

BOARD MEMBERS:

April Whiting
 Diane Huleva
 Michael Smith
 Robin Graber
 Joanne Leming
 Walter Lopez
 Sgt. Andrew McDermott



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: **October 16, 2015**
TIME: **9:00 a.m. – 4:30 p.m.**

LOCATION: **VIDEO CONFERENCE LOCATIONS:**

Las Vegas Location

Nevada Department of Transportation
 123 E Washington Ave. Building B
 Training Room Las Vegas, NV 89109

or

Carson City Location

Nevada Department of Transportation
 1263 S. Stewart St. Room 301
 Carson City, NV 89701

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

None

2. Roll Call of Board Members

a. Introduction of New Board Members

- i. Sgt. Andy McDermott
- ii. Walter Lopez

Board Members Present: Michael Smith, April Whiting, Walter Lopez, Sgt. Andy McDermott, Robin Graber and Diane Huleva

Staff Present: Lisa Cooper-Executive Director, Jean Ann Westfall-Executive Assistant, Moses Haynes-Field Inspector II, Christy Brunner-Field Inspector II, Nicole Seeberg, Field Inspector II and Louis Ling- Board Counsel

3. Election of Officers (For Possible Action)

a. Chairperson

Motion: Robin Graber nominated Diane Huleva

Second: Walter Lopez

Motion: Diane Huleva nominated April Whiting

Second: Michael Smith

Vote: Michael Smith, Walter Lopez and Diane Huleva voted for April Whiting
Robin Graber voted for Diane Huleva
April Whiting is the new Chairperson

Motion Carries

b. Vice Chairperson

Motion: Michael Smith nominated himself

Second: April Whiting

Motion Carries Unanimously

c. Secretary/Treasurer

Motion: April Whiting nominated Diane Huleva

Second: Robin Graber

Motion Carries Unanimously

4. Formal Hearing (For Possible Action)

a. Xiao Fei Kuang

Lisa Cooper, Executive Director – The Attorney has requested to table this Formal Hearing to the next Board Meeting

Motion: Michael Smith made a motion to table until the next Board Meeting

Second: Diane Huleva

Motion Carries Unanimously

b. Jeremy West

Lisa Cooper, Executive Director – We are asking for a continuance of this case to the December Board Meeting.

Motion: Diane Huleva made a motion to table the case to the December Board Meeting.

Second: Michael Smith

Motion Carries Unanimously

5. Renewal Review (For Possible Action)

a. Xiuzhen Zhang – present

Lisa Cooper, Executive Director – Ms. Zhang's Renewal Application is before you today due to a possible violation of NRS 640C.700(1) – Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government.

On August 21, 2015, Ms. Zhang completed her renewal online. Ms. Zhang uploaded a photo that does not match any of the other photos in her file. NSBMT informed Ms. Zhang that the photo would not be accepted and the renewal would have to be reviewed by the Board. At that time, Ms. Zhang submitted a photo she had previously submitted with her 2013 renewal. It should be noted, with our new computer system, the Licensee can see exactly what photo is being uploaded and delete and re-upload if the wrong photo were to be uploaded. In 2013, Ms. Zhang's renewal was returned because she used the same photo she had used for the 2010 renewal. In 2010, Ms. Zhang's renewal was returned because she used the same photo she had used for original licensing.

Motion: Robin Graber made a motion to deny the Renewal Application based on NRS 640C.700 (1)

Second: Michael Smith

Motion Carries Unanimously

6. Probation Termination (For Possible Action)

- a. Cristina Beaudette - present

Lisa Cooper, Executive Director – Ms. Beaudette came before the Board in September of 2013 and was granted a Probation License for two years. She has met all of the conditions of the probation and is requesting to be granted a termination of the probation.

Motion: Diane Huleva made a motion to approve the probation termination

Second: Michael Smith

Motion Carries Unanimously

- b. Samuel Fixico – not present

Lisa Cooper, Executive Director – Mr. Fixico came before the Board on September 5, 2014 and was granted a Probation License for one year. He has met all of the conditions of the probation and is requesting to be granted a termination of the probation.

