

BOARD MEMBERS:

Kathleen Pilgreen
 April Whiting
 Diane Huleva
 Tree Allemang
 Michael Smith
 Robin Graber
 Joanne Leming
 Sgt. Carmen Donegan



Nevada State Board
 of Massage Therapists
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MINUTES

The Nevada State Board of Massage Therapists (NSBMT) is scheduled to hold its regularly scheduled meeting;

DATE: **November 14, 2014**
TIME: **9:00 a.m. – 3:00 p.m.**

LOCATION:

Las Vegas Location
 Grant Sawyer State Office Building
 Attorney General's Office
 555 E Washington Ave Suite 4500
 Las Vegas, NV

VIDEO CONFERENCE LOCATIONS:

Carson City Location
 Attorney General's Office
 100 N. Carson St. Mock Court Room
 Carson City, NV

The mission of the Nevada State Board of Massage Therapists is to, through licensing and regulating the practice of massage, protect the public health, safety and welfare by ensuring that only qualified competent Massage Therapy Practitioners are licensed in the State of Nevada. It is our goal to balance the needs of the public with those of Licensed Massage Therapists, through development, implementation, enforcement, and continued improvement in the areas of therapist education, public safety, boundaries and ethics, in compliance with the highest standards set forth within the Massage Therapy Profession.

Note: Public Comment Will Be Taken at the Beginning and the End of the Meeting.



9:22 a.m.

1. Public Comment

None

2. Roll Call of Board Members

Board Members Present: Tree Allemang, Michael Smith, April Whiting, Kathleen Pilgreen, Joanne Leming, Diane Huleva, and Sgt. Carmen Donegan

Staff Present: Lisa Cooper-Executive Director, Christy Brunner-Executive Assistant, Cathy Betty-Administrative Assistant I, Jessica Almendarez-Field Inspector I, Jatasha "Nikki" Millikin-Field Inspector III, Glenn McClinton-Field Inspector I, Louis Ling- Staff Council, Keith Marcher- Chief Deputy Attorney General

3. Formal Hearing (For Possible Action)

- a. An Li Sun – present, Jack Buchanan, Attorney – present, Wei Mei Borgel, Court Interpreter – present

Keith Marcher, Chief Deputy Attorney General – All of the Board Members have the Stipulation of Facts and Liability that is signed by Ms. Sun in front of you. Basically, Ms. Sun has agreed to the factual allegations in the complaint and is now subject to disciplinary action based on the facts in the complaint. The first step to this process will be for the Board to make a motion to accept the contents of the Stipulation and find Ms. Sun guilty and then we will move into the disciplinary phase of this case and you will make a determination on that as well. In a case where someone stipulates, we typically don't ask for any hearing costs because they have stipulated to the facts.

Motion: Diane Huleva made a motion to accept the Stipulation of Facts

Second: April Whiting

Motion Carries Unanimously

Jack Buchanan, Attorney – Ms. Sun was in trouble in 2011. I believe she went through disciplinary proceedings and served a suspension and paid a fine and then continued massaging without any incidents until May of 2014. I have represented her on both matters. The most recent matter is making its way through the Las Vegas Justice System. We are working with the District Attorney and the case will ultimately be dismissed. She will pay a fine, attend an AIDS awareness course and she will be required to stay out of trouble until March of 2015. She has a very ill Father in China and she really hopes the Board will give her one last opportunity to continue massaging. She understands that she made a mistake and we are asking the Board to consider placing her on probation and if there is a monetary penalty, she is willing to pay that or attend additional ethics training. If there are any further issues, she would be agreeable to a Voluntary Surrender of her license. I would like to enter Exhibit 1 for the Board to review.

Kathleen Pilgreen, Board Chairperson – I have no objection to admitting Exhibit 1 into the record.

Tree Allemang, Board Member – What does your Father and Father-In-Law's medical condition have to do with your inappropriate behavior?

An Li Sun via Wei Mei Borgel, Court Interpreter – A lot of medical fees and I have to support him. I know it's wrong now.

Tree Allemang, Board Member -You are trying to support your family members, but how do we know that you won't find yourself in a situation where you need money and resort back to these behaviors?

An Li Sun via Wei Mei Borgel, Court Interpreter – I guarantee it won't happen again. My husband is in China now to take care of my father so that makes me feel better.

Keith Marcher, Chief Deputy Attorney General – If there are no further questions, we can now begin the penalty phase of the case.

Motion: Michael Smith made a motion to put Ms. Sun on probation for 5 years with the following conditions: 1,2,3,5,6 changed to 25 hours of ethics,7,9,12-17 and if there were allegations of any misconduct, she would temporarily surrender her license pending a hearing and an administrative fine of \$3500.

