

BOARD MEMBERS:

Kathleen Pilgreen
 April Whiting
 Diane Huleva
 Tree Allemang
 Michael Smith
 Robin Graber
 Joanne Leming
 Sgt. Carmen Donegan



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 of Massage Therapists
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MINUTES

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

DATE: February 6, 2015
TIME: 9:00 a.m. – 4:30 p.m.

LOCATION:

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

VIDEO CONFERENCE LOCATIONS:

Carson City Location
 Attorney General's Office
 100 N. Carson St. Mock Court Room
 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 therapist education, public safety, boundaries and ethics, in compliance with the highest standards set forth within the Massage Therapy Profession.

Note: Public Comment Will Be Taken at the Beginning and the End of the Meeting.

9:06 a.m.

1. Public Comment

None

2. Roll Call of Board Members

Board Members Present: Michael Smith, April Whiting, Kathleen Pilgreen, Joanne Leming, Robin Graber, Diane Huleva, and Sgt. Carmen Donegan

Staff Present: Lisa Cooper-Executive Director, Christy Brunner-Executive Assistant, Cathy Betty-Administrative Assistant II, Christopher Mishler-Field Inspector II, Bonnie Howard-Field Inspector II, Louis Ling- Staff Council, Keith Marcher– Chief Deputy Attorney General

3. Formal Hearing (For Possible Action)

a. Pablo Poloni – not present

April Whiting, Vice Chairperson - I would just like to disclose that I worked with Mr. Poloni four or five years ago. I do not feel that would have an impact on my decision in this case.

Keith Marcher, Chief Deputy Attorney General - Mr. Poloni has agreed to a Voluntary Surrender.

Motion: Robin Graber made a motion to accept the Voluntary Surrender.

Second: Michael Smith

Motion Carries Unanimously

b. Caleb Obregon – not present

Keith Marcher, Chief Deputy Attorney General – Mr. Obregon has agreed to a two year probation due to his inappropriate relationship.

Motion: Robin Graber made a motion to accept the settlement agreement of a two year probation.

Second: April Whiting

Motion Carries Unanimously

c. Jeremy West – not present

Keith Marcher, Chief Deputy Attorney General – This is a settlement agreement based on a DUI arrest where they also found methamphetamine. Mr. West has agreed to a one year probation.

Motion: April Whiting made a motion to accept the settlement agreement for a one year probation.

Second: Robin Graber

Motion Carries Unanimously

d. Jian Ping Yao – present

Keith Marcher, Chief Deputy Attorney General – This is a Formal Hearing involving Ms. Yao. Her license number is NVMT.4537 and this is case number NVMT-C-1474. The complaint in this case alleges that in May of 2013 the state of Illinois revoked Ms. Yao’s license to practice as a Massage Therapist for three years due to a prostitution conviction. The respondent then failed to disclose any of that information to the Nevada Board during the two renewal periods that followed. If that is proven to be true by the evidence presented, then it is a violation under NRS 640C.700 (1) and/or (3) and/or (9) and is grounds for disciplinary action against Ms. Yao under NRS 640C.710.

Jian Ping Yao, Defendant – I don’t understand why this happened in another state. We didn’t do anything. There was a guy who was a doctor and we had his car towed. When I moved to this state I didn’t work because I broke my ankle. I got a job in a casino as a dealer. I’m not good at reading English.

Keith Marcher, Chief Deputy Attorney General – Lisa, did you give Ms. Yao a copy of the Exhibits?

Lisa Cooper, Executive Director – Yes, I did.

Keith Marcher, Chief Deputy Attorney General - Ms. Yao, before I describe what those Exhibits are and move for their admission, do you have any objection to any of these Exhibits?

Jian Ping Yao, Defendant – I don’t have any problems with any case or anything.

Keith Marcher, Chief Deputy Attorney General – Exhibit One is the Complaint and Notice of Hearing. Exhibit Two is a certified copy of the conviction from the state of Illinois. Exhibit Three is the Complaint and subsequent Order from the state of Illinois that revoked Respondent’s License. Exhibit Four is Ms. Yao’s 2013 renewal application and Exhibit Five is Ms. Yao’s 2014 renewal application.

Louis Ling, Board Council – Swears in Lisa Cooper and Jian Ping Yao.

Keith Marcher, Chief Deputy Attorney General – Ms. Cooper, could you state your name for the record?

Lisa Cooper, Executive Director – Lisa Cooper.

Keith Marcher, Chief Deputy Attorney General – And you are employed by the Nevada Board of Massage Therapy?

Lisa Cooper, Executive Director – Yes, I am the Executive Director.

Keith Marcher, Chief Deputy Attorney General – As part of your duties as the Executive Director, did you obtain and review the Exhibits in this case?

Lisa Cooper, Executive Director – Yes I did.

Keith Marcher, Chief Deputy Attorney General – With regard to Exhibit Two, can you indicate to the Board when Ms. Yao was convicted of prostitution in the state of Illinois?

Lisa Cooper, Executive Director – October 13, 2011.

Keith Marcher, Chief Deputy Attorney General – Now turn your attention to Exhibit Three which is the Illinois Complaint, Findings, Recommendations and Order. When was the complaint filed against Ms. Yao?

Lisa Cooper, Executive Director – January 10, 2013.

Keith Marcher, Chief Deputy Attorney General – What was the outcome of the Order?

Lisa Cooper, Executive Director – It revoked her license for three years.

Keith Marcher, Chief Deputy Attorney General – What is the date of that Order?

