

BOARD MEMBERS:

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



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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: June 26, 2015
TIME: 9:00 a.m. – 4:30 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.



9:00 a.m.

1. Public Comment

Lee Bucholtz, Licensee – I wanted to thank the Board for making the website and the online renewal process so user friendly. I would like to request more explanation and guidance regarding the process for considering special education hours. I have developed a hands-on course to compliment my home study program, and my corporation said that I would have to do 31 hours of hands-on in order to be able to implement it there. I worked on volunteers and completed 31.5 hours and I submitted that for approval and it was returned.

2. Roll Call of Board Members

Board Members Present: Kathleen Pilgreen, Michael Smith, April Whiting, Joanne Leming, Diane Huleva, Sgt. Carmen Donegan and new member, Sgt. Esmeralda Boveda

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

Sgt. Carmen Donegan, April Whiting and Kathleen Pilgreen were presented with plaques thanking them for their service and commitment to the Nevada State Board of Massage Therapists.

3. Formal Hearing (For Possible Action)

- a. Xiaoyan Sisk – not present

Keith Marcher, Chief Deputy Attorney General – We sent a Complaint Notice of Hearing to Ms. Sisk in May of this year due to violations of NRS 640C.700 (4) and (9). This is a first-time offense for Ms. Sisk. She retained Attorney Jack Buchanan and we have been working with Mr. Buchanan to come to a Settlement Agreement. We did not have time to get a signed agreement for you to review, so what we agreed to do is put the agreed upon discipline on the record and then send an order that memorializes that. What she has agreed to is a 60 day suspension, \$2,750.00 in administrative fines and \$750.00 in administrative fees. I ask that you approve this settlement.

Motion: April Whiting made a motion to approve the Settlement Agreement

Second: Michael Smith

Motion Carries Unanimously

- b. Na Niu

Keith Marcher, Chief Deputy Attorney General – This case is a little different. Ms. Niu was on a two year probation that began in March of 2013. In March of 2015, close to the termination of her probation, we discovered that she was working in an establishment where illegal activities allegedly occurred. We have decided to get her back on probation for an additional year.

Lisa Cooper, Executive Director – She was working at an establishment where unlicensed activity was occurring and we walked in.

Keith Marcher, Chief Deputy Attorney General – This is just a new agreement that extends her current probation agreement for another year, effective from the date you sign it.

Diane Huleva, Board Member - I am wondering if a year is enough time.

Louis Ling, Board Counsel – What you have before you is an agreement that you can either accept or deny.

Motion: Michael Smith made a motion to accept the agreement
Motion fails for lack of a Second

4. Citation Review (For Possible Action)

a. Lan Huong Trang – not present

Keith Marcher, Chief Deputy Attorney General – Ms. Trang was issued a Citation for unlicensed activity on March 14, 2015 pursuant to NRS 640C.910. There are three witnesses in this case and one exhibit which is the Citation itself. If there are no objections, I would like to enter Exhibit 1 which is the Citation. The first witness I would like to call is Lisa Cooper.

Louis Ling, Board Counsel - swears in Lisa Cooper, Bonnie Howard and Officer Adam Seely

Keith Marcher, Chief Deputy Attorney General – Go ahead and state your name for the record.

Lisa Cooper, Executive Director – Lisa Cooper.

Keith Marcher, Chief Deputy Attorney General – Where do you work?

Lisa Cooper, Executive Director – I am the Executive Director for the Nevada State Board of Massage Therapists.

Keith Marcher, Chief Deputy Attorney General - Did Ms. Trang receive a Citation from Board staff in March of 2015?

Lisa Cooper, Executive Director – Yes, she did.

Keith Marcher, Chief Deputy Attorney General – Did she ask for an appeal of the Citation in March of 2015 as well?

Lisa Cooper, Executive Director – Yes, she did.

Keith Marcher, Chief Deputy Attorney General – Pursuant to NRS 241, which is the Nevada Open Meeting Law, if the Board is potentially going to take any administrative action against someone, they are required to notice them of the meeting. Did you notice Ms. Trang of this meeting?

Lisa Cooper, Executive Director – Yes, I did.

Keith Marcher, Chief Deputy Attorney General – How did you notice her of the meeting?

Lisa Cooper, Executive Director - I sent her a notice by regular mail and by certified mail. The regular mail did not come back, but the certified mail came back with a forwarding address. I sent out a notice by regular mail and certified mail to the forwarding address. I received the certified mail back marked as unclaimed.

Keith Marcher, Chief Deputy Attorney General – So the first notice was sent to her last known address and it came back with a forwarding address, so it was then sent to the forwarding address as well?

