



Nevada State Board of Massage Therapy

LOCATIONS: Nevada Legislative Building – Carson City
401 South Carson Street, Suite 1214
Carson City, NV 89701

Videoconference To:
Grant Sawyer Building – Las Vegas
555 East Washington Avenue, Suite 4412
Las Vegas, NV 89101

DATE: November 29, 2017

TIME: 9:00 a.m. PST

Meeting Minutes

Please Note: The Nevada State Board of Massage Therapy may 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Sandy Anderson at 775.687.9951 (sjanderson@lmt.nv.gov), in advance, so that arrangements may be made. Public comment will be taken at the beginning and the end of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

1. Call to order and roll call of Board Members – Board members present: Chair – April Whiting, Vice Chair – Diane Huleva, Secretary/Treasurer – Deirdre Strunk, Margaret Westcamp, Teresa Lopez and Elisabeth Barnard, Lorna Benedict, Bob Oliver and Sergeant Cody Fulwiler.
2. Introduction of new Board members Bob Oliver from Washoe County and Lorna Benedict representing Structural Integration Practitioners statewide.

Bob Oliver and Lorna Benedict were introduced.

3. Public comment. (Discussion Only) Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.

Asheesh S. Bhalla, Board Counsel, spoke to the standards of evidence and level of intent as they relate to the Board.

Laura Embleton offered comment on the Human Trafficking Report.

4. Formal Hearing for Suet Lin Morgan – NVMT #3074 – NVMT-C-1710. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Suet Lin Morgan was present, Chester Ng, Interpreter, Jack Buchanan, Legal Counsel, Asheesh S. Bhalla, Board Counsel; Colleen Platt as Prosecutor.

Motioned by Elisabeth Barnard to accept the stipulation that the facts and liabilities have been proven, seconded by Teresa Lopez. Motion carried unanimously.

Motioned by Teresa Lopez for costs not to exceed \$500 payable within 1 year, license suspension of 6 months, ethics course to be taken within 6 months at a school not previously attended, two-year probation with a background check each year, if arrested for solicitation during that 2 years, automatic revocation of license for 10 years. Seconded by Diane Huleva. Bob Oliver opposed. Motion carried.

5. Formal Hearing for Mi Sook Cho – NVMT #4978 – NVMT-C-1711. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Mi Sook Cho was present, Wai-Mei Borgel, Interpreter, Glen Harper, Legal Counsel, Asheesh S. Bhalla, Board Counsel; Colleen Platt as Prosecutor.

Motioned by Teresa Lopez that the facts and liabilities have been proven, seconded by Diane Huleva. Motion carried unanimously.

Motioned by Teresa Lopez for costs not to exceed \$500 payable within 1 year, license suspension of 6 months, ethics course to be taken within 6 months at a school not previously attended, two-year probation with a background check each year, if arrested again for solicitation during that 2 years, automatic revocation of license for 10 years. Seconded by Lorna Benedict. Motion carried unanimously.

6. Formal Hearing for Jin E. Liu – NVMT #532 – NVMT-C-1713. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Liu was present, Wai-Mei Borgel, Interpreter, Juan Guzman, Detective with the Las Vegas Metropolitan Police Department, was present, Asheesh S. Bhalla, Board Counsel; Colleen Platt as Prosecutor.

Juan Guzman, Jin E. Liu, Wai-Mei Borgel were sworn in by April Whiting and provided testimony.

Motioned by Teresa Lopez that the facts have been proven and the violations of law did occur, seconded by Elisabeth Barnard. Motion carried unanimously.

Motioned by Teresa Lopez for revocation for 5 years, seconded by Deirdre Strunk. Motion carried unanimously.

7. Formal Hearing for Xiao Hong Wang – NVMT #2773 – NVMT-C-1713. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Xiao Hong Wang was present, Wai-Mei Borgel, Interpreter, Mr. Kirk Kennedy, Legal Counsel, Asheesh S. Bhalla, Board Counsel; Colleen Platt as Prosecutor.

Motioned by Teresa Lopez that the findings of fact and the violations of law did occur, seconded by Diane Huleva. Motion carried unanimously.

Motioned by Teresa Lopez for costs not to exceed \$500 payable within 1 year, license suspension of 6 months, ethics course to be taken within 6 months at a school not previously attended, two-year probation with a background check each year, if arrested again for solicitation during that 2 years, automatic revocation of license for 10 years. Seconded by Lorna Benedict. Motion carried unanimously.

