



Nevada State Board of Massage Therapy

LOCATIONS:

Legislature

401 South Carson Street, Room 2134
Carson City, NV 89701

Videoconference To:

Grant Sawyer Building – Las Vegas

555 East Washington Avenue, Suite 4412
Las Vegas, NV 89101

DATES AND TIMES:

October 30, 2019 commencing at 9:00 a.m.

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).

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. Public comment may also be taken at other such times as requested as long as the request that public comment will not interrupt ongoing Board business. 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. The Board reserves the right to limit public comment to three minutes.

Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126. Please be aware that after the quasi-judicial Board has rendered a decision in the contested case and, assuming this happens before adjournment, the Board may entertain public comment on the proceeding at that time.

1. Meeting Called to order on October 30, 2019 at 9:10 am. Board Members present: Chair – Diane Huleva, Vice Chair – Deirdre Strunk, Secretary/Treasurer Elisabeth Barnard, April Whiting, Teresa Lopez, Lorna Benedict, Bob Oliver, Sgt. Mark Menzie, Executive Director Sandy Anderson, Deputy Attorney General Sophia Long and Senior Deputy Attorney General Sarah Bradley. Bob Oliver present via teleconferencing.
2. Introduction of new Board members appointed by the Governor.

No new Board Members.

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. The Board will not restrict comments based on viewpoint. The opportunity for public comment will be available at the beginning and ending of the meeting.

James Godde – I have a Las Vegas business and am looking to hire licensed massage therapists while also looking for therapists that can provide Cosmic Energy receptor heat rocks for deep thermal penetration.

4. Formal Hearing William Phelps – NVMT #7561 – NVMT-C-1741. (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)

William Phelps was not present.

Diane Huleva swore in Tereza Van Horn, Executive Assistant to provide testimony.

Teresa Lopez motioned to find Mr. Phelps was properly noticed, seconded by Lorna Benedict. Motion carried unanimously.

Deputy Attorney General Sophia Long advised the Board in reference to NRS.622A.350 the Board would continue with the formal hearing without William Phelps in attendance.

Teresa Lopez motioned to find Mr. Phelps guilty of Count 1, seconded by April Whiting. Motion carried unanimously.

Teresa Lopez motioned to revoke Mr. Phelps' license for a period of ten (10) years, with an administrative fine of \$5,000.00 plus costs not to exceed \$500.00 payable within 30 days, seconded by Elisabeth Barnard. Motion carried unanimously.

5. Formal Hearing Jose Garcia-Romero – NVMT #4535 – NVMT-C-1883. (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)

April Whiting disclosed she had worked with Mr. Garcia-Romero at one time and that it would not prevent her from making an unbiased decision.

Jose Garcia-Romero was not present.

Diane Huleva swore in Tereza Van Horn, Executive Assistant to provide testimony.

Teresa Lopez motioned to find Mr. Garcia-Romero was properly noticed, seconded by Lorna Benedict. Motion carried unanimously.

Deputy Attorney General Sophia Long advised the Board in reference to NRS.622A.350 the Board would continue with the formal hearing without Jose Garcia-Romero in attendance.

Teresa Lopez motioned to find Mr. Garcia-Romero guilty of Count 1, 2 and 3, seconded by Deirdre Strunk. Motion carried unanimously.

Teresa Lopez motioned to revoke Mr. Garcia-Romero's license for a period of ten (10) years, with an administrative fine of \$5,000.00 per count for a total of \$15,000.00 plus costs not to exceed \$500.00 payable within 90 days, seconded by Deirdre Strunk. Motion carried unanimously.

6. Formal Hearing Li Jiang – NVMT #5450 – NVMT-C-1904. (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)

Li Jiang was not present; Kirk Kennedy, Legal Counsel was present.

Teresa Lopez motioned to accept voluntary surrender agreement, seconded by April Whiting. Motion carried unanimously.

7. Formal Hearing Wen Ji Sun – NVMT #1743 – NVMT-C-1905. (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)

Wen Ji Sun was not present; Kirk Kennedy, Legal Counsel was present.

Teresa Lopez motioned to accept voluntary surrender agreement, seconded by Lorna Benedict. Motion carried unanimously.

8. Formal Hearing for Wei Geng – NVMT #8314 – NVMT-C-1906. (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)

Wei Geng was not present; Kirk Kennedy, Legal Counsel was present.

Teresa Lopez motioned to accept voluntary surrender agreement, seconded by Deirdre Strunk. Motion carried unanimously.

9. Formal Hearing Meixiang Yang – NVMT #7696 – NVMT-C-1907. (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)

Meixiang Yang was not present; Kirk Kennedy, Legal Counsel was present.

