

BOARD MEMBERS:

April Whiting
 Michael Smith
 Diane Huleva
 Robin Graber
 Walter Lopez
 Sandra Anderson
 Sgt. Andrew McDermott



Nevada State Board
 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: **December 18, 2015**

START TIME: **9:00 a.m.**

LOCATION: **VIDEO CONFERENCE LOCATIONS:**

Las Vegas Location

Nevada Department of Transportation
 123 E Washington Ave. Building B
 Training Room Las Vegas, NV 89109

or

Carson City Location

Nevada Department of Transportation
 1263 S. Stewart St Room 301
 Carson City, NV 89701

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.

9:10 a.m.

1. Public Comment

None

2. Roll Call of Board Members

a. Introduction of New Board Member

i. Sandra Anderson

Board Members Present: Michael Smith, April Whiting, Sgt. Andrew McDermott, Diane Huleva, Robin Graber, Sandra Anderson, Walter Lopez

Staff Present: Louis Ling- Board Counsel, Tereza Van Horn-Executive Assistant, Christy Brunner-Field Inspector II, Lisa Cooper-Executive Director, Colleen Platt-Board Counsel, Kathleen Hefti-Administrative Assistant II, Arianna Clifford-Administrative Assistant II, Nicole Seeberg-Field Inspector II, Moses Haynes- Field Inspector II

3. Formal Hearing (For Possible Action)

a. Jeremy West - Not Present

Transcripts of Formal Hearing are available at your cost. Contact Litigation Services at (800) 330-1112.

Motion: Diane Huleva made a motion that the service of the notice was proper

Second: Sandra Anderson

Motion Carries Unanimously

Transcripts of Formal Hearing are available at your cost. Contact Litigation Services at (800) 330-1112.

Motion: Michael Smith made a motion to find Mr. West guilty of NRS 640C.700(5) because he did not complete an Ethics course.

Second: Robin Graber

Motion Carries Unanimously

Transcripts of Formal Hearing are available at your cost. Contact Litigation Services at (800) 330-1112.

Motion: Diane Huleva made a motion to revoke his license for five years, plus charge admin fees and costs associated with this hearing, not to exceed \$750.00.

Second: Robin Graber

Motion Carries Unanimously

- b. Heriberto Soltero - Not present

Transcripts of Formal Hearing are available at your cost. Contact Litigation Services at (800) 330-1112.

No Action

- c. Xiao Fei Kuang - Not Present

Transcripts of Formal Hearing are available at your cost. Contact Litigation Services at (800) 330-1112.

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

Second: Michael Smith

Motion Carries Unanimously

- d. Tiffany Jackson – Not Present

Transcripts of Formal Hearing are available at your cost. Contact Litigation Services at (800) 330-1112.

Motion: Robin Graber made a motion to accept this as evidence that Ms. Jackson has been properly served.

Second: Michael Smith

Motion Carries Unanimously

Transcripts of Formal Hearing are available at your cost. Contact Litigation Services at (800) 330-1112.

Motion: Robin Graber made a motion to find Ms. Jackson in violation of NRS 640C.700(12) - Probation Violation

Second: Diane Huleva

Motion Carries Unanimously

Motion: Robin Graber made a motion to revoke Ms. Jackson's license for five years and add attorney and admin fees and costs associated with this hearing, not to exceed \$750.00.

Second: Walter Lopez

Motion Carries Unanimously

- e. Yan Li- Not Present

Transcripts of Formal Hearing are available at your cost. Contact Litigation Services at (800) 330-1112.

Motion: Diane Huleva made a motion to accept the Settlement Agreement of Suspension for 60 days with an Administrative fine/fee of \$3500.00.

Second: Michael Smith

Motion Carries Unanimously

- f. Ping Zhang- Not present

Transcripts of Formal Hearing are available at your cost. Contact Litigation Services at (800) 330-1112.

Motion: Robin Graber made a motion to accept the Settlement Agreement of Suspension for 60 days with an Administrative fine/fee of \$3500.00.

Second: Michael Smith

Motion Carries Unanimously

4. Probation Termination (For Possible Action)

- a. Molly Hansen – Not present

Lisa Cooper, Executive Director – Ms. Hansen came before the Board on September 5, 2014. She was granted a Probation License for one year with the following conditions - I am not going to read them out but you have them in front of you. Ms. Hansen has met all the requirements of the Board and is requesting terminating her Probation. It is my recommendation that her Probation be terminated.