Lisa Cooper, Executive Director – September 2013.

Keith Marcher, Chief Deputy Attorney General – Now, if you will turn your attention to Exhibit Four, what is the date the Board received Ms. Yao's Nevada renewal application in 2013?

Lisa Cooper, Executive Director: January 24, 2013.

Keith Marcher, Chief Deputy Attorney General – With regard to Exhibit Five, what is the date the Board received that renewal for 2014?

Lisa Cooper, Executive Director - May 10, 2014.

Keith Marcher, Chief Deputy Attorney General – Please refer to Exhibit Four and look at the top of page two and read the question that is asked on the renewal application.

Lisa Cooper, Executive Director – Have disciplinary proceedings been instituted against you relating to your license to practice massage within the past 12 months?

Keith Marcher, Chief Deputy Attorney General – And how did Ms. Yao answer that question?

Lisa Cooper, Executive Director – No.

Keith Marcher, Chief Deputy Attorney General – Could you go ahead and read the second question on the renewal application?

Lisa Cooper, Executive Director - Have you been arrested or convicted, within the 12 months immediately preceding submission of this renewal, of a felony or for any crime involving violence, prostitution or any other sexual offense?

Keith Marcher, Chief Deputy Attorney General – And how did Ms. Yao answer that question?

Lisa Cooper, Executive Director – No.

Keith Marcher, Chief Deputy Attorney General – Did she at any time disclose any arrests or disciplinary proceedings by the state of Illinois?

Lisa Cooper, Executive Director – No, she did not.

Keith Marcher, Chief Deputy Attorney General – How did you find out about the conviction and the action that Illinois took?

Lisa Cooper, Executive Director – We were contacted in September by the Illinois Professional Regulation Board and asked if we were interested in the revocation of her license and we said, of course.

Keith Marcher, Chief Deputy Attorney General – Do you consider her lack of accurate answers on the renewal application to be a truthful and complete application or a fraudulent application?

Lisa Cooper, Executive Director – A fraudulent application.

Keith Marcher, Chief Deputy Attorney General – And why do you consider that to be a fraudulent application?

Lisa Cooper, Executive Director - Because she did not disclose the issues she was having in another state with her licensure.

Jian Ping Yao – I made a mistake and I understand this is a different state, but can I have an opportunity to renew my license?

Lisa Cooper, Executive Director - Your license will expire at the end of this month. We will have to wait to see what the Board decides before I can answer that question.

Robin Graber, Board Member – Why did you lie on your application?

Jian Ping Yao – I never lied. The renewal form didn't say it was asking about the whole country so I thought it was only asking about Nevada. I am not lying. I have filed for an expungement on 2/5/2015.

April Whiting, Vice Chairperson – But you did plead guilty to that case in Illinois.

Jian Ping Yao - I know because they said it would cost a lot of money.

Kathleen Pilgreen, Board Chairperson – Ms.Yao has provided us with a Notice to Expunge and Impound she would like entered as Exhibit A.

Keith Marcher, Chief Deputy Attorney General – I don't have any objections.

Robin Graber, Board Member – Did you pay the \$20,000 fine that was imposed on September 20, 2014?

Jian Ping Yao – No. It's not me and I never paid it.

Kathleen Pilgreen, Board Chairperson - The fine is listed in Exhibit Three and it is in the Findings of Fact.

Michael Smith, Board Member – Why did you get arrested for prostitution?

Jian Ping Yao – The man was a doctor and he was parking where our customers park. We put a note on the window and he still parked there so we towed the car. Then he came to get a half hour massage and a table shower. He put \$20.00 in my hand for a tip then the police came and took us to the Police Station. We didn't do anything wrong.

Keith Marcher, Chief Deputy Attorney General – This is a simple case. She was arrested in Illinois for prostitution and has had her license revoked there for three years. She has had multiple opportunities to disclose the arrest, which she is required to do and she didn't. It is clear that she has violated your statutes. You will need to decide whether or not she is guilty and if she is found guilty then you will need to decide what discipline is appropriate.

Jian Ping Yao – I have never been in trouble. I have not even had a parking ticket. You said I owe money to Illinois, but that's not me.

Motion: Robin Graber made a motion to find Ms. Yao guilty of NRS 640C.700 (1), (3) and (9).

Second: Michael Smith

Motion Carries Unanimously

Motion: Diane Huleva made a motion to revoke Ms. Yao's license for three years.

Second: Michael Smith

Motion Carries Unanimously

Motion: April Whiting made a motion to charge Ms. Yao an administrative fee of \$750 with 90 days to pay.

Second: Robin Graber

Motion Carries Unanimously

4. Citation Appeal (For Possible Action)

- a. Rori Lee – present, Lyn Biggs, Attorney – present

Motion: Robin Graber made a motion to uphold the Citation for practicing massage but eliminate the portion of the Citation for advertising. The administrative fine should be reduced to \$425 and the administrative fee reduced to \$75.

Second: April Whiting

Motion Carries Unanimously

- b. Marla Richardson – present, Lyn Biggs, Attorney – present

Louis Ling, Board Council – Just so everyone knows, we are going to hear both matters at the same time since it really was one incident. Before the meeting, Ms. Biggs and I had an opportunity to discuss this matter and because of those discussions, Board Staff and I are agreeable to not presenting evidence or testimony today. They are agreeable to having the packets before you entered into evidence. We will enter Ms. Lee's packet as Exhibit One and Ms. Richardson's packet as Exhibit Two. They are not here today to contest that the massage occurred because it did. They are here to explain the circumstances regarding that massage and presenting arguments. This case originated from our usual practice of monitoring social media. We then hired a Private Investigator who had the massage performed.