Motion fails for lack of a Second

Motion: Tree Allemang made a motion to revoke the license for 3 years

Second: April Whiting

Motion Carries Unanimously

b. Tiffany Jackson – not present

Keith Marcher, Chief Deputy Attorney General – Ms. Jackson was on probation for some criminal history issues. She received a DUI in Washoe County and part of her Probation Order requires her to disclose that information within 48 hours to the Board, which she did not. The way we found out about it was through the fingerprinting process which is part of her probation. We have reached a Settlement Agreement to extend her probation through December of 2016 and have added that she attends an AA meeting one time per week.

Motion: Michael Smith made a motion to accept the Settlement Agreement

Second: April Whiting

Motion Carries Unanimously

4. Citation Appeal (For Possible Action)

- a. Fang Wang – present, Jerry Wivinis, Friend – present, Wei Mei Borgel, Court Interpreter - present

Keith Marcher, Chief Deputy Attorney General – Swears in Field Inspector III, Jatasha Millikin

Louis Ling, Board Council – Ms. Millikin is your title Field Inspector III, with the Nevada State Board of Massage Therapists?

Jatasha Millikin, Field Inspector III – Yes.

Louis Ling, Board Council – You performed a routine inspection on July 16, 2014, at Sister Spa located at 180 S. Stephanie in Henderson and issued a citation as a result of that inspection correct?

Jatasha Millikin, Field Inspector III – Correct. I entered through the front door and there was a lobby and then a door leading to the treatment rooms. There was no one in the lobby so I knocked on the door and identified myself. No one answered, but I could hear people talking. There was a window in the door and I saw a lady exit the treatment room on the right and another lady exit the employee room on the left. It was two different women. Once they let me in, I spoke with H. Wang who was the Manager and asked if there was a client in treatment room number one. She said yes. I knocked on the door of treatment room number one and then entered and there was a client lying on the table fully unclothed. I asked if there was a Massage Therapist on site and the Manager told me that the Massage Therapist wasn't there. Fang Wang was standing in the treatment room with product on her hands. She said she was only doing Reflexology. I explained to her that in the city of Henderson, if you are doing Reflexology, you have to use a designated Reflexology room that does not have a door. I spoke with the customer and he identified Fang Wang as the person who gave him a massage. Ms. Wang was cited for NRS 640C.910 practicing massage without a license.

April Whiting, Board Vice Chairperson – Where was the Therapist?

Jatasha Millikin, Field Inspector III – She wasn't there.

Diane Huleva, Board Secretary/Treasurer – Does Sisters Spa advertise that they offer massage?

Jatasha Millikin, Field Inspector III – Yes. They have a Massage Therapist that works there or posts her license there, but she was not on premises at the time.

Tree Allemang, Board Member – So what you are saying is that Ms. Wang, was in the room, with product on her hands preparing to do the massage because the Therapist wasn't there?

Jatasha Millikin, Field Inspector III – The massage was already in progress and that was verified by the customer.

Michael Smith, Board Member – Did she provide you with any other licensing?

Jatasha Millikin, Field Inspector III – She provided me with a piece of paper that was printed off the City of Henderson’s website that states that she had renewed her Reflexology license. That is included in your packet.

Keith Marcher, Chief Deputy Attorney General – Swears in Fang Wang and Jerry Wivinis with Wei Mei Borgel translating.

Fang Wang via Wei Mei Borgel – This was the first day of training at work. The Manager took the customer to the room and the client said he wants a whole body massage not Reflexology. The lady who does the massage went to China Town to get food, so the Manager asked me to go in the room with the customer and stall for time and wait for her to come back.

Diane Huleva, Board Secretary/Treasurer – Does she understand that she is not allowed to massage without a license?

Fang Wang via Wei Mei Borgel – I know I’m not allowed. I did go into the room but I did not massage.

April Whiting, Board Vice Chairperson – Why did she have product on her hands?

Fang Wang via Wei Mei Borgel – What product? I didn’t have anything on my hands.

Tree Allemang, Board Member - I would like to know what you did in the room to stall for time.

Fang Wang via Wei Mei Borgel – The Manager asked me to go in there. I only did the head and the Manager called the lady to come back.

Diane Huleva, Board Secretary/Treasurer – As a Reflexologist, do you know what you are allowed to work on?

Fang Wang via Wei Mei Borgel – From here to here. (Points from ankle to foot)

Louis Ling, Board Council - We have no further information to submit. We ask that the Board uphold the citation.

Motion: Tree Allemang made a motion to uphold the citation

Second: April Whiting

Motion Carries Unanimously

b. Anastasia Bobadilla – present

Keith Marcher, Chief Deputy Attorney General – Swears in Lisa Cooper, Executive Director and Anastasia Bobadilla.

Louis Ling, Board Council – Lisa, you are the Executive Director of the Nevada State Board of Massage Therapists?

Lisa Cooper, Executive Director – Correct.

Louis Ling, Board Council – And one of your duties is to oversee the licensure and renewals? And you have staff that assists you with that?

