

BOARD MEMBERS:

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



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 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: **April 17, 2015**
TIME: **9:00 a.m. – 4:30 p.m.**

LOCATION:**VIDEO CONFERENCE LOCATIONS:**

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

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.



9:04 a.m.

1. Public Comment

None.

2. Roll Call of Board Members

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

Staff Present: Lisa Cooper-Executive Director, Christy Brunner-Executive Assistant, Cathy Betty-Administrative Assistant II, Christopher Mishler-Field Inspector II, Bonnie Howard-Field Inspector II, Louis Ling-Staff Counsel, Keith Marcher-Chief Deputy Attorney General

3. CEH Review (For Possible Action)

a. Lisa Metzgar - present

Lisa Cooper, Executive Director – This is continuing education that was reviewed by the Board Chair and was denied. She is asking for reconsideration.

Diane Huleva, Secretary/Treasurer - Kathy was there a reason for the denial?

Kathleen Pilgreen, Chairperson – I believe it was due to lack of information. When you read her letter it was not with the package to explain. I am leaving it up to the Board to decide.

Lisa Cooper, Executive Director – If you look at the document, the first time we received the first page in our office was February 26, 2015. We received it again on March 5, 2015 when she submitted all the other information.

Diane Huleva, Secretary/Treasurer – I think in the letter she was also asking if we would credit back the \$25.00 in late fees.

Keith Marcher, Chief Deputy Attorney General – She can come back if she wants to come before the Board to dispute the late fee.

Motion: Michael Smith made a motion to accept 12 hours of continuing education

Second: April Whiting

Motion Carries Unanimously

4. Application Review (For Possible Action)

a. Licenses Approved and Authorized by the Chairperson

Motion: Michael Smith made a motion to accept.

Second: Diane Huleva

Motion Carries Unanimously

- b. Review application of Duphet Armstrong – present

Lisa Cooper, Executive Director – Ms. Armstrong’s application is before you today due to education that was obtained in California and could not be administratively approved. Ms. Armstrong went to Healing Hands School of Health. She is requesting to be granted a license under NRS 640C.420.

Motion: Michael Smith made a motion to approve the license

Second: Tree Allemang

Motion Carries Unanimously

- c. Review application of Babette Friedman – present

Lisa Cooper, Executive Director – Ms. Friedman’s application is before you today due to receiving education from 2 schools without having a certificate of completion. She is requesting to be granted a license under NRS 640C.420. We have seen Oregon State Massage before, but we have not seen her other school the National College of Naturopathic Medicine. Neither one of these schools are on any lists that we do not accept. The National College of Naturopathic Medicine is accredited; however, Oregon State Massage is not. Both schools are still in business and neither one of these schools are NCBTMB approved.

Kathleen Pilgreen, Chairperson – You have not received a certificate of completion from either one of these schools?

Babette Friedman, Applicant – In Oregon, I just needed the hours from a reputable school to be able to take Oregon’s State Exam.

Joanne Leming, Board Member – Oregon is one of the tougher states to get a license in.

Motion: Robin Graber made a motion to approve the license.

Second: Michael Smith

Motion Carries Unanimously

- d. Review Application of Nina Lu – present, Jennifer Sui, Interpreter - present

Lisa Cooper, Executive Director – Ms. Lu’s application is before you today due to education that was obtained in California. Ms. Lu attended Alhambra Medical University. This school is not on the CAMTC’s list of unacceptable schools and is not under investigation by the NCBTMB. Ms. Lu is requesting to be granted a license under NRS 640C.420. We have seen this school before and we had one application that was approved on February 6, 2015. We have four applications in process. This school is not on any list that we do not accept and it is nationally accredited by the Department of

Education. This school is still in business and we know 50 hours of her internship was hands on.

Michael Smith, Board Member – How long has she worked in California?

Lisa Cooper, Executive Director – The certificate says she received her license September 21, 2010.

Jennifer Sui, Interpreter - She has been working since she was licensed. I have a reference letter from the previous owner of the spa where she worked and a letter from a client.

Motion: Robin Graber made a motion to approve the license.