Lyn Biggs, Attorney - As Mr. Ling states, it seemed more judicious to address both cases at the same time since the fact pattern is identical. Ms. Lee and Ms. Richardson just completed in 2014, a program through the Healing Arts Institute in Citrus Heights, California which is a distance learning program. They were attending that specific program because they offered Auurvedic Massage Therapy training that no school in Northern Nevada currently offers. As part of the 400 hour program, there were hours of bodywork that were required and since it was a distance learning program, it was expected that the student would acquire the hands on bodywork, wherever they call home. In this case, it was a four hand massage where there would be two therapists involved which is why this is one incident. At no time did Ms. Lee or Ms. Richardson give any indication that they were Licensed Massage Therapists. In fact, they made it very clear that they were students and even had the Private Investigator fill out student evaluation forms. They were acting under the assumption that they could perform their hands on homework under NRS 640C.100 (e). I would like to mention that on the list of schools not accepted, this school is not listed. We found on one page of your website where it actually states that distance learning is not accepted. We are asking for a reduction of the Citation amount. In regard to the advertising without a license, we are contesting that Citation. We do not believe that Ms. Lee and Ms. Richardson were advertising according to the definition of advertising under NRS 640C.930 (9) (a). The only page Ms. Lee even mentions massage was on her personal Facebook page not on her business Facebook page. A friend that had received a massage from Ms. Lee and Ms. Richardson was giving them a compliment

and she indicated that they were trying to get their student hours. I think trying to define that as advertising is stretching the mark a little bit. We are willing to accept the Citation for practicing but are asking for a reduction of the fine.

Robin Graber, Board Member – Are you going to apply for a Nevada Massage License once you complete your program?

Rori Lee, Appellant – Yes that is the plan.

Robin Graber, Board Member – How do you plan to fulfill the 500 hour requirement?

Rori Lee, Appellant – The program we completed is a 500 program.

Lyn Biggs, Attorney – My apologies. I believe I said 400 hours and it was a 500 hour program.

Diane Huleva, Secretary/Treasurer – At any time did you ever call the Board to ask about this school prior to attending the program?

Marla Richardson, Appellant – We did.

Diane Huleva, Secretary/Treasurer – Were you informed that the Nevada State Board of Massage Therapy cannot accept online schools as a form of education?

Marla Richardson, Appellant – We were not and it is distance education, not online.

Diane Huleva, Secretary/Treasurer – Distance learning and online learning are both not accepted. What part of that conversation lead you to believe that the school would be accepted?

Marla Richardson, Appellant - I called them before we started this program to see if it would be approved and was told that they could not tell me until I applied and it would have to be reviewed by the Board.

Louis Ling, Board Council – Madam Chairperson, I believe that is still the case, until they apply it can't be reviewed. The issue today is not whether they are qualified for licensure; the issue today is the massage and the Citation.

Robin Graber, Board Member – Tell me about where you performed the massage.

Lyn Biggs, Attorney - They performed it at Soul Space. They do have Licensed Massage Therapists there and meet all the statutory requirements.

Robin Graber, Board Member – Were the owners there when you performed the massage?

Rori Lee, Appellant – Yes, it was during regular business hours. There were Licensed Massage Therapists on site.

Kathleen Pilgreen, Board Chairperson – Under our NAC's, in order for a student to do massage at any time, they have to have an Instructor with them.

Joanne Leming, Board Member – It is under the Nevada Commission of Post-Secondary Education NAC 394.526 (c) (2). I feel it is a concern that there are students performing massage unsupervised. I don't think that we really want to get into the fact that the school really should be registered in the State of Nevada because it's not our mission, but it is a concern.

Motion: Robin Graber made a motion to uphold the Citation for practicing massage but eliminate the portion of the Citation for advertising. The administrative fine should be reduced to \$425 and the administrative fee reduced to \$75.

Second: April Whiting

Motion Carries Unanimously

5. Probation Termination (For Possible Action)

- a. Kevin Ober – not present

Lisa Cooper, Executive Director – Mr. Ober is requesting to terminate his probation. He has met all of the requirements of his probation and it is my recommendation that we terminate his probation.

Motion: April Whiting made a motion to terminate probation

Second: Robin Graber

Motion Carries Unanimously

- b. Paul Kulpinsky – not present

Lisa Cooper, Executive Director – Mr. Kulpinsky is requesting to terminate his probation. He has met all of the requirements of his probation and it is my recommendation that we terminate his probation.

Motion: April Whiting made a motion to terminate probation

Second: Robin Graber

Motion Carries Unanimously

6. Application Review (For Possible Action)

- a. Licenses Approved and Authorized by the Chairperson

Motion: Michael Smith made a motion to accept

Second: Joanne Leming

Motion Carries Unanimously

b. Review Application of Kieya Sinclair – not present

Lisa Cooper, Executive Director – Ms. Sinclair’s application is before you today due to education that was obtained in California. Ms. Sinclair attended Catholic College. This school is not on the CAMTC’s list of unacceptable schools and it is not under investigation by the NCBTMB. She is requesting to be granted a license under NRS 640C.420.

Motion: Joanne Leming made a motion to grant the license

Second: Diane Huleva

Motion Carries Unanimously

c. Review Application of Sung Lee – not present

Lisa Cooper, Executive Director – Ms. Lee sent us an email last week asking to have her application tabled. This is the second time she has requested to have her application tabled. She is requesting to be granted a license under NRS 640C.400.