Lisa Cooper, Executive Director - That is correct.

Keith Marcher, Chief Deputy Attorney General – I don't have any further questions for Lisa. I would like to call Officer Seely for questioning. Mr. Seely, where do you work?

Adam Seely, Officer – I work for the Las Vegas Metro Police Department, Vice and Sex Trafficking Section.

Keith Marcher, Chief Deputy Attorney General – Were you on duty on December 16, 2014?

Adam Seely, Officer – Yes.

Keith Marcher, Chief Deputy Attorney General – During your shift, did you visit a place called the Vegas Spa?

Adam Seely, Officer – Yes, I did.

Keith Marcher, Chief Deputy Attorney General – Why were you going to that location on that particular date?

Adam Seely, Officer – We had received an anonymous complaint that there was prostitution going on in that establishment.

Keith Marcher, Chief Deputy Attorney General – When you arrived at the establishment, who did you talk to?

Adam Seely, Officer – Lan Huong Trang was at the reception desk. I asked for a massage. She told me the massage would cost \$40 and took me to a back room. I gave her \$50 and she took the \$50 and agreed to provide the massage.

Keith Marcher, Chief Deputy Attorney General – When you got to the room, was there a massage table in the room?

Adam Seely, Officer – Yes.

Keith Marcher, Chief Deputy Attorney General – Were you under the impression that Ms. Trang was going to provide the massage?

Adam Seely, Officer – Yes, because she was the only person in the business.

Keith Marcher, Chief Deputy Attorney General – Then what happened?

Adam Seely, Officer – She told me to take my clothes off and exited the room. She came back into the room and she simulated fellatio with her hand and said \$200. I told her I wanted to have sex with her and she told me not to talk about that, but it would be \$300. I gave her the \$300 for the sex and then she exited the room with the money. At that time, I was joined by the rest of the Vice team who took her into custody.

Diane Huleva, Secretary/Treasurer – Was she arrested?

Adam Seely, Officer – Yes, she was arrested for Soliciting Prostitution.

Sgt. Carmen Donegan – I believe Ms. Trang pled N.O.L.O. and the judge said it would be dismissed if all the conditions were met, but I don't know what the conditions are.

Keith Marcher, Chief Deputy Attorney General – I would now like to call Bonnie Howard. Ms. Howard, what is your position at the Massage Board?

Bonnie Howard, Field Inspector II – I am a Field Inspector II.

Keith Marcher, Chief Deputy Attorney General – To your knowledge, was Ms. Trang licensed as a Massage Therapist at the time of her arrest?

Bonnie Howard, Field Inspector II – No.

Keith Marcher, Chief Deputy Attorney General - Has Ms. Trang ever been issued a license by the Board?

Bonnie Howard, Field Inspector II – No.

Keith Marcher, Chief Deputy Attorney General – When did you issue the Citation?

Bonnie Howard, Field Inspector II – March 6, 2015.

Keith Marcher, Chief Deputy Attorney General – Can you explain the series of events that led up to you issuing the Citation?

Bonnie Howard, Field Inspector II – We received the police report showing that Ms. Trang had offered massage for \$40 and she only has a Reflexology License which is the hands, head and feet only. We issued her a Citation under NRS 640C.910. She cannot advertise or imply in any way that she is licensed to offer massage.

Diane Huleva, Secretary/Treasurer – Did we go to the establishment?

Lisa Cooper, Executive Director – No, we received notification from the Vice Detectives in December that there had been an arrest related to massage. By protocol, we have to wait two weeks before we can issue a subpoena and it takes another two weeks to receive the information. At that time, we were training the Las Vegas Inspectors, when we received the paperwork and this was one of the items that we trained on. That is how the Citation was issued.

Keith Marcher, Chief Deputy Attorney General – Based on the evidence, I am asking that you uphold the Citation. Ms. Trang was the only person in the establishment and she offered to perform the massage for a set amount of money and she doesn't have a license. It is clear that she violated NRS 640C.910 and the Citation was properly issued.

Motion: Michael Smith made a motion to uphold the Citation

Second: Diane Huleva

Motion Carries Unanimously

5. CEH Review (For Possible Action)

a. Kristen Kujat – present

Lisa Cooper, Executive Director – Ms. Kujat is before you today because she submitted Continuing Education that could not be administratively approved. She sent a request to have the Board Chairperson review the Continuing Education and it was denied. Ms. Kujat is appealing that decision.

Kristen Kujat, Licensee – I have been in school for the last three years. Performing massage is my life and I don't understand why these classes weren't approved. I would agree with the person who gave public comment that there should be better explanation of what will and will not be accepted for Continuing Education.