Second: Michael Smith

Motion Carries Unanimously

- e. Sung Lee, Applicant – present, Lisa Lau, Interpreter - present

Lisa Cooper, Executive Director – Ms. Lee’s application is before you due to education that was obtained in New Jersey. This school is on the list of schools to review. On Ms. Lee’s application her school is listed as Body Concepts however the school that she submitted to MBLEX was the Wall Street Institute. She did not disclose any other education on her application. Ms. Lee is requesting a license to be granted under NRS 640C.400. This application was tabled at the February 6, 2015 Board Meeting. Ms. Lee was sent a letter at the request of the Board that this would be the last time she is granted a continuance. We have seen this school before in 2012. The school code was revoked in 2011 after a full review of this school by the NCBTMB. All students that went to this school will never be able to be certified by the NCBTMB.

Sung Lee, Applicant – I sent the Federation of State Massage Boards a letter and told them that I had put down the wrong school.

Kathleen Pilgreen Chairperson – Looking at this letter, she had another person fill out her information and they wrote down the wrong name of the school. MBLEX stated that they did change the name of her school.

Lisa Cooper, Executive Director – The NCBTMB revoked their school code in 2011 and she was going there at this time.

Motion: Tree Allemang made a motion to deny the license based on education that was obtained from a school that is on our list of schools we do not accept NRS 640C.400 (4)

Second: Robin Graber

Motion Carries Unanimously

- f. Review Application of Jirong Liang-present

Lisa Cooper, Executive Director- Ms. Liang’s application is before you today due

to education that was obtained in California. Ms. Liang attended Lincoln Institute. This school is not on the CAMTC's list of unacceptable schools and it is not under investigation by the NCBTMB. She is requesting to be granted a license under NRS 640C.420. We have not seen this school before and there are three applications pending. This school is not on any list that we do not accept and this school is not accredited by any accrediting agency. This school is still in business and we do not know how much education was hands on. We also requested attendance records from her school which we did not receive. We asked her for more information which her Attorney refused to give to us.

Lisa Cooper, Executive Director- This transcript is really weird. The staff went through with a calendar and went to their web site and it is possible to do all these hours and all those classes in this time frame.

Robin Graber, Board Member -Ok so the 250 hour certificate is dated in November 2013 and the 500 hour certificate is dated in June 2014. She did the 250 and then she did the 500 hours so she has 750 hours total but minus 50 hours for the reflexology?

Joanne Leming, Board Member - Even though we are not considering 50 hours of reflexology, she started on April the 4th while she was still doing the other two classes. My concern from an educational stand point is, how much do you retain on 69 hours a week of being in school?

Diane Huleva, Secretary/Treasurer - How many hours were you in school?

Jirong Liang, Applicant – Nine o'clock in the morning until nine o'clock at night Monday through Friday. On Saturday they have classes from nine o'clock until five o'clock. They have a Spanish teacher and for me Spanish is hard. They taught me slowly and had me working on the students not the clients.

Motion: Michael Smith made a motion to grant the license.

Second: April Whiting.

Motion Carries Unanimously

g. Xin Liang, Applicant – not present

Lisa Cooper, Executive Director – We received a call last week to pull her application because she wouldn't be able to attend this meeting. We advised her to email us because we must have it in writing so we can put it in her file but we never received anything. We were told that she was in China.

Kathleen Pilgreen, Chairperson – Her sister just said she was in a car accident.

Motion: Michael Smith made a motion to table Ms. Xin Liang's application until we can actually talk with Ms. Liang. I would like to see her come before the Board.

Second: April Whiting

Motion Carries Unanimously

h. Review Application of Matthew Navarrette – present

Lisa Cooper, Executive Director – Mr. Navarrette is before you today due to education that was received in California. He attended United Education Institute College. This school is not on the CAMTC's list of unacceptable schools and is not under investigation with the NCBTMB. Mr. Navarrette is requesting to be granted a license under NRS 640C.420. We have not seen this school before and this school is not on any of our unaccepted list. This school is Nationally Accredited by the Accrediting Counsel for Continuing Education and Training. This school is still in business, it just does not offer a massage program anymore and we do not know how much of his education was hands on.

Joanne Leming, Board Member – United Education Institute is a very a well-known and reputable school in California just for the record.

Motion: Robin Graber made a motion to approve the license.