Motion: Michael Smith made a motion to terminate Probation

Second: Sandra Anderson

Motion Carries Unanimously

- b. Suzie Kim – Not present

Lisa Cooper, Executive Director – Ms. Kim came before the Board on November 14, 2014. Ms. Kim was granted a Probation License for one year with the following conditions listed in your Board packet. Ms. Kim has met all the requirements of the Board and is requesting terminating her Probation. It is my recommendation that her Probation be terminated.

Motion: Robin Graber made a motion to terminate probation

Second: Sandra Anderson

Motion Carries Unanimously

5. Application Review (For Possible Action)

- a. Licenses Approved and Authorized by the Chairperson

Motion: Michael Smith made a motion to accept

Second: Diane Huleva

Motion Carries Unanimously

- b. Review Application of Lindsay Stec – Not present

Lisa Cooper, Executive Director – Ms. Stec’s application is before you today due to education that was obtained in California. Ms. Stec is requesting to be granted a license under NRS 640C.420. We have seen this school previously. We have approved licenses without restrictions. This school is not on the Nevada list of school’s we do not accept. This school is Nationally Accredited by the Commission of Massage Therapy Accreditation since 2007. This school is still in business. We did not request attendance records, nor did we request additional information, and yes there is a NCBTMB code.

Motion: Robin Graber made a motion to accept

Second: Michael Smith

Motion Carries Unanimously

- c. Review Application of Tobi Marie Lange – Present

Lisa Cooper, Executive Director – Ms. Lange’s application is before you today due to education that was obtained from Dahan. Ms. Lange is requesting to be granted a license under NRS 640C.420, which is a transfer application. We have seen this school previously and we have approved licenses. For newer Board Members, Dahan was a school that closed in the middle of the night. Some of the students were able to get their hours completed, some of the students did not complete their hours so they had to go to other schools to complete hours. There was an issue with Dahan back in, Michael what year?

Michael Smith, Vice Chairperson – 2003.

Lisa Cooper, Executive Director – Ok. They are requesting to be granted a license under NRS 640C.420.

Robin Graber, Board Member – I am sorry, we did accept this schooling before?

Lisa Cooper, Executive Director – We do accept Dahan.

Robin Garber, Board Member – It’s been awhile since we have seen it.

Lisa Cooper, Executive Director – We have not had a Dahan school in forever. She only got 250 hours. This is like a Portfolio Review.

Diane Huleva, Secretary/Treasurer – Tobi, how long have you been practicing Massage?

Tobi Lange, Applicant – I teach Massage but I am not practicing. I would like to practice, but I would like to continue teaching for European Massage School. I was a Colon Hydrotherapist and other therapies. I traveled abroad most of my life; working in South America teaching Yoga and things. I would like to stay here in Vegas and teach.

Diane Huleva, Secretary/Treasurer – When was the last time you were an active Massage Therapist?

Tobi Lange, Applicant – Back in 2000 to 2003. I worked in New Jersey. I was in a spa and worked five days a week and that is what Grandfathered me in to take the National. I passed the National Exam. I have the National Exam based on the work there that I performed in the State of New Jersey for three years. They deemed me having enough hours to make up what I did not have in school.

Walter Lopez, Board Member – I have some issues with the transcript. Especially with the I-Act. I do not know what those hours are for. I do not really see what kind of education this person has.

Diane Huleva, Secretary/Treasurer – From the Dahan School, Walter?

Walter Lopez, Board Member – The Dahan I see is very limited but it's another official I-Act transcript.

Diane Huleva, Secretary/Treasurer – Oh, I see it. From Mind Body Naturopathic Institute?

Walter Lopez, Board Member – Yeah, it says hours complete 100, but it does not indicate what kind of education she has. What is it? I do not know.

Diane Huleva, Secretary/Treasurer – Good point.

Tobi Lange, Applicant – I am a Colon Hydrotherapist. It is to become a Colonic Therapist to do water irrigation in your colon. Is that what you are asking?

Diane Huleva, Secretary/Treasurer – Mind Body Naturopathic Institute, what were those hours for?

Tobi Lange, Applicant – Yes that particular certificate is the Mind Body Naturopathic Institute and that was for the Anatomy and the Physiology. I am sorry I am not sure what you are asking. Do you not understand the transcript?

Diane Huleva, Secretary/Treasurer – We are just trying to clarify for the record. We are looking at the transcript that you gave to us from the Mind Body Naturopathic Institute and under that, it says that you completed 100 hours, and under another

course description you completed 21.30 hours, and we just wanted to get clarification. What was that course for? What kind of classes did you take?

Tobi Lange, Applicant – I understand Walter's concern as to my lack of education based on what Nevada's qualifications are but I am well qualified.