8. Discussion and possible approval of programs of massage therapy that the Board recognizes pursuant to NRS 640C.400 and application review of education completed by applicants who attended these programs. (For Discussion and Possible Action)
 - a. Review documentation for Heritage College based out of Columbus, Ohio. (For Discussion and Possible Action)

Items a and b were combined for discussion.

- b. Review application for Christian Phillips. (For Discussion and Possible Action)

Christian Phillips was present.

Tereza VanHorn, Executive Assistant - Ms. Phillip's application is before you today due to education that could not be approved administratively. Ms. Phillips received her education in Ohio. Ms. Phillips attended Heritage College. Heritage College in Columbus, OH closed abruptly citing financial problems on 11/1/2016. Ms. Phillips is requesting to be granted a license under NRS 640C.400 or 420. A background check has been completed.

Motioned by Elisabeth Barnard motioned to accept school and approve application, seconded by Teresa Lopez. Motion carried unanimously.

- c. Review documentation for University of Western California based out of Los Angeles, California. (For Discussion and Possible Action)

Items c and d were combined for discussion.

- d. Review application for Yubo Wang. (For Discussion and Possible Action)

Yubo Wang was present.

Tereza VanHorn, Executive Assistant – Ms. Wang’s application is before you today due to education that cannot be approved administratively. Ms. Wang attended University of Western California. Ms. Wang is requesting to be granted a license under NRS 640C.400 or 420. A background check was completed. According to NCBTMB University of Western California was denied in 2011 as the Massage program was not approved through the Bureau of Post-Secondary Education. In 2013 their application was considered incomplete. As of today’s date NCBTMB has not received a completed application. CAMTC has issued a corrective action letter for the school, as of the date of this meeting, nothing has been corrected.

Sandy Anderson noted Ms. Wang’s transcripts list 540 hours when the catalog lists 650 hours.

Motioned by Teresa Lopez to deny the school and application, seconded by Lorna Benedict. Bob Oliver opposed. Motion carried.

- e. Review documentation for Marinello School of Beauty based out of Redding, California. (For Discussion and Possible Action)

Items e and f were combined for discussion.

- f. Review application for Nijie Zou. (For Discussion and Possible Action)

Nijie Zou was not present.

Tereza VanHorn, Executive Assistant – Ms. Zou’s application is before you today due to education that cannot be approved administratively. Ms. Zou received her education in Redding, California. Ms. Zou attended Marinello School of Beauty. There is an issue with this application Ms. Zou’s transcript lists her as withdrawn, and states that she completed 546 out of 552 hours. Ms. Wang is requesting to be granted a license under NRS 640C.400 or 420. A background check was completed.

Sandy Anderson noted Ms. Zou’s transcripts states she completed 546 out of 552 hours. She has been unable to obtain a diploma.

Motioned by Teresa Lopez to request to deny the school and the application, motion failed for lack of a second

Motioned by Teresa Lopez to request to deny the application, seconded by Elisabeth Barnard. Motion carried unanimously.

- g. Review documentation for Concord Career College based out of San Diego, California. (For Discussion and Possible Action)

Items g and h were combined for discussion.

- h. Review application for Theresa Taylor. (For Discussion and Possible Action)

Theresa Taylor was present.

Tereza VanHorn, Executive Assistant – Ms. Taylor’s application is before you today due to education that could not be approved administratively. Ms. Taylor received her education in California. Ms. Taylor attended Concorde Career College. Concorde Career College has not submitted an application for CAMTC approval as they no longer offer a massage program as of January 2011. Ms. Taylor is requesting to be granted a license under NRS 640C.400 or 420. A background check has been completed

Motioned by Elisabeth Barnard to approve the school and application, seconded by Margaret Westcamp. Motion carried unanimously.

- i. Review documentation for Center Point Massage and Shiatsu Therapy School and Clinique based out of Saint Louis Park, Minnesota. (For Discussion and Possible Action)

Items i and j were combined for discussion.

- j. Review application for Ryan Huffman. (For Discussion and Possible Action)

Ryan Huffman was present.

Tereza VanHorn, Executive Assistant – Mr. Huffman’s application is before you today due to education that could not be approved administratively. Mr. Huffman received his education in Minnesota. Mr. Huffman attended Center Point in St. Louis Park, Minnesota. Mr. Huffman is requesting to be granted a license under NRS 640C.400 or 420. A background check has been completed.

Motioned by Teresa Lopez to approve Center Point Massage and Shiatsu Therapy School and application, seconded by Elisabeth Barnard. Motion carried unanimously.

