bucky Buchanan-Attorney-at-Law, Present.

Keith Marcher stated that what they did just now over the telephone was negotiate a possible settlement agreement in this case for the Board to consider. There is nothing in writing as the agreement was just reached over the telephone. Mr. Marcher will put together an agreement to the effect. The settlement that is being proposed to the Board is for case #NVMT-C-0910 in the matter of Bin An is a 90 day suspension of her license coupled with a \$1, 500.00 fine. \$1,000.00 would be a fine and \$500.00 would be for administrative fees and then reinstatement of Bin An's license after the 90 day suspension.

Billie Shea stated that the Board would like to make sure that Bin An understands the terms of the settlement agreement.

Bin An stated that "Yes" she did understand the terms of the settlement agreement.

Motion: Michelle Viesselman made a motion to accept the terms of the settlement agreement for a \$1,500.00 fine broken down as \$1,000.00 for a fine and \$500.00 for administrative fees.

Seconded: DeAnn Prestidge.

Motion carried.

- b. 9:30 – Yan Lan-Present; Bucky Buchanan, Attorney-at-Law, Present.

Keith Marcher stated that this is case #NVMT-C-0911 and the terms of the settlement agreement are for a 90 day suspension with a \$1,500 fine: broken down as \$1,000 for

- a fine and \$500.00 for administrative fees and then reinstatement of Yan Lan's license after the 90 day suspension.

Yan Lan stated that she understands the terms of the settlement agreement.

Motion: Michael Smith made a motion to accept the terms of the settlement agreement for a \$1,500.00 fine broken down as \$1,000.00 towards a fine and \$500.00 for administrative fees.

Seconded: Michelle Viesselman

Motion carried.

- c. 10:30 – Kui Mei Liu-Not present.

Keith Marcher stated that this is case #NVMT-C-0923 and asked that the Board continue the case until the October Board Meeting.

Motion: Michelle Viesselman made a motion to continue the case of Kui Mei Liu until the October Board Meeting.

Seconded: DeAnn Prestidge

Motion carried.

Keith Marcher excused Officer Pates.

- d. 11:30 – Xian Ju Zhu-Not present; Vicki Greco,Attorney-At-Law, Present.

Keith Marcher stated that what was done in this case was like what was previously done in other cases. He received a late notice for the settlement agreement so there is nothing in writing. The settlement agreement on this case would be a six month suspension, plus \$500.00 payable for administrative costs that Mr. Marcher asked the Board to accept.

Ms. Greco counseled her client in her office with an interpreter and she is in agreement with the settlement offer.

Motion: Michelle Viesselman made a motion to accept the settlement agreement for Xian Ju Zhu as presented for a six month suspension with \$500.00 payable for administrative costs.

Seconded: Joe Cracraft

Motion carried.

- e. 1:30 – Ying Ma-Not present.

Keith Marcher stated that the case # is NVMT-C-0918 and asked that the Board continue the case until the October Board Meeting.

Motion: Michelle Viesselman made a motion to continue the case of Ying Ma until the October Board Meeting.

Seconded: Joe Cracraft

Motion carried.

Discussion: Joe Cracraft asked Mr. Marcher what is allowed with discussion with one person before the Board when dealing with one client as it may relate to another

person appearing before the Board as there is a relationship between two of the licensees appearing before the Board today for formal hearings?

Keith Marcher stated that the Board hears each case individually with the facts of the case even if the licensees work at the same place.

Gina Session stated that you cannot judge one case on what happens with another case. Ms. Session also said that the Board can ask any questions of the licensee, but would not want to ask questions about the other case.

Michelle Viesselman clarified what Joe Cracraft meant. If one who is in that situation a week plus later and was present and aware of what happened the previous week to another licensee, they could hardly claim that they did not understand what was going on. The question would be, were they present and aware the previous week? The Board is constantly getting the argument that they do not understand when arrested for soliciting prostitution.

Gina Session said the Board is better off sticking to the individual case and to not mix cases together. Each respondent has the right to individual consideration.

- f. 2:30 – Yang Qiao-Not present; Vicki Greco, Attorney-at-Law, Present.

Keith Marcher stated that in this case they also reached a late settlement. In this case the terms of the settlement agreement for Yang Qiao are for a three month licensure suspension plus \$1,000.00 fine and \$500.00 for administrative costs.

Ms. Greco stated that she has authority to enter into that negotiation on behalf of her client Yan Qiao.

Motion: Michelle Viesselman made a motion to accept the settlement agreement for Yang Qiao with a three month licensure suspension with a \$1,000.00 fine and \$500.00 for administrative costs.

Seconded Michael Smith

Discussion: Vicki Greco asked when will the suspension start for the license?

Keith Marcher stated that the suspension will start when the order is received by Yang Qiao.

Lisa Cooper stated that the licensee will also have to attend a suspension orientation at the Las Vegas Office. Ms. Cooper will contact the licensee after they have received their suspension order to set up the orientation.

Motion carried.

3. *Discussion on SB 119

Ernie Adler introduced himself as the lobbyist for the Legislative Session 2009 for the Massage Therapist Board. Mr. Adler stated that he knows many have asked questions as to why the bill was so contentious, but does not feel that this Board was not any more contentious than any other Board bills. He stated that Board bills tend to be contentious for two reasons: 1) Many of the legislators feel that the certain regulatory Boards are not strict

enough with their members and do not enforce their regulations and 2) Many members of the profession feel that the Boards are too strict. Mr. Adler went over some of the key components of the bill.

The bill now will require that the original license be displayed at all times, not copies, which was a problem in the past. This bill also went through a number of amendments, it had four reprints. Also there are certain requirements regarding advertising. One of the things that they allowed is you cannot advertise as a massage therapist if you are not an active massage therapist. There was a provision in Section 5 and there were complaints that if someone was temporarily suspended and they had advertisements in the phone book and other places that they cannot pull, they now have a 90 day grace period to pull advertising if a licensee is under a temporary suspension.

Section 3 allows for the disconnection of a telephone number for infraction which involves crimes of violence, prostitution, and other sexual offenses. This was not a provision that the Board recommended, it came from the Legislative Counsel Bureau's office. The reason for the provision, is if someone is actively engaging in prostitution or other illegal activities of that nature, the best way to terminate that activity is to disconnect their telephone number as it appears in the phone book and it is the best way to put them out of business.

Originally opponents to the bill objected to the large amount of the fines which were originally up to \$50,000.00 for fines involving sexual offenses and crimes of violence and other things. The original fine schedule was not requested by the Board, but was done by the bill drafters from the Legislative Counsel Bureau to coincide with other regulatory agencies. Those fines were greatly reduced. First offenses are now \$100.00 to \$1,000.00. Second offenses are \$250.00 to \$5,000.00 and third and subsequent offenses are \$500.00 to \$10,000.00.

Other provisions that were put in through various amendments were when assessing a fine and certainly the regulatory persons in the field must consider the gravity of the violation, the good faith of the licensee and whatever activity they were engaged in and the previous history of the person holding the license as to the degree of fine. This bill tries to distinguish between someone that has a minor health violation and someone that is engaged in criminal activity. There is an attempt here to distinguish between minor violations and major violations which the old law which the Board operated under did not do effectively.

Under Section 6 persons who have had their license suspended or do not have a license and are engaged in massage therapy, they still come under the jurisdiction of the Board and can bring actions against them to fine them and prevent them from practicing. This is an extremely important provision because under the old law, it was questionable of whether the Board had jurisdiction over people who just refused to get licenses.