Diane Huleva, Secretary/Treasurer – Were all of the classes denied or just some?

Kathleen Pilgreen, Chairperson – All of them. Personal enrichment is great but the Continuing Education needs to be related to developing massage skills. The Board is welcome to review the classes and make their own determination.

Kristen Kujat, Licensee - I don't understand why they were accepted last year.

Lisa Cooper, Executive Director – Last year we had a different Chairperson and the classes you submitted last year were more in line with the Massage Therapy industry.

Now that you are taking the higher level classes, they are out of the scope of Massage Therapy.

Michael Smith, Board Member - What did you cover in the Biology class?

Kristen Kujat, Licensee – My teacher gave us a challenge to try to dissect a puffer fish without disrupting the swim bladder, and mine was perfect. My teacher had to take a picture because she had never seen a dissection so perfect. I learned so much about the body.

Motion: Diane Huleva made a motion to accept 45 hours of Continuing Education for the Principals of Modern Biology class.

Second: Michael Smith

Motion Carries Unanimously

b. Jeannie Homer – present

Lisa Cooper, Executive Director – Please note the documents that were received with the original application versus the documents received after the second time asking. I believe if we had received all the documents the first time, this would not have needed to be appealed.

Jeannie Homer, Licensee – I am applying to become a provider for a Continuing Education class. The class is Jin Shin Jyutsu Self-Help based on the books written by Mary Burmeister.

April Whiting, Vice Chairperson – Have you applied for an NCBTMB provider number?

Jeannie Homer, Licensee – Not yet. This is my first step. I have over 170 hours of training to present this class.

Motion: Diane Huleva made a motion to approve Ms. Homer as a Continuing Education provider for the Jin Shin Jyutsu Self-Help class.

Second: Michael Smith

Motion Carries Unanimously

6. Probation Termination (For Possible Action)

a. Jeffrey Wind – present

Lisa Cooper, Executive Director – Mr. Wind came before the Board in September of 2013 and was granted a Probationary License for two years. He has met all conditions requested by the Board. He is requesting early termination of his probation due to a family situation that is taking him outside the state of Nevada. I am recommending probation termination because he only has about six more months left.

Sgt. Carmen Donegan, Board Member – You have a recent arrest for DUI on 6/12/15. The last time you were before the Board I asked you if you drank anymore and you said that you did not.

Jeffry Wind, Licensee – Yes. I mailed all the information to the Board.

Diane Huleva, Secretary/Treasurer – So, you have had a relapse and you are asking for an early termination of probation?

Jeffry Wind, Licensee – Yes, the arrest was after I requested the termination of probation. Things got really bad with my dad and I made a mistake.

Diane Huleva, Secretary/Treasurer – What are his probation requirements right now?

Lisa Cooper, Executive Director – He must report all detainment with law enforcement regarding massage within 48 hours, he must submit a fingerprint background check with two renewals, he must attend AA meetings, which he has been. He is required to cooperate with staff fully, which he has. I asked Cathy if we have received anything regarding the latest arrest and she said she remembers him calling and she told him he needs to send us the information or documents in writing.

Motion: Diane Huleva made a motion to uphold the probation for six months and then reevaluate the documents once they are received.

Second: Michael Smith

Motion Carries Unanimously

7. Review/Discussion/Action on Investigation Results based on information from resources such as NCBTMB, other regulatory agencies and our own Investigations of schools or providers in question, the Board determines not to accept applications or Continuing Education from people who have attended or taken Continuing Education classes from these schools. For the foreseeable future applications or Continuing Education hours from these schools will be reviewed by this Board for determination on a case by case basis (For Possible Action)

- a. ZMS The Academy – School Code Denied as of 2/12/2015 by NCBTMB
- b. In't Health Center – School Code Denied as of 5/14/2014 by NCBTMB
- c. American College Massage School – School Code Revoked as of 2/10/2015 by NCBTMB

Motion: Michael Smith made a motion to approve a, b and c for our list of schools we do not accept.

Second: Diane Huleva

Motion Carries Unanimously

8. Application Review (For Possible Action)

- a. Licenses Approved and Authorized by the Chairperson

Diane Huleva, Secretary/Treasurer - How many of these are new Licensees?

Lisa Cooper, Executive Director – This is a list of all the new Licensees for the time period.

Motion: Diane Huleva made a motion to approve

Second: April Whiting

Motion Carries Unanimously

b. Review Application of Lisa Bennett – present

Lisa Cooper, Executive Director – Ms. Bennett’s application is before you today due to education that was obtained in California. Ms. Bennett attended Healing Hands School of Holistic Health located in California. Ms. Bennett did provide the 2014/2015 annual catalog from the school and I have provided Kathleen Pilgreen with this book as it would be difficult to copy. Ms. Bennett is requesting to be granted a license under NRS 640C.420.

