



Nevada State Board of Massage Therapy

DRAFT MEETING MINUTES

LOCATIONS:

This meeting of the Nevada State Board of Massage Therapy will take place online via Zoom and is available via telephone. Persons wishing to participate in the meeting may connect to the meeting through the link below or telephone numbers below. Persons wishing to provide public comment during the meeting may use the links below and at the appropriate time, the Board Chair will call on persons wishing to make public comment.

Virtual access available by registering for this meeting online:

<https://us06web.zoom.us/j/83352344698?pwd=WTNBN3ZlVkcyeEZBM0RCbmdyZThyUT09>

After registering, you will receive a confirmation email containing information about joining the meeting.

Meeting ID: 833 5234 4698
Password: 501453
SIP: 83352344698@zoomcrc.com

Telephonic access to this meeting available by dialing the number below based on the location closest to participant.

+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)

DATES AND TIMES:

November 9, 2023, commencing at 9:00 a.m.

Zoom sign-in available at 8:30 a.m.

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 for 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 limits public comment to three (3) 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. Call to order and roll call of Board Members.

The meeting was called to order at 9:08 a.m. on November 9, 2023, by Vice Chair Deirdre Strunk. Board members in attendance included Secretary-Treasurer Rebecca Dorangricchia, Lorna Benedict, Christine Garvey, Rosemarie Mueller, Bianca Smith, John Teng, and Sgt. Aaron Fink with the Las Vegas Metropolitan Police Department. Additional attendees included Senior Deputy Attorney General Sophia Long as Prosecutor, Colleen Platt as Board Counsel, and Executive Director Elisabeth Barnard. Board member Stephanie Tsanas joined the meeting at 9:10 a.m. Sergeant Fink left the meeting at 12:43 pm. Vice Chair Strunk exited the meeting from 2:01 pm to 3:35 pm, then left at 4:33 pm for the remainder of the meeting. Benedict left the meeting at 4:58 pm.

2. Mission Statement of the Nevada State Board of Massage Therapy – To protect the public health, safety, and welfare through effective massage therapy regulation. Insuring that qualified, competent, ethical practitioners are licensed.

Vice Chair Strunk read the mission statement into the record.

3. Public comment – Members of the public who wish to participate in a public meeting may do so by providing public comment during the two designated public comment periods. Additionally, public comment options may include, without limitation, telephonic or email

comment. 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. (Discussion Only)

No public comment was provided.

The Executive Director advised the Board that no written public comments were submitted prior to the meeting.

4. Election of Officers (For Discussion and Possible Action)

a. Chair

Vice Chair Strunk asked if any board members were interested in becoming Chair. Dorangricchia and Smith both indicated they were interested. Both potential candidates gave a brief presentation of their qualifications.

Discussion was held. Garvey commented that she felt Dorangricchia had already proven herself capable of chairing the meeting in some instances where she had to fill in.

Garvey nominated Dorangricchia to the position of Chair. Seconded by Tsanas. Motion passed with none opposed.

b. Vice Chair. Not necessary.

c. Secretary-Treasurer

Strunk nominated Smith to the position of Secretary/Treasurer. Seconded by Garvey. Motion passed with none opposed.

5. 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 Chien Yu Chen. (For Discussion and Possible Action)

Chair Dorangricchia continued the application review to the January meeting.

b. Review Application Kimberly Anderson. (For Discussion and Possible Action)

Kimberly Anderson was present.

Management Analyst VanHorn presented the application of Kimberly Anderson to the Board. Ms. Anderson's massage application could not be approved administratively.

Motioned by Smith, to approve the application and immediately place the license on probation for a term of one year, with the licensee required to have her employer provide reports to the Board at 6 and 12 months, and for her to report any changes to her

employment, and any contact with law enforcement within 24-48 hours, seconded by Strunk. Motion carried with no opposition.

c. Review Application Cici Chiu. (For Discussion and Possible Action)

Cici Chiu was present, her friend Xunan Tian was acting as her interpreter.

Management Analyst VanHorn presented the application of Cici Chiu to the Board. Ms. Chiu's massage application could not be approved administratively.

The Board reviewed Ms. Chiu's application.