Mr. Adler stated that under Section 6.3 there was a fairly substantial amount of money that could be charged for investigating licensees that were engaged in certain activities. This allows only \$150.00 of reimbursed expenses for the Board for investigations which was a compromise that came out of the Assembly Committee. Subsection 2 of this section allows for the correction of the citation by the licensee and payment of the citation. Essentially, that allows the licensee to remedy a situation and perhaps go to the Board and ask that the fine be waived if they are now in compliance. If someone does not pay a citation, it can turn into a misdemeanor and be referred to the District Attorney's office. Anyone is allowed to have a hearing on a citation if they feel they were unjustly given a citation. The appeal must be filed in 15 days and they get an additional three days if the citation is mailed to them.

Section 10.5 came up at the very end of the legislative session because of problems we have had with persons who could not take the written exam, but were still competent massage therapists. Now the Board has the option to give an oral examination in lieu of the written examination. These may be situations where somebody has a severe learning disability, but is still competent. We had one instance where somebody was from another country and the language they spoke was not one that could be commonly translated and could not do the written exam. For that reason the Board has the option of giving an alternative test to these people. Mr. Adler stated that this is an option, not a requirement.

Lisa Cooper stated that the NCBTMB has the capability of giving the National Exam orally.

Section 11, Mr. Adler stated is something the Board requested. This requires if someone is a practicing massage therapist, even if they have multiple locations, that they bring their original license along with them and display it on the wall or in a place where it is visible so the Board does not have people with photo copies of their license at multiple locations.

Section 13, subsection 14 states that the massage therapist must pay the written citation or fine within 60 days, but, essentially there is a loophole here that was put in intentionally at the request of current licensees. The Board can set up a payment plan if somebody does not have the money and set up monthly payments to pay a fine or citation.

Section 14 changes the administrative fines from \$1,000.00 per day to \$5,000.00 per violation. The original bill had up to \$10,000.00, so this is a reduction and Mr. Adler felt it is reasonable.

Section 15 deals with the immediate suspension of licenses. The original bill draft had that the Board needed to suspend them up to 60 days and that was reduced down to 15 days. The reason for that was that was what the legislators wanted. They did not want somebody temporarily suspended in an emergency situation for more than 15 days without a hearing being held. If there is a hearing held, then the Board can, upon reasonable cause, continue the suspension. Most of these suspensions will be for violent crimes, prostitution or something of that nature. A routine health violation or something of that nature will not trigger this type of suspension. Emergency suspensions will be reserved for extreme unusual cases of real threat to the public. The problem the legislation had with the original 60 day suspension is there is a constitutional problem with taking someone's license without a hearing. Even if the staff believes something terrible has happened, that is a huge constitutional problem. Section 15 also allows the Board to obtain law enforcement records and any other governmental record that essentially has something to do with a case. These agencies are allowed to excise certain confidential material from these records. For instance, if Las Vegas Metropolitan Police Department had a system where they use undercover agent, which is a law enforcement technique they use to arrest prostitutes, they are not going to be required to reveal that to the Board because they may not want to have that information out in public. Things such as what the licensee did in connection with customers and things like that would be present in the records and not be confidential.

Section 16 deals with revoked or suspended licenses. You cannot advertise as a massage therapist, unless you are an active, licensed massage therapist.

Mr. Adler feels this bill is much more efficient under these new provisions compared to the old law. Most of the cases now are going to be handled under a routine citation regarding health and safety. The Board will not have to issue as many Cease and Desist Notices or

things of that nature. The penalties are lower and Ms. Adler feels it will be a lot less work for the Board. When the Board has a hearing on someone, it will truly be a serious matter, something that is criminal activity or near the criminal activity level.

4. Petition to Appear

- a. Wendy Scott –Present. Review Approval /Denial of CEH obtained in California -

Lisa Cooper stated that Ms. Scott took an education class in California: Hawaiian Lomi Lomi Massage. The documents were reviewed by Chairperson Shea and it was requested that the Continuing Education be brought before the Board for a Board Review. This took place right after the February meeting and Ms. Scott was going to appear at the last meeting, however, there was no room on the agenda.

Ms. Scott stated that she received her continuing education certificate last June way before the Board's decision this last February regarding continuing education. Ms. Scott stated that her education is very important to her and would rather take a course in person because she feels that is a better education than taking a course online. Ms. Scott feels that the class was worth it, it has helped her business and it was well worth the time and money as clients like this style of massage. Ms. Scott believes in being highly educated.

Motion: DeAnn Prestidge made a motion to accept the Hawaiian Lomi Lomi Massage course taken by Wendy Scott for continuing education hours.

Seconded: Michelle Viesselman

Motion carried.

Billie Shea asked the staff to make sure she gets the credit of the 36 rollover hours.

- b. David Otto-Present. Discussion on NAC for credit of Continuing education Hours taken outside of the immediately preceding renewal license period.

Lisa Cooper stated that Mr. Otto is before the Board to request a change to the NAC of Continuing Education Section 6.1 where it reads "within the year immediately preceding his request for renewal of his license. " He is asking that we change that language to 14 months to allow a 60 day window to submit continuing education hours.

Mr. Otto stated that he received his renewal, but decided to wait to renew until he received continuing education hours that were scheduled to be taken in that renewal period 60 days prior to his expiration. He waited into his new renewal period to receive his license to work, so there was a delay in working because of the delay of submission of his renewal. Mr. Otto delayed his renewal so he could include the continuing education that was taken 60 days prior to expiration. Mr. Otto is asking that the Board change the language to 14 months to allow a 60 day window to allow submitting continuing education hours.

Lisa Cooper explained if you submit your continuing education hours for example: if you expired in September and had Mr. Otto renewed in August, and you took a class on September 27th, as long as Mr. Otto would have turned those into the office or postmarked by September 30th, the office would have accepted them. Ms. Cooper stated that Mr. Otto did not have to hold up his renewal to get that in.

Michelle Viesselman asked how far ahead of time does the office send the renewal forms out to the licensee?

Ms. Cooper stated 80-90 days before expiration of their current license.

Ms. Viesselman also asked if the expiration date is on the current license they hold?

Ms. Cooper stated "Yes, it is."

The situation Mr. Otto was in, was that he had enough CEH's to renew, but wanted to submit more so that his rollover bank was full.

Billie Shea stated that what happens if her rollover bank is not full and she does not have the 12 hours to renew, now she is looking at renewing her license and taking class in two months.

Ms. Cooper stated that Ms. Shea would still have to submit the 12 continuing education hours with her renewal to renew.

Ms. Shea stated that is what they have to look at when reviewing the NAC's, how do they cover all of the basis, not just the one situation. Discussion held of the way the law is written and that the continuing education hours earned in that period are applicable to that licensing period, the licensee cannot hold on to them and turn them in the next renewal period for continuing education credit. The way the law is written is causing a little bit of difficulties in this respect.

Michelle Viesselman stated that the Board needs to look at the NAC's and possibly revising it so that it states the credits above the required credits be added from a period from the application to X.

Ms. Cooper stated that possibly they could adjust the rollover bank period.

Billie Shea stated that NAC's can take some time to get done.

Joe Cracraft stated that the way the NAC is currently interpreted, is that if a person takes a course for 12 hours that satisfies that year's requirement and then they take another course for 12 hours and that does not rollover?

Ms. Cooper said that if they submit a renewal form with 12 hours of continuing education, they get their renewal processed. Then, if they take an additional class prior to the expiration of their license in that same renewal period, they can submit that continuing education to the office and we put that in their rollover bank.

Billie Shea stated that if the person waits six months and then turns it in, then it does not work for the past renewal period.

5. *Probation Termination

- a. Katherine Pepper-Not Present. Jesse Wadhams, Attorney-at-law, Present.
Lisa Cooper stated that Jesse Wadhams is before the Board on behalf of Ms. Katherine Pepper. She requested to have an early termination of probation. She has met with all

requirements set by the Board. Ms. Cooper recommended that her probation be terminated as of August 31, 2009.