Michael Smith, Board Member – Where have you been working?

Lisa Bennett, Applicant – I worked at Spa Gregory and for a Chiropractor in California. I finished my Bachelor of Science in Healthcare Administration and I went into massage for cancer patients who undergo reconstructive surgery.

Motion: Diane Huleva made a motion to approve the license

Second: Michael Smith

Motion Carries Unanimously

c. Review Application of Jamie Williams – present

Lisa Cooper, Executive Director – Ms. Williams’ application is before you today due to education that was obtained in California. Ms. Williams attended the National Holistic Institute. She is requesting to be granted a license under NRS 640C.400 and she has provided a background check.

Motion: April Whiting made a motion to grant the license

Second: Diane Huleva

Motion Carries Unanimously

d. Review Application of Brian Farinas – present

Lisa Cooper, Executive Director – Mr. Farinas is before you today due to education that was obtained in California that could not be administratively approved. Mr.

Farinas attended Tramy Beauty School. He was not able to obtain official transcripts or a diploma. He is requesting to be granted a license under NRS 640C.420.

Brian Farinas, Applicant – I was Nationally Certified in 2009. At the time I was active duty military. I called the school to try and retrieve my official transcripts and diploma and they said that they destroy their records after three years.

Joanne Leming, Board Member – Federal law says after five years they can destroy the records, but most schools don't even destroy them then.

Diane Huleva, Secretary/Treasurer – Have you been working as a Massage Therapist?

Brian Farinas, Applicant – Off and on when I was in California. I was still in the military. I currently work at the Department of Veteran's Affairs and I work as an Independent Contractor at a Chiropractor's in California once in a while. I did my schooling in California and completed it, but then got called to active duty.

Kathleen Pilgreen, Chairperson – You received your National Certification in 2009 but then you didn't maintain it?

Brian Farinas, Applicant – That's correct. I took the NCBTMB in 2009 and then I took the MBLEx recently because I saw that was a requirement.

Motion: Michael Smith made a motion to grant the license

Second: Diane Huleva

Motion Carries Unanimously

- e. Review Application of Crystal Sizemore – not present

Lisa Cooper, Executive Director – Ms. Sizemore's application is before you today due to education. She was not able to obtain an official transcript or diploma. She is requesting to be granted a license under NRS 640C.420.

Joanne Leming, Board Member – This school was part of the group that bought Anthem. The school went belly up.

Diane Huleva, Secretary/Treasurer – So this school, Edutech, is just closed? We can't get any information?

Joanne Leming, Board Member – They closed for financial reasons.

Motion: Michael Smith made a motion to grant the license

Second: April Whiting

Motion Carries Unanimously

- f. Review Application of Jie Phillips – present, Kevin Gallihan, boyfriend - present

Lisa Cooper, Executive Director - Ms. Phillips' application is before you today due to education that was obtained in California and could not be administratively approved. Ms. Phillips is requesting to be granted a license under NRS 640C.420.

Kathleen Pilgreen, Chairperson – It looks like you took the National Exam before your schooling.

Jie Phillips, Applicant – No, I took it after. I had 250 hours from another school.

Lisa Cooper, Executive Director – The NESL didn't have an educational requirement, and then you only needed 250 hours for the certification, which she obtained under Portal E.

Diane Huleva, Secretary/Treasurer – Do you have other education that you are not submitting? Where did you go to school before?

Jie Phillips, Applicant – I can't remember. It was a long time ago.

Lisa Cooper, Executive Director – Cathy is calling the school to see when they stopped offering Massage. They said they will have to call her back.

Motion: Michael Smith made a motion to accept
Motion fails for lack of a Second

Motion: Diane Huleva made a motion to table for more information about the school and then staff can approve if the school looks legitimate.
Second: Michael Smith

Motion Carries Unanimously

- g. Review Application of Shan Zhou – present, Kirk Kennedy, Attorney – present, Wei Me Borgel, Interpreter – present

Lisa Cooper, Executive Director – Ms. Zhou's application is before you today due to the fact that she applied as a transfer applicant and is requesting to use the education she received from Fu Zu Ba. Ms. Zhou refused to provide our office with backup documentation from the other schools she attended, and she did not want to submit to a fingerprint background check. Ms. Zhou is requesting to be granted a license under NRS 640C.420.

