

BOARD MEMBERS:

April Whiting
 Michael Smith
 Diane Huleva
 Robin Graber
 Deirdre Strunk
 Margaret Westcamp
 Sergeant Ailee Burnett



Nevada State Board
 of Massage Therapists
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 Reno, NV 89502
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The Nevada State Board of Massage Therapists (NSBMT) is scheduled to hold its regularly scheduled meeting;

DATE: April 29, 2016
START TIME: 9:00 a.m.
LOCATION: VIDEO CONFERENCE LOCATIONS:

Las Vegas Location
 Sawyer Building
 555 E. Washington Avenue, Room 4401
 Las Vegas, NV 89101

or

Carson City Location
 Legislative Building
 401 Carson Street, 2134
 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.

9:00 a.m.

1. Public Comment

None

2. Roll Call of Board Members

Board Members Present: April Whiting, Michael Smith, Diane Huleva, Margaret Westcamp, Deirdre Strunk and Sgt. Ailee Burnett.

Staff Present: Sandra Anderson-Executive Director, Tereza Van Horn-Executive Assistant, Christy Brunner-Field Inspector II, Nicole Seeberg-Field Inspector II, Moses Haynes-Field Inspector II, Colleen Platt-Board Counsel, Keith Marcher-Board Counsel.

3. Welcome new Board Members and Executive Director

- a. Introduction of new Board Members
 - i. Sgt. Ailee Burnett
 - ii. Deirdre Strunk
 - iii. Margaret Westcamp

- b. Introduction of new Executive Director
 - i. Sandra Anderson

4. Formal Hearing

- a. Li Hua Chen – Not present

Colleen Platt, Board Counsel – I am requesting to have this tabled. I have spoken with the Attorney, and he has asked for a continuance while we work out a settlement agreement.

No Motion Needed

5. Citation Appeal

- a. Yanxia Pope – Not present

Colleen Platt, Board Counsel – Ms. Pope has rescinded her appeal of the citation. The citation has been paid in full.

No Motion Needed

6. Continuing Education Review

a. Micky Faierstain – Present

Sandra Anderson, Executive Director – Mr. Faierstain's continuing education is before you today due to education that could not be approved administratively. He is requesting to be granted 3 hours of continuing education for Management 201, Principles of Management which is a 45 hour course. He also is requesting 3 hours for Accounting 202, Managerial Accounting which is a 45 hour course as well. Both courses are offered by The College of Southern Nevada.

Diane Huleva, Secretary/Treasurer – Madame Chair, what was your concern or what was the reason for denying his continuing education?

April Whiting, Chairperson – When I reviewed this, I saw that he had taken these courses; however, I did not see any courses pertaining to massage. I wanted to ask more questions about his courses. I just did not feel comfortable at the time until I was able to ask him questions.

Michael Smith, Vice Chairperson – When you attended massage school, did you attend professional development class or courses that taught you how to run a business?

Micky Fairstain, Applicant – I was focused on the business side of massage. In college they taught you how to deal with different scenarios or situations; items that were crucial to the organization. I thought those classes were very good to help me be a better Massage Therapist.

Diane Huleva, Secretary/Treasurer – Mr. Fairstain are you currently seeking a degree in business or have you already obtained your business degree from Southern Nevada?

Micky Fairstain, Applicant – I am currently pursuing my business degree.

April Whiting, Chairperson – The NRS640C.410 states one hour of credit will be approved for each 60 minutes that a Massage Therapists attends a workshop, course, conference or seminar relating to the practice of massage therapy. That is why I denied it, because I did not see any courses pertaining to massage.

Diane Huleva, Secretary/Treasurer – For me, I am looking at it from the angle of business. In order to do massage you also need to have some understanding of the business side. As a massage therapist and a business owner, for me it is beneficial to take a business class, general accounting, and website development. You know, basics like Business 101. That is why I am ok with accepting the courses.

Michael Smith, Vice Chairperson – My take on it is that, we were taught these items in professional development class to help us develop our business, and I want to clarify, this is not the same as taking a foreign language. This is a benefit for the massage therapist.

Motion: Diane Huleva made a motion to accept the continuing education for 6 hours.
Second: Michael Smith

Motion Carries Unanimously

7. Probation Termination

a. Liping He – Present

Sandra Anderson, Executive Director – Ms. He came before the Board March 21, 2014. Ms. He was granted a probationary license for two years with the following conditions 1, 2, 6, 8, 12-16. Ms. He has met all the requirements requested by the Board and is requesting termination of her probation. It is my recommendation to terminate probation.