Second: April Whiting

Motion Carries Unanimously

i. Review Application of Delma Poole – present, Patrick Poole, Spouse - present

Lisa Cooper, Executive Director – Ms. Poole is before you today due to education that was obtained in California. Ms. Poole attended California Healing Arts College. This school is not on the CAMTC's list or the NCBTMB's list or under investigation. Ms. Poole is requesting to be granted a license under NRS 640C.420. We have seen this school before and it was approved at the December 2011 Board Meeting. It is not on any of the lists that we do not accept. This school is accredited by the Accrediting Commission of Career Schools and Colleges and it is still in business. She completed an eighty four hour internship.

Diane Huleva, Secretary/Treasurer – Ms. Poole have you practiced massage since you graduated in 1996?

Delma Poole, Applicant – Yes.

April Whiting, Vice Chairperson – Have you been working in one place or different places?

Delma Poole, Applicant – While I was going to school, I was working for a Chiropractor in 1997 and 1998. I started working in my shop in 1999 until I had to close my shop because of the economy.

Motion: April Whiting made a motion to grant the license.

Second: Michael Smith

Motion Carries Unanimously

j. Review Application of Tamara Priddy – present

Lisa Cooper, Executive Director – Ms. Priddy’s application is before you today due to education that was obtained in California. Ms. Priddy attended California Healing Arts College. This school is not on the CAMTC’s list or the NCBTMB’s list of schools under investigation. Ms. Priddy is requesting to be granted a license under NRS 640C.420.

Motion: Robin Graber made a motion to grant the license

Second: Tree Allemang

Motion Carries Unanimously

k. Review Application of Xiaohe Tang – not present

Lisa Cooper, Executive Director – Mr. Tang’s application is before you today due to education that was obtained in California. Mr. Tang attended Coastline Beauty School. This school is not on the CAMTC’s list or the NCBTMB’s list of schools under investigation. Mr. Tang is requesting to be granted a license under NRS 640C.420. We have not seen this school before. This school is accredited with the National Accrediting Commission of Career Arts and Sciences.

Motion: Michael Smith made a motion to grant the license

Second: April Whiting

Motion Carries Unanimously

l. Review Application of Tamara Teeke - present

Lisa Cooper, Executive Director – Ms. Teeke’s application is before you today due to education that was obtained in California. Ms. Teeke attended Carrington College. This school is not on the CAMTC’s list or NCBTMB’s list of schools under investigation. Ms. Teeke is requesting to be granted a license under NRS 640C.420.

Motion: Robin Graber made a motion to grant the license

Second: Michael Smith

Motion Carries Unanimously

m. Review Application of Mingxia Zhang – not present

Lisa Cooper, Executive Director – Ms. Zhang’s application is before you today due to education that was obtained in California. Ms. Zhang attended California Trinity College. This school is on our list of schools we do not accept because they were investigated by the NCBTMB and had their school code denied in 2010. She is requesting a license to be granted under NRS 640.420. We have seen this school before and it was denied. This school is no longer offering a massage program. Ms. Zhang was in the last class to attend this course.

Motion: Michael Smith made a motion to deny the license per NRS 640C.400 (4)
Second: April Whiting

Motion Carries Unanimously

n. Review Application of Jessica Adorno – present

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

Sgt. Carmen Donegan, Board Member – Can you tell us when you were last arrested?

Jessica Adorno, Applicant – The last citation I got was in Utah in 2009.

Sgt. Carmen Donegan, Board Member – Ok. I think the reports we have in the package are pretty clear cut. The one ticket she got in Salt Lake City in 2009 was dismissed, the one in 2006 was plead down to a trespass, and the one in 2005 was a guilty. You have all the information in your Board packet.

Diane Huleva, Secretary/Treasurer – Jessica did you have to serve any jail time or did you have to do any probation for these crimes?

Jessica Adorno, Applicant – No just pay the fine and attend counseling.

Sgt. Carmen Donegan, Board Member – The only thing that concerns me is the pattern of so many incidents and the fact that it’s an outcall type of thing.

April Whiting, Vice Chairperson – What are you doing now for employment?

Jessica Adorno, Applicant – I work at Home Depot.

April Whiting, Vice Chairperson – How long have you been there?