Motion: Diane Huleva made a motion to approve the probation termination

Second: Robin Graber

Michael Smith, Vice Chairperson – I just want to let everyone know that I work with this gentleman's biological daughter.

Motion Carries Unanimously

7. Review/Approve/Deny Memo Request from California Massage Therapy Council (For Possible Action)

Lisa Cooper, Executive Director – California is recommending that we deny applications based on the CAMTC list of schools not accepted.

Louis Ling, Board Counsel – I understand their concern, but I don't want this Board to commit itself to complying with the CAMTC's request. Every case still needs to be reviewed.

Robin Graber, Board Member – I think we are paying a lot more attention to their list now that it has evolved. It seems like they are doing their due diligence.

8. 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. Academy of Oriental Therapy – School Code Suspended 2/28/2015 and Revoked 6/4/2015

Motion: Diane Huleva made a motion to add Academy of Oriental Therapy to our list of schools we do not accept.

Second: Robin Graber

Motion Carries Unanimously

9. Application Review (For Possible Action)

- a. Licenses Approved and Authorized by the Chairperson

Motion: Michael Smith made a motion to approve

Second: Walter Lopez

Motion Carries Unanimously

- b. Review Application of Lamont Bradley – not present

Lisa Cooper, Executive Director – Mr. Bradley’s application is before you today due to education that he is unable to obtain a transcript for. Mr. Bradley went to Irene’s Myomassology Institute. Our office contacted the school and verified that Mr. Bradley had attended their school. However, he did not pay for his hours and the school will not release his transcript.

Motion: Michael Smith made a motion to table the application until we receive confirmation that he has paid the fees to the school and undergone a background check. The application can be administratively approved if he completes both of those requirements.

Second: Diane Huleva

Motion Carries Unanimously

- c. National Holistic Institute
- i. Review Application of Paula Pagayunan – not present
 - ii. Review Application of Sherry Switzer - present
 - iii. Review Application of Luisa Wade - present

Lisa Cooper, Executive Director – As we agreed in the last Board Meeting, we are grouping these Applicants together since they all attended the same school. These applications are before you today due to education that was obtained in California. Applicants from this school have been approved previously. These applicants are requesting to be granted a license under NRS 640C.420.

Motion: Robin Graber made a motion to approve i, ii and iii

Second: Michael Smith

Motion Carries Unanimously

d. Review Application of Natalia Romano-Williams – not present

Lisa Cooper, Executive Director – Ms. Romano-Williams' application is before you today due to education that was obtained in California. She is requesting to be granted a license under NRS 640C.400.

Motion: Michael Smith made a motion to grant the license

Second: Walter Lopez

Motion Carries Unanimously

e. Review Application of Joel Uranga – present

Lisa Cooper, Executive Director – Mr. Uranga's application is before you today due to education that was obtained in California. Mr. Uranga attended Northwestern College which was later purchased by Bryan College. He has transcripts from Bryan College and the certificate of completion says Northwestern College. He is requesting to be granted a license under NRS 640C.420.

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

Second: Diane Huleva

Motion Carries Unanimously

f. Review Application of HongJuan Wang – present, Jack Buchanan, Attorney – present, Edward Chen, Interpreter - present

Lisa Cooper, Executive Director – Ms. Wang's application is before you today for multiple reasons. Ms. Wang's application was before the Board in April of 2012 and was denied based on NRS 640C.700 (1). Ms. Wang's application was again before the Board in September of 2013 and it was denied based on NRS 640C.400 (4). Ms. Wang completed 100 hours of Anatomy and Physiology at European Massage School and is now requesting to be granted a license under NRS 640C.420. She originally attended David's Academy of Beauty. This school has been before the Board before and the Board has approved applications from this school in the past. This school is not on the list of schools we do not accept.

Sgt. Andy McDermott, Board Member - There is a Citation from December of 2014 that is outstanding.

Motion: Diane Huleva made a motion to table the application until we can have a background check completed and to obtain more information regarding the Citation.

Second: Michael Smith

Motion Carries Unanimously

- g. Review Application of Xiang Ju Wang – present, Wei Me Borgel, Court Interpreter - present

Lisa Cooper, Executive Director – Ms. Wang’s application is before you today due to education that could not be administratively approved. Ms. Wang is requesting to be granted a license under NRS 640C.400. On October 7, 2015, I called the school and it was the same number as Milpitas Electrolysis College, which is on the CAMTC’s list. I have notified the CAMTC that Milpitas Electrolysis College and Milpitas Massage School have the same phone number.