Motion: Diane Huleva made a motion to terminate probation
Second: Michael Smith

Motion Carries Unanimously

b. Xiu Xia Kolodny – Present, Kirk Kennedy, Attorney – Present

Sandra Anderson, Executive Director – Ms. Kolodny came before the Board February 6, 2015. Ms. Kolodny was granted a probationary license for one year with the following conditions 1, 2, 4, 6, 8, 12-16. Ms. Kolodny has met all the requirements requested by the Board and is requesting termination of her probation. It is my recommendation to terminate probation.

Motion: Michael Smith made a motion to terminate probation
Second: Deirdre Strunk

Motion Carries Unanimously

c. Gloria McCoy – Present

Sandra Anderson, Executive Director – Ms. McCoy came before the Board March 21, 2014. Ms. McCoy was granted a probationary license for two years with the following conditions 1, 3, 6, 9, 12-16. Ms. McCoy has met all the requirements requested by the Board and is requesting termination of her probation. It is my recommendation to terminate probation.

Motion: Diane Huleva made a motion to terminate probation
Second: Michael Smith

Motion Carries Unanimously

d. Michael Scheneman – Present

Sandra Anderson, Executive Director – Mr. Scheneman came before the Board April 15, 2015. Mr. Scheneman was granted a probationary license for one year with the following conditions 1, 2, 6, 8, 12-17. Mr. Scheneman has met all the requirements requested by the Board and is requesting termination of his probation. It is my recommendation to terminate probation.

Motion: Diane Huleva made a motion to terminate probation

Second: Michael Smith

Motion Carries Unanimously

8. Application Review (For Possible Action)

a. Licenses Approved and Authorized by the Chairperson

Motion: Diane Huleva made a motion to approve

Second: Michael Smith

Motion Carries Unanimously

b. Alicia Angenent, Applicant – Present

Sandra Anderson, Executive Director – Ms. Angenent's application is before you today due to education that cannot be approved administratively. Ms. Angenent received her education in California. Ms. Angenent is requesting to be granted a license under NRS640C.420. The background check was completed. She went to California College of Physical Arts, and the Board has approved that school previously.

Diane Huleva, Secretary/Treasurer – You got your license in 1998. Have you been practicing that entire time?

Alicia Angenent, Applicant – Yes, I have.

Motion: Diane Huleva made a motion to approve the license.

Second: Michael Smith

Motion Carries Unanimously

c. Hugh Brandon, Applicant – Present

Sandra Anderson, Executive Director – Mr. Brandon's application is before you today due to education that cannot be approved administratively. Mr. Brandon received his education in California. Mr. Brandon is requesting to be granted a license under NRS640C.420. The background check was completed. Mr. Brandon attended Harbin School of Healing Arts. The Harbin school burned down this past year. So the CAMTC has not completed their entire investigation. However, verbally over the phone,

CAMTC would like for the Board to accept this education, and Harbin School of Healing Arts is reputable within California.

Motion: Diane Huleva made a motion to approve this applicant.

Second: Michael Smith

Motion Carries Unanimously

- d. Lihong Guan, Applicant – Present, Alex Young , Court Interpreter - Present

Sandra Anderson, Executive Director – Ms. Guan’s application is before you today due to education that cannot be approved administratively. Ms. Guan received her education in California. Ms. Guan is requesting to be granted a license under NRS640C.420. The background was completed. Ms. Guan was cited previously for practicing massage without having a license. She has paid all of her fines and fees. Her school in California was Angeles College. We have four applications pending, two have been denied for insufficient Anatomy and Physiology.

Diane Huleva, Secretary/Treasurer – Was any of your schooling completed online or did you attend classes?

Lihong Guan via Alex Young, Court Interpreter – I went to school, personally the whole time.

Diane Huleva, Secretary/Treasurer – One of my concerns is we have a citation from one of our inspectors, Bonnie Howard, for practicing massage without a license. She was cited on a Tuesday April 15, 2015. At that same time, her transcripts reflect that she would have been in school. So my concern is how can she be working in one state and going to school in another? So I have a concern with the transcripts from this school based on that information.

Lihong Guan via Alex Young, Court Interpreter – I had just got back from school. I have a Reflexology business here in Las Vegas, Nevada.

Diane Huleva, Secretary/Treasurer – The concern is her transcripts are showing she was in school at that time. It is not possible. So my concern is that we are looking at a fraudulent transcript.

Lihong Guan via Alex Young, Court Interpreter – I had a few days off from school.

Diane Huleva, Secretary/Treasurer – Board, my problem is if you look at the transcripts on page 14, the theory hours are the exact same as the lab hours. I do not know how you have lab hours for professional practice? I do not know what you would do in a lab for that class. The transcripts are a huge concern for me.