Walter Lopez, Board Member – My concern is also, for example, Anatomy and Physiology for 48 hours. That is the only knowledge according to these transcripts or paper that this person has. No Kinesiology, no Pathology. If we go with what the Board requires for the schools, then 48 hours is not enough.

Robin Graber, Board Member – Were you licensed for Massage Therapy in New Jersey?

Tobi Lange, Applicant – No.

Lisa Cooper, Executive Director – So Board, normally in the past when we have seen an application like this, you have, in the past, granted a license and then asked for a course in Anatomy and Physiology by the renewal. Are you concerned with the Anatomy and Physiology?

Walter Lopez, Board Member – Yes, that is basically my concern. We have a standard amount of hours.

Michael Smith, Vice Chairperson – What exactly do you teach at the school?

Tobi Lange, Applicant – Mostly I teach the Physical Therapy and Sports Therapy Massage. How many hours does the Board require for Anatomy and Physiology?

Lisa Cooper, Executive Director – 125.

Tobi Lange, Applicant – With my I-Act, Anatomy and Physiology is completed.

Walter Lopez, Board Member – I-Act does not specify or break down the hours, it only supplies the total completed hours. It does not state what subject was in those hours.

Lisa Cooper, Executive Director – I think the concern is that the Anatomy and Physiology from that transcript is out of the scope of practice for a Massage Therapist. I think that is what the Board is saying.

Diane Huleva, Secretary/Treasurer – Tobi, how long have you been teaching at European?

Tobi Lange, Applicant – I taught for one full year. So I was going to continue next year in March for another course.

Sandra Anderson, Board Member – Tobi, when was the last time you took a modality workshop?

Tobi Lange, Applicant – 2007-2008.

Sandra Anderson, Board Member – So you have not had any other modality workshops since 2008, is that correct? Tobi we all seek additional education in order to grow within the industry. I am not seeing any training in these transcripts since 2007. What else have you done in the past seven years towards a career in Massage?

Robin Graber, Board Member – And you are teaching students?

Tobi Lange, Applicant – I take workshops all the time.

Motion: Robin Graber made a motion to approve the license with the condition that Ms. Lange takes an Anatomy and Physiology class before her renewal.

Second: Walter Lopez

Motion Carries Unanimously

Lisa Cooper, Executive Director – For the record, Ms. Lange will receive an unrestricted license with a condition that she will provide our office, upon renewal, with an Anatomy and Physiology 1 class. Out of that Anatomy and Physiology class, the Board will only accept 12 hours of Continuing Education and there will be no roll-over put into the bank.

d. Review Application of Amy Lyons – Present

Lisa Cooper, Executive Director – Ms. Lyons' application is before you today due to education that was obtained in California. Ms. Lyons is requesting to be granted a license under NRS 640C.420. She attended Phillips School of Massage in California. She also attended Truckee Meadow Community College. She does not have a certificate of completion from Phillips School of Massage. We have seen this school previously and we have approved applications from them before. They are not on the Nevada list of schools we do not accept. This school is not Nationally Accredited. This school is no longer in business. We called and there was no answer. We did not request attendance records. We did not ask for additional information, nor is there a NCBTMB number. Ms. Lyons is requesting to be granted a license under NRS 640C.420.

Motion: Robin Graber made a motion to approve the license with no restrictions.

Second: Michael Smith

Motion Carries Unanimously

e. Review Application of Janet Bonner – Present

Lisa Cooper, Executive Director – Ms. Bonner's application is before you today due to criminal history that cannot be approved administratively. Ms. Bonner was before the Board at the August 28, 2015 Board Meeting. Please see the meeting Minutes. Ms.

Bonner has provided the requested information. Ms. Bonner is requesting to be granted a license under NRS 640C.400. Fingerprints were taken and she met the requirements that were requested, unless Andy has something else.

April Whiting, Chairperson – Andy, do you have anything else?

Sgt. Andy McDermott, Board Member – No ma'am.

Diane Huleva, Secretary/Treasurer - So in looking through the paperwork, Janet did you pay the \$150.00? It looks like there is a payment from your grandparents for \$720.00? That is inclusive of the \$150.00?

Janet Bonner, Applicant – Yes. It was for everything.

Lisa Cooper, Executive Director – They provided us with a document stating she had a zero balance.

Diane Huleva, Secretary/Treasurer - I just want to make sure that was taken care of.

Michael Smith, Vice Chairperson – So she has fulfilled everything that we have asked from her?

Lisa Cooper, Executive Director – Correct.

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

Diane Huleva, Secretary/Treasurer – Isn't this the check fraud one?

Lisa Cooper, Executive Director – This is.