Motion: Robin Graber made a motion to table the application one last time. If Ms. Lee is not in attendance for the next meeting, the application will be denied.

Second: Michael Smith

Motion Carries Unanimously

d. Review Application of Haiyuan Li – present

Lisa Cooper, Executive Director – Mr. Li’s application is before you today due to education that was obtained in China. Mr. Li’s application was before the Board on September 5, 2014 and it was tabled for more information. Mr. Li has provided the information and is requesting to be granted a license under NRS 640C.400. He has completed the fingerprint background and please note, his background did expire on November 30, 2014.

Haiyuan Li, Applicant – I was born into a Chinese doctor’s family and I come from a family of doctors and pharmacists. I changed my address and that is why I was not able to attend the last Board Meeting. I have my PhD in Engineering. I am also a part time Researcher at the University of Nevada, Reno. I don’t actually know if I have time for massage, but I volunteer my time at the Senior Center and I see a lot of seniors that suffer from ailments that could be helped by massage. That is what prompted me to apply for my license. I hope the Board can approve my license.

Motion: Michael Smith made a motion to grant the license.

Second: Joanne Leming

Motion Carries Unanimously

- e. Review Application of XiuXia Kolodny – present, Kirk Kennedy, Attorney – present, Wei Mei Borgel, Interpreter – present

Lisa Cooper, Executive Director - Ms. Kolodny is before you today due to criminal history that could not be approved administratively. Ms. Kolodny did not disclose the criminal history. The case was dismissed per negotiations. Ms. Kolodny's education was obtained in California from a school that the CAMTC no longer accepts transcripts from as of August 2012. Ms. Kolodny's application was tabled at the November Board Meeting pending more information about the education submitted to take the MBLEx. Please see the enclosed email from Attorney Kirk Kennedy, Esq. Please note that Ms. Kolodny's background check expired September 2014.

Kirk Kennedy, Attorney - I was here before you for my client back in November and there was an issue about why she had attended an additional school and her case was tabled for more information. The additional school she attended was the Rosel School and it was basically a prep course for the MBLEx exam just like taking an LSAP course for a Law School exam. The reason why she didn't put the criminal history from California is because it has been expunged. It is very different than having your records sealed. Under California law, it means that the guilty plea is set aside and it is almost like an acquittal. So, when she filled out the application, there was no intent to deprive the Board of that information, and if I was her Attorney at the time of filling out the application, I would have advised her to fill it out the same way. So that brings us back to the education. She went to school in 2005, long before that school had any issues. She also has a Nevada Reflexology license and she recently completed six hours of Ethics education. I am asking the Board to consider granting her a license or grant her a probation license for a year.

Diane Huleva, Board Member - Lisa, is this school still in business?

Lisa Cooper, Executive Director – I don't know if they are still in business, but we know that NCBTMB suspended their school code in 2009 and their school code was revoked in 2011.

Diane Huleva, Board Member – We still don't know based on her transcript if the education was online or how much of it was hands on.

Kirk Kennedy, Attorney – I appreciate the Board Member's concern, but just looking at the transcript, it does say that her attendance was 100%.

Michael Smith, Board Member – None of the other licenses you had previously are active?

Kirk Kennedy, Attorney – I don't think she has any other licenses except the Reflexology.

Michael Smith, Board Member – Did you do hands on at school?

XiuXia Kolodny, Applicant via Wei Mei Borgel, Interpreter – Yes. In the morning we study and in the afternoon we did the clinical.

Joanne Leming, Board Member – Have you worked as a Massage Therapist before?

XiuXia Kolodny, Applicant via Wei Mei Borgel, Interpreter – Yes, in California for one year.

Michael Smith, Board Member – She was also licensed in Colorado.

Kathleen Pilgreen, Board Chairperson – Are any of the Massage Licenses still active?

XiuXia Kolodny, Applicant via Wei Mei Borgel, Interpreter – No.

Motion: Diane Huleva made a motion to grant the license with a one year probation and the following conditions: 1,2,4,6,7,11,12,13,14 and 15

Second: Robin Graber

Motion Carries Unanimously

- f. Review Application of Dong Yang – not present, Dan Winder, Attorney – present

Lisa Cooper, Executive Director – Ms. Yang's application is before you today due to her application being tabled from the March 21, 2014 meeting. The meeting notes are attached for your review. Ms. Yang did not disclose the arrest on the application and has now provided the additional information. She is requesting to be granted a license under NRS 640C.400.

Dan Winder, Attorney – Ms. Yang apologizes for not being able to attend today. Her mother has been rushed to the hospital with heart problems. I represented Ms. Yang in the 2007 Citation she received in Henderson. As many of you know, Henderson does not reduce or negotiate any solicitation or prostitution charges if they have probable cause. After reviewing the police report and providing information to the City Attorney, we were able to negotiate to resolve the matter. When she filled out the application she did not believe that she had to disclose that because it was not prostitution. At the last Board Meeting, I believed that I was amending her application at that time and we were left with the impression that if there was nothing else in her background, that the license would be approved. She is licensed in three other states, Texas, Florida and California. If you would like us to resubmit page five of the application and have her mark the appropriate box, we can do that.

April Whiting, Board Vice Chairperson – Why does she hold licenses in three different states?

Dan Winder, Attorney – I know she has family in California, so she goes there frequently. I don't know about the other states.

Michael Smith, Board Member – I think I missed why this was not administratively approved.

