

BOARD MEMBERS:

April Whiting
 Michael Smith
 Diane Huleva
 Robin Graber



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: **February 26, 2016**
START TIME: **9:00 a.m.**

LOCATION: **VIDEO CONFERENCE LOCATIONS:**

Las Vegas Location
 Governor's Office
 555 E. Washington Avenue Suite 5100
 Las Vegas, NV 89101

or

Carson City Location
 Governor's Office
 101 N Carson Street
 Kenny Guinn Media Room
 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.

9:01 a.m.

1. Public Comment

Billie Shea, Public – I would like to add my thoughts for Walter Lopez today. I met Walter a few times, and I have found him to be a delightful human being. I am so sorry. He will be missed. He was a really good guy. One of the reasons I am here today is I am kind of representing a government advisory group, working nationally. We are visiting Boards throughout the Country to help develop a comradery with the Boards in a way that we can help to promote unity, consistent laws throughout the States for the profession, and cooperation of the nation. I will be traveling the West Coast, and my colleagues will be traveling mostly the East and Mid-West. I am looking forward to introducing you to more Boards throughout the States and to try to help develop those relationships. Again my condolences for your loss of Walter Lopez.

2. Roll Call of Board Members

Board Members Present: Michael Smith, April Whiting, Diane Huleva and Robin Graber

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

April Whiting, Chairperson – I would like to take a moment at this time for the Board to reflect on our fellow Board Member Walter Lopez, who passed away suddenly Sunday, February 21, 2016. Walter's tireless dedication to the Massage industry, his love of education and his sweet gentle soul will be dearly missed. We were looking forward to our future with him. May he rest in peace; our hearts are with his family. God Bless. Thank you.

3. Interviews of Candidates for Executive Director Position

- a. Erin Albright
- b. Sandra Anderson
- c. Christine Brunner
- d. Teresa Moiola
- e. Terri Upton

4. Deliberation regarding the Candidate for Executive Director Position and Selection of Executive Director

Motion: Robin Graber made a motion to offer Teresa Moiola the Executive Director position.

Second: Diane Huleva second for discussion

Discussion:

April Whiting, Chairperson – Let's call for a vote. Vote for Teresa Moiola - Robin Graber

April Whiting, Chairperson – Oppose- Michael Smith, April Whiting, Diane Huleva

Motion: Michael Smith made a motion to offer Sandra Anderson the Executive Director position.

Second: Diane Huleva

Motion Carries- Non Vote-Robin Graber

Public Comment

Billie Shea, Public - Thank you everyone. You did a great job.

5. Discussion and Decision regarding terms and conditions of employment of the Executive Director Position

- a. Discussion and Decision regarding terms and conditions of employment of the Executive Director Position

Motion: Diane Huleva made a motion to set salary of \$83,000.00 per year.

Second: Robin Graber

Motion Carries Unanimously

Diane Huleva, Secretary/Treasurer – When would you be able to start this position?

Sandra Anderson, Applicant/Executive Director – I would be able to start March 14, 2016.

No motion needed

- b. Remove current Executive Director Lisa Cooper from Board bank accounts

Motion: Diane Huleva made a motion for items 5b, c and d of the following: to add new Executive Director, Sandra Anderson to all three accounts at City National Bank. Once a new debit card has been received, Lisa Cooper would then be removed from all accounts at City National Bank and her debit card would be destroyed.

Second: Michael Smith

Motion Carries Unanimously

- c. Add new Executive Director to all bank accounts
- d. Order debit card for new Executive Director

6. Renewal Review

- a. Todd Noonan – Present

Lisa Cooper, Executive Director – Mr. Noonan’s renewal review is before you today due to criminal history that couldn’t be administratively approved. Mr. Noonan was granted a restricted license on October 23, 2009 for possession of narcotics, being under the influence of a controlled substance and in possession of drug paraphernalia. The Board released him from Probation on December 10, 2010. Mr. Noonan’s massage license expired on September 29, 2015. Mr. Noonan requested to have his Massage Therapy licensed renewed. That is before you today.

Todd Noonan, Applicant – I am honored and humbled to be here. If it was not for Judge Green, giving me a second chance at life, I would not be here. I relapsed, after some really hard family problems so I did not handle them very well. I almost have 21 months clean.

Diane Huleva, Secretary/Treasurer – What was the reason you let your license expire?

Todd Noonan, Applicant – I was in rehab.

Diane Huleva, Secretary/Treasurer – How long have you been a Massage Therapist?

Todd Noonan, Applicant – 18 years.

Diane Huleva, Secretary/Treasurer – You have been clean for 21 months. You are working at the Salvation Army and are you attending NA or AA meetings?

Todd Noonan, Applicant – Yes I am. Three meetings per week.

Diane Huleva, Secretary/Treasurer – Did you serve jail time?

Todd Noonan, Applicant – Yes 64 days.

Robin Graber, Board Member – Do you intend to work at the same job location? Do you plan on getting your job back?