Kirk Kennedy, Attorney - I wanted to answer any questions you may have and let you know that Ms. Zhou did not come to my office before applying. She has a Florida license that is in good standing with no discipline. She obtained her Florida license based on her schooling from Oriental Beauty School. Regarding her Texas license, she did go to a school that is on the unapproved list. She attended the American University of Arkansas from May of 2010 to March of 2011. That school was placed on the unapproved list in July of 2011, so four months later. Texas granted her a license based on that education. She came to Las Vegas and attended Fu Zu Ba

School, and that is the education she submitted to the Board. On Monday I submitted the documentation of her additional education to Lisa Cooper for review. She has no discipline on any of her licenses and no criminal history. She meets all of the requirements for licensure.

Diane Huleva, Secretary/Treasurer – Which school is she submitting here?

Kirk Kennedy, Attorney – We are relying on the Florida school.

Diane Huleva, Secretary/Treasurer - We didn't see anything from a Florida school.

Lisa Cooper, Executive Director – It's not in the packet because we just received it on Monday from Kirk Kennedy's office.

Kathleen Pilgreen, Chairperson – Why did she take the MBLEx again in 2014?

Kirk Kennedy, Attorney – I'm not sure. I am focusing on the fact that there is no criminal history and she attended a school here in Las Vegas. It's a clean application.

Diane Huleva, Secretary/Treasurer – So, we don't have any information on the Florida school?

Lisa Cooper, Executive Director – We asked Ms. Zhou to provide us with information on her previous education and we received an email reply that they won't provide any further information.

Diane Huleva, Secretary/Treasurer - I think the Board should be allowed to review all of the information before we make a determination.

Motion: Michael Smith made a motion to grant the license after we receive the results of a fingerprint background check.

Second: Diane Huleva

Motion Carries Unanimously

h. Review Application of Xin Liang – present

Lisa Cooper, Executive Director – Ms. Liang's application is before you today due to the Board tabling her application at the last Board Meeting. The education Ms. Liang submitted is from Lincoln Institute in California. This school is not on the CAMTC's or the NCBTMB's list of schools under investigation. Ms. Liang is requesting to be granted a license under NRS 640C.400 and she has completed a background check.

Diane Huleva, Secretary/Treasurer – How did you decide on this school?

Xin Liang, Applicant - I wanted to go to school and I looked in Las Vegas at European Massage School but all the classes were in English, which is hard for me. My sister and cousin live in California so I could go to school and stay with them and it was less money.

Diane Huleva, Secretary/Treasurer – So, you decided to go to this school because they offered the program in Chinese and because it was less expensive?

Xin Liang, Applicant – Yes.

Motion: Diane Huleva made a motion to approve the license

Second: Michael Smith

Motion Carries Unanimously

- i. Review Application of Marilyn Erickson – present

Lisa Cooper, Executive Director – Ms. Erickson’s application is before you today due to not having official transcripts from her original school. Ms. Erickson attended Bodhi Tree and some of her hours were transferred to her new transcript from her original school. Ms. Erickson is requesting to be granted a license under NRS 640C.420 because she is licensed in California.

Motion: April Whiting made a motion to approve the license

Second: Diane Huleva

Motion Carries Unanimously

- j. Review Application of Xiang Ju Wang – present, Kirk Kennedy, Attorney – present, Wei Me Borgel, Interpreter – present

Lisa Cooper, Executive Director – Ms. Wang’s application is before you today due to obtaining her education in California. She is requesting to be granted a license under NRS 640C.420. We have not seen this school before and we have two additional applications pending from this school. This school is not Nationally Accredited and it is not on the CAMTC’s list of schools. Staff did request attendance records from the school, which were not provided, and we requested additional information from the Applicant, which was provided.

Kirk Kennedy, Attorney – Ms. Wang has a California license that was issued in July of 2014 based off of her California education. NRS 640C.420 says that the Board will look at the education to see if the requirements are comparable. We are asking you to review the information and grant a license. The school may not have National Certification, but it’s good enough for California.

Diane Huleva, Secretary/Treasurer – What does that word mean and how does it apply to Massage Therapy? (Hands Ms. Wang a piece of paper with a word on it)

Xiang Ju Wang via Wei Me Borgel – When you study, you learn that all the skin has bacteria.

Kirk Kennedy, Attorney – I’m sure it means sanitation and bacteria.

Diane Huleva, Secretary/Treasurer - So, this school is calling it Bacteriology and I don't know if that applies to Physiology or how that applies. Are the 220 hours for Massage Practicum just the hands-on hours?

Xiang Ju Wang via Wei Me Borgel – Class time and hands-on.

Motion: Diane Huleva made a motion to table the application for more information from the school including attendance records, curriculum and a catalog with class descriptions.

