

Nevada State Board of Massage Therapists

NOTICE OF PUBLIC MEETING

LOCATIONS: Nevada Attorney General's Office – Las Vegas
Grant Sawyer Building
555 East Washington Street, Suite 4500
Las Vegas, NV 89101

Videoconference To:
Nevada Attorney General's Office – Carson City
100 North Carson Street, Mock Court Room
Carson City, NV 89701

DATE: January 23, 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, Robin Graber, Margaret Westcamp, Teresa Lopez and Gayle Ferruccio.

2. 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.

No public comment.

3. Formal Hearing for Zimei Patton NVMT #6672 – NVMT-C-1631. (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)

Ms. Patton was not in attendance. Her legal counsel has requested to have this hearing tabled until a later time. No motion needed.

4. Request for reconsideration of the findings and recommendations of the Board regarding Miroslow Rurka NVMT #5676 – NVMT-C-1637 as heard by the Board on October 21, 2016. (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)

The Executive Director explained to the Board that Mr. Rurka is out of the country. Mr. Rurka has requested to withdraw his request. No motion needed.

5. Approval of applications approved and authorized by the Chairperson.

Diane Huleva motioned to approve 137 new applications in October and November of 2016, seconded by Robin Graber. Motion carried unanimously.

6. Application Review for review of education completed by applicant. (For Possible Action)

- a. Jianzhong Yan, Applicant – Present, Moyi Tian, Interpreter - Present

Sandy Anderson, Executive Director - Mr. Yan's application is before you today due to education that cannot be approved administratively. Mr. Yan's application was tabled at the October 21, 2016 Board meeting pending additional information. Mr. Yan received his education in California. David's Academy of Beauty's application with CAMTC is pending. Additional information was requested on October 24, 2016 and was received from Mr. Yan on December 12, 2016. Mr. Yan is requesting to be granted a license under NRS 640C.420. A background check was completed.

Gayle Ferruccio is looking for clarification regarding his transcripts.

Motioned by Gayle Ferruccio to table this application until the curriculum or catalog can be provided, seconded by Teresa Lopez. Motion carried unanimously.

- b. Phensri Walker, Applicant – Not Present

Sandy Anderson, Executive Director - Ms. Walker's application is before you today due to education that cannot be approved administratively. Ms. Walker's application was tabled at the October 21, 2016 Board meeting pending additional information. Ms. Walker received her education in California. Evons Beauty College is on CAMTC pending list. Additional information was requested on October 24, 2016 and has not been received. Ms. Walker is requesting to be granted a license under NRS 640C.420. A background check was completed.

Motioned by Teresa Lopez to deny this application based on NRS.640C.700(8), seconded by Gayle Ferruccio. Motion carried unanimously.

- c. Zhison Feng, Applicant – Not Present

Sandy Anderson, Executive Director - Mr. Feng's application is before you today due to education that cannot be approved administratively. Mr. Feng received his education in California. Alhambra Medical University is not on the approved, denied or pending list's for CAMTC. Additional information was requested from the applicant and Alhambra Medical University on November 9, 2016. Mr. Feng is requesting to be granted a license under NRS 640C.420. A background check was completed.

Motioned by Diane Huleva to approve this application, seconded by Robin Graber. Motion carried unanimously.

d. Changzhen Lai, Applicant – Not Present

Sandy Anderson, Executive Director - Ms. Lai's application is before you today due to education that cannot be approved administratively. Ms. Lai has attended two schools in California. Ms. Lai attended Alhambra Medical University which has a 750-hour program of which she completed 250 hours and Alive Institute of Therapeutic Massage. Alhambra is not on the approved, denied or pending list for CAMTC. Alive Institute of Therapeutic Massage is on CAMTC's pending list. Additional information was requested from the applicant and Alhambra Medical University on November 4, 2016 and has not been received. Ms. Lai is requesting to be granted a license under NRS 640C.420. A background check was completed. Staff recommends that Ms. Lai be denied based on NRS 640C.400(2)(b)(3).

Motioned by Robin Graber to approve this application, seconded by Gayle Ferruccio. Teresa Lopez opposed. Motion carried.

e. Daixio Sun, Applicant – Present, Raymond Hee, Interpreter - Present

Sandy Anderson, Executive Director - Ms. Sun's application is before you today due to education that cannot be approved administratively. Ms. Sun received her education at Angeles College. Angeles College is on the CAMTC pending list. Additional information and attendance records were requested from Ms. Sun and Angeles College on November 2, 2016. Ms. Sun is requesting to be granted a license under NRS 640C.420. A background check was completed.