Motioned by Dorangricchia to approve the application, seconded by Mueller. Motion carried.

d. Review Application Elena A. Lopez. (For Discussion and Possible Action)

Elena A. Lopez was not present.

Management Analyst VanHorn presented the application of Elena A. Lopez to the Board. Ms. Lopez's massage application could not be approved administratively.

Ms. Lopez's application was reviewed by the Board.

Motioned by Smith to approve the application, seconded by Mueller. Motion carried; Garvey opposed.

e. Review Application Stephany M. Menge. (For Discussion and Possible Action)

Stephany M. Menge was present.

Management Analyst VanHorn presented the application of Stephany M. Menge to the Board. Ms. Menge's massage application could not be approved administratively.

The application of Ms. Menge was reviewed by the Board.

Motioned by Smith, to approve the application and immediately place the license on probation for a term of two years, with the licensee required to provide reports to Board staff at quarterly, licensee to have employer provide reports to Board staff quarterly, to complete a background check at her expense at the end of each year, and for her to report any contact with law enforcement within 24-48 hours, seconded by Mueller. Motion carried.

f. Review Application Brandon L. Romeo. (For Discussion and Possible Action)

Brandon L. Romeo was present.

Management Analyst VanHorn presented the application of Brandon L. Romeo to the Board. Mr. Romeo's massage application could not be approved administratively.

Mr. Romeo's application was reviewed by the Board.

Motioned by Smith, to approve the application and immediately place the license on probation for a term of two years, with the licensee required to provide reports to Board staff at quarterly, licensee to have employer provide reports to Board staff quarterly, to complete a background check at his expense at the end of each year, licensee will refrain from outcall services, and report any contact with law enforcement within 24-48 hours, seconded by Mueller. Motion carried.

- g. Review Application Schuyler F.S. Wulfsberg-Gesmundo. (For Discussion and Possible Action)

Schuyler F.S. Wulfsberg-Gesmundo was present.

The application of Mr. Wulfsberg-Gesmundo was reviewed by the Board.

Motioned by Benedict to move to closed session, seconded by Smith. Motion carried.

Mr. Wulfsberg-Gesmundo provided testimony and Board members asked Mr. Wulfsberg-Gesmundo questions.

Motioned by Smith to return to open session, seconded by Benedict. Motion carried.

Motioned by Smith, to approve the application and immediately place the license on probation for a term of one year, with the licensee required to provide reports to Board staff at 6 and 12 months, to complete a background check at his expense at the end of one year, and for him to report any contact with law enforcement within 24-48 hours, seconded by Benedict. Motion carried.

- h. Review Application Bi Ling Zhu. (For Discussion and Possible Action)

Bi Ling Zhu was present with legal counsel Jack Buchanan. Wai-Mei Borgel was present as interpreter.

Management Analyst VanHorn presented the application of Bi Ling Zhu to the Board. Ms. Zhu's massage application could not be approved administratively.

The Board reviewed Ms. Zhu's application.

Motioned by Smith to deny the application based on NRS 640C.700 (4) and (9) and NAC 640C.410 (1)(a), seconded by Garvey. Motion carried.

- 6. Request for Early Termination of Lianyan Kelly license number NVMT.10826. (For Discussion and Possible Action)

Lianyan Kelly was present, represented by Lyn Beggs. Ms. Kelly's husband, Terrence Shane Kelly was also present and acted as Ms. Kelly's interpreter.

The Board discussed the reasons that Ms. Kelly's massage license was placed on probation.

Smith motioned to continue the probation conditions as previously set forth, seconded by Strunk. Motion carried with no opposition.

7. Formal Hearing Jaline K. Castell NVMT.9161 – Case Number NVMT-R-2306. (For Discussion and Possible Action)

Long requested the case be dismissed.

Motioned by Smith to dismiss case number NVMT-R-2306, seconded by Garvey. Motion passed with no opposition.

8. Formal Hearing Doungchay P. Sivilay NVMT.9947 – Case Number NVMT-C-22046. (For Discussion and Possible Action)

Vice Chair Strunk disclosed that this had occurred at a spa she manages and recused herself from the proceedings.