Lisa Cooper, Executive Director - Yes.

Louis Ling, Board Council – And you are aware of the activities of your Board Staff with regards to Ms. Bobadilla's license renewal and her continuing education?

Lisa Cooper, Executive Director – Yes.

Louis Ling, Board Council - Can you describe the course of events that occurred?

Lisa Cooper, Executive Director – Yes. On April 28, 2014, Ms. Bobadilla came into the office to submit her paperwork. Her license was due to expire on May 1, 2014, so since it was so close to the expiration, we always notify people that they will not be able to practice until they receive their new license in the mail. Ms. Bobadilla made a remark to Cathy Betty when she told her this and she was not very nice about it. After Ms. Bobadilla left, I asked Ms. Betty what Ms. Bobadilla had said and she told me that Ms. Bobadilla stated that she will do whatever she wants. The continuing education that Ms. Bobadilla submitted had to be reviewed by the Board Chair and it was denied because it was not filled out completely and there wasn't enough information. Since she did not have enough credits in her roll over bank to renew, the renewal paperwork was returned. In the interim, while our former Inspector was out on routine inspections, he came across Ms. Bobadilla practicing on an expired license on May 15, 2014. On May 20, 2014, we received her renewal with different continuing education so that we could process it. On May 28, 2014, we received Ms. Bobadilla's appeal letter for the continuing education that was denied.

Anastasia Bobadilla, Licensee - Everything I heard was fairly accurate except the part about me saying I would do whatever I wanted when I was in the office. I submitted my continuing education before the deadline which I thought was what was needed. I was notified on May 1, 2014 that my continuing education was not accepted. In the renewal paperwork it does say that I had 60 days to come into compliance, so when I was approached on May 15th, I felt it was inappropriate for the Board to show up and shut me down when I had only been notified 15 days before. I was shocked and embarrassed for the Board to do that in front of my client. The course I took was excellent and I was surprised when it was denied.

Keith Marcher, Chief Deputy Attorney General – Just to keep the case clean, Tree since you were a part of the original denial, we will ask Ms. Bobadilla if she would like you recused from this case.

Anastasia Bobadilla, Licensee – She doesn't need to recuse herself.

Tree Allemang, Board Member – For the year or so that I was the Board Chairperson, I always made sure paperwork was returned as soon as possible. My question to you was if the paperwork was returned to you on May 1, 2014, why did it take you until May 15, 2014 to take action?

Anastasia Bobadilla, Licensee - It went to my business address and was in my mail box on May 1, 2014, but I didn't actually get it on May 1, 2014. Can I submit a copy of the Renewal Instructions?

Lisa Cooper, Executive Director – On every renewal and with every license we send a copy of the Renewal Instructions which say processing time is 10-15 business days. By law we are required to send out the renewal forms 60 days in advance, but we send ours out 90 days in advance to give the Licensees extra time to get everything together.

Anastasia Bobadilla, Licensee - I submitted my renewal the day after I got my continuing education certificate in the mail. It was as soon as I could renew.

Motion: Diane Huleva made a motion to uphold the citation but reduce the fine to \$100 and waive the fees.

Motion failed for lack of a Second

Motion: Tree Allemang made a motion to uphold the citation and waive the fine but uphold the \$150 administrative fee.

Second: Michael Smith

Motion Carries Unanimously

c. Rori Lee – not present

Louis Ling, Board Council – We are going to withdraw this item from consideration today. It appears that she may have not received her notice so we will renotify her and bring her before the Board at a later date.

d. Marla Richardson

Louis Ling, Board Council – We are going to withdraw this item from consideration today. It appears that she may have not received her notice so we will renotify her and bring her before the Board at a later date.

5. CEH Review (For Possible Action)

- a. Marta Olson – present

Lisa Cooper, Executive Director - Ms. Olson is before you today due to continuing education for Postural Alignment that was not approved by the Chairperson. She is requesting to have 48 hours of continuing education approved.

Motion: Tree Allemang made a motion to approve 48 hours of continuing education
Second: Michael Smith

Motion Carries Unanimously

- b. Natalie Little – not present

Lisa Cooper, Executive Director - Ms. Little's continuing education hours for Your Mouth, Your Health is before you today due to the continuing education hours being denied by the Board Chairperson.

Kathleen Pilgreen, Board Chairperson – I believe this is out of the scope of practice for us and in fact I believe it is illegal for us to insert anything into any orifice.

Motion: Tree Allemang made a motion to deny the continuing education because it is not related to massage
Second: April Whiting

Motion Carries Unanimously

- c. Carwin Byington – not present

Lisa Cooper, Executive Director – Mr. Byington's continuing education for Basic Spanish Level I is before you today due to the continuing education hours being denied by the Board Chairperson.