Motion: Diane Huleva made a motion to table the application to obtain definitive information about whether these are two separate schools or one school.

Second: Robin Graber

Michael Smith, Vice Chairperson – Shouldn’t we look at the school to see if it even meets our requirements?

Lisa Cooper, Executive Director – I understand what Michael is saying. Even if the CAMTC says this is a different school, we still need to review her education today.

Diane Huleva, Secretary/Treasurer – I will rescind my motion.

Robin Graber, Board Member – I will rescind my second.

Motion and Second rescinded

Walter Lopez, Board Member – What is the massage practical for 250 hours? What kind of techniques do you learn?

Xiang Ju Wang via Wei Me Borgel – The basics like how to start a massage.

Lisa Cooper, Executive Director – So, what I’m hearing is that you think the education is lacking. What subject is delinquent? Do we need more Anatomy and Physiology?

Michael Smith, Vice Chairperson – I think at this point it would be easier to deny the application based on lack of education and have her get additional schooling.

Motion: Michael Smith made a motion to deny the application based on lack of education NRS 640C.400 (4)

Second: Walter Lopez

Motion Carries Unanimously

- h. Review Application of Jinggong Zhou – present

Lisa Cooper, Executive Director – Mr. Zhou’s application is before you today because he went to school in Texas. When he finished school, he went to California to get his certification. He then obtained his Texas license as a transfer from California without

a background check. He took the MBLEx on December 15, 2011 and used American International Vocational College as his school of completion. That school is on the CAMTC's list of schools they no longer accept. Mr. Zhou applied to the CAMTC and was granted his certification April 2, 2013, which was before they started denying that school. Mr. Zhou then attended Therapeutic Body Concepts from February of 2014 to July of 2014. Staff is requesting that Mr. Zhou's application be tabled pending a background check. Mr. Zhou has handed us a copy of his transcript and it has a couple of differences from the official transcript we received directly from the school.

Motion: Robin Graber made a motion to table the application for a fingerprint background check and more information about this school.

Second: Michael Smith

Motion Carries Unanimously

- i. Review Application of Yuxia Zhou – present, Wei Me Borgel, Court Interpreter - present

Lisa Cooper, Executive Director – Ms. Zhou's application is before you today due to education that was received from a school that is not approved. She is requesting to be granted a license under NRS 640C.400. This school is on the Nevada list of schools we do not accept. The school code was revoked on 2/10/15 and the revocation is due to an investigation.

Robin Graber, Board Member – Did they give us the dates for the investigation?

Lisa Cooper, Executive Director – Normally what will happen is they will attempt to purchase a transcript and if they are successful, they will revoke the school code.

Diane Huleva, Secretary/Treasurer – I am looking at the transcript and if we add up all the hours and it comes to 1530 hours and not 1000 hours, to me, that says fraudulent.

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

Second: Walter Lopez

Motion Carries Unanimously

- j. Review Application of Drake Little – present

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

Drake Little, Applicant – The reason I didn't disclose the criminal history is because I was misinformed that I didn't need to unless I had felonies. When I found out I needed the information, I went to California to get the information you requested. Whatever happened, happened years ago and I have put the past behind me.

April Whiting, Board Chairperson – Do you have anything Andy?

Sgt. Andy McDermott, Board Member – It looks like there is a speeding ticket and there is a warrant for his arrest out of Utah.

Michael Smith, Board Vice Chairperson – That's a bench warrant for the speeding ticket, right?

Sgt. Andy McDermott, Board Member – That is correct.

Diane Huleva, Secretary/Treasurer – I just want to make sure I am reading the paperwork right; is there still an outstanding balance of \$968 for the incident out of San Diego?

Lisa Cooper, Executive Director – The paperwork shows that he is currently making payments.

Motion: Robin Graber made a motion to approve the license only after he provides proof that he has cleared the warrant in Utah and is making payments on the fine in San Diego.