Jessica Adorno, Applicant – I’ve been there a couple of months and before that I had a carpet cleaning business but I didn’t really like cleaning carpets.

April Whiting, Vice Chairperson – You can see our concerns about handing a license over and then what if you start doing that and utilize your license into that profession?

Jessica Adorno, Applicant – No I don’t do that anymore. The relationship I was in at the time was not good. All he wanted was for me to do things for money. I completely got out of that situation. I decided to go to school to do something better.

Sgt. Carmen Donegan, Board Member – So since 2009, you said you worked at Home Depot for a couple of months then carpet cleaning. What else have you been doing?

Jessica Adorno, Applicant – I did that for about five years. I also had a rental car business for many years then I lost the business because of the economy.

Michael Smith, Board Member – Have you decided where you want to work?

Jessica Adorno, Applicant – Massage Envy said they would hire me.

Kathleen Pilgreen, Chairperson – Is there a provision for them to not do out call?

April Whiting, Vice Chairperson – Yes there is.

Motion: April Whiting made a motion to grant the license with a two year probation and the following conditions: 2,3,4,5,6,7,11,12,13,14,15 and 16

Second: Michael Smith

Motion Carries Unanimously

- o. Review Application for Nikki Panetti Applicant - present

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

Sgt. Carmen Donegan, Board Member – Can you tell us what happened?

Nikki Panetti, Applicant – It was a case of child neglect times one, with no injury to the child. I actually did end up taking the deal that the District Attorney had presented me with. My Attorney said I could get the case sealed, but they had implemented a law that said if it involves minor children, they couldn't seal it. The fees were \$10,000.00 to seal the record and as a single Mom I couldn't afford it.

Sgt. Carmen Donegan, Board Member – I guess my question is why did they arrest you for the charge?

Nikki Panetti, Applicant – I wasn't arrested. I was taken to the hospital and the Officer's gave me a ticket.

Sgt. Carmen Donegan, Board Member – Why? What was it that they alleged that you did wrong?

Nikki Panetti, Applicant – When my children called 911, I was unresponsive. I had taken medication and drank alcohol and it caused an allergic reaction. I was taken to the hospital.

Sgt. Carmen Donegan, Board Member – Did they charge you because you were under the influence? So your children were not being cared for? Is that accurate?

Nikki Panetti, Applicant – I was rendered unconscious and I was not able to take care of them. There also was another person who lived there she was a former Police Officer, however she wasn't there then.

Diane Huleva, Secretary/Treasurer – Nikki, since you became a licensed Therapist in 2005, have you consistently worked as a Massage Therapist? When was the last time you were active?

Nikki Panetti, Applicant – In 2010, I was licensed in Colorado.

Diane Huleva, Secretary/Treasurer – So then you have not worked as a Massage Therapist in about 4 years then?

Nikki Panetti, Applicant – No because I couldn't practice here. In 2010, when I moved here, I was told I could not practice here because I was on probation for two years.

Diane Huleva, Secretary/Treasurer – You got off probation in 2012?

Nikki Panetti, Applicant – Yes. Then after that I couldn't prove I wasn't arrested because it does say an arrest, so I was going back and forth. I was trying to prove that I wasn't arrested. I finally did figure out where the mistake came from and I went to the probation office and you can see the letter from the probation office. I lost another two years because of the mistake that was made. I did work at the Spa Cosmopolitan as an Attendant and also as a Suite Host, so I stayed very connected. I did get my group fitness license and I work at the Las Vegas Rescue Mission for Women teaching them fitness. I also assist as a Case Manager for the homeless.

Motion: Diane Huleva made a motion to grant the license with a two year probation and the following conditions. 2,3,4,6,8,11,12,13,14,15 and 16

Second: Michael Smith

Motion Carries Unanimously

- p. Sonja Ramirez, Applicant – present, Froylan Ramirez, Father – present

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

Sgt. Carmen Donegan, Board Member - I would like to ask our Attorney a question. I have a record sealing order in our packet that hasn't been sealed yet because I have all the reports, so are we allowed to talk about these or not?

Keith Marcher, Chief Deputy Attorney General – Have your records been sealed?

Sonja Ramirez, Applicant – No they haven't. It will take six to twelve months.