Second: April Whiting

Motion Carries Unanimously

k. Review Application of Qingling Hao – present

Lisa Cooper, Executive Director – Ms. Hao's application is before you today due to education that was obtained in California and could not be administratively approved. Ms. Hao's application indicates she attended Hamilton College but on her FSMTB Official Score Report it is indicated that she attended Royal Healing Academy. Ms. Hao is requesting to be granted a license under NRS 640C.400.

Diane Huleva, Secretary/Treasurer - We are concerned because it says that she went to Royal Healing Academy on her FSMTB Score Report, but the education she submitted says Hamilton.

Qingling Hao, Applicant – I started at Royal Healing Academy but then found out that it was not a good school and that's when I went to Hamilton.

Motion: Michael Smith made a motion to approve the license

Second: April Whiting

Motion Carries Unanimously

l. Review Application of Pei Chu – not present

Lisa Cooper, Executive Director – Mr. Chu's application is before you today due to education that was obtained in California and could not be administratively approved. Mr. Chu attended Royal Irvine College. Mr. Chu is requesting to be granted a license under NRS 640C.420. We have seen this school before and it is on our list of schools we do not accept.

Motion: Michael Smith made a motion to deny the license under NRS 640C.400 (4)

Second: April Whiting

Motion Carries Unanimously

m. Review Application of Susana Quintero-Aho – not present

Lisa Cooper, Executive Director – Ms. Quintero-Aho’s application is before you today due to education that was obtained in California and could not be administratively approved. Ms. Quintero-Aho attended United States Alternative College. Ms. Quintero-Aho did provide a book from her school and I have given that book to Kathleen Pilgreen since it was too large to copy. Ms. Quintero-Aho is requesting to be granted a license under NRS 640C.420. We have seen this school before and we have not approved it in the past.

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

Motion Carries Unanimously

- n. Review Application of Dan Luo – present, Kirk Kennedy, Attorney – present, Wei Me Borgel, Interpreter – present

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

Kirk Kennedy, Attorney - Ms. Luo has been licensed in California since 2012 and that license is valid until 2016. She attended the Fu Zu Ba School here in Las Vegas. The question is the criminal history that she didn’t disclose. Both cases that she had happened five years ago. In May of 2010 she received a Citation for performing outcall massage without a license and she paid the fine. For her arrest in Texas, she was arrested in June 2010 for Soliciting. She had a jury trial and was found Not Guilty. She is legally innocent of that charge. She was not intentionally hiding it. She did provide all of the documentation regarding these charges.

Diane Huleva, Secretary/Treasurer – She came through as a transfer?

Lisa Cooper, Executive Director – It originally came through as a transfer. She went to Fu Zu Ba, then had to do fingerprints.

Joanne Leming, Board Member – So, she went to school somewhere else to get her license in California?

Kirk Kennedy, Attorney – Yes. I asked her about that and she said that she attended a school that is on the list of schools that are not accepted and she knew she couldn’t get licensed in Nevada with that education, so she attended Fu Zu Ba.

Kathleen Pilgreen, Chairperson – Did she transfer any hours from the school in California to Fu Zu Ba?

Lisa Cooper, Executive Director – The Fu Zu Ba transcript says she didn’t transfer any hours.

Joanne Leming, Board Member – In one week she completed 92 hours in seven days, and that firehose type of education does not work for me.

Kathleen Pilgreen, Chairperson – I remember the original curriculum for Fu Zu Ba, and it did not have this rushed pace.

Kirk Kennedy, Attorney – I just ask that you consider that she is licensed in two states, California and Arizona. She has completed schooling that is accepted by the state and she has completed the fingerprint background check.

Diane Huleva, Secretary/Treasurer - When did she become licensed in Arizona?

Kirk Kennedy, Attorney – In 2014 and it is good through 2017.

Joanne Leming - What education was the Arizona license based on?

Kirk Kennedy, Attorney – I'm not sure. I just wanted to show that she is licensed in two states in good standing.

Diane Huleva, Secretary/Treasurer – Can we get information on Fu Zu Ba's current curriculum?

Motion: Diane Huleva made a motion to grant the license with a four year probation and the following conditions: 2, 4, 5, 6, 7, 11, 12, 13, 14, 15 and 16

Second: April Whiting

Motion Carries Unanimously

- o. Review Application of Ebony Farmer – present, Wilbert Smith, Spouse – present

Lisa Cooper, Executive Director – Ms. Farmer's application is before you today due to criminal history that could not be administratively approved. Ms. Farmer has outstanding fines as of the date of the Board Packet. She is requesting to be granted a license under NRS 640C.400.

Diane Huleva, Secretary/Treasurer – Carmen, do you have anything for us?