Lisa Cooper, Executive Director – The application was originally brought before the Board due to her obtaining her education in California. At the Board Meeting, however, it came out that there may be some criminal history and so it was tabled for a fingerprint background check.

Motion: Robin Graber made a motion to grant the license with a two year probation and the following conditions: Correct the application to reflect her criminal history and 1,2,4,5,6,7,11,12,13,14 and 15

Second: Michael Smith

Motion Carries Unanimously

g. Review Application of Tiffany Williams – present

Lisa Cooper, Executive Director - Ms. Williams is before you today due to education that was obtained from two different schools. Ms. Williams attended the San Francisco School of Massage for 334 hours but did not obtain a certificate of completion for those hours. Ms. Williams also attended Northwest Career College and obtained 100 hours of education but did not complete a program. She is requesting to be granted a license under NRS 640C.400.

Tiffany Williams, Applicant – I have been studying massage for the last five years and I love it. I have a license in San Francisco and have done a lot of chair massage. The San Francisco School of Massage can send me certificates for each class I took. It was like weekend workshops you could attend and you pay as you go.

Robin Graber, Board Member - How come Northwest Career College didn't take your hours from San Francisco School of Massage and incorporate those hours into your transcripts and give you a certificate of completion?

Tiffany Williams, Applicant – When I moved here, I had just under 500 hours. They looked over my hours and told me I was short in Anatomy and Kinesiology, so that's what I took. They just had me take what was missing.

Joanne Leming, Board Member – The transcript doesn't show the kinesiology, so it appears you are short.

Tiffany Williams, Applicant – I had a lot of problems getting the transcripts to the Board. The kinesiology should definitely be on there.

Joanne Leming, Board Member - Do you have any hands on at all?

Tiffany Williams, Applicant – Yes, I have lots of hands on from school. It was half classroom time and half hands on. I am also Certified in San Francisco and have practiced many hours there.

Motion: Michael Smith made a motion to table the application pending receipt of the transcript with the additional hours. If the transcript is received by the Board office, the

application can be administratively approved. If the transcript is not received, Ms. Williams' application will be scheduled for the next Board Meeting.

Second: April Whiting

Motion Carries Unanimously

h. Review Application of Cassandra Vroom – present

Lisa Cooper, Executive Director – Ms. Vroom's application is before you today due to education that was obtained in California. Ms. Vroom attended Everest College in San Bernardino. This school is not on the CAMTC's list of unacceptable schools and it is not under investigation by the NCBTMB. She is requesting to be granted a license under NRS 640C.400.

Motion: Joanne Leming made a motion to grant the license.

Second: Michael Smith

Motion Carries Unanimously

i. Review Application of Huan Xu – present

Lisa Cooper, Executive Director: Ms. Xu's application is before you today due to education that was obtained in California. Ms. Xu attended Alhambra Medical University in Alhambra California. This school is not on the CAMTC's list of unacceptable schools and is not under investigation by the NCBTMB. Ms. Xu is requesting to be granted a license under NRS 640C.420. This is a transfer application so there were no fingerprints done.

Joanne Leming, Board Member - The transcript looks very diverse and seems to cover all the areas of massage.

Lisa Cooper, Executive Director – And you will notice that I did subtract 42 hours on the transcript but she still has more than enough hours.

Motion: Robin Graber made a motion to approve the license

Second: April Whiting

Motion Carries Unanimously

j. Review Application of Kelly Ivie – present

Lisa Cooper, Executive Director – Ms. Ivie's application is before you today due to education that could not be approved administratively. Ms. Ivie attended Parker University and provided transcripts, however did not complete the program so she could not provide a certificate of completion. She is requesting to be granted a license under NRS 640C.420 which means that she is licensed in another jurisdiction.

Kelly Ivie, Applicant – I didn't finish my last 20 hours of hands on because I had a full time job at the time and I didn't have time to finish it. We did our hands on hours at the end after all of the classroom hours.

Joanne Leming, Board Member – I show that you received an F in all of the hands on sessions.

Kelly Ivie, Applicant – That's because there was a group of students doing their hands on before my group and there wasn't enough time for us to complete the hands on. Everyone got an F and that carried over into the next semester.

Sgt. Carmen Donegan, Board Member - Have you ever been arrested?

Kelly Ivie, Applicant – Yes, I had a DUI in Las Vegas.

Robin Graber, Board Member – Where did you work in Michigan?

Kelly Ivie, Applicant – I had my own business. In Michigan you didn't have to be licensed until last year. I had my own mobile business and serviced about ten clients per week and I follow the World Series of Poker around.

Motion: Robin Graber made a motion to approve the license.

Second: April Whiting

Motion Carries Unanimously

k. Review Application of Alma Climo – present

Lisa Cooper, Executive Director – Ms. Climo's application is before you today due to education that was obtained in California. Ms. Climo attended International Professional School of Bodywork in San Diego. This school is not on the CAMTC's list of unacceptable schools and it is not under investigation by the NCBTMB. She is requesting to be granted a license under NRS 640C.420, which means fingerprints were not provided.

Motion: April Whiting made a motion to grant the license.

Second: Robin Graber

Motion Carries Unanimously

l. Review Application of Borbala Bote – present

Lisa Cooper, Executive Director – Ms. Bote's application is before you today due to education that was obtained in California. Ms. Bote attended I.P.P.T. This school is not on the CAMTC's list of unacceptable schools and it is not under investigation by the NCBTMB. She is requesting to be granted a license under NRS 640C.420, which is a transfer application so there are no fingerprints.