Keith Marcher, Chief Deputy Attorney General – You can discuss it; it's public record right now.

Sgt. Carmen Donegan, Board Member - I'm looking at the arrest history and it seems like all the arrests have to do with theft and taking other peoples identity which practically destroyed this one woman's credit. Looking at these reports you told the

Officer that you needed money. I have a huge concern with your application because the nature of being a Massage Therapist is that people leave their valuables in the room. It's an environment where people are relaxed. There's music playing, they may fall asleep and they are not paying attention to what is going on in the room. This is not one episode, it's a pattern. Do you have a statement to make?

Sonja Ramirez, Applicant – That's not who I am today. I have made many poor decisions. I attend church regularly and I have done the twelve step program. I live completely different now.

Sgt. Carmen Donegan, Board Member – I also see a charge here for illegal drugs. So when you say that your life has changed, what do you mean by that?

Sonja Ramirez, Applicant – I have been clean for two years. I have decided to live my life differently and I have taken those people out of my life. I don't want to go backwards. I want to move forward in my life now.

Sgt. Carmen Donegan, Board Member - I have her last arrest as being 2013.

Diane Huleva, Secretary/Treasurer – Sonja did you end up serving prison time and are you currently on probation?

Sonja Ramirez, Applicant – I'm not on probation. I served prison time for a year.

Michael Smith, Board Member – Do you have a system of support now for sobriety?

Sonja Ramirez, Applicant – Yes.

Michael Smith, Board Member – What classes are you attending?

Sonja Ramirez, Applicant – I attend Alcoholics Anonymous classes regularly and I go to the Triangle Club. I also attend Central Church on Friday nights and I go to church on Sundays.

Diane Huleva, Secretary/Treasurer – I think that this would be a good case to do the Ethics and Boundaries Assessment Service exam, and I think we should table this until we receive the results.

Motion: Diane Huleva made a motion to table this application for up to 6 months until we receive the passing results from her Ethics and Boundaries Assessment Service Exam

Second: April Whiting

Motion Carriers Unanimously

q. Review Application of Michael Scheneman – present

Lisa Cooper, Executive Director – Mr. Scheneman’s application is before you today due to criminal history that could not be administratively approved. Mr. Scheneman did not disclose all of the criminal history that was discovered on his background check. He is requesting to be granted a license under NRS 640C.400.

Joanne Leming, Board Member – Mr. Scheneman why didn’t you disclose your criminal history on your application?

Michael Scheneman, Applicant – When I enrolled at Nevada School of Massage Therapy I spoke with the Career Services Counselor and told her that I had been arrested and I was under the impression that it was dropped. I asked her if this would stop me from getting a license and she said if the charges were dismissed I do not have to disclose it. So when the application came and I saw this question even though it said and/or I checked again with her and she told me not to worry about it. I was not trying to hide this I just was not sure how to answer it.

Sgt. Carmen Donegan, Board Member – So how many times have you been arrested?

Michael Scheneman, Applicant – I was arrested on Halloween in Colorado in 2013, I had bought a car in Wyoming and the car was totaled. There was an insurance check that did not cover the balance and in Wyoming that is a felony. I didn’t know that there was still a balance.

Sgt. Carmen Donegan, Board Member – What was that charge?

Michael Scheneman, Applicant – Theft/Larceny. I found out that it was a felony because of the amount being over \$1,000.00 dollars. I think it was \$1010.00. I went to court in Wyoming and paid the balance and took care of it immediately.

Sgt. Carmen Donegan, Board Member – Will you be a felon?

Michael Scheneman, Applicant – It was explained to me that after my probation, the charges will be dismissed and I will not be a felon.

Motion: Robin Graber made a motion to grant the license with a 1 year probation and the following conditions: 2,3,6,7,11,12,13,14,15 and 16

Second: Diane Huleva

Motion Carries Unanimously

5. Financial Report Discuss/Review/Approve Budget and Budge Items.

a. 2014/2015 Year to Date Budget

Lisa Cooper, Executive Director went over the following information:

Outstanding Renewals	\$225,250.00
10% do not renew	18,750.00

125 new applications would be needed to make-up the difference.