Second: Diane Huleva

Motion Carries Unanimously

k. Review Application of Ashley Nichole Perkins – present

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

Ashley Perkins, Applicant – I was unaware that the criminal history would show up because it was dropped.

Lisa Cooper, Executive Director – The case was dismissed per negotiations which is different than when a charge is dropped. Dismissed per negotiations is when you have to fulfill certain conditions or requirements of the court before it can be dismissed.

Ashley Perkins, Applicant – I was 18 and in my genius 18 year old brain I got into a tiff with my mom. She took my phone and I decided to take hers and try to call a cab to go to Reno. She called the cops and I was arrested. I was in jail for a day and she told me that she was dropping the charges and she picked me up.

Robin Graber, Board Member – Have you done any sort of counseling?

Ashley Perkins, Applicant – Yes, we have a good relationship now. At the time things were very heated. I had just moved back from Arkansas. She didn't like my boyfriend

at the time and things escalated quickly. I'm 21 now and I've learned to calm myself instead of rushing into anger and I've grown up.

Motion: Diane Huleva made a motion to approve.

Second: Walter Lopez

Motion Carries Unanimously

- I. Review Application of Sonja Ramirez – 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. On April 17, 2015, Ms. Ramirez came before the Board and was ordered to take the EBAS exam. Ms. Ramirez did take the exam, however she did not receive a passing score in all the categories. I have enclosed all of the pertinent materials. She is requesting to be granted a license under NRS 640C.400.

Sonja Ramirez, Applicant - This test was an essay examination. I had to write four different essays on five different scenarios. I did look at the website and ordered books to study from Amazon but they were more geared towards law. I asked my teachers to see if they had ever heard of this test. I took the test and thought I did well, but I did not pass. The option is there to retake it but it is \$1,500. I was hoping the Board could grant me a Probation License and I could show you that my character now is different than it was in my past. I can't change my past, but I have been clean for three years now.

April Whiting, Chairperson – What have you changed?

Sonja Ramirez, Applicant – I go to meetings like Celebrate Recovery, I go to church and I spend my time with my family. I don't hang out with anyone from my past that was a bad influence.

Motion: Robin Graber made a motion to grant a Probation License for 5 years with the following conditions: 2,3,5,6,7,8,9,12-16 and she will provide us with proof that she is attending the weekly Celebrate Recovery meeting.

Second: Walter Lopez

Motion Carries Unanimously

- m. Review Application of Sydney Ramsdell- not present

Lisa Cooper, Executive Director – Ms. Ramsdell'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. Andy McDermott, Board Member – Currently Ms. Ramsdell has a warrant out for her arrest. It looks like they were traffic tickets that have now gone to warrant.

Motion: Michael Smith made a motion to deny based on NRS 640C.700 (3)

Second: Robin Graber

Motion Carries Unanimously

- n. Review Application of Wipa Sutthiprapa – present, Courtney Nelson, Attorney – present

Lisa Cooper, Executive Director – Ms. Sutthiprapa’s application is before you today due to criminal history that could not be administratively approved. On March 21, 2014, Ms. Sutthiprapa’s application was denied by the Board under NRS 640C.700 (1) – Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government. The disposition of the case is as follows: Dismissed per negotiations. She is requesting to be granted a license under NRS 640C.400.

Diane Huleva, Secretary/Treasurer – So, in 2014 the application was denied because she didn’t disclose the 2009 arrest for soliciting?

Courtney Nelson, Attorney – It was ultimately dismissed.

Lisa Cooper, Executive Director – It was dismissed per negotiations. She probably had to attend a class and pay a fine, etc.

Courtney Nelson, Attorney - That is correct.

Motion: Michael Smith made a motion to approve the license with a 3 year probation and the following conditions: 2,3,5,7,8,12-16

Second: Diane Huleva

Motion Carries Unanimously

- o. Review Application of Dan Wang – present, Edward Chen, Interpreter – present

Lisa Cooper, Executive Director – Ms. Wang’s application is before you today due to criminal history that could not be administratively approved. Ms. Wang did not disclose the incident. The disposition of the case is as follows: Ms. Wang pled guilty to Solicitation of Prostitution and forfeited \$500 in cash bonds, received a suspended jail sentence and agreed to attend AIDS awareness counseling.