Motion: Robin Graber made a motion to grant the license.

Second: Michael Smith

Motion Carries Unanimously

m. Review Application of Caitlin Lock – present

Lisa Cooper, Executive Director – Ms. Lock’s application is before you today due to education that was obtained from U.S. Career Institute located in Colorado. This school requires 200 hours of hands on and 400 hours of online education. She is requesting to be granted a license under NRS 640C.400.

Joanne Leming, Board Member – What did you do during your 200 hours of hands on time?

Caitlin Lock, Applicant – We would work on the public. It was 10 hour days. In the morning, we would go over Anatomy and Physiology, and they would test us. I lived in Colorado for a month and a half to complete the hands on.

Kathleen Pilgreen, Board Chairperson – Why did you choose this school?

Caitlin Lock, Applicant - I have tried to go to massage school two times before and I was young and I couldn’t complete it. I chose this school because graduation was obtainable for me and I knew I could complete the program.

Motion: Michael Smith made a motion to grant the license.

Second: Joanne Leming

Motion Carries Unanimously

n. Review Application of Lisa Klein-Phillips – not present

Lisa Cooper, Executive Director – Ms. Klein-Phillips’ application is before you today due to education that was obtained in California. Ms. Klein-Phillips attended the Academy of Professional Careers in San Diego. Staff could not find an accreditation for this school. This school is not on the CAMTC’s list of unacceptable schools and it is not under investigation by the NCBTMB. She is requesting to be granted a license under NRS 640C.420.

Motion: Robin Graber made a motion to grant the license

Second: Michael Smith

Motion Carries Unanimously

o. Review Application of Xiaoyan Zhang – not present

Lisa Cooper, Executive Director – Ms. Zhang’s application is before you today due to education that was obtained in California. Ms. Zhang attended Oak English College also known as Royal Healing Academy. Please see the enclosed letter from the Accrediting Council for Continuing Education and Training denying accreditation. This

school is on the CAMTC's list of unacceptable schools as of December 23, 2014. However, it is not on the list of schools by the NCBTMB that are currently under investigation. She is requesting to be granted a license under NRS 640C.420.

Motion: Michael Smith made a motion to deny the application under NRS 640C.400 (4)

Second: Joanne Leming

Motion Carries Unanimously

p. Review Application of Earl Piper – present

Lisa Cooper, Executive Director – Mr. Piper's application is before you today due to criminal history that could not be administratively approved. Mr. Piper is requesting to be granted a license under NRS 640C.400.

Earl Piper, Applicant – The last time I was here, I was doing studies for Novum and you guys didn't like that. I stopped doing the studies immediately and I went and got a job at Petland. I am in charge of the small animal's area. I am 42 now and I am ready to move on with my life.

Michael Smith, Board Member – Do you like your job at Petland?

Earl Piper, Applicant - I love it.

Michael Smith, Board Member – Are you in a position of trust?

Earl Piper, Applicant – I work with the owners and they do trust me.

April Whiting, Board Vice Chairperson – If someone is unhappy with your massage, can you handle conflict?

Earl Piper, Applicant - There was a situation at work where someone was bending the key and the manager thought it was me. Instead of arguing with her, I went to the owner to discuss it.

Motion: April Whiting made a motion to grant the license with a two year probation to include the following conditions: 2,4,5,6,7,8,9,12-16

Second: Joanne Leming

Motion Carries Unanimously

7. Financial Report Discuss/Review/Approve Budget and Budget Items (For Possible Action)

a. 2014/2015 Year To Date Budget

Lisa Cooper, Executive Director – There is a typo on there. It should say through December.

Joanne Leming, Board Member – We have two actual columns. Usually one column is budgeted and one column is actual.

Lisa Cooper, Executive Director – The first column is proposed and the second column is actual and then there is the variance column. That is for the year.

Diane Huleva, Board Secretary/Treasurer – I have looked at another budget from July of 2013 to November of 2013 and it looks like we are low on revenue. Do you think we will make up the difference by the end of the year to stay within budget?

Lisa Cooper, Executive Director – Yes. We are coming into our busy season and that is where a majority of the licensing money will come from.

Joanne Leming, Board Member – Lisa, I don't see where we have advertising budgeted and there is not a variance under Bank Services.

Diane Huleva, Board Secretary/Treasurer – In order to do the media buy, did we have to move money out of the money market account?

Lisa Cooper, Executive Director – Yes, because it was never budgeted.

Diane Huleva, Board Secretary/Treasurer – For the software, what will be the monthly cost?

Lisa Cooper, Executive Director – The monthly cost will be around \$700 per month.

Joanne Leming, Board Member - If there are upgrades or updates, who would take care of that?

Lisa Cooper, Executive Director – If the Board changes something or if we need to make changes due to regulation changes, we will have the ability to go in and change that.

Diane Huleva, Board Secretary/Treasurer – So, it looks like we are about \$49,000 short. Is that correct?

Lisa Cooper, Executive Director – Yes and that would be for the media buy and Eduloko.

Joanne Leming, Board Member – I see that mileage is budgeted for \$7,000. We are already at \$4,000, and we are about half way through the year. Are we going to be over?

Lisa Cooper, Executive Director – No, I don't think we will go over.

Diane Huleva, Board Secretary/Treasurer - Do you think that we need to add the software to page two, line three? Should we add the \$87,000 to that line?

Lisa Cooper, Executive Director – I can make that change and add it in.

Diane Huleva, Board Secretary/Treasurer – Lisa, because we are going to be short, will we have to move money out of the money market account?