Advertising: \$15,393.00 1st Creative Concepts
 1,600.00 Printed Materials
 39,837.00 Creative Concepts
 \$52,658.00 Current total

Computer Equipment and Software: \$24,000.00 per year. Our new computer system is going to be housed at the state data farm where there will be a minimum of two servers and we will be charged approximately \$700.00 a month for this service.

Bank Service Charges: The current checking account we have allows a maximum number of checks to be processed within a month. When we exceed that maximum amount we are charged an overage fee of \$25.00 per month.

Motion: Diane Huleva made a motion to approve the 2014/2015 YTD Budget
Second: Robin Graber

Motion Carries Unanimously

b. Proposed 2016 Budget

Joanne Leming, Board Member – Lisa, under salaries we do not budget for temporary employees, should we budget for that?

Lisa Cooper, Executive Director – Yes we can do that. I did a preliminary 2016 budget with the following items:

Income:

Administrative Fees	\$10,000.00
Application Fees	\$50,000.00
Back Ground Investigations Fees	\$62,500.00
Late Fees	\$10,000.00.

In AB126 there will be a limitation on how long your license can be expired and this will reduce our late fee amounts.

License Fees	\$660,200.00
Mailing List	\$2,000.00

Expense:

Audit	\$5,000.00.
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Board Meetings cost \$21,000.00 per year and the Board Retreats cost \$21,000.00. When we have six meetings a year Board Members salaries are \$12,600.00 and Board Retreat salaries are \$16,800.00 per year.

Diane Huleva, Secretary/Treasurer – Do we need Staff to go to Las Vegas during Board Meetings?

Lisa Cooper, Executive Director – I have always tried to keep Field Inspectors and

Administrative Staff separate. I feel that if an applicant becomes unruly while in a Board Meeting, the Field Inspectors should not have to get involved with this.

For the Board Retreat, I was thinking of going to the Santé Fe or Texas Station, whichever location you feel would be best for our retreats. The Santé Fe is a much nicer location.

Board Members all agreed on Santé Fe as the location for the next Board Retreat.

Lisa Cooper, Executive Director – Meals and Entertainment: meals we need to discuss cutting out lunch for the Board Meetings because we could save \$300.00 a month. We can go downstairs here in Las Vegas to have lunch. For the Board Retreats we were talking about cutting out the dinner that we have when we all get together. I feel that keeping this dinner is very special for the Board Staff, since we never get a chance to do this any other time of the year. Board Members also enjoy this dinner.

The Board would like the Proposed 2016 Budget brought back to the next meeting with the new numbers. No motion was made.

6. Discuss/Amend/Approve Board Meeting Minutes

- a. February 6, 2015 Board Minutes.

Motion: April Whiting made a motion to approve Board Meeting Minutes for February 6, 2015

Second: Michael Smith

Motion Carries Unanimously

- b. February 24, 2015 Board Minutes.

Lisa Cooper, Executive Director – I have one copy of the February 24th transcripts. I will scan them in and put it in the drop box.

Louis Ling, Staff Counsel - We are going to edit the Minutes for the February 24, 2015 meeting and bring them back before the Board. We just need to say that there was a special meeting between Lisa Cooper, Executive Director and the Board Members to discuss administration.

Diane Huleva, Secretary/Treasurer – I would like to see the minutes put on our website.

7. Board Discussion Directors Report – Review/Approve/Deny

- a. Update on Legislative Session 2015
 - i. AB126 - Scheduled for Wednesday morning at 8:30 a.m.
 - ii. AB295 – We will not be part of NRS Chapter 629 Healing Arts Generally. People providing wellness services will not be exempt from our law.