Sgt. Carmen Donegan, Board Member – You have everything in your packet.

Lisa Cooper, Executive Director – Are the fines still unpaid?

Ebony Farmer, Applicant – Yes. I paid the fines for the court costs and the community service. The other fine they sent to collections. I called them and it required a \$500-\$600 down payment. I have not made a payment, but I am not in violation because it was sent to collections since it was seven years old.

Diane Huleva, Secretary/Treasurer – Have you had any run-ins with the law since 2009?

Ebony Farmer, Applicant – I did have a run-in but I was not arrested. I came here three years ago with a group of friends for Cinco de Mayo. We had borrowed someone's car and when we were pulled over they found a joint in the car. They gave me the option to take responsibility for it and it would be a fine so I did. Other than that, I haven't had any issues with the law.

Lisa Cooper, Executive Director – Whenever there have been outstanding fees or community service, the Board has not granted a license until it has been taken care of.

Louis Ling, Board Counsel – You can do probation and make one of the conditions that she make payments so that we can ensure that she is making progress towards getting the debt taken care of. You need to consider your history and what the Board has done in the past, but you also have the authority to do something different in this case.

Lisa Cooper, Executive Director – My concern is that she is dealing with a collection agency that wants to settle or wants full payment when we are telling her to make payments.

Motion: Diane Huleva made a motion to grant a probation license with a two year term and the following conditions: 11, 12, 13, 14, 15 and 16 and a payment arrangement with the collection agency. Staff cannot issue the license until they receive proof of a payment plan in place with the collection agency. Any lapse in payment would constitute a violation and payments must be made monthly. She must submit proof that she has made the payment monthly.

Second: Michael Smith

Motion Carries Unanimously

- p. Review Application of Celso Favela – not present

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

Sgt. Carmen Donegan, Board Member – He currently has four Misdemeanor Warrants for arrest.

Motion: Diane Huleva made a motion to table the application and reschedule it for the next Board Meeting. If Mr. Favela does not appear, the application will be decided without him.

Second: April Whiting

Motion Carries Unanimously

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

a. 2014/2015 Year To Date Budget

Diane Huleva, Secretary/Treasurer – Can you add a note to the Administrative Fine that shows of the \$37,000 we have collected \$5 or \$10 or whatever the number is?

Lisa Cooper, Executive Director – Yes we can add that.

Motion: Diane Huleva made a motion to approve

Second: Michael Smith

Motion Carries Unanimously

b. Proposed 2016 Budget

Lisa Cooper, Executive Director – Although it says negative \$59,000, keep in mind that we still have \$59,000 to pay on the data base. I put \$4,000 into incidentals.

Diane Huleva, Secretary/Treasurer – Every year we do the audits and we are always spending \$830k-\$850k. We currently have the budget at \$795 which is the lowest numbers I have ever seen.

Lisa Cooper, Executive Director – I have lowered some of the numbers due to the changes we agreed upon such as the location of the retreat, etc. With the new bill that passed (SB68) all applicants will have to do fingerprints and that will change our numbers, but it is hard to predict how much. I have already purchased the airfare for Denver and Boston, so that will be in this year's fiscal budget.

Motion: Diane Huleva made a motion to approve

Second: Michael Smith

Motion Carries Unanimously

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

a. February 24, 2015

Lisa Cooper, Executive Director - We have added more information to the February 24, 2015 Minutes and we will make the transcripts from the Court Reporter available to the Board Members in the Drop Box.

Motion: Diane Huleva made a motion to approve

Second: Michael Smith

Motion Carries Unanimously

b. April 17, 2015

Lisa Cooper, Executive Director – The Board can table the Minutes and ask that they be fixed and brought back before the Board, or you can give staff approval to make corrections and run them by Michael Smith.

Motion: Michael Smith made a motion to have the corrections made by staff and then have the Minutes reviewed by him for corrections prior to approval

Second: Diane Huleva

Motion Carries Unanimously

11. Board Discussion Directors Report - Review/Approve/Deny (For Possible Action)

a. Update on Legislative Session 2015

Lisa Cooper, Executive Director - AB126 has passed and that is the Bill which got the exam changed, added Nail Techs to the exemptions, put a limit on how long you can be expired and still renew, removed the 10 year limit on the criminal history we can review, but we did have to leave in moral turpitude. This means that you will be seeing a lot more criminal history. SB68 affects us in a positive way since now anyone who applies, even as a transfer, will have to do fingerprints. All of the changes go into effect October 1, 2015.

b. Contract with Neena Laxalt

Lisa Cooper, Executive Director – We are hoping to contract with Neena and get regulations passed in between sessions. We end up paying the same amount of money.