Lisa Cooper, Executive Director – I already moved money from the money market to checking in January and that's all I anticipate moving.

Diane Huleva, Board Secretary/Treasurer – So, when we do that, do we not need Board approval first? I don't know how the reserves work.

Lisa Cooper, Executive Director – No, I've never had to have Board approval. It's the same for the debit account.

Diane Huleva, Board Secretary/Treasurer – So there's no budgetary guidelines?

Lisa Cooper, Executive Director – No there's not.

Diane Huleva, Board Secretary/Treasurer – My only concern is we seem really short. I'm sure it will be fine by the end of June, but having to take money out in January concerns me.

Lisa Cooper, Executive Director - We have always had to take money out except for the last few years. We wouldn't have to take the money out except to cover the media buy and Eduloko expenses.

Motion: Robin Graber made a motion to approve the budget

Second: Michael Smith

Motion Carries Unanimously

b. Approve 2013/2014 Audit

Diane Huleva, Board Secretary/Treasurer - Has the company that does the audit ever presented to us as a Board?

Lisa Cooper, Executive Director – No, they have not.

Diane Huleva, Board Secretary/Treasurer – Is that something that would be included in the fee? I might be the only one, but I don't understand half of what is in here.

Lisa Cooper, Executive Director – It's funny you should say that because I was going to ask him to come make a presentation to the Board, but I didn't because it is tax time and I didn't think he would be available. I will ask him to come and make a presentation for you.

Motion: Michael Smith made a motion to approve the audit

Second: Robin Graber

Motion Carries Unanimously

8. Discuss/Amend/Approve Board Meeting Minutes (For Possible Action)

- a. November 14, 2014

Michael Smith, Board Member – On page six of the minutes, on the second paragraph up from the bottom, there is a date of May 15, 2015 that should be May 15, 2014.

Motion: Michael Smith made a motion to approve with the correction

Second: April Whiting

Motion Carries Unanimously

9. Board Discussion Review/Approve/Deny (For Possible Action)

- a. Board Meeting Dates 2015

Lisa Cooper, Executive Director – I have revised the schedule of meetings to be every ten weeks until October. Does anyone have any questions or comments?

Joanne Leming, Board Member – I like more frequent meetings.

Motion: Michael Smith made a motion to accept the new meeting dates

Second: Joanne Leming

Motion Carries Unanimously

- b. Reconsideration of the Structural Integration Exam to NAC 640C.050

Michael Smith, Board Member – I am proposing that on the license issued by the Nevada State Board of Massage Therapists it will say Structural Integrator instead of Massage Therapist.

Kathleen Pilgreen, Board Chairperson – Didn't we have someone come before us a few years ago and we discussed having a multi-tiered license of Bodyworker, Massage Therapist, etc?

Keith Marcher, Chief Deputy Attorney General – In order to do different types of licensure, you would have to go into your NRS and make changes to how you operate there.

Lisa Cooper, Executive Director – I talked to Maggie Carlton about this issue. We were created because there was a state wide problem. We were created to protect the public, not to bring uniformity to the massage industry even though that also has happened. This would change our bill and it would need a 2/3 vote. The Licensees or the Structural Integrators would need to get together to try and get this changed. We shouldn't be carrying a bill like that. It should be coming from the industry, not from us.

Michael Smith, Board Member – We, as the Board, are the ones that will have to deal with this. We are going to have to find someone to pull all of the information together and change the regulations.

Robin Graber, Board Member - I think there are 13 Rolfers in the state of Nevada total. We are talking about a very small number and the need for these types of practitioners is extremely high. I personally am booked out 2-3 months at a time. They are in extremely high demand. The chance of a Structural Integrator going to work in a spa is highly unlikely. You could have a S.I. license and a M.T. license. A Massage Therapist is not going to do Structural Integration.

Michael Smith, Board Member – We learn Structural Integration in Massage School and we do use tools we learn from your trade into what we do sometimes. We will, to a degree, do some low grade Structural Integration stuff, but Structural Integrators don't learn the Swedish or the fluff that Massage Therapists learn.

Robin Graber, Board Member – The thing is, Structural Integration is not a technique. It is not about how something is done to the body. It is a whole system and how that system is applied to a person with the evaluation and the application of the recipe depending on what that person needs.

Keith Marcher, Chief Deputy Attorney General – The Medical Board doesn't issue 50 different licenses; one for Pediatric Nurses, one for O.R. Nurses, etc. It's one license. That's how it is set up and it can't be changed unless you go into the NRS to get it changed. It doesn't sound like there is much appetite for it at the Legislature.

c. Employee Manual

Lisa Cooper, Executive Director – This is the first of many policies and procedures that you will see before you. If you have any questions or comments, please email them to me so I can try to make the changes for the next draft.

Diane Huleva, Board Secretary/Treasurer – We can't email each other?

Keith Marcher, Chief Deputy Attorney General – Make sure you email Lisa. You can't collectively have a discussion about it. If one person emails another and then that person forwards it on to another Board Member, then you have Serial Communication and it's a violation of the Open Meeting Law. You need to make sure you are just emailing Lisa.

Lisa Cooper, Executive Director – For instance, if Michael emails Kathleen and then Kathleen emails April she would need to say up front that she has already discussed this with Michael.

Motion: Michael Smith made a motion to approve the draft

Second: April Whiting

Motion Carries Unanimously

- d. Creative Concepts – purchase of airtime December 15, 2014 to March 1, 2015.
 - i. Ratify Contract for Airtime Purchase.