Mr. Wadhams stated that Ms. Pepper has been working for a chiropractor. Ms. Pepper would like to work at another location if she could have her probation terminated.

Motion: DeAnn Prestidge made a motion to terminate probation for Katherine Pepper effective 8-31-09.

Seconded: Michael Smith

Motion carried.

- b. Wen Ji Sun –Not Present at time of Board’s decision, appeared later.

Lisa Cooper stated that Ms. Sun’s Termination Of Probation application is before the Board to request termination of her probation. She has met the requirements set by the Board. Ms. Cooper recommended that her probation be terminated as of August 31, 2009.

Michelle Viesselman had a question regarding one of the inspection reports and Ms. Sun not showing up on the employee list one time at the establishment she was to be working at and if Ms. Sun did work the entire time?

Lisa Cooper stated that she had worked the entire time.

Motion: Michelle Viesselman made a motion to approve the termination of probation effective August 31, 2009.

Seconded: Joe Cracraft

Motion carried.

- c. Guanghua Liu-Present; Chelsea Gross-Interpreter, Present.

Lisa Cooper stated that Ms. Liu is before the Board to request termination of her two year probation. She has met all the requirements set by the Board. Ms. Cooper recommended that her probation be terminated as of August 31, 2009.

Michelle Viesselman asked how much of her probation has she served and if all of her probation terms were satisfied?

Ms. Cooper said that she has served all of her probation and all of her probation terms were satisfied with no problems.

Motion: Michael Smith made a motion to grant Termination of Probation for Guanghua Liu effective August 31, 2009.

Seconded: DeAnn Prestidge

Motion carried.

- d. Hong Ping Liu-Present; Jenny Liu-Interpreter, Present; Matthew Pawlowski-Attorney-at Law, Present.

Lisa Cooper stated that Ms. Liu is before the Board to request termination of her two year probation. Ms. Liu has met all the requirements set by the Board. Ms. Cooper

recommended that her probation be terminated as of August 31, 2009. Ms. Cooper also added that Ms. Liu has always contacted the Board while on probation.

Mr. Pawlowski stated that Ms. Liu has met every term of probation set forth by the Board and asked that her probation be lifted.

Motion: Michelle Viesselman made a motion to approve termination of probation for Hong Ping Liu effective August 31, 2009.

Seconded: Michael Smith

Motion carried.

- e. Wei Qin-Present; Kirk Kennedy-Attorney-At-Law, Present.

Lisa Cooper stated that Ms. Qin is before the Board to request termination of her two year probation. Ms. Qin has met all the requirements set by the Board. Ms. Cooper recommended that Ms. Qin's probation be terminated as of August 31, 2009.

Kirk Kennedy stated that Wei Qin has been working consistently at the Royal Spa with no incidents. Mr. Kennedy asked that the Board grant Ms. Qin termination of her probation.

Motion: Michelle Viesselman made a motion to grant termination of probation for Wei Qin effective August 31, 2009.

Seconded: Michael Smith

Motion carried.

6. * Application Review

- a. Licenses Approved and Authorized by the Chairperson

Motion: Michelle Viesselman made a motion to accept licenses as approved by chairperson.

Seconded: DeAnn Prestidge

Motion carried.

- b. Cynthia L. DiRaimondo-Not Present

Lisa Cooper stated that Ms. Diraimondo was working without a Nevada State Board of Massage Therapists License. She made an application and signed an Agreement for Fine. She requested to be granted a license under NRS 640C.400.

Motion: Michelle Viesselman made a motion to accept the Agreement for Fine for Cynthia DiRaimondo.

Seconded: Joe Cracraft

Motion carried.

- c. Review Application of Cheryl A. Smith for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (3). Cheryl Smith-Present.

Ms. Cooper stated that Ms. Smith is before the Board due to her education completed was an online distance program. Her core curriculum of 400 hours was distance and

200 hours was in supervised class. She passed the national exam and requested to be granted a license under NRS 640C.400.

Ms. Smith stated that she called the office in April 2007 and was told she could take an online massage program as long as it was accredited. Ms. Smith continued her program and then six months later said she found out that the office said they were not sure if they would allow the online program and she had already spent a couple thousand dollars on the program and was scheduled for her hands on training in Colorado so she went ahead and continued her program. Ms. Smith was told she would be allowed to appear before the Board regarding her application. Ms. Smith passed her national exam through the NCBTMB. Ms. Smith really enjoys massage and would like to help people.

Michelle Viesselman asked Ms. Smith to tell the Board about her massage program.

Ms. Smith stated that she was mainly focused on Swedish and Sports massage. Ms. Smith stated she has taken three of the Touch for Health seminars and some other seminars. Ms. Smith said that at her age she is not really focusing on doing massage full time. She has a chiropractor who will let her work with him as she would like more instruction from someone that knows more than her.

Joe Cracraft asked Ms. Smith what the 200 hours of clinic training consisted of.

Ms. Smith stated that they had instruction on neuromuscular. They also had clinical pretty much every night and all day Saturday where they worked on different people in the community that came in. They worked on some Reflexology, Shiatsu and Trigger Point Therapy. They went over and over the muscles and range of motion, and different positions and techniques for performing massage.

Michelle Viesselman asked Ms. Smith how many of her hands on hours were actual clinical hours?

Ms. Smith stated that there was a total of 60 hours during the weekdays and four Saturdays totaling 32-40 hours for a total of 100 hours of working on the public.

Ms. Viesselman stated that essentially half of the 200 hours was working on the public and half was classroom time.

Ms. Smith stated that it was classroom time and they worked on the other students.

Joe Cracraft asked Keith Marcher to advise relative to how the Board addresses the online education.

Mr. Marcher asked the Board if they have had this situation before?

Lisa Cooper stated that the Board has not had this situation before. The NAC for Post Secondary Education does not allow a correspondence course. Our law NRS.640C says that the Board can approve a massage therapy program. If the Board approves the program, then they approve Ms. Smith's licensing. If the Board does not approve the program, then they do not approve her licensing.

Mr. Marcher stated that it all comes back to competency and training. If the Board is comfortable with Ms. Smith's training and she has the hours, then it is acceptable.

Joe Cracraft asked if the Board will be in conflict with the Post Secondary regulations?

Lisa Cooper stated that a NRS trumps a NAC. The massage board's NRS says that they can approve a massage program which would trump the NAC that is out there.

Joe Cracraft wanted to know how that is related to Post Secondary Education who says no distance education or online education allowed?

Billie Shea stated that the Commission on Post Secondary Education really does not care anymore, they would prefer to drop the requirements that they have listed as a NAC. They would prefer that the Board draft their own requirements.

Keith Marcher stated that if the Board is comfortable that Ms. Smith is qualified, then they can approve the program and license her.

Michelle Viesselman had a question if the Board approves her license, then are they automatically approving the program?

Lisa Cooper stated that the Board can approve Ms. Smith's license and when the Board creates the NAC's, if it is a distance learning course, then the Board can put in the NAC's if it is a distance learning program, that the Board will want to review all of the distance learning programs.

Keith Marcher stated that the Board can still review every individual applicant.

Ms. Smith stated that in addition to what was included in the packet, she has a Bachelor of Science in Natural Health and quite a few hours of training from Clayton College and 72 hours from two other universities. Ms. Smith said that she has attended school in both the classroom setting and online and feels much of the learning she gained from online because she was using it and was able to practice on family and it benefitted her more probably than her in class learning because she is using it and applying it.

Michelle Viesselman turned the meeting over to Billie Shea to preside over.

Billie Shea asked Ms. Smith what she has done previously in her life?