Senior Deputy Attorney General Sophia Long presented the case regarding Doungchay P. Sivilay NVMT.9947 – Case Number NVMT-C-22046 to the Board.

Mr. Sivilay was not present.

Ms. Long advised the board regarding NRS 622A.350 and the requirements for notification.

Ms. VanHorn was reminded that she was still under oath. Ms. VanHorn provided testimony that Doungchay P. Sivilay was provided sufficient legal notice per NRS 622A.350 and was served notice at the address that was on file with the Board.

Motioned by Smith that Doungchay P. Sivilay been properly noticed, seconded by Mueller. Motion carried with no opposition; Strunk recused.

Ms. Long presented the Complaint Notice of Hearing regarding Doungchay P. Sivilay. Ms. Long requested that exhibits 1 and 2 be submitted into evidence. Chair Dorangricchia accepted the exhibits.

Motioned by Garvey to accept the alleged facts as true and that the violations of law Counts 1 through 4 did occur, seconded by Tsanas. Motion carried with no opposition; Strunk recused.

Motioned by Smith to revoke Sivilay's license, NVMT.9947 for ten (10) years, assess fines of \$2,000 per violation, and costs not to exceed \$2,500 to be paid within 90 days, seconded by Mueller. Motion carried with no opposition; Strunk recused.

9. Formal Hearing Di Wu NVMT.11498 – Case Number NVMT-C-22047. (For Discussion and Possible Action)

Mr. Wu was not present.

Senior Deputy Attorney General Sophia Long presented the voluntary surrender for three (3) years of Di Wu NVMT.11498 – Case Number NVMT-C-22047 to the Board.

Smith motioned to accept the voluntary surrender of NVMT.11498, seconded by Benedict. Motion carried with no opposition.

10. Formal Hearing Qiaofen Wei NVMT.11681 – Case Number NVMT-C-23020. (For Discussion and Possible Action)

Chair Dorangricchia continued the case to the January meeting.

11. Formal Hearing Jialin Liu NVMT.10634 – Case Number NVMT-C-23021. (For Discussion and Possible Action)

Chair Dorangricchia continued the case to the January meeting.

12. Formal Hearing Vernon E. Thomas NVMT.5967 – Case Number NVMT-C-23055. (For Discussion and Possible Action)

Mr. Thomas was not present.

Senior Deputy Attorney General Sophia Long presented the voluntary surrender for three (3) years of Vernon E. Thomas NVMT.5967 – Case Number NVMT-C-23055 to the Board.

Smith motioned to accept the voluntary surrender of NVMT.5967, seconded by Garvey. Motion carried with no opposition.

13. Formal Hearing Yaqiu Wu NVMT.10542 – Case Number NVMT-C-23074. (For Discussion and Possible Action)

Chair Dorangricchia continued the case to the January meeting.

14. Formal Hearing Wenting Li NVMT.10777 – Case Number NVMT-C-23075. (For Discussion and Possible Action)

Chair Dorangricchia continued the case to the January meeting.

15. Formal Hearing Alexis J. (Orlosky) Herrera NVMT.10005 – Case Number NVMT-P-2330. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Alexis J. (Orlosky) Herrera NVMT.10005 – Case Number NVMT-P-2330 to the Board. Ms. Herrera was present.

Ms. Long presented the Complaint Notice of Hearing regarding Alexis J. (Orlosky) Herrera. Ms. Long requested that exhibits 1 and 2 be submitted into evidence. Chair Dorangricchia accepted the exhibits.

The Board considered the case and testimony of Ms. (Orlosky) Herrera.

Motioned by Garvey to accept the alleged facts as true, seconded by Tsanas. Motion passed with none opposed.

Motioned by Garvey that the violation of law Count 1-5 did occur, seconded by Smith. Motion passed with none opposed.

Motioned by Smith to add four years of probation to Ms. (Orlosky) Herrera's current term of probation, that she will provide quarterly reports, that her employer will provide quarterly reports, that she pay costs not to exceed \$2,500 to be paid in twelve months, no outcall massages to be performed, she must complete an annual background check at her expense, and will report any contact with law enforcement within 24-48 hours, seconded by Benedict. Motion carried with no opposition.