- iii. AB336 – Is regarding human trafficking. It was amended to read that a massage establishment may choose to put these stickers in their bathroom.
- iv. SB68 – States that no later than 15 business days after receiving the Licensees application, the Board shall provide written notice if they need additional information. It also states that no later than 45 days after receiving the Licensee’s application, we must then bring them before the Board if necessary. If we have all of the information, then we can process their application.
- v. SB273 – Addresses the custodian of health care records.
- vi. AB53
- vii. AB89
- viii. AB60
- ix. AB135 – Records Retention
- x. AB236 – Internet Tools
- xi. AB312 – P.E.R.S.- State of Nevada Retirement System
- xii. AB355 -
- xiii. AB364 – Business Portal
- xiv. SB42 -
- xv. SB70 -
- xvi. SB83 -
- xvii. SB157 -
- xix. AB59 -

b. Policy and Procedures

Louis Ling, Staff Counsel -These Policies and Procedures are the result of the special meeting we had where the Board had asked Lisa and I to develop a way to address the concerns you had. We have come up with draft language for you to review and we can discuss these issues. We do not want to break any Open Meeting Laws.

i. Executive Committee

Louis Ling, Board Counsel - The Officers will serve on the Executive Committee on an as-needed basis. They will not have the ability to make decisions, but

they will have the ability to assist and consult with Lisa on personnel issues or other things that may come up with the administration of the office. The intent of this is we are trying not to violate the Open Meeting Law.

ii. Executive Director

Louis Ling, Board Counsel - She is your Chief Executive Officer. She is responsible for personnel matters and maintaining Board finance matters.

iii. Executive Director and the Executive Committee

Louis Ling, Board Counsel - When does Lisa need to bring things to the attention of the Executive Committee and what does she not need to bring to the Executive Committee's attention? What involvement will the Executive Committee will have in hiring, firing, or disciplinary decisions? You asked for language in there about a 360 degree review and wanting to have a process for when people leave the Board to discuss their reason for leaving.

iv. Complaints regarding the Executive Director

Louis Ling, Board Counsel - If any of you hear complaints about the Executive Director, you are to direct those inquires to the Chairperson.

v. Board Communications –

Louis Ling, Board Counsel - Whether you realize this or not, anytime you are writing, emailing, or texting about Board business among yourselves, Lisa, or with Board Staff, you are creating a public record. The concept here is intended to address both the Open Meeting Law and Public Records Law. I am trying to discourage you from violating the Open Meeting Law. All of your communications should include Lisa as a cc. If she sees that you may be starting a quorum, she can step in or contact Keith or myself and we can keep you from violating the Open Meeting Law. The other intent is to keep the public from getting into your lap tops or cell phones or I-pads. The reality of this is that all of these things are public records and they can request them, so we are trying to keep this from happening. Lisa is going to try to set each one of you up with a state email account so that when you leave the Board, Lisa can archive your email accounts and get them preserved in our Public Records Retention Facility.

vi. Board Finances

Louis Ling, Board Counsel - We have involved Diane Huleva in this process already. This way, you know how the finances are handled. These are your Policies and Procedures, so look them over and if you have any questions or concerns let us know.

Lisa Cooper, Executive Director - What are the ramifications for violating the Open Meeting Law?

Louis Ling, Staff Counsel – Some of the ramifications can include disciplinary charges against the Board Member.

Kathleen Pilgreen, Chairperson – I don't know that this should only pertain to the Executive Director. What If there is a Board Member that does something offensive to an employee? I feel we need a section that addresses what steps should be taken if a Board Member has been in appropriate. I know that Staff feels they can go to the Executive Director; however I feel they need to know that there is another avenue as well.

Lisa Cooper, Executive Director – There is a regulation that says the Governor can replace a Board Member at any time if he feels he needs to.

Louis Ling, Staff Counsel – There are Boards that give one day training to new members and the Attorney General's office also offers a training class on the Open Meeting Law.

Kathleen Pilgreen, Chairperson – If something happens and it has to go to the Governor, we do need a policy for this? At times when we refer to the Chair does it matter if it's Chairperson or Madam President?

Louis Ling, Staff Counsel – We do need to be consistent so Chairperson is what we should say.

Keith Marcher, Chief Deputy Attorney General – We do not have to make a decision on these policies today. We can go over them more at the next Board Meeting.

Diane Huleva, Secretary/Treasurer – Under Board Communications, it says all communications shall include the Director. With that said, what happens if there is an issue with the Executive Director? Does the Chairperson need to then confer with legal counsel?

Lisa Cooper, Executive Director – That is not Board Communication. If you and Michael are talking and then you talk with April that is Board Communications.

Kathleen Pilgreen, Chairperson – What if it has nothing to do with Board finances or Staff or a Board Meeting?