Todd Noonan, Applicant – Yes, I have already spoken with Massage Essence. They are aware I was attending the Board Meeting. Pending the outcome, they are willing to give me 3-4 days a week of part time work. I plan on still working at the Salvation Army assisting recovering addicts.

Motion: Diane Huleva made a motion to grant a license with a three year probation with the following conditions: 2,5,6,8,9,11-16

Second: Robin Graber

Motion Carries Unanimously

7. Probation Termination

- a. Maria Valencia – Not Present

Lisa Cooper, Executive Director – Ms. Valencia came before the Board in September 2013. She was granted a two year Probation. She has met all of the requirements and we have not had any complaints about her. I am requesting the Board terminate her probation.

Motion: Diane Huleva made a motion to terminate probation

Second: Michael Smith

Motion Carries Unanimously

- b. Gregory Williams – Not present

Lisa Cooper, Executive Director – Mr. Williams came before the Board on November 4, 2011. Mr. Williams was granted a two year Probation. He has finally met all of his requirements. I am requesting the Board terminate his probation.

Motion: Michael Smith made a motion to terminate probation

Second: Diane Huleva

Motion Carries Unanimously

8. Application Review

- a. Licenses Approved and Authorized by the Chairperson

Motion: Diane Huleva made a motion to approve

Second: Robin Graber

Motion Carries Unanimously

- b. Chunyan Yang – Not present

Motion: Robin Graber made a motion to table the application pending more information.

Second: Michael Smith

Motion Carries Unanimously

- c. Yan Guan – Present, Wei-Mei Borgel, Court Interpreter - Present

Lisa Cooper, Executive Director – Ms. Guan's application is before you today due to education that cannot be administratively approved. Ms. Guan received her education in California. She is requesting to be granted a license under NRS 640C.420. The new rule applies as to her completing a background check. So we do have fingerprints on her.

Robin Graber, Board Member – How long were you in school?

Yan Guan via Wei-Mei Borgel, Court Interpreter – Three months.

Lisa Cooper, Executive Director – So normally Board, when we are looking at California education we are looking for their Anatomy and Physiology, and we are looking at the different area's that she has completed. She has completed foot massage and chair massage. That is 10 hours and we do not know how that was divided up.

Robin Graber, Board Member – It says 20 hours.

Lisa Cooper, Executive Director – Yes, but we do not know how that was divided.

Robin Graber, Board Member - I am only seeing 176 in Anatomy, 20 hours for Kinesiology.

Diane Huleva, Secretary/Treasurer - From looking at the transcript, she meets our requirements of 500 hours. Of those 500 hours 380 hours were instruction. There is no delineation for us as a Board to look at this and say yes, that it meets our requirements. Then she says she has gone to school for 3 months, however the transcript shows she attended this school from June 2014 to August 2014, which is only two months.

Motion: Diane Huleva made a motion to Deny this application based on NRS 640C.400 (4). Applicant needs more hours in Kinesiology and Swedish.

Second: Robin Graber

Motion Carries Unanimously

d. Hongjuan Wang-Present, Jeff Buchanan, Attorney - Present

Lisa Cooper, Executive Director – Ms. Wang's application is before you today due to education from California and potential criminal history that cannot be administratively approved. Ms. Wang's application has been before the Board previously on April 13, 2012. The application was denied due to NRS 640C.700 (1) for fraudulent transcripts. Then again on September 13, 2013 the application was denied due to NRS 640C.400, the school did not meet the education requirements. Ms. Wang has completed an Anatomy and Physiology class from European Massage Therapy School that is located in Nevada. Ms. Wang was performing a massage on an undercover cop after business hours. Ms. Wang received a citation for being open after hours. Ms. Wang has taken care of the citation. Ms. Wang is requesting to be granted a license under NRS 640C.400. Ms. Wang did complete a background check.

Robin Graber, Board Member – So to clarify Ms. Wang was not licensed when she was performing the massage after hours?

Lisa Cooper, Executive Director – It was a dual licensed establishment, so she could have been doing Reflexology, which I do not know if she is licensed for Reflexology. The problem was that they were open after 10 pm. They did not cite her for performing a massage, they cited her for being open after hours.

Diane Huleva, Secretary/Treasurer – At the last meeting, we asked her to take these classes. Correct?

Lisa Cooper, Executive Director – Yes, we asked her, she took the classes, then provided us with the transcripts. This is her third time before the Board; she has completed everything that the Board has asked of her. Ms. Wang does not have any criminal history that cannot be approved administratively. I would recommend giving her an unrestricted license. She has no reason to have a restricted license.

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

Second: Michael Smith

Motion Carries Unanimously

e. Sean Fox – Present

Lisa Cooper, Executive Director – Mr. Fox's application is before you today due to criminal history that cannot be administratively approved. Mr. Fox's application was tabled at the August 28, 2015 Board Meeting. He has provided the additional information that was requested by the Board. He is requesting to be granted a license under NRS 640C.400.

Sean Fox, Applicant – I have complied with everything you have asked me to do. I have been out of school for eleven months now. I am really dedicated to this. I want to get my license and start working.