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

f. Yuan Li, Applicant – Present, David Lin, Interpreter - Present

Sandy Anderson, Executive Director - Ms. Li's application is before you today due to education that cannot be approved administratively. Ms. Li received her education at ATI College. ATI College is on CAMTC pending list. Additional information and attendance records were requested from Ms. Li and ATI College on October 24, 2016. We have received additional documents from ATI College or Ms. Li. Ms. Li is

requesting to be granted a license under NRS 640C.420. A background check was completed.

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

g. Sengdeuane Lee, Applicant - Present

Sandy Anderson, Executive Director - Ms. Lee's application is before you today due to education that cannot be approved administratively. Ms. Lee received her education at California Vocational Cosmetology College. California Vocational Cosmetology College was placed on CAMTC's denied list as of August 2, 2012. Additional information was requested from the applicant and California Vocational Cosmetology College on November 2, 2016 and has not been received. Ms. Lee is requesting to be granted a license under NRS 640C.420. A background check was completed.

Diane Huleva explained that this applicant attended this school in 2010, two years prior to being placed on CAMTC'S denied list. She has been practicing for 6-7 years.

Motioned by Diane Huleva to approve this application, seconded by Robin Graber.
Motion carried unanimously.

h. Megan Steele, Applicant – Present

Sandy Anderson, Executive Director - Ms. Steele's application is before you today due to education that cannot be approved administratively. Ms. Steele received her education at High Tech Institute. High Tech Institute is not on CAMTC's pending, approved or denied list. Additional information was requested and provided from Ms. Steele. She provided the Board with copies of all textbooks and workbooks, reflecting all exercises and assignments completed. Her personal notes also were provided. Ms. Steele is requesting to be granted a license under NRS 640C.420. A background check was completed.

Motioned by Teresa Lopez to approve this application, seconded by Deirdre Strunk.
Motion carried unanimously.

7. 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. Mingyang Hu, Applicant – Not Present

Sandy Anderson, Executive Director - Ms. Hu's application is before you today due to education that cannot be approved administratively. Ms. Hu's application was tabled at the October 21, 2016 Board meeting pending additional information. Ms. Hu received her education in California. As of June 28, 2016, ZMS The Academy's school

code was revoked by CAMTC. Additional information has been requested but not received from Ms. Hu. Ms. Hu is requesting to be granted a license under NRS 640C.400. A background check was completed.

Motioned by Diane Huleva to deny this application based on NRS.640C.400(2)(b)(3), seconded by Teresa Lopez. Motion carried unanimously.

b. Corrine Black, Applicant – Present

Sandy Anderson, Executive Director - Ms. Black's application is before you today due to education that cannot be approved administratively. Ms. Black received her education in California. Ms. Black attended McKinnon Body Therapy Center and San Francisco School of Massage; however, Ms. Black did not complete either program. Both Schools are on the CAMTC approved list. Attendance records were requested from McKinnon Institute and San Francisco School of Massage on November 15, 2016. Ms. Black is requesting to be granted a license under NRS 640C.400. A background check was completed. Staff's recommendation is to review based on NRS 640C.400(2)(b)(3).

Motioned by Robin Graber to approve this application, seconded by Margaret Westcamp. Opposed by Gayle Ferruccio and Teresa Lopez. Motion carried.

c. Bayartsetseg Batjargal, Applicant – Present, Battsepeg White, Interpreter - Present

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

Motioned by Gayle Ferruccio to deny this application based on NRS. 640C.700(4), seconded by Teresa Lopez. Motion carried unanimously.

d. James Monet, Applicant – Present, Michael Gill, Friend – Present

Sandy Anderson, Executive Director - Mr. Monet's application is before you today due to potential criminal history that could not be approved administratively. Mr. Monet is requesting to be granted a license under NRS 640C.400.

Motioned by Teresa Lopez to approve application with no restrictions, seconded by Deirdre Strunk. Motion carried unanimously.

e. Kristina Norwood, Applicant – Present

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

Motioned by Diane Huleva to approve this application, seconded by Teresa Lopez.
Opposed by Margaret Westcamp and Robin Graber. Motion Carried.

8. Discussion, review and approval of Settlement Agreement for Zhe Li NVMT #7281. (For Discussion and Possible Action)

Legal counsel negotiated a settlement agreement for Ms. Li's solicitation offense. Ms. Li agreed to a 60-day suspension, \$2,750.00 fine and \$750.00 administrative costs.

Motioned by Robin Graber to accept the settlement agreement, seconded by Teresa Lopez.
Motion carried unanimously.