Ms. Smith stated she raised her family. She studied math and physics in college and biology was her minor. Ms. Smith has been very interested in natural health and massage therapy was something she ran across.

Michelle Viesselman is not comfortable with the online program and does not feel that the online program is enough to sway her.

Billie Shea asked if Ms. Smith is currently licensed in any other state?

Ms. Smith answered "No, she is not licensed in another state."

Billie Shea stated that the Board has had this discussion many times about education and how it is a bit of a problem. One of the things that the Board has to deal with is the

National Certification Board now allows for a portion of the education to be approved by distance learning, so the Board is caught in a difficult, new technology situation because NCBTMB is accepting online curriculum. Historically, the Board has accepted other accumulated credits and done different things. Ms. Shea stated she is leaning on the other side of the fence.

Motion: Michael Smith made a motion to grant Cheryl Smith a license with the proviso to be supervised by her employer for 12 months with a minimum of 15-20 hours a week.

Seconded: Michelle Viesselman

Discussion: Joe Cracraft asked Ms. Smith if she has anticipated how much she will be working and how many clients?

Ms. Smith stated since she has not been licensed, she does not know. She needs to work out the amount of hours with the chiropractor that she will be working with.

Amended Motion: Michael Smith amended the original motion to include a minimum of 15-20 hours a week or what averages out to that.

Seconded: Michelle Viesselman

Discussion: Joe Cracraft thinks it is very difficult to specify the number of hours per week a year not knowing how many patients the chiropractor will refer to her for massage.

DeAnn Prestidge agreed as there could be 10 minute spot treatments, it could be 20 minutes or a half hour or it could be a full hour.

Billie Shea pointed out that for NCBTMB renewal a licensee must document 200 hours for a period of four years. Could the Board ask Ms. Smith to document 50 massages for the year?

Amended Motion: Michael Smith amended the amended motion to grant Cheryl Smith a license with the conditions that she be supervised by her employer for 12 months and document 50 hours of hands on work and submit the documented massage paperwork to the office before the one year term is up.

Seconded: Michelle Viesselman

Motion carried.

- d. Review Application of Shao Zhen Luo for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (3) Shao Zhen Luo-Present; Andrew Wong-Interpreter, Present.

Lisa Cooper stated that Ms. Luo is before the Board due to her education being completed in California School. She requested to be granted a license under NRS 640C.400.

Billie Shea stated that Ms. Luo was welcome to say anything about her schooling or application.

Michelle Viesselman asked "Was Ms. Luo picked up for unlicensed activity?"

Mr. Wong stated "Yes, November 2008."

Ms. Shea stated that she saw that Ms. Luo had a license as a reflexologist in Henderson and is she still currently licensed as a reflexologist?

Ms. Luo through Mr. Wong answered "Yes."

Ms. Shea asked Ms. Luo when did she start school for massage and did she complete her program just recently?

Ms. Luo answered through Mr. Wong that she finished school in August 2007.

Ms. Shea stated that Ms. Luo was cited for unlicensed activity twice in Henderson and was working as a Reflexologist, but was caught doing a full body massage.

Michelle Viesselman agreed that the biggest factor is that Ms. Luo engaged in unlicensed activity both times.

Motion: Michelle Viesselman made a motion to grant Shao Zhen Luo a license with one year probation with an administrative fine of \$100.00 with the following probation terms: #1,#2,#3,#4,#7, #8, #9 #11, #12 and #13 and can apply for termination of probation after serving six months of her probation term.

Seconded: Michelle Smith

Motion carried.

- e. Review Application of Sok H. Ham for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (3)-Sok Ham-Present; Raymond Cordova-Consultant-Imperial Spa-Present.

Lisa Cooper stated that Mr. Ham is before the Board due to his education being completed in a California School. Mr. Ham requested to be granted a license under NRS 640C.400

Mr. Cordova stated that they are having difficulty getting people licensed in Nevada that attended massage schools in California because they do not have a State Licensing Board and at long last that will officially be online on January 1, 2010 and, hopefully this will alleviate the issue.

Billie Shea explained that California does not have a Commission on Postsecondary Education. Therefore, there are a lot of schools the Board cannot verify because there is no Commission on Postsecondary Education overseeing those schools in California. It has nothing to do with the California Certification Board, it has to do with the California State Board of Postsecondary Education. They sundowned their Commission on Postsecondary Education and have not yet reenabled it. This problem will likely continue for quite a while until the education issue is resolved with postsecondary schools. The certifying agency for massage boards in California has the same problem that many other states do. The Board cannot verify the educational components.

Michelle Viesselman had a question in regards to Mr. Ham's transcripts as his education is divided into two programs: there is a 300 hour Massage Program and a 300 hour Acupressure Program.

Billie Shea reviewed the transcripts and what she looked for were the components of Anatomy, Physiology and Kinesiology and when you add them all up he kind of meets the bare minimum that would be required in Nevada. The Acupressure Program would be what the Board would deem as electives. Ms. Shea explained to Mr. Ham that the school gave him two separate transcripts that each equal 300 hours and the Board is concerned that he did not complete a 500 hour program and asked Mr. Ham to explain that to the Board. Ms. Shea also stated that staff was not able to contact the school and get clarification on this question.

Mr. Cordova spoke for Mr. Ham and that he said the Acupressure Program included massage and that Mr. Ham also has the National Certification for which the minimum hours are also 500 hours.

Lisa Cooper stated it also depends on if he took the NESL. If you take the NESL and you pass it and you latter submit a \$25.00 fee, you can convert it into the certification.

Michelle Viesselman said that technically he is saying he has completed a 300 hour massage program and a 300 hour Acupressure Program and our law says a 500 hour massage program is required.

Joe Cracraft pointed out that if you look at the hours title wise for Acupressure, it is not nearly the 300 hours.

Billie Shea noticed that Mr. Ham had completed the program in 2006 and asked Mr. Ham if he has been licensed somewhere else for massage therapy?

Mr. Ham stated that he has a license in La Habra, California.

Mr. Cordova said that they accepted both of his 300 hour programs to meet their 500 hour requirement.

Billie Shea stated that the problem is with the two different certificates and with any educational program you are going to see electives.

Mr. Cordova understands the catch 22 position the Board is in and would like to offer if the Board could issue a Temporary License pending Mr. Ham attending a school in Nevada to pick up any extra required hours and then upon that completion, then give him a permanent license.

Lisa Cooper stated that we do not have a provision to issue Mr. Ham a Temporary License under these circumstances.

Motion: Michelle Viesselman made a motion to issue a conditional license to Sok Ham and within one year Ms. Ham must complete a 50 hour in classroom hands on training in massage techniques in Nevada and he can contact the staff before he takes the class to make sure it is acceptable.

Seconded: Michael Smith

Motion carried.

- f. Review Application of Li Hong Dai for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (3). Li Hong Dai-Not present.

Lisa Cooper stated that Ms. Dai's application is before the Board due to her education being completed in a California School. Ms. Cooper is requesting she be granted a license under NRS 640C.400.

Motion: DeAnn Prestidge made a motion to grant Li Hong Dai a license without restrictions.

Seconded: Michelle Viesselman

Motion carried.

- g. Review Application of Manzhen Wang for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (3). Manzhen Wang-Not present.

Lisa Cooper stated that Ms. Wang is before the Board due to her education being completed in a California School. Ms. Cooper requested that Ms. Wang be granted a license under NRS 640C.400.

There was a discussion about how many total hours Ms. Wang had and what the courses the program consisted of.

Motion: Michael Smith made a motion to grant Manzhen Wang a license without restrictions

Seconded:

Motion carried.

- h. Review Application of Xiuzhen Zhang for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (3). Xiuzhen Zhang-Present; Chelsea Gross-Interpreter-Present.