Michael Smith, Vice Chairperson – Then I would like to amend my motion to include Probation for one year and the following conditions: 2,5,6,7,12-16

Diane Huleva, Secretary/Treasurer – I would second that with two-three years of Probation.

Second: Walter Lopez - I second with one year.

Discussion: Diane Huleva and Sandra Anderson think we should do Probation of two or three years. Sandra Anderson does not think one year is sufficient. Diane Huleva would be more comfortable with three years.

Motion: Michael Smith amended the motion to grant a license with a two year Probation with the following conditions: 2,5,6,7,12-16

Second: Walter Lopez

Motion Carries Unanimously

- f. Review Application of Amber Christensen – Present

Lisa Cooper, Executive Director – Ms. Christensen’s application is before you today due to criminal history that cannot be approved administratively. Ms. Christensen is requesting to be granted a license under NRS 640C.400. She submitted fingerprints.

Amber Christensen, Applicant –I just want to talk about my character in general. I was in the military for a number of years, and I was honorably discharged. I was a Special Operations Intelligence Analyst. I did graduate with a 4.0 from the Milan Institute and I passed the MBLEx with a 788. So I am really passionate about Massage. I have a letter from the judge, stating my record has been sealed.

Michael Smith, Vice Chairperson – What happened at Walmart?

Amber Christensen, Applicant –I was with my son and as I checked out, there were items in the basket. I had not left the store yet, and I tried to go back to purchase the items, but they were not interested.

April Whiting, Chairperson – Andy, do you have anything else?

Sgt. Andy McDermott, Board Member- No Madam President.

Motion: Robin Graber made a motion to grant a license with no restrictions

Second: Sandra Anderson

Motion Carries Unanimously

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

a. 2016 Year To Date Budget

Sandra Anderson, Board Member – On the back, it states “Balance on Accounts”, at the bottom it says “Increase/Decrease” and “Unrestricted Net Assets”.

Lisa Cooper, Executive Director – I am thinking I will just change it to “Unrestricted Net Assets”.

Sandra Anderson, Board Member – Thank you.

Motion: Robin Graber made a motion to approve Budget

Second: Diane Huleva

Motion Carries Unanimously

b. Approve 2014/2015 Audit

Michael Williams, CPA – I have done the audit since 2007. Very impressive, well run organization that you guys are overseeing. The Board is in good shape. It's been a pleasure working with Lisa and the Board.

Motion: Diane Huleva made a motion to approve

Second: Robin Graber

Motion Carries Unanimously

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

a. October 16, 2015

April Whiting, Chairperson – I did find a few errors. When we were voting for Chairperson and Vice Chairperson, Michael nominated himself for Vice Chairperson, you have Diane Huleva as second, however, it was me that seconded him and Walter was sitting next to me and voted for me.

Motion: Diane Huleva made a motion to approve the Minutes with the changes.

Second: Michael Smith

Motion Carries Unanimously

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

a. Section 32, Senate Bill 68 of the 2015 Legislative Session

i. Transfer Applications, Criminal History and Education Issues

Lisa Cooper, Executive Director – Section 32, Senate Bill 68, changed our law. This was the law that pertained to people that were transferring into Nevada. It requires fingerprints for everyone that transfers into Nevada. The law states we have to give them a denial or approval within 10 days of receiving their background results. We have discussed a waiver that would be included in the initial application packet. This waiver gives the Applicant two options. One option is for the Applicant to waive their right to have a decision within 10 days and have their file scheduled for the next available Board Meeting. If the applicant does not waive their right then the Application goes to the Executive Director and the Board Chairperson for a decision within 10 days of receiving the background results.

Motion: Robin Graber made a motion to approve the document to be included in the Applications.

Second: Michael Smith

Motion Carries Unanimously

b. Request to Add ITEC Exam to NAC 640C.050

Lisa Cooper, Executive Director – ITEC, known as The ITEC Certification program, was intended to be presented at the Board Retreat. Since that has been postponed, we are discussing it at the Board Meeting so you have all the information prior. On the curriculum it states 50 hours, however this is European calculation. The US conversion hours are 500. This allows Licensees to work internationally; more specifically on cruise ships. Nevada would be the only state to accept this exam. This is not a school, it is a form of testing. I recommend that we accept it. Just the increase of growth is a huge potential.

Walter Lopez, Board Member – I would like more information about this program before we approve. What exactly is the purpose of this test? Change the curriculum?

Lisa Cooper, Executive Director – This is the only exam that International waters will accept.

Motion: Robin Graber made a motion to accept the ITEC Certification program

Second: Michael Smith

Motion Carries Unanimously

c. Approval of Board Retreat Contract for Santa Fe Station

Lisa Cooper, Executive Director – I will see what they say about the food and beverage deposit and moving the Retreat to November 2016, and to not have one for 2015, if they can push it that far out.