April Whiting motioned to accept voluntary surrender agreement, seconded by Teresa Lopez. Motion carried unanimously.

10. Formal Hearing Yunxuan Guan – NVMT #9735 – NVMT-C-1920. (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)

Yunxuan Guan was not present; Kirk Kennedy, Legal Counsel was present.

Teresa Lopez motioned to accept voluntary surrender agreement, seconded by Lorna Benedict. Motion carried unanimously.

11. Formal Hearing Chien Yu Chen – NVMT #7145 – NVMT-C-1921. (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)

Chien Yu Chen was not present; Kirk Kennedy, Legal Counsel was present.

Teresa Lopez motioned to accept voluntary surrender agreement, seconded by April Whiting. Motion carried unanimously.

12. Formal Hearing Meie Ge – NVMT #5693 – NVMT-C-1927. (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)

Mei Ge was present; Jack Buchanan, Legal Counsel was present; and Meng Wen Li, interpreter was present.

Diane Huleva swore in Ms. Ge and Li.

Jack Buchanan presented testimony that Ms. Ge entered a plea of not guilty and the case was recently dismissed on October 17, 2019 after completing the requirements of the Court. Requirements included a fine of \$250.00 and completion of AIDS awareness course.

Teresa Lopez motioned to find Ms. Ge in violation as stated in complaint, seconded by April Whiting. Motion carried unanimously.

Lorna Benedict motioned to revoke Ms. Ge's license for a violation of NRS.640C.700(4) for ten (10) years, seconded by Teresa Lopez. Motion carried unanimously.

13. Formal Hearing Bi Ling Zhu – NVMT #8235 – NVMT-C-1928. (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)

Bi Ling Zhu was not present; Jack Buchanan, Legal Counsel was present.

Jack Buchanan requested a continuance. Item continued until January 8, 2020.

14. Formal Hearing Guihua Wei – NVMT #9298 – NVMT-C-1932. (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)

Guihua Wei was not present; Kirk Kennedy, Legal Counsel was present.

April Whiting motioned to accept voluntary surrender agreement, seconded by Teresa Lopez. Motion carried unanimously.

15. Formal Hearing Hong Juan Wang – NVMT #7861 – NVMT-C-1933. (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)

Hong Juan Wang was not present; Kirk Kennedy, Legal Counsel was present.

Teresa Lopez motioned to accept voluntary surrender agreement, seconded by Lorna Benedict. Motion carried unanimously.

16. Formal Hearing Jian Fei Zeng – NVMT #8449 – NVMT-C-1934. (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)

Jian Fei Zeng was not present; Kirk Kennedy, Legal Counsel was present.

April Whiting motioned to accept voluntary surrender agreement, seconded by Lorna Benedict. Motion carried unanimously.

17. Formal Hearing Peggy Lin – NVMT #8550 – NVMT-C-1935. (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)

Peggy Lin was not present; Kirk Kennedy, Legal Counsel was present.

Teresa Lopez motioned to accept voluntary surrender agreement, seconded by Deirdre Strunk. Motion carried unanimously.

18. Formal Hearing Bria Christiansen-Lent NVMT #990 – NVMT-S-1951. (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)

Deputy Sophia Long requested this hearing to be dismissed.

April Whiting motioned to dismiss, seconded by Teresa Lopez. Motion carried unanimously.

19. Voluntary Surrender for Jayar Tolentino – NVMT #2338 – NVMT-C-1925. (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)

Jayar Tolentino was not present.

April Whiting motioned to accept voluntary surrender agreement, seconded by Teresa Lopez. Motion carried unanimously.

20. Termination of Probation for Sivaporn Laurendeau NVMT #8042. (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)

Sivaporn Laurendeau was present; Kirk Kennedy, Legal Counsel was present.

Executive Assistant, Tereza Van Horn - Ms. Laurendeau's probation termination is before you today for review and possible termination of probation. Ms. Laurendeau was before the Board on October 24, 2017. She was given a one (1) year probation, complete ethics/business within six (6) months and fines of \$6,770.21 payable within one (1) year. Ms. Laurendeau asked for a payment arrangement and paid as agreed. No balance owed at this time. All items of probation terms have been completed. Ms. Laurendeau is currently working for Luxury Thai Spa. In April of 2019, Luxury Thai Spa was inspected, and 4 citations were issued for non-licensed activity. Business owner was before the Board on August 14 & 15, 2019. Owner was fined \$10,000.00 for having unlicensed activity in her establishment. Staff's recommendation is to deny termination of probation. Staff's offer to extend probation for two years.