Lisa Cooper stated that Ms. Zhang is before the Board due to her education being completed in a California School. She requested to be granted a license under NRS 640C.400.

Michelle Viesselman asked Ms. Zhang how many hours a week did she attend school?

Ms. Zhang (through her interpreter) answered five days a week, eight hours a day.

Billie Shea sees some of the same kind of situation as with the previous California school transcripts, but with this transcript, there is 200 hours of Foot Reflexology and this Board has some questions about the whole Reflexology/Massage issue. If you take out the extra 150 hours of Advanced Massage Technique that was completed this year, Ms. Zhang still has 550 hours of massage training.

Michelle Viesselman pointed out that Ms. Zhang stated she has done 40 hrs a week, five eight hour days and that does not add up.

Billie Shea pointed out there is one five week month in the time frame in which she completed school and it is possible that she did complete the hours in the time frame.

Motion: DeAnn Prestidge made a motion to issue Xiuzhen Zhang a license with the condition that she complete a minimum of 45 hours of an Anatomy and Physiology course in Nevada within one year.

Seconded: Michelle Viesselman

Motion carried.

Lisa Cooper asked for clarification if Ms. Zhang would also need to complete continuing education hours for her renewal?

The Board stated “No” that if she completed the Anatomy and Physiology class, that would also fulfill her continuing education requirement for her first renewal just for this person only and she would not be granted any rollover hours upon her first renewal for this class.

- i. Review Application of Jishun Jin for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (3). Jishun Jin-Present; Raymond Cordova-Consultant/Imperial Spa-Present.

Lisa Cooper stated that Ms. Jin is before the Board due to her education being completed in a California School. She requested to be granted a license under NRS 640C.400.

Mr. Cordova stated that Ms. Jin attended the same school as Sok Ham.

Motion: Michelle Viesselman made a motion to issue a conditional license to Jishun Jin and within one year she needs to complete a 50 hour in classroom hands on training in massage techniques in Nevada and she can contact the staff before she takes the class to make sure it is acceptable.

Seconded: Michael Smith

Motion carried.

- j. Review Application of Hong Ling Deng for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (3). Hong Ling Deng-Not present.

Lisa Cooper stated that Ms. Deng’s application is before the Board due to her education being completed in a California School. Ms. Cooper requested that Ms. Deng be granted a license under NRS 640C.400.

Motion: Michelle Viesselman made a motion to grant Hong Ling Deng a license with no restrictions.

Seconded: Joe Cracraft

Motion carried.

- k. Review Application of Paul D. Flamer for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.700 (1). Paul Flamer-Present.

Lisa Cooper stated that Mr. Flamer is before the Board due to an arrest that took place on September 6, 2001 – he did not disclose the arrest as he was advised by his attorney to “act like it didn’t happen” The charges were dismissed after negotiation of fines, community service and probation completion. Mr. Flamer did supply the office with a corrected section of the application. He requested to be granted a license under NRS 640C.400.

Mr. Flamer stated that his attorney told him the charges were dismissed. He did not realize that he was to answer “Yes” to the screening questions

Billie Shea added for the record that Sgt. Lenny Lorusso ran a check and had nothing else to add.

Motion: Michael Smith made a motion to grant Paul Flamer a license without restrictions.

Seconded: Michelle Viesselman

Motion carried.

- I. Review Application of Antyonett C. Santana for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.700 (1). Antyonett C. Santana-Present.

Lisa Cooper stated that Ms. Santana is before the Board due to criminal history that took place on April 7, 2006. Ms. Santana did not disclose the arrest/conviction. Ms. Santana was found guilty of Attempted Forgery, Burglary and Uttering Forged Instruments. She was sentenced to nine months in Clark County Detention Center, Suspended; 18 months probation with conditions; and 50 hours of community service. The disposition of the case is closed. Ms. Santana requested to be granted a license under NRS 640C.400.

Billie Shea stated that for the record, Sgt. Leonard Lorusso had nothing else to add.

Ms. Santana stated that she did not disclose the arrest on the application because it asked if it were a felony or a sexual charge and it was neither of those, so she answered "No." Ms. Santana stated it was the only mistake she had made and it was a long time ago and has not had any other incidents since then. She went to school and had almost perfect attendance and straight A's and this is what she would like to do. She hopes the Board can overlook her mistake and move forward.

Michelle Viesselman stated there are concerns because massage is a trust and the charges Ms. Santana has are trust charges.

Motion: Michelle Viesselman made a motion to grant Antyonett C. Santana a probational license for one year based on NRS 640C.700(1) with the following probation conditions: #1, #2, #4, #6, #8, #11, #12 and #13.

Seconded: DeAnn Prestidge

Motion carried.

- m. Review Application of Ying Luo for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.700 (3). Ying Luo-Present; Rick Fulkerson-Friend-Present.

Lisa Cooper stated that Ms. Luo is before the Board due to criminal history disclosed on her application. The case was dismissed and the record sealed. Ms. Luo is requesting to be granted a license under NRS 640C.400.

For the record, Lisa Cooper stated that Sgt. Lenny Lorusso did not have anything to add.

Michael Smith asked Ms. Luo if she had been living and working in Arizona as a massage therapist and for how long?

Ms. Luo answered "May 2008."

Motion: Michael Smith made a motion to grant Ying Luo a license with no restrictions.

Seconded: Michelle Viesselman

Motion carried.

- n. Review Application of Yin Sun for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.700 (3). Yin Sun-Present; Kirk Kennedy-Attorney-at-Law, Present.

Lisa Cooper stated that Ms. Sun is before the Board due to criminal history that took place on 1/15/2008. Ms Sun is represented by Kirk Kennedy. The case was dismissed and the record has been sealed while her application was being processed. Therefore, Ms. Sun did not disclose the arrest. She is requesting to be granted a license under NRS 640C.400.

Mr. Kennedy stated that he represented Yin Sun in January 2008 when she was charged in Las Vegas in the justice court. Mr. Kennedy did put together a negotiation called a submittal as part of the agreement with the District Attorney for Ms. Sun. She did pay a bail of forfeiture for \$500.00 and attended an AIDS awareness class as conditions of the deal and the case was dismissed. Mr. Kennedy recommended that she seal her record later in the year. It was upon Mr. Kennedy's advice that when completing her application, that Ms. Sun answer "No" to the screening questions. Her record was in the process of being sealed at the time and that was the reason for the discrepancy. When Mr. Kennedy was contacted by Lisa Cooper regarding the issue of her background check about this arrest, he timely faxed to the Board in Reno a copy of the court minutes to show what occurred. Ms. Sun has had no other criminal history and has no citations or charges since and has completed all education requirements. Mr. Kennedy asked that the Board approve Ms. Sun's application.

Billie Shea asked if Ms. Sun has been working anywhere as a massage therapist?

Mr. Kennedy did not believe so and that Ms. Sun has her certification from the NCBTMB and has the required number of education hours.

Joe Cracraft asked if her education in California is an issue?

Billie Shea stated that Ms. Sun was not licensed as a massage therapist and got arrested doing massage without being licensed and since then has attended a California school. There is a twofold issue, the Board needs to look at the school and decide what to do regarding her license regarding putting her on probation or issuing an unrestricted license.

Discussion held among the Board about what the Board had decided to do regarding applicants that attended a massage program in California and that the Board decided they would be able to ask questions of the applicant pertinent to massage therapy.

Michelle Viesselman asked if the massage arrest happened in the practice of massage?

Kirk Kennedy stated that it did not involve a massage or a massage establishment.

Motion: Michael Smith made a motion to grant Yin Sun a license with one year probation with the following probation terms: #1, #2, #3, #4, #9, #11 #12 and #13 with

the proviso that Ms. Sun can come back after six months probation and apply for termination of probation.