Colleen Platt, Board Counsel – Diane, I have looked at the map. The driving distance is 3-4 hours, between Las Vegas and Angeles College.

Motion: Diane Huleva made a motion to table this application until we receive attendance/student practice records.

Second: Michael Smith

Motion Carries Unanimously

e. Lu Kao, Applicant - Present

Sandra Anderson, Executive Director – Ms. Kao’s application is before you today due to education that cannot be approved administratively. Ms. Kao received her education in California. Ms. Kao is requesting to be granted a license under NRS640C.420. The background check has been completed. Ms. Kao attended David’s Academy of Beauty. We have had nine applications from this school. Two have been denied for insufficient Anatomy and Physiology.

Diane Huleva, Secretary/Treasurer – On her transcript, it says she went to school from December 31, 2014 to March 5, 2015. If you look at her official transcript, it is dated January 27, 2015, when in fact she did not complete school until March 5, 2015. I do not know how you could have a completed transcript before you have completed school. On her diploma the dates of completion say April 28, 2014 to March 5, 2015. So we have three separate dates. That is my first concern.

Lu Kao, Applicant – I do not remember the exact dates I went to school. I know I was in school in 2014, I think in April. I took a half year break to visit China and California. After taking the time off, I went back to school in December of 2014, and I finished the remainder of the courses.

Motion: Diane Huleva made a motion to table this application until we receive attendance/student practice records.

Second: Deirdre Strunk

Motion Carries Unanimously

f. Li Ma, Applicant – Present, Xiao Ming Hays, Court Interpreter – Present

Sandra Anderson, Executive Director – Ms. Ma’s application is before you today due to education that cannot be approved administratively. Ms. Ma received her education in California. Ms. Ma is requesting to be granted a license under NRS640C.420. The background check has been completed. Ms. Ma attended Alhambra Medical University. The Board has approved this school previously.

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

Second: Diane Huleva

Motion Carries Unanimously

- g. Fang-Li Shi, Applicant – Present, Wai Mei Borgel, Court Interpreter – Present

Sandra Anderson, Executive Director – Ms. Shi's application is before you today due to education that cannot be approved administratively. Ms. Shi received her education in California. Ms. Shi is requesting to be granted a license under NRS640C.420. The background check was completed. The school that she attended was Angeles College. We have four applications pending, two have been denied for insufficient Anatomy and Physiology.

Motion: Diane Huleva made a motion to table this application until we receive attendance/student practice records.

Second: Deirdre Strunk

Motion Carries Unanimously

- h. Hongyan Shi, Applicant – Not Present

Sandra Anderson, Executive Director – Ms. Shi's application is before you today due to education that cannot be approved administratively. Ms. Shi received her education in California. Ms. Shi is requesting to be granted a license under NRS640C.420. The background check was completed. The school that she attended was First Academy of Beauty.

Motion: Diane Huleva made a motion to table this application until we receive attendance/student practice records.

Second: Deirdre Strunk

Motion Carries Unanimously

- i. Jing Wang, Applicant - Present

Sandra Anderson, Executive Director – Ms. Wang's application is before you today due to education that cannot be approved administratively. Ms. Wang received her education in California. Ms. Wang is requesting to be granted a license under NRS640C.420. The background was completed. The school that she attended was Angeles College. Previous application's today from Angeles College, have been tabled.

Motion: Michael Smith made a motion to table this application until we receive attendance/student practice records.

Second: Deirdre Strunk

Motion Carries Unanimously

- j. Xinmei Wang, Applicant – Present, Wai-Mei Borgel, Court Interpreter – Present

Sandra Anderson, Executive Director – Ms. Wang's application is before you today due to education from California that cannot be approved administratively. Ms. Wang

is requesting to be granted a license under NRS640C.420. The background check has been completed. Ms. Wang attended Santa Ana Beauty College. I would like to advise the Board that Santa Ana College, right now is under review by the CAMTC, they will not have a determination for us until July 1, 2016.

Motion: Deirdre Strunk made a motion to table this application until we receive attendance/student practice records and the results of the CAMTC investigation.

Second: Michael Smith

Motion Carries Unanimously

k. Zengxin Yuan, Applicant – Present

Sandra Anderson, Executive Director – Mr. Yuan’s application is before you today due to education from California that cannot be approved administratively. Mr. Yuan is requesting to be granted a license under NRS640C.420. The background check has been completed. Mr. Yuan attended Santa Ana Beauty College. I would like to advise the Board that Santa Ana Beauty College is currently under review by the CAMTC and they will not have a determination for us until July 1, 2016.