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

- a. 2017 Budget vs. Actual Expenses

No motion needed

- b. Maintenance contract for license card printer

The Executive Director spoke with purchasing and confirmed a good of the State contract which is in place with REMI to work with local vendors to arrange discounted maintenance contracts. REMI negotiated a contract at 26% less than quoted by the previous vendor. The contract is before you for approval.

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

- c. Approval of 2 year contracts for fingerprinting services between multiple vendors not to exceed \$30,000 aggregate annually.

Motioned by Diane Huleva to approve multiple contracts with multiple vendors for fingerprint services, not to exceed \$30,000.00 aggregate annually, seconded by Robin Graber. Motion carried unanimously.

- d. FARB Forum January 26 through 29, 2017, possible approval to authorize Board members and/or Board staff to attend.

No motion needed.

- e. Annual Board Audit

Annual financial audit was completed by Michael Williams, CPA of Strong McPherson & Company Certified Public Accountants for the December 1, 2016 compliance date. A copy of the audit is attached to these minutes.

No motion needed.

10. Discuss, amend and approve Board meeting minutes.

a. October 13, 2016 (For Discussion and Possible Action)

Motioned by Diane Huleva to approve October 13, 2016 minutes, seconded by Teresa Lopez. Motion carried unanimously.

b. October 21, 2016 (For Discussion and Possible Action)

Motioned by Diane Huleva to approve October 21, 2016 minutes, seconded by Teresa Lopez. Motion carried unanimously.

c. November 30, 2016 through December 1, 2016 (For Discussion and Possible Action)

The following changes were recommended to the minutes for December 1, 2016:

1. The Board adjourned at 4 pm on December 1, 2016.
2. Item 8 clarified to include page and section. In the minutes, they should reflect on the bill draft page 10 section 12 paragraph 2b.

Motion by Diane Huleva to approve the minutes with changes, seconded by Margaret Westcamp. Motion carried unanimously.

11. Inspection Team Report

Inspection numbers were provided through November 2016. Final inspection numbers for 2016 will be available at the February meeting. The Inspection Team continued work to stream line the routes and enhance efficiency. The Inspection Team's 2017 goals include a 100% completion rate.

12. Presentation on Human Trafficking – Lt. Patricia Spenser, Las Vegas Metropolitan Police Department.

Ms. Spenser was unable to attend.

13. Review policies and procedure for Settlement Agreement currently used by legal counsel and possible revocation or modification to the Settlement Agreement previously approved by the Board. (For Discussion and Possible Action)

Legal counsel advised the Board that this was their opportunity to review the current settlement agreement, discuss it, and potentially change it. Board members discussed the pros and cons of a settlement agreement verses holding hearing for solicitations violations.

Motioned by Robin Graber to re-appeal the settlement agreement, seconded by Teresa Lopez. Motion carried unanimously.

14. Discussion and approval for Executive Director and Legal Counsel to modify licensing application, renewal form, and termination of probation form to provide necessary information and compliance with Nevada Revised Statutes and Nevada Administrative Code and delete unnecessary items. (For Possible Action)

The Executive Director asked the Board to affirm staff and legal counsel's ability to make changes to the application process, renewal forms and termination of probation without seeking approval from the Board.

Motioned by Teresa Lopez to streamline the application process, update the renewal forms and the termination of probation packets, seconded by Gayle Ferruccio. Motion carried unanimously.

15. Discussion, review, and possible action regarding pending legislation (For Possible Action)

Legal counsel provided information on bills with potential impact to the board and asked for the Board to take a position on AB76.

- a. 2017 Senate Bill 23
- b. 2017 Senate Bill 55
- c. 2017 Senate Bill 69
- d. 2017 Assembly Bill 19
- e. 2017 Assembly Bill 42
- f. 2017 Assembly Bill 51
- g. 2017 Assembly Bill 76

Motioned by Teresa Lopez to take a position of opposition to AB 76. Also, directing staff to write a letter describing the opposition and authorizing Sandy Anderson and the Lobbyist to be at the committee meeting where this bill will be heard, to answer any questions regarding our opposition on the bill, seconded by Deirdre Strunk. Motion carried unanimously.

- h. 2017 BDR 157
- i. 2017 BDR 766

16. Discussion and identification of topics for future meetings. (For Discussion)
 - a. Rollover of continuing education hours (CEHs)
 - b. Ethics classes to be offered by the Board
 - c. Additional topics requested by Board members

17. Public Comment

No public comment.

18. Adjournment no later than 4:30 PM

Diane Huleva motioned to adjourn at 2:09 pm, seconded by Deirdre Strunk. 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 January 17, 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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