Seconded: Michelle Viesselman

Motion carried.

7. Discussion/Approval of Board Minutes

a. June 12, 2009

Michelle Viesselman noted that a correction needs to be made to page 7, second to the last paragraph, it should say "Mr. Smith" not "Ms. Smith."

Motion: Joe Cracraft made a motion to approve the June 12, 2009 Board Meeting Minutes with the one correction as noted.

Seconded: Michelle Viesselman

Motion carried.

8. Financial Report Discussion/Approval

a. Budget – Year End 08/09 – Balance Sheet – 08/09

Lisa Cooper stated that the Board ended the year in the black once again with a balance of \$1,645.91. Ms. Cooper stated that she is combining 8a and 8b as there is no packet for 8b just to approve to send Fiscal Year 08/09 to Audit. Ms. Cooper also stated that the Board closed the year with 4,061 licensees.

Joe Cracraft asked if the Board needed a committee to go over the information before it goes to audit or does it just go over there automatically?

Lisa Cooper stated that it goes over automatically.

Motion: Joe Cracraft made a motion to approve the Budget Year End 2008/2009 and the Balance Sheet 2008/2009 (Items 8a and 8b and send the information to Strong McPherson & Company for audit.

Seconded: Michelle Viesselman

Motion carried.

Lisa Cooper wanted to point out that Strong McPherson & Company solicited our Board to do our audit-for the first time and she did not solicit them. If the Board so chooses and wants to use a different company in the future, to let Lisa know as it is something she would need to set up in advance. Ms. Cooper feels that some people think that the Board is using them because she knows them and she does not know them.

Billie Shea explained how the Board came across Strong McPherson & Company. It was because we were told our audit has to go to the Legislative Counsel Bureau to go over it after it goes through review by our accountant. Not all accountants are licensed to be able to do a government audit; most CPA's will not take this type of business. There is a different set of criteria that they must meet to do a government audit. This firm does quite a few other Board's audits.

Ms. Cooper stated that when you begin with a new company, they do a more extensive audit, so it costs more. There is \$5,000.00 in the budget for next year for the audit, so if

the Board decides to go with someone else, we may have to revise the budget to cover the cost.

- b. Approval for Fiscal Year 08/09 to be sent to Audit – Strong McPherson & Company CPA
- c. Budget – 09/10 – Balance Sheet – 09/10

Billie Shea stated that the budget has really been trimmed down. Regarding the Revenue section, this has not really changed from the numbers before.

Lisa Cooper stated that these figures are based on a guestimation of 3,300 renewals because of the economy and people cutting back. We anticipate that we will drop off to 3,300 licensees. We are currently at 4,061 licensees as of June 30, 2009. The budget is looking like it is a very realistic number.

Billie Shea stated that we have really reduced spending and our plans. Money that we were going to spend on technology spending and administrative improvements has been put on hold until we could look at those final numbers. We are looking at being a little low on Revenue for the new year to meet expenses.

Lisa Cooper pointed out that we do not add into Revenue the administrative fees, duplicate license fees, license verification fees or late fees.

Ms. Shea stated that the Board has \$382,000.00 in the bank right now, so the reserve capital is there for those expenditures that we need to make. In the first year, we knew that we were saving that money for those purchases that would make administrative function easier and that money is still there. If we need certain items, the money is there and we could get them and it would not put us in jeopardy of not operating with a positive cash flow.

Joe Cracraft pointed out that the date needs to be fixed on the balance sheet to read as of July 31, 2009.

There was discussion held about going to other items on the Agenda for approval/denial and then coming back to the Budget to approve.

Motion: Joe Cracraft made a motion to approve the 2009/2010 Budget.

Seconded: Michelle Viesselman

Motion carried.

- d. Account Balances –
 - i. City National Bank – 7/31/09 - Checking/Money Market/Debit Account
 - ii. Nevada State Bank – 7/31/09 – Checking: \$90,034.90
 - iii. Bank of America – 7/31/09 - Checking - \$100.00- Savings – \$90,397.89
 - iv. Wachovia – Closed account

Motion: Michael Smith made a motion to approve the account balances as presented.

Seconded: Michelle Viesselman
Motion carried.

9. * Board Membership/Travel/Conferences

- a. Federation of State Massage Therapy Boards – Discussion and vote to become a paying member of this organization

Billie Shea received a note from Sally Hacking that California and Arizona have now both joined the Federation and that it is good to be a member to be plugged into the whole massage community. The cost of membership is \$2,800.00 maximum to join. As part of the membership, one delegate gets paid to attend the annual conference October 8-10, 2009 in Nashville, Tennessee. As members of the Federation, we actually own the MBLex-it is ours to use. Ms. Shea believes having more choices is better than less.

Joe Cracraft wanted to know what the difference in cost going to be from joining the federation and or just going.

Lisa Cooper stated that the difference is \$300.00 which includes airfare, hotel, Board salary and per diem.

Motion: Joe Cracraft made a motion for the Board to join the Federation of State Massage Therapy Boards.

Seconded: DeAnn Prestidge

Motion carried.

- b. Attend the Federation of State Massage Therapy Boards Annual Conference October 8-10, 2009

Motion: Michelle Viesselman made a motion to approve Billie Shea to attend the Federation of State Massage Therapy Boards Annual Conference October 8-10, 2009

Seconded: Michael Smith

Motion carried.

- c. Citizen Advocacy Center (CAC) Attending meeting in Orlando, FL October 28, 29 and 30, 2009

Billie Shea stated that typically they recommend that the Public Member attend this.

Joe Cracraft would like to go this year, but is tied up that week.

10.* Board Discussion

- a. Clarification on NRS 640C.510 Inactive Status – Policy and Procedure

Lisa Cooper included in the Board packet a description of Inactive Status and some questions regarding Inactive Status.

Billie Shea explained what Inactive Status is, but the Board does not have a clear guideline as to what that status is. Ms. Shea recommends that we table this, because in October, the Board is going to sit down and define the NAC's and review them. We

know that we need to write a policy on people that go on Inactive Status and in order to get it through, we need to write a NAC and have it go through the system.

Keith Marcher stated that Inactive Status needs to go into a regulation (NAC) and to research what other Boards are doing with Inactive Status.

The Board decided to table this item until the October meeting until we can research and get more information on this.

b. Discussion /Approval /Denial of options for Newsletter via Healthy Beginnings

Lisa Cooper stated that the Board is trying to be proactive in getting communication out to the licensees about the Board, policies, procedures, etc. Ms. Cooper went over the price of the ad and what that would entail for each quarter. Ms. Cooper also ran the numbers on what it would cost to put together a newsletter, but those numbers did not include the time it would take to put together the newsletter. We have noticed during inspections, that 99 percent of the establishments have the magazine at their businesses. The ad we would do would be the business card size for 12 months. What we would get with that would be four articles. So, we could do technically four newsletters. We could do two and rotate them for the public and the other two we could do something more for the licensees. The Board can gear advertising to the general public and licensees and alternate advertising between the two. We can gear it for both and alternate between that. They also have a news brief and what we could do in that area is we could announce our NAC workshops. We could put a monthly calendar where we could announce our Board meetings. The publication is only in circulation in Northern Nevada. They can drop off bundles to our office and we can ship some down to Las Vegas and people can pick them up in the office, there is no fee, it is a free periodical.

Billie Shea asked if there was anything like this magazine down in the South?

Michelle Viesselman stated that there are a few, but they do not have a consistent coverage of the whole area.

Lisa Cooper stated that the only area in Northern Nevada that this magazine does not cover is Elko and they are looking at expanding to that area.