Teresa Lopez motioned to deny termination of probation and to accept staff's recommendation. No second. Motion fails for lack of second.

Bob Oliver motion to approve termination of probation with warning, seconded by Lorna Benedict. In favor: Bob Oliver, Lorna Benedict and Diane Huleva. Opposed: Elisabeth Barnard, April Whiting, Deirdre Strunk, Teresa Lopez. Motion fails.

Deirdre Strunk motion to extend probation for one (1) year for failing to report within thirty (30) days, seconded by Teresa Lopez.

Discussion was held.

Deirdre Strunk rescinded motion to extend probation for one year for failing to report within thirty (30) days. Teresa Lopez rescinded second.

Deirdre Strunk motion to terminate probation, seconded by Diane Huleva. Motion carried unanimously.

21. 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 Yan Xu. (For Discussion and Possible Action)

Yan Xu was present.

Executive Assistant, Tereza Van Horn - Ms. Xu's reflexology application is before you today due to potential criminal history that could not be approved administratively. Ms. Xu was arrested by Las Vegas Metropolitan Police Department on 09/13/2015 for soliciting/engaging in prostitution. Ms. Xu was arrested at Zu Dao Reflexology. Ms. Xu has completed the requirements set forth by Las Vegas Township Regional Justice Center which resulted in her case being dismissed. Ms. Xu is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700. Staff's recommendation is to deny this application based on NRS.640C.700(2)(4)(a)(6) and (9).

Teresa Lopez motioned to deny Ms. Xu's reflexology application, seconded by Lorna Benedict. Opposed April Whiting, Diane Huleva. Motion carried.

b. Review Application of Maurice A. Wilson. (For Discussion and Possible Action)

Maurice A. Wilson was present; Elisa Wilson, spouse was present; Anthony Snipes – LMT 7554, Instructor was present.

Executive Assistant, Tereza Van Horn - Mr. Wilson's massage application is before you today due to potential criminal history that could not be approved administratively. Mr. Wilson was arrested by Las Vegas Metropolitan Police Department on 11/11/2008 for DUI and 5/29/2015 for first degree domestic battery. Mr. Wilson has completed the requirements for both cases. DUI case was dismissed, and domestic battery case was closed. Mr. Wilson is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700. Staff's recommendation is to deny this application based on NRS.640C.700(2)(3) and (7).

Deirdre Strunk motioned to approve a probationary license for three (3) years with quarterly reports by employer to Executive Director, background annually at Mr. Wilson's expense, if arrested must notify the Board within 5 business days, and must appear before the Board at conclusion of probation or after the three (3) years, seconded by April Whiting. Motion carried unanimously.

22. Citation Appeal for Liang Zhen Huang Citation #19026. (For Possible Action)

Liang Zhen Huang was present; Norman Hsiao, interpreter was present.

Diane Huleva swore in Ms. Huang, Mr. Hsiao and James Thomas, Compliance Inspector for the Nevada State Board of Massage Therapy.

James Thomas provided testimony regarding the citation issued to Ms. Huang.

Teresa Lopez motioned to uphold citation, seconded by April Whiting. Motion carried unanimously.

Consent agenda items are shown in italics. The Consent Agenda contains matters of routine acceptance. The Board members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or change.

23. *Consent Agenda Items – Board members may choose to request any item listed below be pulled for discussion and possible action. Any items not pulled may be approved in a single motion to approve the consent agenda excluding pulled items. (For Discussion and Possible Action)*
- a. Approval of applications approved and authorized by the Chairperson through September 30, 2019 (see Exhibit A). (For Possible Action)*
 - b. Discussion and possible action regarding review and acceptance of the Fiscal Year 2020 Budget verses Actual Year-To-Date through September 30, 2019. (For Possible Action)*
 - c. Discuss, amend and approve Board meeting minutes for August 14 and 15, 2019. (For Possible Action)*
 - d. Discussion and possible action regarding approval of Massage Therapy Programs meeting the criteria of NAC 640C (see Exhibit B). (For Possible Action)*
 - e. Discussion and possible action regarding approval of changes to Policy 1.5.1 Travel and Per Diem to add approval of preauthorizations and expense reports for the Executive Director by the Treasurer. (For Possible Action)*

April Whiting requested to pull item 23.e. from the consent agenda.

April Whiting motioned to approve consent agenda items 23.a. – 23.d., seconded by Deirdre Strunk. Motion carried unanimously.

Discussion was held for 23.e.

April Whiting motioned to approved agenda item 23.e., seconded by Lorna Benedict. Motion carried unanimously.