Lisa Cooper, Executive Director – I went ahead and made an executive decision and I did not run it by Diane ahead of time. We have already discussed the whole issue. It was to run commercials from December 15th through February. Every time we run commercials we get our name out there and we get complaints. We had money left over from the other buy, but it wasn't enough to do the next buy since the whole buy was \$40,000. I need the Board to ratify the whole contract.

Diane Huleva, Board Secretary/Treasurer – What is our budgetary constraint to go get three bids?

Lisa Cooper, Executive Director – Its \$50,000. Air time is not something that has to go through the RFP process though.

Keith Marcher, Chief Deputy Attorney General – I think it's at least \$50,000.

Joanne Leming, Board Member – How are the complaints washing out?

Lisa Cooper, Executive Director – The complaints are all Las Vegas right now.

Michael Smith, Board Member – Was it \$40,000 last time?

Lisa Cooper, Executive Director – Yes, we just re-ran what we already had.

Motion: Robin Graber made a motion to ratify the contract

Second: Michael Smith

Motion Carries Unanimously

- e. Move Las Vegas Office to a New Location
 - i. 5550 West Flamingo Rd.

Lisa Cooper, Executive Director – We have had many problems at our current location, especially within the last six months. When we moved from Convention Center Drive, we had to use Buildings and Grounds and they gave us a list of possible properties. I picked the best location I could from the list. It has not turned out to be a great office location. This time, we have scouted locations and found 5550 West Flamingo Road to be a location that could work very well for us. The fees right now are \$1.25 per square foot but we will be negotiating. The paper in your packet says \$1.35.

Joanne Leming, Board Member – I went there at noon and there were only eight empty parking spaces. I drove around the whole complex. We would eat up the parking spaces and our participants wouldn't have anywhere to park. There is no security and if you are going to have Board Meetings there, everyone will have the address and be knocking on your door. Then there is the expense of the tenant improvements.

Diane Huleva, Board Secretary/Treasurer - They would pay to do the build out?

Lisa Cooper, Executive Director – It would be added into the lease.

Diane Huleva, Board Secretary/Treasurer – I would rather have a comprehensive budget that lists line by line each item so we can see how much this will cost.

Joanne Leming, Board Member - I've built three schools and I know someone has to supervise the construction. We need somebody to keep an eye on the contractors and the progress.

Lisa Cooper, Executive Director – Buildings and Grounds supervises the construction. We don't need to do that.

Joanne Leming, Board Member – We have to think about how much it will cost to move and then furnish the new office.

Lisa Cooper, Executive Director - The moving cost is \$1,100.

Joanne Leming, Board Member – Will we have a rental agent for the classes or someone to supervise the rental of the classes?

Lisa Cooper, Executive Director - The Inspectors could coordinate the rental of the room. We wouldn't be supervising the classes. I will take these concerns back to the Leasing Agent and see what we can come up with. Are there any other concerns?

Diane Huleva, Board Secretary/Treasurer – If we could have a budget that outlines the build out cost, the furnishing, the rent, etc. I think we should know exactly what the cost will be before approving.

10. Review/Approve/Deny Modalities that meet the Definition of Massage per NRS 640C.060. (For Possible Action)

a. Reflexognosy

Diane Huleva, Board Secretary/Treasurer – Basically, the first half of the book is about a new way of thinking and stepping outside the box and how this is going to revolutionize things. The second half of the book is about how if Reflexology is about gate and posture, Reflexognosy is about pressure points on the calf and the front of

the leg and working through the foot, you will be able to help change the entire body through the foot. It goes beyond Reflexology.

Michael Smith, Board Member - It sounds like updated Reflexology.

Diane Huleva, Board Secretary/Treasurer – There's a diagram that shows the foot to the knee, and how using those pressure points you will be able to help people walk straight. Gait and posture is more about Massage Therapy.

Motion: Diane Huleva made a motion to accept under the massage definition

Second: Robin Graber

Motion Carries Unanimously

11. Review Inspection Numbers

Diane Huleva, Board Secretary/Treasurer – When we talk about Therapists versus rooms, doesn't each Therapist have a room? How is it so disproportionate?

Lisa Cooper, Executive Director – No. For instance, at the Peppermill they have 60 Therapists and 20 rooms. We verify all of the licenses of the employees on file and inspect the rooms.

12. Public Comment

None

13. Future Agenda Items

- a. Discussion on Legislative Bills we are included in
- b. Discussion about California education
- c. Online and distance education
- d. Special Meeting for Personnel Discussion

14. Adjournment No Later than 4:30 PM (For Possible Action)

Motion: April Whiting made a motion to adjourn the meeting at 2:52

Second: Michael Smith

Motion Carries Unanimously

Note:

1. Items may be taken out of order
2. Items may be combined for consideration by the Public Body
3. Items may be pulled or removed from the Agenda at any time.
4. 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)

Public Comment Agenda Item: There is a time designated at the beginning of the meeting and the end of the meeting for Public Comment. Members of the general public may bring matters not appearing on this Agenda to the attention of the Board or make comment on specific Agenda Items. The Board may discuss the matters not on the Agenda, 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.

Prior to the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the Board may refuse to consider Public Comment.

Accommodations: Nevada State Board of Massage Therapists 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 Nevada State Board of Massage Therapists in writing as soon as possible at:

NSBMT

Attn: Lisa Cooper
1755 E. Plumb Lane Suite 252
Reno, NV 89502

Or by phone

(775) 687-9955

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