Motion: Michael Smith made a motion to approve the contract

Second: Diane Huleva

Motion Carries Unanimously

c. Policy and Procedure

Tabled – No motion made

- i. Executive Committee
- ii. Executive Director
- iii. Executive Director and the Executive Committee
- iv. Complaints Regarding the Executive Director
- v. Board Communications
- vi. Board Finances

d. Proposed Regulations

Tabled – No Motion made

e. Purchase of Body Cameras for Inspectors

Lisa Cooper, Executive Director – The price on these is really good. It is a state contracted vendor so we get a discount. It has auto upload and download, a clip and a battery pack. We will be able to keep all the records and archive them after a period of time.

Michael Smith, Board Member – Where does the camera go?

Lisa Cooper, Executive Director – It just clips on.

Michael Smith, Board Member - How is the audio/video quality?

Lisa Cooper, Executive Director - It's good and the files compress for storage.

Michael Smith, Board Member – Do we get charged to archive with the state?

Cathy Betty, Executive Assistant – No.

Michael Smith, Board Member – Do we have to disclose that the cameras are on?

Louis Ling, Board Counsel – No, we don't have to disclose as a matter of law, but we may want to.

Kathleen Pilgreen, Chairperson – After going on a ride along, I think these are a good investment.

Diane Huleva, Secretary/Treasurer – Do you want these cameras?

Chris Mishler, Field Inspector II – I think it is a protection for us. It's not a situation of my word against your word when you have the camera. It will also provide back-up documentation for Citations.

Joanne Leming, Board Member – Would we ever be able to submit the recordings as evidence at Board Meetings?

Lisa Cooper, Executive Director – Yes, we will be able to use segments of video as evidence for Board Meetings.

Louis Ling, Board Counsel - We will have to create some guidelines and policies for the cameras. There needs to be guidelines for when they are to be turned on and off, who has access to the data, where and how the data is stored, etc.

Motion: Diane Huleva made a motion to approve body cameras for the Inspectors

Second: Michael Smith

Motion Carries Unanimously

- f. FSMTB – Invitation to rejoin as a Member Board

Michael Smith, Board Member – I don't believe it would be beneficial for us to rejoin and it would send the message to the message world that we agree with the FSMTB.

Motion: Michael Smith made a motion to decline the invitation

Second: April Whiting

Motion Carries Unanimously

- g. Executive Director Communication to Executive Committee

Creative Concepts Performance Report

Diane Huleva, Secretary/Treasurer – Any time you purchase media, you want to be able to see what kind of impact you were able to make with your money. Creative Concepts did their job and we got a great value out of it. The value was around a million dollars and we spent \$50,000.

Based on many meetings it has been demonstrated that the personnel at schools are not properly advising their students and graduates on ethical and accurate application completion. I would like to discuss with all members of the Board how we properly educate schools.

Lisa Cooper, Executive Director – We have met with many of the schools and we are always a phone call away. We go out and visit the schools and speak with students and instructors.

Joanne Leming, Board Member – I just feel like students are being misinformed by the schools when they are applying. They are being told that certain things in their history don't need to be disclosed and then they are surprised when they are scheduled for a Board Meeting. There are new federal changes in the education system and outcomes are extremely important. Could we invite students to the next Board Meeting? We could send invitations to two or three different people at the schools?

12. Board Discussion – Inspection Department Review/Approve/Deny (For Possible Action)

- a. Inspection Numbers

Lisa Cooper, Executive Director – Chris and Bonnie started in January and began training. They were going out on inspections by the end of February and within one month they had finished visiting all the establishments on the routes. They then began re-inspections and had the second quarter of inspections finished three weeks early which left time for follow up inspections. Having two people in the South who are consistently out completing inspections is working and we are caught up.

13. Public Comment

Bob Oliver, Licensee - Michael, I just wanted to thank you for your decision to not rejoin FSMTB. I think that was a good decision. I would also like to add that I heard a lot today about how we contact people and I was wondering how AB236 relates to using social media? I know the younger generations really rely on social media.

14. Future Agenda Items

- a. Senator Spearman Project: Volunteer Massage for VA Administration
- b. Continue working on new database Administration, Inspection & Board Meeting
- c. Purchase/Rental of Vehicles for Inspection Department
- d. Training of Board Members for Inspection Department
- e. Job Descriptions
- f. SOP Manual
- g. 360 Degree Reviews
 - i. H&H Strategic Partners, LLC
 - ii. Quantum Workplace
- h. Sanitation Regulations

15. Adjournment No Later than 4:30 PM (For Possible Action)

Motion: Michael Smith made a motion to adjourn

Second: April Whiting

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