Diane Huleva, Secretary/Treasurer – I just want to clarify that in 2013, she received a Citation for practicing without a license and was arrested for Solicitation and since that time she has attended school?

Dan Wang, Applicant via Edward Chen, Interpreter – Yes

Diane Huleva, Secretary/Treasurer – When she attended school, how did she get through the classes? Did she have an interpreter?

Dan Wang, Applicant via Edward Chen, Interpreter – Her daughter is a college student and she helped her at home. In class, the other students helped her.

Sgt. Andy McDermott, Board Member – In the arrest report it says that Ms. Wang initiated the illegal contact, but in her statement she said that she didn't engage in anything at all.

Dan Wang, Applicant via Edward Chen, Interpreter – She says she was not the one who initiated the illegal contact.

Sgt. Andy McDermott, Board Member – So the Officer is incorrect?

Dan Wang, Applicant via Edward Chen, Interpreter – Yes.

Sgt. Andy McDermott, Board Member reads from the police report about Ms. Wang's conversation with the undercover Officer.

April Whiting, Chairperson – Why did she plead NOLO if she is denying that anything happened?

Dan Wang, Applicant via Edward Chen, Interpreter – She was trying to do whatever she could to get it dismissed.

Robin Graber, Board Member – How did she get a 737 on the MBLEx if her English is so poor?

Diane Huleva, Secretary/Treasurer – I was wondering how she took tests at the school if her English is not good? Did she have an interpreter or did they give her the tests in Chinese?

Dan Wang, Applicant via Edward Chen, Interpreter – Her daughter came with her to school and interpreted for her. Sometimes the other students would help her.

April Whiting, Chairperson – What about the MBLEx test?

Dan Wang, Applicant via Edward Chen, Interpreter – She can remember the questions and the answers.

Motion: Michael Smith made a motion to deny the application based on NRS 640C.700 (1) and (3)

Second: Diane Huleva

Motion Carries Unanimously

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

- a. 2016 Year To Date Budget

Lisa Cooper, Executive Director – In one of our past meetings we discussed the financials and decided that we would cut out lunch for the Board Meetings. We are now changing that so we will be having lunch and Vegas will have lunch and coffee.

Motion: Diane Huleva made a motion to approve the budget

Second: Michael Smith

Motion Carries Unanimously

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

- a. August 28, 2015

April Whiting, Chairperson – I thought page four was a little lacking. I know more was said.

Lisa Cooper, Executive Director – The problem was that most of the talking was being done by the husband and we were trying to only include the testimony of the person who received the Citation.

Motion: Diane Huleva made a motion to approve.

Second: Robin Graber

Motion Carries Unanimously

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

- a. Moving Las Vegas Office within the same complex

Lisa Cooper, Executive Director – We won't be using the Attorney General's Office anymore, so we are currently looking at meeting space to have the Board Meetings. We are waiting to get numbers back on some meeting space within the same complex as the Las Vegas office. We really like the facility we are using today at the Nevada Department of Transportation.

- b. Executive Director Communication to Executive Committee

Lisa Cooper, Executive Director – Our database system is stabilizing now and we are looking to implement other sections of the system in the future. We are working towards online applications and then building the inspection/establishment section.

- c. Contract with Platt Law Group

Motion: Robin Graber made a motion to approve the contract

Second: Diane Huleva

Motion Carries Unanimously

13. Public Comment

None

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 Reviews
 - i. H&H Strategic Partners, LLC
 - ii. Quantum Workplace
- h. Sanitation Regulations
- i. Current Fu Zu Ba Curriculum
- j. Invitations to each school to attend Board Meetings
- k. Check the language on Continuing Education forms

Robin Graber, Board Member – At a future meeting, could we revisit the requirements for NAC 640C.100 (1) which is the Continuing Education requirement for renewals?

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

Motion: Michael Smith made a motion to adjourn at 1:02

Second: Diane Huleva

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
Nevada State Library, 100 South Stewart Street, Carson City, NV
Carson City Public Library, 901 North Roop Street, Carson City, NV
Department of Public Safety, 500 Wright Way, Carson City, 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