Motion: Tree Allemang made a motion to accept 10 hours of foreign language continuing education as a one-time course.
Second: Diane Huleva

Michael Smith, Board Member – I have a problem with this. We have always denied foreign language because it is a personal enrichment. In fact, about a year ago, we denied someone who submitted continuing education for sign language.

Tree Allemang: I would like to rescind my motion.

Motion: Michael Smith made a motion to deny the continuing education because it is personal enrichment and not massage related.
Second: April Whiting

Motion Carries Unanimously

6. Application Review (For Possible Action)

- a. Licenses Approved and Authorized by the Chairperson

Motion: Michael Smith made a motion to approve

Second: Tree Allemang

Motion Carries Unanimously

- b. Review Application of Deborah Brown – present

Lisa Cooper, Executive Director - Ms. Brown is before you today due to education that was obtained through distance education. Ms. Brown was before the Board in September of 2014 to have her application reviewed and it was tabled for more information. Our investigation revealed that Windy Pearson's application was approved on April 12, 2012 by Brandi Dominguez. Ms. Dominguez is no longer an employee with NSBMT as of May 15, 2013. From the documents that I reviewed, Ms. Dominguez did not realize that the education hours were completed online as the transcript does not clearly state that the hours were completed online. Once that application was approved, the school was marked as approved in the NSBMT database for future reference. We have a database where we mark if schools are approved or denied so we can keep track. From there, Flor Peters was administratively approved on August 27, 2012, Josefina Montalvo was administratively approved on December 10, 2012 and Ruth Samuel was administratively approved August 2, 2013. At this point, staff discovered that this was an online school. The reason it took so long was because of the way it was being input into the database as U.S. Career Institute in some places and US Career Institute in other places. Once we figured out that they were all the same school and that it was an online school, we brought Sanusi Golarso's application before the Board and that application was denied. It is administrative error that these other applications were approved, but that doesn't mean that we continue to do it wrong in the future. Ms. Brown is requesting to be granted a license under NRS 640C.400.

Deborah Brown, Applicant – I know that you need to fix errors, however, by the time you discovered this mistake I was already in school. I never saw it posted anywhere that this school was not approved. If I am not approved today or given some sort of probation, I will have to go be a hotel maid. I have robbed Peter to pay Paul to be able to pay for this school. I have four children living at home and I need to be able to support them.

Tree Allemang, Board Member - When you went to Ft. Collins, is that where you did your hands on?

Deborah Brown, Applicant - Yes, I studied there for four weeks. We studied for six days a week, eight to twelve hours a day.

Lisa Cooper, Executive Director – I know we have people who are licensed from this school and shouldn't be and there's nothing we can do about that now. We have a couple people who are in the application process who are going to take their transcripts to another school here in Nevada and see what can transfer and what additional schooling they will need to graduate.

Deborah Brown, Applicant - I don't think that is even an option for me because I live in Elko and I would have to drive to either Salt Lake City or Reno for schooling which is 5 hours each way. We have Western Nevada College but it does not offer a massage program.

Louis Ling, Board Council - The bottom line is despite what Post Secondary Education has to say, this Board makes the final decision on what schooling it finds acceptable. Obviously, if there have been mistakes in the past that need to be fixed, you have the ability to do that and set a precedent going forward. In Ms. Brown's case, you need to figure out if you can accept her 200 hours of hands-on and what else she will need in order to satisfy the requirement for a license.

Motion: Diane Huleva made a motion to approve the license with probation of 300 hours of supervised hands-on work with monthly documentation. This is a one-time only approval due to the unique circumstances and isolated location of Ms. Brown. After completion of the supervised hours, staff can release the regular license. The supervised hands-on worksheet must be submitted monthly.

Second: April Whiting

Motion Carries Unanimously

- c. Review Application of Dong Yang – not present

Motion: April Whiting made a motion to table this application until the next Board Meeting

Second: Michael Smith

Motion Carries Unanimously

- d. Review Application of Xiuxia Kolodny – present, Wei Mei Borgel, Court Interpreter – present, Kirk Kennedy, Attorney – present

Lisa Cooper, Executive Director – Ms. Kolodny is before you today due to criminal history that she did not disclose on her application. The charges were dismissed per negotiation which is different than having no charges filed. She also obtained her education from a California school that the CAMTC no longer accepts transcripts from as of August of 2012. She is requesting to be granted a license under NRS 640C.400.

Kirk Kennedy, Attorney - I would like to address her criminal history. She had an arrest in 2009, which per negotiations was amended to a misdemeanor charge. She then filed a motion which under California law pulled it back to a not guilty plea and it was dismissed. The court also approved the expungement. So technically, legally

she was correct when she answered no to the question about the convictions on the application, Did she willfully try to deceive the Board? No, I think it was a truthful answer and if she had asked me how to answer the question, I would have advised her to answer it the same way. With regards to her education, she attended Oriental Medicine School from May of 2005 to August of 2005 and at that time there was no action against that school. In fact, there was no action against that school until 2009. We are asking you to grant her a license.