- k. Review documentation for New Hampshire Institute for Therapeutic Arts based out of Bridgton, Maine. (For Discussion and Possible Action)

Items k and l were combined for discussion.

- l. Review application for Susan Ainsworth. (For Discussion and Possible Action)

Susan Ainsworth was not present.

Tereza VanHorn, Executive Assistant – Ms. Ainsworth’s application is before you today due to education that could not be approved administratively. Ms. Ainsworth received her education in New Hampshire. Ms. Ainsworth attended New Hampshire Institute for Therapeutic Arts. Ms. Ainsworth is requesting to be granted a license under NRS 640C.400 or 420. A background check has been completed.

Motioned by Diane Huleva to approve the school and application, seconded by Lorna Benedict. Motion carried unanimously.

9. Application Review. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

a. Review Application of Freeman M. McWilliams. (For Discussion and Possible Action)

Freeman M. McWilliams was not present.

Sandy Anderson, Executive Director – Mr. McWilliams application is before you today due to potential criminal history that could not be approved administratively. Mr. McWilliams is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700. It is my recommendation to deny this application. Mr. McWilliams was arrested in 2009 for threat to commit a crime and terrorism, pled down to vandalism. He received 24 months of probation. In 2011 he got one count of gang activity which was also pled down, and he got 36 months of probation. His most recent arrest was November 8th of 2016 it was one count of domestic battery, he pled down to 120 days in jail, a fine of \$200 and 250 hours of community service.

Motioned by Teresa Lopez to deny this application pursuant to NRS 640C.700(3)(9), seconded by Diane Huleva. Motion carried unanimously.

b. Review Application of Orapin P. Pinta. (For Discussion and Possible Action)

Orapin P. Pinta was present, Jacques Pelissier, Interpreter/friend was present.

Sandy Anderson, Executive Director - Ms. Pinta's application is before you today due to potential criminal history that could not be approved administratively. Ms. Pinta is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700.

Motioned by Teresa Lopez to deny this application pursuant to NRS 640C.700(4)(6)(7)(9), seconded by Lorna Benedict. Motion carries unanimously.

c. Review Application of Pik Yuk Li. (For Discussion and Possible Action)

Pik Yuk Li, Chester NG, Interpreter, Aaron Aquino, Legal Counsel. Pik Yuk Li and Chester NG was sworn in by April Whiting.

Sandy Anderson, Executive Director – Ms. Li's application is before you today due to potential criminal history that could not be approved administratively. Ms. Li is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700. It is my recommendation to deny this application based on the failure to disclose prior disciplinary action.

Aaron Aquino, Legal Counsel – Ms. Li was under the belief that having her records sealed meant that she did not have to disclose that information. Previous criminal history was 7 years ago ended with trespassing.

Motioned by Teresa Lopez to deny this application pursuant to NRS 640C.700 (4)(6)(7)(9), seconded by Elisabeth Barnard. Motion carried unanimously.

d. Review Application of Yuxia Li. (For Discussion and Possible Action)

Yuxia Li was not present.

Sandy Anderson, Executive Director - Ms. Li's application is before you today due to potential criminal history that could not be approved administratively. Ms. Li is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700.

Motioned by Teresa Lopez to deny this application pursuant to NRS 640C.700(1)(9)(10), seconded by Elisabeth Barnard. Motion carried unanimously.

e. Review Application of Erin L. Buonanno. (For Discussion and Possible Action)

Request to be tabled until February 7, 2018.

10. Discussion and possible action regarding financial reports and budgetary approvals (For Discussion and Possible Action)

a. 2017 Audit Review

Mr. Coulson with Coulson and Associates explained the changes made to the financial statements to bring the Boards audit into compliance with GASB68.

Discussion was held including Board members, staff and stakeholders. Diane Huleva expressed gratitude for the hard work and effort of Mr. Coulson's firm.

Motioned by Teresa Lopez to approve the audit and send to LCB, seconded by Elisabeth Barnard. Motion carried unanimously.

b. Discussion and possible approval of Reno Staff's travelling to Sacramento to meet CAMTC staff counterparts. (For Discussion and Possible Action)

Motioned by Teresa Lopez to approve Reno staff to travel to Sacramento with State vehicle. If inclement weather occurs approval for overnight stay, seconded by Diane Huleva. Motion carried unanimously.

c. Discussion of possible of increasing the advertising budget line item to facilitate providing educational information to potential reflexology licensees. (For Discussion and Possible Action)

Motioned by Diane Huleva to approve budget line item up to \$10,000.00, seconded by Teresa Lopez. Motion carried unanimously.