Diane Huleva, Secretary/Treasurer – Are you doing any community service, meetings or anything along those lines?

Sean Fox, Applicant – I go to two AA meetings a week. Those meetings are at my sponsor's house for BBQ's and watch sports events.

Motion: Diane Huleva made a motion to grant a license with a three year probation with the following conditions: 2,5,6,8,9,11-16

Second: Michael Smith

Motion Carries Unanimously

f. Review Application of Monet Sando – Present

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

Diane Huleva, Secretary/Treasurer – Your only arrest was a DUI in 2009?

Monet Sando, Applicant – Yes. Sorry, 2008.

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

Second: Michael Smith

Motion Carries Unanimously

g. Review Application of Tyler Strong – Present, Beverly Salhanick, Attorney

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

Beverly Salhanick, Attorney – Mr. Strong has a great understanding of the problems he has had in the past. He has made significant efforts to overcome those problems. He has indicated that the source of the arrest was due to an alcohol addiction. As a result of that addiction he has gone through rehab. He is currently residing in a sober living facility and has resided there since October 2015. He attends a one hour 12 step program meeting each day. He has random drug and alcohol testing, and he has successfully passed every test to date, while meeting on a regular basis with his sponsor. He currently works for Qua Spa, and we have a letter from his supervisor explaining his work duties.

Diane Huleva, Secretary/Treasurer – Is this your first time getting help? Or have you asked for help before?

Tyler Strong, Applicant – I have tried getting help before; however, I was not serious about it. I was arrested again after I got that help. During that time, I came to a realization that I really wanted to change my life. This is an opportunity for me to do that. I am taking the necessary steps to ensure I do not go back to that way of life again or to do anything like that again.

Motion: Diane Huleva made a motion to grant a license with a three year probation with the following conditions: 2,5,6,8,9,11-16

Second: Robin Graber

Motion Carries Unanimously

h. Review Application of Jeffrey DeGiovanni – Present

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

April Whiting, Chairperson – You have eleven years of sobriety?

Jeffrey DeGiovanni, Applicant – Twelve years.

Diane Huleva, Secretary/Treasurer – Do you sponsor or do you go to AA meetings?

Jeffrey DeGiovanni, Applicant – I do not, however I have sponsored my cousin. But after 12 years, I have formed my own support group and I have done spiritual practices that I have incorporated into to my life every day.

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

Second: Michael Smith

Motion Carries Unanimously

9. Formal Hearing

- a. Heriberto Soltero (Agreement for Probation) Case No. NVMT-C-1548-Not Present

Motion: Michael Smith made a motion to accept the Probation terms.

Second: Robin Graber

Motion Carries Unanimously

10. Financial Report Discuss/Review/Approve Budget and Budget Items

- a. 2016 Year to Date Budget

Motion: Michael Smith made a motion to accept the Budget

Second: Robin Graber

Motion Carries Unanimously

11. Discuss/Amend/Approve Board Meeting Minutes

- a. December 18, 2015

Michael Smith, Vice Chairperson – Going through the December 18th meeting minutes, I would like to have the meeting minutes transcribed over again. I see things that were omitted and a lot of things that were not put in there and some comments that were made. I would like to see if we could have them redone. I would like for these to be done a second time, and re-read them. To me, it seems that there was too much missing.

Lisa Cooper, Executive Director – Just so you know, I did not read them. So I will go through them and see what you are talking about. Diane Huleva read them.

Lisa Cooper, Executive Director – Michael, why don't you just work with Tereza Van Horn on the changes, and we can table the minutes until the changes can be made?

Motion: Michael Smith made a motion to table the minutes pending review

Second: Diane Huleva

Motion Carries Unanimously

b. December 31, 2015

Motion: Michael Smith made a motion to approve the meeting minutes

Second: Robin Graber

Motion Carries Unanimously

12. Board Discussion Utilizing Platt Law Group to attend meetings for International Association of Structural Integrators, Law and Legislation Committee

Motion: Diane Huleva made a motion to approve one hour, one meeting. Agenized for next meeting.

Second: Robin Graber

Motion Carries Unanimously

13. Approval of 2016 Board Meeting Schedule

Motion: Diane Huleva made a motion to accept 2016 Board Meeting Schedule

Second: Michael Smith

Motion Carries Unanimously

14. Inspection Numbers

15. Public Comment

None

16. Future Agenda Items

- a. Senator Spearman Project: Volunteer Massage for VA Administration
- b. Continue working on new database Administration, Inspection & Board Meeting
- c. Purchase/Rental of Vehicles for Inspection department
- d. Training of Board Members for Inspection department
- e. Job Descriptions
- f. SOP Manual
- g. Sanitation Regulations
- h. Current FuZuBa Curriculum
- i. Invitations to each school to attend Board Meetings

17. Adjournment No Later than 4:30 PM

Motion: April Whiting made a motion to adjourn the meeting at 2:44 pm.

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: Sandra Anderson
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