Billie Shea stated that if we go with a third page ad, a 12 month contract in color is \$850.00 a month. If we did that then we could take that six months at a third of a page and go down to a business card size later on once people recognized that it is in there

Lisa Cooper had already figured out how to pay for this by taking from different areas of the budget that are already established. It comes out to \$800.00 per year out of Office Supply and Reproduction. Ms. Cooper stated that she wanted to go with the business card size to fit it into our existing budget as it stands now, with no additional changes in that area.

Ms. Shea said that for \$390.00 a month we get our business card in there with all of the contact information, plus, we get to submit for publication articles four times a year.

Lisa Cooper stated we also get unlimited information in the calendar section, which is in the back page and we can do that every month and then the two news briefs in the front.

Joe Cracraft asked what is happening with this publication in the North?

Billie Shea stated that the name is Healthy Beginnings and that they deliver it to all of the wellness centers, health food stores, doctor's offices, massage establishments and they deliver it for free.

Mr. Cracraft wanted to know what the proposal is for Southern Nevada?

Ms. Cooper stated that the licensees can come to the Las Vegas office to pick up for free.

Mr. Cracraft does not perceive many people coming into the office to pick it up and we will end up with stacks of them in the office. Unless someone can give him a better argument, he feels it is a waste of money for them down there.

Ms. Shea stated that some could be shipped down to the Board members to pass them out in their offices.

Mr. Cracraft asked what is the purpose of this? If the purpose is to educate the Southern Nevada Massage Therapists about what the Board is doing, he does not see that happening in their part of the State.

Ms. Cooper stated that they could give them to the inspectors to hand out. There is no limit on how many we can get. Also, Healthy Beginnings will provide us with the pdf file for the articles and we can put that on our website.

Mr. Cracraft stated that we can just do that ourselves. What is the advantage of paying them \$399.00 a month when you can put together a newsletter which you have to do anyway and send to them.

Ms. Cooper stated that we are not going to have anything to hand out, it would just be on the website, which has been a huge issue with the people in the North.

Ms. Shea stated that what we are trying to do is find a way to communicate with massage therapists throughout the State, starting in the north, in a way that is financially feasible. If you look at the costs for doing a newsletter throughout the whole state to mail it out, the annual cost is \$23,000.00.

Mr. Cracraft understands what we are trying to do, but is questioning the effectiveness of it down in the South.

Lisa Cooper stated that there is a lot of foot traffic in the Las Vegas office as it is now.

Mr. Cracraft stated that the Board is in a tough situation where they want to inform the massage therapists of what is going on, but you will not be getting the information to all massage therapists that are licensed in the State. He understands that we have costs on the one hand and cost effectiveness on the other hand and does not see how it will be effective in accomplishing the goals in the South.

Michelle Viesselman said that this would be a good beginning, something to look at, but the Board needs to do some more research to make it more encompassing without really increasing costs.

Joe Cracraft asked what the \$23,000.00 is?

Lisa Cooper stated that it is \$1,916.00 per month just for the materials and postage to send out a mailing.

Mr. Cracraft stated what if we sent it out four times a year?

Ms. Cooper stated it would be roughly \$8,000.00 a year. If we went with Healthy Beginnings, it would be \$315.00 a month.

Mr. Cracraft stated that for an additional \$4,000.00 or \$5,000.00 on a quarterly basis, am I better off knowing that I am getting it out to all of the licensees, rather than a shotgun approach on the other.

Michelle Viesselman thought that the Board needs to do a little more research to see what kind of networking we can utilize to get information more distributed. There may be avenues to make this work, or there may not be, we do not know that yet.

It was agreed to table this item to the next meeting and Lisa Cooper will come back with some more information.

11. *Inspection Department

- a. Inspections Completed
- b. Re-Inspections Completed
- c. Unlicensed Activity

There was a discussion about numbers and how many people were caught that were unlicensed.

Motion: Michael Smith made a motion to approve the inspection report as presented.

Seconded: Michelle Viesselman

Motion carried.

12. Update on Local Jurisdiction

- a. Las Vegas Metro Police

Lisa Cooper stated that Sgt. Lenny Lorusso is not here today because he is on vacation. Ms. Cooper stated that we are having issues with Las Vegas Metro again in regards to getting records from them.

Keith Marcher talked to the Attorney General this morning and she offered to get involved to help the Board with this issue. The Board needs these records, it is just that simple.

Billie Shea stated that it really ties the Board's hands. If we cannot get those arrest records, then we should just stop what we are doing. The only way we would be able to do disciplinary would be upon conviction and we never get convictions on these cases that would stick.

Lisa Cooper stated that what they are doing is the second to the last batch she got there was a Chain of Custody and a Declaration of Arrest. The Declaration of Arrest is usually handwritten and very hard to read and the Board cannot bring a case against someone off of that. In the legislative session in our bill SB119, we had asked for the arrest record which is a typed document that spells everything out, but that does not go into effect until October 1, 2009. In SB 119, they said they could redact pertinent information. They right now are sending Declaration of Arrests that are redacted, so now Ms. Cooper has even less information and she does not have an arrest report. Ms. Cooper contacted them and told them if they are going to redact information, then they are doing half of what SB 119 says now. They are giving redacted information, but not the arrest report. Ms. Cooper asked them if they could do it one way or the other, either do not redact the information or give her the arrest report with the redacted information and was told they would get it straightened out. Ms. Cooper just received another batch the day before yesterday and she got one arrest report out of eight files.

Keith Marcher stated the information is only public at a certain time. Las Vegas Metro lawyers do not want to give us the reports unless there is a conviction and that is the catch 22, they do not get convicted of this stuff. They consider it to be confidential if the person does not get convicted of this stuff or if it gets pled down to jaywalking or whatever, they do not want to give the Board the information. But, what they do not realize is if it is confidential, we keep it confidential too. We need to see the information before we go forward on cases.

Michelle Viesselman had a question regarding she keeps hearing from therapists that to get a license in one area, they have to have a license where they live and is there headway regarding this?

Lisa Cooper stated that this information is not true. What needs to happen, is when somebody is told from Clark County that they have to have a massage license in whatever jurisdiction they live in, they need to contact her office and she will give them the contact information of the person that they need to talk to.

b. City of Las Vegas Business Licensing

Lisa Cooper stated that the City of Las Vegas is still working well with us.

c. Clark County Business Licensing

Lisa Cooper found out that the one thing that Clark County is doing regarding the ordinance that was passed in March, there was a time limit on how long an establishment could be opened and what Clark County is doing, is if there is an arrest in an establishment that has been grandfathered in, they are using that as an event to bring their zoning into question. They are then yanking their zoning and taking away their grandfathering which leads us to the next problem of why we did suspensions like we did. If the owner of an establishment hires a probation person, they know that they have already been in trouble for this and they do not want to get their zoning yanked.

They do not want to take a risk on probation people and are not allowing them to work in their establishments.

d. City of Henderson

Lisa Cooper stated she had a meeting with the City of Henderson with their police department, business licensing and zoning personnel in July. They are trying to rewrite their regulations to make it so they can have a privileged license for massage establishments. Their police agency is now on the bandwagon with everyone else. Some of their regulations were very restrictive and Ms. Cooper went in the meeting representing the 4,000 massage therapists that we have. Ms. Cooper explained to them that you can lock a door when you are doing a massage. Ms. Cooper explained to them that there are massage establishments with one person in there and sometimes they do not have a receptionist and they may be the only person in that building. If there is someone lying naked on the table, you do not want some bum walking in off of the street, it is not safe for anybody if it is against the law for them to lock the door. After Ms. Cooper explained a few positions from what we see as a legitimate massage establishment. They also wanted to disallow body scrubs and vishy showers. There are regulations that they can put in that will restrict the people that are doing it verses the licensed massage therapists that would be doing it. It was a very positive meeting and they are working on those changes.

d. Southern Nevada Health Department

Nothing to report.

e. City of Mesquite

Nothing to report.