Motion: Diane Huleva made a motion to table this application until we receive attendance/student practice records and the results of the CAMTC investigation.

Second: Deirdre Strunk

Motion Carries Unanimously

l. Jinggong Zhou, Applicant – Present, Wai-Mei Borgel, Court Interpreter – Present, James E. Smith, Attorney – Present

Sandra Anderson, Executive Director – Mr. Zhou’s application is before you today due to education that cannot be approved administratively. Mr. Zhou’s received his education in California. Mr. Zhou is requesting to be granted a license under NRS640C.420. The background check has been completed. He attended Therapeutic Body Concept in California. This school has been approved previously by the Board.

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

Second: Diane Huleva

Motion Carries Unanimously

m. Eva Becerra – Present

Sandra Anderson, Executive Director – Ms. Becerra’s application is before you today due to criminal history that cannot be approved administratively. Ms. Becerra is requesting to be granted a license under NRS640C.400.

Diane Huleva, Secretary/Treasurer – Ms. Becerra, I just want to confirm your last arrest was in 2011?

Eva Becerra, Applicant – Yes, in 2011.

Diane Huleva, Secretary/Treasurer – Most of the items on your background check involve alcohol?

Eva Becerra, Applicant – Yes.

Diane Huleva, Secretary/Treasurer – Can you please briefly describe what has changed your pathway from 2011 to now?

Eva Becerra, Applicant – I have never really been a drinker. I have drank alcohol a total of 40 times, and I have four DUI's. I just do not drink at all anymore.

Motion: Diane Huleva made a motion to approve the license with no restrictions.

Second: Michael Smith

Motion Carries Unanimously

n. Courtney Nguyen – Present

Sandra Anderson, Executive Director – Ms. Nguyen's application is before you today due to education from California and potential criminal history that cannot be approved administratively. Ms. Nguyen attended Santa Ana Beauty College. I would like to advise the Board that Santa Ana Beauty College currently is under review by the CAMTC, and they will not have a determination for us until July 1, 2016.

Motion: Diane Huleva made a motion to table this application until we receive attendance/student practice records and the results of the CAMTC investigation.

Second: Michael Smith

Motion Carries Unanimously

o. Lili Wang – Present, Wai-Mei Borgel, Court Interpreter – Present, Kirk Kennedy, Attorney – Present

Sandra Anderson, Executive Director – Ms. Wang's application is before you today due to criminal history that cannot be approved administratively. Ms. Wang is requesting to be granted a license under NRS640C.400.

Kirk Kennedy, Attorney – I have looked at her packet that she received from the Board. It appears she does meet all the education requirements. The school that she attended in California, Alhambra University is not on the un-approved list. She completed 750 hours of schooling at that location. I believe the Board has the official transcript from that. I believe she also has completed the appropriate national test and that has also been forwarded to the Board. She had a citation in Los Angeles County. As the Board knows the citation was two counts, one was an allegation of solicitation of prostitution, the other was a lack of massage license, also in 2009. That case was

resolved through the Los Angeles Superior Court in 2009 early 2010 when she entered into negotiations, which resulted in dismissal of the solicitation of prostitution charge, and she entered into a plea negotiations for not having a massage license. In June of 2010, the Judge dismissed the second charge as a result of completing all court requirements.

Motion: Diane Huleva made a motion to grant a license with one year probation with the following conditions: 2, 3, 4, 5, 6, 7, 11, 12-16

Second: Michael Smith

Motion Carries Unanimously

9. Financial Reports (For Possible Action)

a. Review and possible amendments 2016 Year-to-Date Budget

Sandy Anderson, Executive Director – We currently are sitting at a net profit for the year at \$54,000. I did project out the revenues for the rest of the year, based on 1005 renewal rate, and we should be looking at \$100,000 profit at the end of the year on June 30, 2016.

Motion: Diane Huleva made a motion to approve the 2016 YTD Budget

Second: Michael Smith

Motion Carries Unanimously

b. Review and possible amendments to the 2017 Proposed Budget

Sandy Anderson, Executive Director – Before you make a decision on the proposed budget, I would like to discuss C, D, E and F. This budget was compiled based on the numbers that I got out of two prior years both fiscal year 2015 and fiscal year 2014.

Diane Huleva, Secretary/Treasurer – I want to say thank you to Sandy for reaching out and sitting down with me to go over the budget. I cannot speak for previous Treasurer's, but this is the first time I have had the Executive Director sit down and complete the leg work, reports and ask for input. That has never happened before.