Sandra Anderson, Board Member – What is the budget for the Retreat?

Lisa Cooper, Executive Director – \$8,000-\$9,000. We were cutting back on expenses. If they cannot push us to November, are we cancelling or would you rather re-schedule towards later in the year? They have been really kind and accommodating.

Motion: Sandra Anderson made a motion to move the Retreat to November 2016 or take the penalty of losing the deposit along with the food/beverage deposit penalty.

Second: Robin Graber

Motion Carries Unanimously

d. 2016 Board Meeting Schedule

Lisa Cooper, Executive Director – So we are going to remove the January dates?

Motion: Diane Huleva made a motion to remove the January dates and approve the Board Meeting schedule.

Second: Michael Smith

Motion Carries Unanimously

- e. Acceptance or Rejection of Resignation of Executive Director, Lisa Cooper Per NRS 640C.200 (3) and Potential Discussion and Action for Board Operations and Search for Successor of Executive Director Position

Transcripts of Board Discussion available at your cost. Contact Litigation Services at (800) 330-1112.

Motion: Diane Huleva made a motion to have the position posted on the State website by December 29, 2015. Louis Ling will review all of the applications that are obtained from the State website. Louis will randomly send each application to either Robin Graber or Diane Huleva for review and scoring. The deadline to apply will be January 19, 2016. Robin and Diane will narrow down the applicants by February 9, 2016 and Robin will be the point person and will make the final determination of which applicants will be invited to interview at the Board Meeting on February 26, 2016. Part of the job posting will require that the candidate that is selected will be subject to a fingerprint background.

Second: Sandra Anderson

Motion Carries Unanimously

Motion: Sandra Anderson made a motion to accept Lisa Cooper's resignation effective January 4, 2016, and she will become an Independent Contractor in the Executive Director position starting January 5, 2016. The Board will pay out Lisa's sick pay provided that she does not use any sick time between December 18, 2015 and January 4, 2016. In return, Lisa Cooper will perform the Executive Director duties at the rate of \$50.00 per hour for each hour spent in the office until a replacement has been selected and trained for two weeks or April 30, 2016, whichever is sooner.

Second: Robin Graber

Lisa Cooper, Executive Director – I am agreeable to this proposal.

All in Favor: Robin Graber, Sandra Anderson, Diane Huleva and April Whiting

Opposed: Michael Smith

Motion Carries

- f. Moving Las Vegas Office within the same complex – No information from Property Manager to date

Lisa Cooper, Executive Director – Still have not received floor plans. I have not received any responses to my emails or texts, and we have been working on this since September. I will continue to contact them.

- g. Purchase new Data Card Printer

Lisa Cooper, Executive Director – We ordered our new items for our upcoming license season. The company we purchase from is having a sale of \$1000.00 off a new printer. Our existing printer is five years old. The offer ends June 30, 2016.

Motion: Diane Huleva made a motion to approve the purchase of a new card printer machine

Second: Sandra Anderson

Motion Carries Unanimously

h. Executive Director Communication to Executive Committee

9. Inspection Numbers

10. Public Comment

Rebecca Wagoner, Public – I had the pleasure of working with Lisa for six and half years. I respect and trust Lisa immensely. I have seen her sacrifice everything for this Board. I hope you all realize what an amazing Director you are losing. She has done a fantastic job.

David Otto, Public - American Massage Therapy Association – Looking for guidance on a few things to be considered.

1. Limit CEH hours for license renewal-difficult to locate live classes.
2. Would the NSBMT ever offer an online renewal test consisting of 5-10 questions?
3. NSBMT opinion regarding using infused lubricants
4. Would Nevada consider a Massage Therapist to be considered a Health Care Professional?

Lisa Cooper, Executive Director – I will send you an email about the last two points.

11. Future Agenda Items

None

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

Motion: Diane Huleva made a motion to adjourn at 2:15

Second: Robin Graber

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
Nevada State Library, 100 South Stewart Street, Carson City, NV
Attorney General's Office, 100 N. Carson Street, Carson City, NV
Attorney General's Office, 5420 Kietzke Lane, Suite 202, Reno, NV 89511
Carson City Public Library, 901 North Roop Street, Carson City, NV
Department of Public Safety, 500 Wright Way, Carson City, NV
Nevada State Board of Massage Therapists Website
Nevada State Board of Massage Therapists, 1755 E. Plumb Lane Suite 252, Reno, NV 89502
Nevada Public Notice Website – www.notice.nv.gov