Lisa Cooper, Executive Director - So the Board needs to consider that there are two separate issues here, the criminal history and the education.

Diane Huleva, Board Secretary/Treasurer – I understand that she went to that school before it was revoked but the MBLEX report is showing that she attended a different school called Rosel?

Kirk Kennedy, Attorney – In 2012 she did attend Rosel School of Massage to help her take the MBLEX exam.

Motion: Diane Huleva made a motion to table the application for more information on the Rosel School.

Second: Michael Smith

Motion Carries Unanimously

- e. Review Application of Suzie Kim – present, Kirk Kennedy, Attorney – present

Lisa Cooper, Executive Director - Ms. Kim's application is before you today due to education that was obtained in California. Ms. Kim's attended American Heritage University. As of August 20, 2012, the CAMTC no longer accepts transcripts from this school. Ms. Kim received her certification from the CAMTC on May 23, 2012. If she had applied with the same education after August 20, 2012, she would not have been granted the certification. We have discussed this with the Attorney's and because she graduated from the school before August 20, 2012, we would be open to granting her a license if she would complete fingerprints upfront. If there is any issue with the background, we will bring her back before the Board.

Motion: April Whiting made a motion to approve a probation license for one year with the following conditions: Fingerprint background check submitted immediately and probation conditions 13-17.

Second: Michael Smith

Motion Carries Unanimously

- f. Review Application of Walter Leite – not present

Motion: April Whiting made a motion to table this application to the next Board Meeting

Second: Michael Smith

Motion Carries Unanimously

- g. Review Application of Danielle Pappas – present

Lisa Cooper, Executive Director – Ms. Pappas is before you today due to education that was obtained in California. Ms. Pappas completed a massage therapy program at the National Holistic Institute. This school is not on the CAMTC's list or under investigation by the National Certification Board. She is requesting to be granted a license under NRS 640C.420.

Motion: Tree Allemang made a motion to approve the license

Second: Michael Smith

Motion Carries Unanimously

- h. Review Application of Randi Marier – present

Lisa Cooper, Executive Director – Ms. Marier is before you today due to portfolio review. Ms. Marier attended Universal College of Healing Arts from May of 2006 to August of 2006. Our office received transcripts from this school but no certificate of completion could be obtained. Ms. Marier attended American Academy of Massage Therapy from August 14, 2006 to December 18, 2006. The school has closed and we were unable to obtain a transcript or a certificate of completion from this school. Ms. Marier also attended Kaplan University for an additional 285 hours of education. Our office obtained the transcript, but there was no certificate of completion. She is requesting to be granted a license under NRS 640C.420.

Motion: April Whiting made a motion to approve the license

Second: Michael Smith

Motion Carries Unanimously

- i. Review Application of Joyce Hall – present

Lisa Cooper, Executive Director – Ms. Hall is before you today due to education that was obtained in California. Ms. Hall completed a massage therapy program at Everest College. This school is not on the CAMTC's list or under investigation by the National Certification Board. She is requesting to be granted a license under NRS 640C.420.

Motion: Tree Allemang made a motion to approve the license

Second: Diane Huleva

Motion Carries Unanimously

j. Review Application of Christine Garner – present

Lisa Cooper, Executive Director – Ms. Garner is before you today due to education that was obtained in California. Ms. Garner attended Western Career College. This school is not on the CAMTC list and is not currently under investigation by the National Certification Board. Ms. Garner is requesting to be granted a license under NRS 640C.420.

Motion: Michael Smith made a motion to approve the license

Second: April Whiting

Motion Carries Unanimously

k. Review Application of Mahlon Holmes – present

Lisa Cooper, Executive Director – Ms. Holmes is before you today due to education that was obtained in California. Ms. Holmes completed a massage therapy program at the Bellus Academy. This school is not on the CAMTC's list and is not under investigation by the National Certification Board. She is requesting to be granted a license under NRS 640C.420.

Motion: April Whiting made a motion to approve the license

Second: Michael Smith

Motion Carries Unanimously

l. Review Application of Andrea Newell – present

Lisa Cooper, Executive Director – Ms. Newell is before you today due to education that was obtained in California. Ms. Newell completed a massage therapy program at the Massage School of Pasadena. This school is not on the CAMTC's list and is not under investigation by the National Certification Board. She is requesting to be granted a license under NRS 640C.420.

Motion: Michael Smith made a motion to approve the license

Second: Diane Huleva

Motion Carries Unanimously

m. Review Application of Valerie Derby – present

Lisa Cooper, Executive Director – Ms. Derby is before you today due to education that was obtained in California. Ms. Derby completed a massage therapy program at Concord Career College. This school is not on the CAMTC's list or under investigation by the National Certification Board. She is requesting to be granted a license under NRS 640C.420.