13.* Election of Officers

Lisa Cooper stated that Billie Shea has been reappointed. Ms. Cooper said that she received two phone calls from the governor's office, one from Wade Iverson and one from Jo Jo about the appointment of board members.

Keith Marcher stated that without the paperwork the Board Members cannot vote today.

Billie Shea said that there are two new Board Members and with new members maybe it is time to look at the positions and maybe make some changes with the Board positions. It was decided to table this item until the October retreat meeting to review job descriptions.

- a. Chairperson – Review of Job Description
- b. Vice Chairperson – Review of Job Description
- c. Secretary /Treasurer- Review of Job Description
- d. Executive Director – Review of Job Description

14. Public Comments

David Otto-LMT. In regards to the issue of having one license to have another, he would like to discuss with Lisa Cooper what has changed in Henderson regarding their business licensing as they have two classifications: One for resident and one for non-resident. Also, Mr. Otto wanted to introduce to the Board in October 2010, they are going to attempt at massaging a broad base massage for 1,500 clients by 1,500 licensed massage therapists. Mr. Otto gave some information to Lisa Cooper to hand out to the Board members. Mr. Otto is working with other legal and sponsor type organizations to make this happen. There is an opportunity here for them to ask for assistance as an organization from the Board. Mr. Otto wants to make sure that this event is done right and that everyone is licensed.

Ann Lysight-Concerned that she did not get any calls regarding when she had asked for an investigation of the administration. She does not know if she is the only one that did not get called or if anyone else received a phone call.

Billie Shea asked the Board Members if the investigation is still ongoing?

Michelle Viesselman stated that the investigation is still ongoing.

Ms. Shea stated that she does not know what their timeline is, but knows that they have contacted Gina Session with some questions.

Michelle Viesselman said that they will be making calls sometime between now and the October 9, 2009 Board Meeting.

Ms. Lysight stated that because she is not a massage therapist, she wanted to know how the Board members get paid? Who pays their salary, do they get it from the massage people?

Billie Shea stated that ultimately the Board and all of the costs associated with maintaining the State licensing Board comes from licensure. The State Government does not support any State Licensing Boards in any way. If a Board operates in Nevada, they are fully self sufficient and their fees are paid by licensing fees.

Ms. Lysight's concern is there are not that many people here at this Board meeting. Her concern is that people are afraid to attend these. They are basically all small business people and they do not want any attention drawn to them. Who protects the massage therapists? The Board has made it perfectly clear that they are there to protect the public.

Robin Graber stated that she is self-employed and a small business owner also. She is a Rolfer and has been thrown into this arena as well. She stated that Ms. Lysight is welcome to ask her any questions she may have.

Ms. Lysight asked if a massage therapist has a question-how can they talk to their peer group about it-how do they deal with that? She understands that the Board is a work in progress as they are a new Board. The average massage therapist if they have a question, who would they go to?

Billie Shea stated that they can call any Board member if they have a question. The proviso is if it is an administrative issue, they would need to let the person know they need to call the office so they can fix the problem.

Ann Lysight said that it has already been spread that people are not approachable. Ms. Lysight stated that if you read the minutes from the April 11th meeting that people were treated with such disrespect

Robin Graber stated that she is hopeful that this is going to be taken care of and that she will not be held accountable by things that were not done by her.

Ms. Lysight realizes that the problems are different in the North than in the South and that the Board cannot discriminate and treat them any different. But also, treat them with a little bit of respect, and they in turn will treat the Board and staff with a little respect. Her last conversation with Lisa Cooper she stated that when Ms. Cooper raises her voice to her, it makes her want to raise her voice to her. All she is asking is that the investigation be done. It has been four months since April 11, 2009 and the investigation is not completed.

Mark Gerych. We have had the discussion about newsletters. Their emails are collected every time they go to the website and are prompted to enter their email addresses and wanted to know what the Board does with those? Anyone that comes to the Board and gets information voluntarily could be easily put on a list and send out the newsletter that somebody is going to have to put together and you will not have to put it in paper and send it anywhere. The Board has 4,000 email addresses.

Lisa Cooper stated that the Board does not have 4,000 email addresses. Every time somebody goes in, they put in their email, but you only have to do it one time. So, now the Board has only about 600 as we keep getting duplicates. We then have to spend staff time figuring it out as it does not automatically import, we have to add it. At least we are collecting the data, we only have 600 or 700 emails.

Mr. Gerych stated that their licenses pay for all of this stuff. Mr. Gerych suggested putting the instruction on the website to only enter your email address once, a little bit of communication, which has been the issue. Every time as massage therapists, they have to come and knock on the Board's door, it does not come willingly. It is his opinion that they have to pry it out of us or they do not get it.

Rhonda Gerych-LMT. Ms. Gerych wanted to know who the new Board Members were. She also stated that she is encouraged and discouraged. It looks like some positive things are happening in that the Board is thinking about ways to communicate with the licensees because that has been lagging. As far as the email goes, Ms. Gerych stated that she did not submit her email for a long time because people were not getting anything from it. Ms. Gerych would absolutely spread the word and encourage people to submit their email addresses if they were getting a newsletter or other information via email to encourage people to grow that number from the 600 to the 4,000. It would definitely save a lot of money to get the information out. Ms. Gerych has still not figured out how the licensees get a voice. If they have ideas and input, how do they present information to the Board and office?

Lisa Cooper stated that if Ms. Gerych ever has an idea she can call her. Ms. Cooper gets very few calls from people with ideas. As far as the association that is starting up, Ms. Cooper is all for an association, then she can go to one person, they can sit down and have a weekly meeting. That is not an issue for her, but what is the issue, is if the association is not working with the Board, or along with them in trying to build a bridge or

a gap, or whatever there is, they must be working against us and then it does not work for anybody.

Billie Shea stated that the whole goal here was to put together a licensing Board that worked for the state and worked for everybody regulated by massage people. When the Board got down to the wire and things started happening, the Board felt a little segregated and felt like the enemy for a long time. That has never been Ms. Shea's intention.

Ms. Gerych does feel they need to bridge that gap and feels that has not been the intention, but the perception because of the way things happen. We need to work on the communication so that everyone is on the same page. Ms. Gerych also saw on the website another Board meeting that was posted.

Lisa Cooper explained that there were so many items for this meeting that it had to be split into two meetings. The agenda is all Application Reviews and Formal Hearings.

Rebecca Willis-LMT. Ms. Willis wanted to comment about the association. A group has been working to form an association and the purpose of that association is to facilitate communication. There is no intent to fight the Board or make the Board the enemy or to be combative in any way. Communication is the point.

Billie Shea asked if that was the meeting in September and could they attend?

Ms. Willis stated that if the Board members would like to attend she would be happy to have them attend. They have seen a lack of communication and rumors flying so they have been very concerned to make sure that anything that they do, that they back check and that they know that what they are talking about are things that actually happen and not he said, she said kinds of things. As they move forward with it, the effort is to facilitate communication and to promote the profession of massage.

Billie Shea did state that when someone calls her with a problem with the office, that she needs to know the name of the person that helped them on the phone and to also have a few facts.

Lisa Cooper stated that when anyone calls the office, whoever answers the phone will always state their name and if they do not, call her.

15. Future Agenda Items

16. * Adjournment No later than 4:30 PM

Motion: Michelle Viesselman made a motion to adjourn the meeting at 1:55 p.m.

Seconded: Michael Smith

Motion carried.

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 three (3) 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,
Las Vegas, NV, 89109