- d. Discussion and possible approval of moving the Board retreat from September of 2018 to February 5th and 6th, 2018. Retreat will include training for active shooter and other topics. (For Discussion and Possible Action)

Motioned by Teresa Lopez to approve \$20,000.00 for Board Retreat to take place April 16 & 17, 2018, seconded by Elisabeth Barnard. Motion carried unanimously.

- e. Discussion of 2018 Budget vs. Actual review and acceptance of additions from prior Board meetings. (For Discussion and Possible Action)

Motioned by Diane Huleva to approve amended changes on the 2018 Budget vs. Actual, seconded by Teresa Lopez. Motion carried unanimously.

- f. Discussion and possible approval of staff participation in the State deferred compensation plan administered by Voya including possible approval of the contract with Nevada Deferred Compensation. (For Discussion and Possible Action)

Motioned by Teresa Lopez to approve the contract with Nevada Deferred Compensation, seconded by Margaret Westcamp. Motion carried unanimously.

- g. Discussion and possible approval of amending the Board's budget to allocate funds for investigation of illegal activity within establishments. (For Discussion and Possible Action)

Motioned by Teresa Lopez to approve \$20,000.00 to investigate illegal activity within the establishments across Nevada, seconded by Elisabeth Barnard. Motion carried unanimously.

11. Discuss, amend and approve Board meeting minutes. (For Discussion and Possible Action)

- a. October 24, 2017

Motioned by Elisabeth Barnard to approve October 24, 2017 Board meeting minutes, seconded by Diane Huleva. Motion carried unanimously.

12. Inspection Team Report (For Discussion)

No motion needed.

13. Discussion and possible action regarding the Board's policies and procedures and rules of practice to be sent to the Secretary of State pursuant to NRS 233B.050. (For Discussion and Possible Action)

Motioned by Elisabeth Barnard that the employee manual be approved pending the addition of the Deferred Compensation, and if we approve a new seal it will be updated as well, seconded by Lorna Benedict. Motion carried unanimously.

14. Discussion and possible action regarding the adoption of a new seal for the Nevada State Board of Massage Therapy. (For Discussion and Possible Action)

Executive Director Sandy Anderson explained pursuant to NRS that the Board is required to have a seal and presented a new seal.

Motioned by Teresa Lopez to adopt the new seal, seconded by Diane Huleva. Motioned carried unanimously.

15. Discussion and possible action regarding developing on-line ethics course to be offered by the Board for obtaining a license and/or continuing education. (For Discussion and Possible Action)

Motioned by Teresa Lopez to approve staff to create an ethics course online offered by the Board for use in disciplinary actions. Course to be brought back for the Board to review prior to offering online. Seconded by Bob Oliver. Motion carried unanimously.

16. Discussion of possible Tonic Immobility. (For Discussion and Possible Action)

Board Chair will research possible classes for review by the Board. No motion made at this time.

17. Closed Session for discussion between Board and counsel regarding potential litigation involving the Board.

Motioned by Diane Huleva to move into a closed session, seconded by Deirdre Strunk. Motion carried unanimously.

Motioned by Teresa Lopez to open session, seconded by Diane Huleva. Motion carried unanimously.

18. FSMTB Annual Meeting Report and presentation of Human Trafficking Task Force Report (For Discussion)

Discussion was held between Board members, staff and stakeholders. No motion needed.

19. Approval of applications approved and authorized by the Chairperson. (For Possible Action)

Motion by Diane Huleva to approve, seconded by Teresa Lopez. Motion carried unanimously.

20. Public Comment

No public comment.

21. Adjournment no later than 4:30 PM (For Possible Action)

Motioned by Diane Huleva to adjourn at 3:09 pm, seconded by Teresa Lopez. Motion carried unanimously.

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.

Supporting material for this meeting may be requested from Sandy Anderson at 775.687.9955 (sjanderson@lmt.nv.gov) and is available at the Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, Nevada 89502.

In accordance with NRS 241.020, this public notice and agenda was posted on or before November 21, 2017, on the Nevada State Board of Massage Therapists website, <http://massagetherapy.nv.gov>, the State of Nevada's Public Notice Website, <https://notice.nv.gov>, and at the following locations:

Nevada State Board of Massage Therapists
1755 E. Plumb Lane, Suite 252
Reno, NV 89502

Grant Sawyer Building
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Las Vegas, NV 89101

Nevada State Library
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Carson City, NV 89701

Nevada Attorney General's Office
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