Motion: Michael Smith to accept updated 2017 Budget

Second: Diane Huleva

Motion Carries Unanimously

c. Discussion and possible approval to send Board Members and/or Board staff and/or Attorneys to the 2016 FARB Convention in Chicago.

Sandy Anderson, Executive Director – The 2016 FARB convention is scheduled for the end of September and beginning of October. The cost per attendee is \$2,214.62. The cost breakdown is attached in your packets. I also would like to recommend

paying part of Colleen Platts' attendance at this event. She has already paid for her airfare. In the 2017 budget, I have included 5 attendees from our Board while also including attorneys.

Motion: Diane Huleva made a motion to approve 10 people to go and approved dipping into our reserves to do this. We will pay for registration and one night of hotel for Colleen Platt, Board Counsel.

Second: Deirdre Strunk

Motion Carries Unanimously

- d. Discussion and possible approval to send Board staff to CLEAR-NCIT Training in Portland.

Sandy Anderson, Executive Director – We would like to send Christy Brunner to the next level of inspector training with CLEAR-NCIT, and I would like to attend the administrators portion of the training. Copies of the expenses are attached in your packets. This is built into the 2017 budget.

Motion: Diane Huleva made motion to approve Christy Brunner to attend CLEAR-NCIT training, and Sandra Anderson to attend CLEAR-NCIT administrators training.

Second: Michael Smith

Motion Carries Unanimously

- e. Review and discussion of the mileage reimbursement vs. Fleet Services vehicles for inspections and discussion of possible purchase of Board vehicles for conducting inspections.

Sandy Anderson, Executive Director – We have asked about this at a previous Board meeting. On your budget it does have the mileage reimbursement set at \$800.00 per month between the three Inspectors. After meeting with Las Vegas Metro, they are concerned about our Inspectors using their private vehicles. Las Vegas Metro is suggesting we utilize Fleet Services. Compact cars would increase our expenses by about \$4,000.00 annually, and intermediate cars would increase our expenses by about \$5,000.00 annually. I recommend that we go with 3 vehicles. Our budget would need to increase by \$4,000.00 to \$5,000.00 to allow for this expense.

Motion: Diane Huleva made a motion to approve to rent intermediate sized vehicles from Fleet Services.

Second: Michael Smith

Motion Carries Unanimously

- f. Discussion and possible approval of expanding office space to include hearing rooms and outcall inspection space

Sandy Anderson, Executive Director – I suggest we revisit this next year due to cost and expenses.

No Motion Needed

10. Discuss/Amend/Approve Board Meeting Minutes

- a. December 18, 2015
- b. February 26, 2016

Motion: Diane Huleva made a motion to approve December 18, 2015 and February 26, 2016 meeting minutes.

Second: Michael Smith

Motion Carries Unanimously

11. Inspection Numbers

Inspection team totals were presented. The tracking document will be maintained for periodic Board review.

12. Open Meeting Law Complaint, A.G. File No. 13897-178

Colleen Platt, Board Counsel – As you are aware, there was an Open Meeting Law complaint filed. The Attorney General's Office completed an investigation, and they can confirm there was no open meeting law violation. Some of the complaints were outside the jurisdiction of the Attorney General's Office. The Open Meeting Law complaint has been closed.

13. Discussion and Review and possible amendments to the Board Employee Manual and Additional Policies and Procedures

Motion: Diane Huleva made a motion to place a cap on hours to be paid out of 240 vacation hours and to explore the options surrounding sick time to be paid out.

Second: Michael Smith

Motion Carries Unanimously

14. Administrative Professionals Appreciation

April Whiting, Chairperson – We as a Board would like to acknowledge our administrative staff. Thank you very much to Tereza Van Horn, Kathleen Hefti, Arianna Clifford and Kim Buckingham. Also, a special thank you to our Inspectors Christy Brunner, Moses Haynes and Nicole Seeberg for all that you do.

Diane Huleva, Secretary/Treasurer – Thank you so much everyone for working with us during all the transitions.

15. Future Agenda Items

None

16. Public Comment

None

17. Adjournment No Later than 4:30 PM

Motion: Michael Smith made a motion to adjourn at 12:30 pm.

Second: Diane Huleva

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 or to obtain a copy of the supporting materials for this meeting, please notify the Nevada State Board of Massage Therapists in writing as soon as possible at:

NSBMT Attn: Sandy Anderson
1755 E. Plumb Lane, Suite 252
Reno, NV 89502
Or by phone (775) 687-9955

The supporting materials are located at the Board's office, address listed above.

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 Rook 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