24. Discussion and possible action regarding investment of liquid assets into a certificate of deposit including information provided by Paul Couch Vice President Senior Financial Advisor with City National Securities. (For Possible Action)

Deirdre Strunk motioned to place funds into a CD with the current or best rate for a term of eighteen (18) months, seconded by Lorna Benedict. Motion carried unanimously.

25. FARB Forum attendance by Board members and staff. (For Possible Action)

Diane Huleva motioned to send two (2) people Board members or Sandy and one (1) Board member to FARB in January of 2020, seconded by Teresa Lopez. Motion carried unanimously.

26. Board Counsel Report (For Discussion)

Sarah Bradley is currently working on updating the regulations that will be presented during the November 20, 2019 regulatory workshop and is working on three (3) separate litigation matters. Sarah further explained November 15, 2019 will be her last day at the Attorney Generals' Office. She has accepted a job offer with another agency. Board members offered congratulations and support.

27. Executive Director Report including but not limited to: (For Discussion)

- a. Discussion regarding Inspection Team calendar year-to-date

Director Anderson stated both teams are getting close to 100% completion for 2019.

- b. Discussion regarding complaints and investigations

Director Anderson explained the investigative process and the precedence of criminal cases over administrative hearings.

- c. Financial status as of September 30, 2019.

Director Anderson provided additional information regarding the Board's current financial status and projected shortfall of \$636,000.00 which has decreased to \$551,000.00. The reserve balance calculations reflect \$28,000.00 available for additional budgetary allocations through fiscal year end.

28. Board recommendations for future agenda items. (For Discussion)

29. 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. The Board will not restrict comments based on viewpoint.

David Otto – NVMT.103 – Maybe having a open house or workshop to spread the word about the opening of the Las Vegas office will help with foot traffic.

Deidre Strunk – NVMT.2124 – Maybe you can reach out to Las Vegas Spa Association to sponsor an open house.

Executive Director, Sandra Anderson – Shared information regarding the Polaris Human Trafficking Convening in Washington, DC and FSMTB Annual meeting. Polaris covered the cost for her attendance in Washington. Sandy expressed that the Polaris training was phenomenal. The networking and information presented was excellent.

Samuel Fixico – NVMT.7051 – Read by Christine Brunner. My name is Samuel Fixico Jr. I am a licensed massage therapist here in Nevada. I was granted a probationary license in 2014 for 1 year. I successfully completed that year and began working for Massage Envy on Jan 7th of 2016 and have been there ever since. I was voted Sacramento/Reno region Therapist of the Year for 2018. Out of all of the therapists for 26 stores I was the one they chose. I love what I do and plan to start my own business soon and help people feel better physically, mentally and emotionally and that is what I want to do for the rest of my life. I wouldn't have been able to do this without the trust that you all showed in me by granting me my license. I thank you all for allowing me to become the person that I am today!!! You have no idea how much this means to me and I hope that my accomplishments will allow you to continue to trust others that may be in the situation I was in when I went in front of you. Thank you all so much!!!!

30. Adjournment no later than 4:30 p.m. (For Possible Action)

Adjourned at 3:08 pm.

Notices:

Items may be combined for consideration by the board. Items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and at the end of the meeting. Regarding public comment no vote may be taken upon a matter raised under this agenda item until the matter itself has been specifically included on a future agenda as an item upon which action may be taken. (NRS 241.020). The Chair may allow comment on individual agenda items at her discretion. Please limit public comments to 3 minutes.

The Nevada State Board of Massage Therapy may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting. Interested persons may present oral and/or written comments at the time and place of the meeting, or written comments may be sent no later than **Thursday, October 24, 2019** to the following address: **Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502. To request supporting materials, please contact: Sandy Anderson, Executive Director at 775.687.9951 or via email: sjanderson@lmt.nv.gov** supporting materials are also available at the Board's office 1755 E. Plumb Lane, Suite 252, Reno, Nevada 89502 and on the Board's website http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/

Persons/facilities who want to be on the mailing list must submit a written request every six months to the Board. We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Sandy Anderson at 775.687.9951 or sjanderson@lmt.nv.gov no later than 48 hours prior to the meeting.

In accordance with NRS, this public notice and agenda was posted on or before October 24, 2019, at the following locations:

http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/
<https://notice.nv.gov>

Nevada Attorney General – Carson City Office, 100 N. Carson St. Carson City, NV 89701
Nevada Attorney General – Las Vegas Office, 555 E. Washington Ave., Las Vegas, NV 89101
Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502
Nevada State Board of Massage Therapy, 1621 E. Flamingo Road, Suite 16A, Las Vegas NV 89121
Nevada State Library and Archives, 100 N. Stewart St., Carson City, NV 89701