16. Formal Hearing Wei Bai NVMT.11724 – Case Number NVMT-C-23080. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Wei Bai NVMT.11724 – Case Number NVMT-C-23080 to the Board. Ms. Bai was not present.

Ms. Long advised the board regarding NRS 622A.350 and the requirements for notification.

Board Counsel Platt swore in Tereza VanHorn. Ms. VanHorn provided testimony that Ms. Bai was provided sufficient legal notice per NRS 622A.350 and was served notice at the last known address on file with the Board. Ms. Bai had not responded to the notice.

Motioned by Garvey that Wei Bai had been properly noticed, seconded by Smith. Motion carried.

Ms. Long presented the Complaint Notice of Hearing regarding Wei Bai. Ms. Long requested that exhibit 1 be accepted into evidence. Chair Dorangricchia accepted the exhibit.

Motioned by Smith to accept the alleged facts as true and violations of law Count 1 did occur, seconded by Garvey. Motion carried with no opposition.

Motioned by Smith to revoke Bai's license, NVMT.11724, for ten (10) years, fine of \$5,000, reimburse the board for costs not to exceed \$1,000 to be paid in ninety (90) days, seconded by Garvey. Motion carried with none opposed.

17. Formal Hearing Li Hui He NVMT.10915 – Case Number NVMT-C-23085. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Li Hui He NVMT.10915 – Case Number NVMT-C-23085 to the Board. Ms. He was not present.

Ms. Long advised the board regarding NRS 622A.350 and the requirements for notification.

VanHorn was reminded that she had sworn an oath to give truthful testimony. VanHorn provided testimony that Ms. He was provided sufficient legal notice per NRS 622A.350 and was served notice at the last known address on file with the Board. Ms. He had not responded to the notice.

Motioned by Smith that Li Hui He had been properly noticed, seconded by Benedict. Motion carried.

Ms. Long presented the Complaint Notice of Hearing regarding Li Hui He.

Motioned by Smith to accept the alleged facts as true and violations of law Count 1 did occur, seconded by Benedict. Motion carried with no opposition.

Motioned by Smith to revoke He's license, NVMT.10915, for ten (10) years, fine of \$5,000, reimburse the board for costs not to exceed \$1,000 to be paid in ninety (90) days, seconded by Garvey. Motion carried with none opposed.

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 revisions.

18. *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, 2023 (see Exhibit A). (For Possible Action)*
 - b. *Discussion and possible action regarding review and acceptance of updated Fiscal Year 2024 Budget. (For Possible Action)*
 - c. *Discussion and possible action regarding review and acceptance of Fiscal Year 2025 Budget. (For Possible Action)*
 - d. *Discuss, amend, and approve Board meeting minutes for August 8, 2023. (For Possible Action)*
 - e. *Discuss, amend, and approve Board meeting minutes for August 9, 2023. (For Possible Action)*
 - f. *Discuss, amend, and approve Board meeting minutes for August 25, 2023. (For Possible Action)*
 - g. *Discussion and approval of 2024 Board Meeting Schedule. (For Possible Action)*
 - h. *Discussion and approval of designation of Executive Director Elisabeth Barnard as the Board's Information Security Officer and delegating the authority to further appoint an*

*ISO, if necessary, and/or execute any agreements or other documents to facilitate Board and staff access to the system through the VPN, mobile device, or other means.
(For Possible Action)*

Motioned by Smith to approve items 18 a. through h., seconded by Benedict. Motion carried with no opposition.

19. Board Counsel report. (For Discussion)

Board counsel did not provide a report

20. Executive Director Report. (For Discussion)

a. Strategic Plan Key Indicators

i. Licensure and renewals

Management Analyst VanHorn provided information regarding the Licensing Teams activity during 2023. The Board has issued 10 new licenses since the Board update was sent out on November 7. Renewals have been processed through November 7.

ii. Inspection Team calendar year-to-date key indicators

Investigator Brunner advised the Board that the team has outcall inspections completed. In the South, new Compliance Inspector Huffman is at 100%, so will go over that by the end of the year. For Northern Nevada is at 93% inspection complete, with about 23 remaining. Very few establishments have yet to apply for their certificates.