Motion: Diane Huleva made a motion to approve the license

Second: Tree Allemang

Motion Carries Unanimously

- n. Review Application of Hong Yan Liu – present, Wei Mei Borgel, Court Interpreter – present, Kirk Kennedy, Attorney – present

Lisa Cooper, Executive Director: Ms. Liu is before you today due education that was obtained in California. Ms. Liu attended David's Academy of Beauty. This school is not on the CAMTC's list, nor the NCBTMB's list and is not currently under investigation. She is requesting to be granted a license under NRS 640C.420.

Motion: Tree Allemang made a motion to approve the license

Second: April Whiting

Motion Carries Unanimously

- o. Review Application of Sung Lee – not present

Motion: April Whiting made a motion to table this application to the next Board Meeting

Second: Michael Smith

Motion Carries Unanimously

- p. Review Application of Kieya Sinclair – not present

Motion: April Whiting made a motion to table this application to the next Board Meeting

Second: Michael Smith

Motion Carries Unanimously

- q. Review Application of Suling Yu – present, Wei Mei Borgel, Court Interpreter – present, Kirk Kennedy, Attorney – present

Lisa Cooper, Executive Director: Ms. Yu is before you today due education that was obtained in California. Ms. Yu attended David's Academy of Beauty. This school is not on the CAMTC's list, nor the NCBTMB's list and is not currently under investigation. She is requesting to be granted a license under NRS 640C.420.

Motion: April Whiting made a motion to approve the license

Second: Tree Allemang

Motion Carries Unanimously

r. Review Application of QinQi Lu – Present

Lisa Cooper, Executive Director – Ms. Lu is before you today due to education that was obtained in South Carolina. Ms. Lu attended East West School of Massage. This is not a school that is accepted in Nevada. South Carolina Commission on Higher Education revoked this schools license on April 1, 2014. In addition, the school that Ms. Lu submitted with her MBLEX application was the Georgia Academy of Massage. This information was not disclosed in her application. She is requesting to be granted a license under NRS 640C.420.

Kathleen Pilgreen, Board Chairperson - Is there a reason you have two different schools?

Qinqi Lu, Applicant – I went to the Georgia Academy before the East West School of Massage.

Lisa Cooper, Executive Director – She went to the Georgia Academy and took the MBLEX, then she attended East West School of Massage. The license of East West School of Massage has been revoked. The South Carolina Commission on Higher Education was conducting an investigation and the school closed its doors to avoid the investigation so the license was revoked. They are in the process of removing hours from people who went to school there.

Motion: Tree Allemang made a motion to deny the application under NRS 640C.400(4)

Second: Diane Huleva

Motion Carries Unanimously

s. Review Application of Kanatamane Wanpornprasert – present, Kin Apishon, Court Appointed Translator

Lisa Cooper, Executive Director – Ms. Wanpornprasert is before you today due to education that was obtained in California. Ms. Wanpornprasert attended Americana College in Los Angeles. The National Certification Board suspended their school code on June 30, 2011. She is requesting to be granted a license under NRS 640C.400.

Diane Huleva, Board Secretary/Treasurer: I have a couple concerns about the transcripts. When I look at the number of hours she attended each day, it comes to 561 hours and not the 600 that are listed on the transcript. I believe this is a fraudulent transcript. I am also concerned because she failed the MBLEX exam six times and I am worried about the training that she received.

Motion: Diane Huleva made a motion to deny the application under NRS 640C.400(4) and 640C.700 (1)

Second: April Whiting

Motion Carries Unanimously

- t. Review Application of Vanessa Gilbert – not present

Motion: April Whiting made a motion to table this application to the next Board Meeting

Second: Michael Smith

Motion Carries Unanimously

- u. Review Application of Sonya Toldson – present

Lisa Cooper, Executive Director – Ms. Toldson’s application is before you today due to criminal history that could not be administratively approved. Ms. Toldson was originally granted a probationary license in 2008. Ms. Toldson did not complete the probation and let her license expire. Ms. Toldson did not contact our office until February of 2014 and she was told that she could either pay all the fees to reinstate her license or she could apply as a new applicant. There is no new criminal history on her record. She is requesting to be granted a license under NRS 640C.400.

Sonya Toldson, Applicant - I thought that my criminal probation and this probation was the same thing and I thought they ended at the same time. I have never violated anything to do with my license.

Diane Huleva, Board Secretary/Treasurer – So in 2008 she was granted a probationary license but when was she out of compliance?

Lisa Cooper, Executive Director - She was on a 19 month probation and part of the probation conditions was that you must work in the capacity of a Massage Therapist to earn time off of that probation. So far she hasn’t served a day of the probation.