Louis Ling, Staff Counsel – As long as you are not talking about Board finances or business you are fine.

April Whiting, Vice Chairperson - I was under the impression that when Lisa hires someone, there should be two Board Members involved.

Louis Ling, Staff Counsel – If you make this mandatory, at least two or three Board Officers will have to be available. If it is an entry level position, you may not want to be involved.

Sgt. Carmen Donegan – My opinion is all of the hiring falls on Lisa, which I feel is unfair.

Lisa Cooper, Executive Director – We just had a situation where we needed a new File Clerk and I advised the Board Officers, but they could not help at the time.

Kathleen Pilgreen, Chairperson – We should only be involved with key positions.

Lisa Cooper, Executive Director – So we could have Executive Committee involvement if it is a full time employee. Will that work?

Kathleen Pilgreen, Chairperson – I like that idea. You can let us know and we will review the resumes.

c. California Education –

i. CAMATC Policies and Procedures

Lisa Cooper, Executive Director – I have contacted the CAMATC and they approved policy and procedures for schools which will go into effect July 2016. We need to continue processing our applicants with California Education in the same manner we have been and require them to come before the Board. In the future, we may be able to approve them administratively if the Board has approved a school in the past.

d. Las Vegas Office

i. Optima (existing location)

Lisa Cooper, Executive Director – I just need a motion to stay at the Las Vegas Office.

Motion: Diane Huleva made a motion to stay in the Las Vegas Office.

Second: Michael Smith

Motion Carries Unanimously

ii. CBRE 5550 W. Flamingo Rd.

e. Exit Interview

Lisa Cooper, Executive Director - I found an exit interview draft for the Board Members to review and then approve at the next Board Meeting.

Motion: Diane Huleva made a motion to approve first draft.

Second: April Whiting

Motion Carries Unanimously

- f. Executive Director Communication to Executive Committee

8. Board Discussion Travel – Review /Approve/Deny

- a. 2015 FARB Regulatory Law Seminar

Motion: April Whiting made a motion for Keith Marcher to go to FARB.

Second: Diane Huleva

Motion Carries Unanimously

- b. 2016 FARB Forum – No one will be attending
c. Clear (Council on Licensure, Enforcement, and Regulations)

Motion: Michael Smith made a motion to send Lisa Cooper and Christy Brunner to Council on Licensure, Enforcement, and Regulations

Second: April Whiting

Motion Carries Unanimously

9. Board Discussion – Inspection Department Review/Approve/Deny

- a. Frequency of Inspections –

Lisa Cooper, Executive Director – I would like to discuss the frequency of inspections for our Las Vegas Office. I realize the Las Vegas Office has been behind in inspections. In December, I started thinking about how we could create a rewards policy for establishments that had received two satisfactory inspections in a row and I am proposing that we would move their next inspection out six months.

Motion: Michael Smith made a motion for Lisa to move forward with our new process on for the Inspections department.

Second: April Whiting

Motion Carries Unanimously

- b. Issuing Citations for NAC 640C.230 (2) Massage room used for domestic purposes.

Lisa Cooper, Executive Director – The Las Vegas Inspectors have found a lot of establishments with bedrooms and kitchens or where people are sleeping. We would like to be able to give citations but that would mean having to change regulations.

- c. Inspection Numbers –

Kathleen Pilgreen, Chairperson – I feel that the Inspectors are doing a good job.

10. Public Comment –

None

11. Future Agenda Items

- a. Purchase/Rental of Vehicles for Inspection department
- b. Training of Board Members for Inspection department

Diane Huleva, Secretary/Treasurer – I would like to see all Board Members go on a ride along with the Las Vegas Field Inspectors.

Kathleen Pilgreen, Chairperson - I agree. The ride along is a good idea. I really learned so much.

- c. Job Descriptions
- d. SOP Manuel
- e. 360 Reviews
 - i. H&H Strategic Partners, LLC
 - ii. Quantum Workplace
- f. Sanitation Regulations

12. Adjournment No Later than 4:30 PM

Adjourn at 3:36 P.M.

Motion: April Whiting made a motion to adjourn

Second: Michael Smith

Motion Carries Unanimously

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 is 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
Nevada Public Notice Website – www.notice.nv.gov