iii. Complaints and investigations calendar year-to-date key indicators

Investigator Brunner shared that 99 cases have been closed for the year to date, representing a 25% increase in cases over the prior year. With over 90 new cases coming to Board.

b. Other topics

i. The Jurisprudence Exam is under final review, there were a few corrections needed.

ii. A Regulatory Workshop to address the changes promised to the Governor in response to Executive Order 2023-03 are still needed and will be scheduled.

iii. Executive Director Barnard provided an update regarding office space in Las Vegas and the projected move from the Grant Sawyer Building.

c. Financials, cash reserves, and anticipated upcoming expenditures

The cash reserves required by policy remain in the positive.

21. Discussion and possible action regarding scheduling a retreat for the March 2024 meeting to allow Board members, the new Executive Director, legal counsel, and staff to work together in person. (For Discussion and Possible Action)

The consensus of the Board is to have the Executive Director plan the retreat for two days in March at a location that will be less costly after factoring in travel and other costs, actual dates to be determined based on Board Member and location availability.

22. Discussion and possible action regarding sending members of the Board and/or staff to the 2024 Federation of Regulatory Boards (FARB) Forum in Fort Worth, Texas January 25th through 28th, 2024. (For Discussion and Possible Action)

Barnard informed the Board the budget currently covers two attendees, and her attendance at the Forum will be covered by another organization. Dorangricchia and Smith both expressed interest in participating.

Tsanas motioned to approved sending two people to the 2024 Federation of Regulatory Boards (FARB) Forum in Fort Worth, Texas January 25th through 28th, 2024, seconded by Mueller. Motion carried.

23. Discussion and Possible Action regarding the list of substantially equivalent states to be listed on the website per Section 5 of LCB File No. R128-20. (For Discussion and Possible Action)

The Board reviewed the proposed list.

Smith motioned to approve the list as presented, seconded by Garvey. Motion carried.

24. Discussion and Possible Action regarding new contract for a two (2) year term with Colleen Platt of Platt Law Group. (For Discussion and Possible Action)

The Board discussed the proposal from Platt Law Group.

Motion by Smith to approve entering into a two-year contract with Platt Law Group, not to exceed \$50,000, seconded by Strunk. Motion carried.

25. Discussion and Possible Action regarding entering into a new contract with Flynn Giudici for lobbying and government affairs services or seeking new proposals for a lobbyist. (For Discussion and Possible Action)

The Board discussed the need to get assistance regarding possible regulatory changes through in 2024 as well as to assist with the legislative process in 2025. The proposal from the team at Flynn Giudici Government Affairs was less expensive than the expiring contract and the Board expressed they weren't interested in working with another agency.

Motion by Garvey to enter into a contract with Flynn Giudici Government Affairs through July 2025, not to exceed \$50,000, seconded by Strunk. Motion carried with no opposition.

26. Discussion and Possible Action regarding future changes to NRS 640C. (For Discussion and Possible Action)

The Board discussed possible changes to NRS 640C for the 2025 legislative session and directed the Executive director to explore possible impacts.

27. Discussion regarding recommended future agenda items. (For Discussion)

No Board member brought up any future agenda items for recommendation.

28. Public comment.

Paula Wilber expressed her thanks to the Board for the great job they are doing.

David Otto, NVMT.103, echoed the thanks from Ms. Wilber.

Jasminemarie Soller, congratulations to all the people in their new positions.

29. Adjournment

The meeting was adjourned at 5:23 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. Public comments are limited to three (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 **Wednesday, November 8, 2023**, to the following address: **Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502. Supporting materials are available on the Board's website**

http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/ or by contacting **Elisabeth Barnard at 775.687.9951 or ebarnard@lmt.nv.gov or 1755 E Plumb Lane, Suite 252, Reno, NV 89502.**

Documents provided to Board members during the meeting will be posted on the website after the meeting.

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 Elisabeth Barnard at 775.687.9951 or ebarnard@lmt.nv.gov no later than 48 hours prior to the meeting.

In accordance with NRS 241.020, this public notice and agenda was posted on or before November 6, 2023, at the following locations:

http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/

<https://notice.nv.gov>

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

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