Motion: Tree Allemang made a motion to approve the license with a three year probation and the following conditions 2,3,5,6,7,9,13-17

Second: Michael Smith

Motion Carries Unanimously

- v. Review Application of Joaquin Murillo – present, Mike Kane, Attorney – present by phone

Lisa Cooper, Executive Director – Mr. Murillo is before you today due to criminal history that could not be administratively approved. Mr. Murillo did disclose the criminal history on the application. He is requesting to be granted a license under NRS 640C.400.

Mike Kane, Attorney – Based on my candor with Joaquin and his current life status. I believe he has worked really hard and he is potentially a good applicant for licensure.

Sgt. Carmen Donegan, Board Member - I have read your statement about the accident you were involved in on your bike. Can you tell me what happened?

Joaquin Murillo, Applicant - I was riding to work and an undercover cop hit me. He didn't bust out his lights he just waited. My bike was broken and I was like, let me just get a couple dollars. He didn't even try to see if I was alright. I was under his car and I told him if he gave me a couple dollars I would be on my merry way.

Sgt. Carmen Donegan, Board Member – When you get in an accident, do you generally ask people for money?

Joaquin Murillo, Applicant – No, but I was late going to my job. He was speeding in the right lane.

Sgt. Carmen Donegan, Board Member - Do you think that it is normal behavior for an Officer to stay in their car and wait for backup units to come when they are involved in an accident?

Joaquin Murillo, Applicant – I did not threaten him whatsoever to give me money.

Mike Kane, Attorney – There are always two sides to every story. It looks like this case was completely dismissed with a \$500 fine. If the facts supported the police report there would have been more of a fine. I understand that he is not taking responsibility. I hope the Board will take into consideration that this happened seven years ago and he has remained trouble free and meets all the other requirements to get licensed.

Sgt. Carmen Donegan, Board Member – Did you go to counseling?

Joaquin Murillo, Applicant – Yes, I went to counseling for impulse control.

Motion: Diane Huleva made a motion to approve the license with a three year probation with the following conditions 2,3,5,6,7,13-17

Second: Michael Smith

Motion Carries Unanimously

w. Review Application of Steven Cole – present

Lisa Cooper, Executive Director – Mr. Cole is before you today due to criminal history that could not be administratively approved. He did disclose the criminal history on the application. He is requesting to be granted a license under NRS 640C.400.

Steven Cole, Applicant – My past is very embarrassing. My last case was in 2011 but since then I have done a complete 180. I was young and wild and living in Pahrump and my Dad was a Truck Driver so I had a lot of freedom and I got in trouble. My journey since boot camp has been life altering. I know I can help so many people.

Diane Huleva, Board Secretary/Treasurer - Are you currently on probation?

Steven Cole, Applicant – Yes. I check in on a monthly basis with my Probation Officer. He wants me off probation because I am doing so well. When I get to the half-way point, he is going to see if I can get off probation.

Motion: Diane Huleva made a motion to approve the license with a three year probation and the following conditions: 2,5,6,7, 13-17 and written updates from the Probation Officer

Second: April Whiting

Motion Carries Unanimously

x. Review Application of Patricia Wolff – present

Lisa Cooper, Executive Director – Ms. Wolff is before you today due to criminal history that could not be approved administratively. She is requesting to be granted a license under NRS 640C.400.

Diane Huleva, Board Secretary/Treasurer – Everything in your history appears to be alcohol related. Have you been in any treatment?

Patricia Wolff, Applicant - I was in a program through the State of Nevada for three years and I went through counseling for three years and I graduated from the program in 2011. I have been sober for seven years and three weeks.

Motion: April Whiting made a motion to approve the license

Second: Diane Huleva

Motion Carries Unanimously

y. Review Application of Gerson Cabrera – present

Lisa Cooper, Executive Director - Mr. Cabrera is before you today due to criminal history that could not be administratively approved. He did disclose the criminal history on the application. He is requesting to be granted a license under NRS 640C.400.

Gerson Cabrera, Applicant – My original charges were in 2011 and since 2012 I have served all my time. It's pretty hard for me to get work with those charges so I decided to go to school.

Sgt. Carmen Donegan, Board Member - I looked over everything and it looks like you have been very honest to the police and your Probation Officer even when they didn't really like what you had to say. The only thing I am concerned about is when you were originally arrested you said you had been using meth for ten years.

Gerson Cabrera, Applicant - I have been clean since April of 2012. I did attend some N.A. meetings but found that it was unhealthy for me to be around people who talk about meth all the time.

Motion: Diane Huleva made a motion to approve the license with a three year probation with the following conditions: 2,7,10, 13-17

Second: Michael Smith

Motion Carries Unanimously

z. Review Application of Zachary Combs – present

Lisa Cooper, Executive Director - Mr. Combs is before you today due to having his application tabled from the September 13, 2013, Board Meeting. Mr. Combs had outstanding criminal history and the Board wanted him to complete all of the requirements before receiving his license. Mr. Combs did not disclose the criminal history on his original application. Mr. Combs has now completed what the Board had asked of him. He is requesting to be granted a license under NRS 640C.400.

Motion: Michael Smith made a motion to approve the license with a two year probation with the following conditions: 2,7,10,13-17

Second: April Whiting

Motion Carries Unanimously

aa. Review Application of Yan He Baca – present, James Martinez, Attorney – present

Lisa Cooper, Executive Director - Ms. Baca's application is before you today due to history with our Board that could not be administratively approved. Ms. Baca has been before the Board at the following meetings: October 21, 2009, she received a 45 day suspension and an administrative fine of \$2000 and an administrative fee of \$500. On July 12, 2013, the Board approved her Voluntary Surrender and at the Board Meeting on June 6, 2014, Ms. Baca's application for license was denied.

James Martinez, Attorney - Ms. Baca is a different person than she used to be. Due to the past circumstances, she is going through a divorce and a subsequent custody battle in family court. She has gone back to school. She would be open to a probationary license and agrees that any future infractions would result in a Voluntary Surrender of her license.

Tree Allemang, Board Member – Why did she have her records sealed?

James Martinez, Attorney - It is a part of her healing process. It is almost a privilege to be able to seal your records because you have to let a certain amount of time pass before you can do so. She certainly was not trying to hide anything from the Board because you already have all her past information.

Diane Huleva, Board Secretary/Treasurer – Why did she go back to school in 2013?

Lisa Cooper, Executive Director – The school she went to before would not have been accepted.

Motion: Michael Smith made a motion to approve a probation license for two years with the following conditions: 1,2,3,6,7,9 and 13-17

Motion fails due to lack of Second

Motion: Tree Allemang made a motion to approve a probation license for five years with the following conditions: 2,3,6,7,9, 13-17 and if there are any future allegations she will agree to a temporary Voluntary Surrender pending a Board hearing.

Second: Michael Smith

All in Favor: Tree Allemang, Michael Smith, April Whiting, Joann Leming

Opposed: Diane Huleva

Motion Carries

7. Financial Report Discuss/Review/Approve Budget and Budget Items (For Possible Action)

- a. 2014/2015 Year To Date Budget

Motion: Michael Smith made a motion to approve the budget

Second: April Whiting

Motion Carries Unanimously

8. Discuss/Amend/Approve Board Meeting Minutes (For Possible Action)

- a. September 3rd through 5th Board Meeting

Michael Smith, Board Member – I only saw one small correction on page 6 Angela's last name is spelled incorrectly. Other than that it looks good.

Motion: Diane Huleva made a motion to approve with the correction

Second: Michael Smith

Motion Carries Unanimously

9. Board Discussion Review/Approve/Deny (For Possible Action)

- a. Board Meeting Dates 2015

Motion: Michael Smith made a motion to approve the 2015 Board Meeting Dates

Second: April Whiting

Motion Carries Unanimously

- b. Reconsideration of the Structural Integration Exam to NAC 640C.050

Motion: Michael Smith made a motion to table this issue to the next Board Meeting
Second: April Whiting

Motion Carries Unanimously

10. Review/Approve/Deny Modalities that meet the Definition of Massage Per NRS 640C.060. (For Possible Action)

- a. Reflexognosy

Motion: Michael Smith made a motion to table this issue to the next Board Meeting
Second: April Whiting

Motion Carries Unanimously

11. Review Inspection Numbers

12. Public Comment

None

13. Future Agenda Items

None

14. Adjournment No Later than 3:00 PM (For Possible Action)

Meeting adjourned at 2:45pm

Note:

1. Items may be taken out of order
2. Items may be combined for consideration by the Public Body
3. Items may be pulled or removed from the Agenda at any time.
4. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

Public Comment Agenda Item: There is a time designated at the beginning of the meeting and the end of the meeting for Public Comment. Members of the general public may bring matters not appearing on this Agenda to the attention of the Board or make comment on specific Agenda Items. The Board may discuss the matters not on the Agenda, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others who may also wish to provide Public Comment, please avoid repetition and limit your comments to no more than three (3) minutes.

Prior to the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the Board may refuse to consider Public Comment.

Accommodations: Nevada State Board of Massage Therapists will make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Should special arrangements for the meeting be necessary, please notify the Nevada State Board of Massage Therapists in writing as soon as possible at:

NSBMT

Attn: Lisa Cooper
1755 E. Plumb Lane Suite 252
Reno, NV 89502

Or by phone
(775) 687-9955

The Agenda was posted at the following places:

Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, NV
Office of the Attorney General, 100 N. Carson Street, Carson City, NV
Office of the Attorney General, 5420 Kietzke Lane Ste 202, Reno, NV
Nevada State Board of Massage Therapists Website
Nevada State Board of Massage Therapists, 1755 E. Plumb Lane Suite 252, Reno, NV 89502