

BOARD MEMBERS
April Whiting, Chair
Vacant, Vice Chair
Diane Huleva, Secy/Treas.
Robin Graber
Deirdre Strunk
Margaret Westcamp
Gayle Ferruccio
Teresa Lopez
Sergeant Ailee Burnett



**Nevada State Board
of Massage Therapists**
1755 E. Plumb Lane Suite 252
Reno, NV 89502
Reno - Phone (775) 687-9955
Las Vegas – Phone (702) 486-2212
Fax (775) 786-4264

Email: nvmassagebd@state.nv.us
Website: <http://massagetherapy.nv.gov>

MEETING MINUTES

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

DATE: August 26, 2016
START TIME: 9:00 a.m.
LOCATION: VIDEO CONFERENCE LOCATIONS:

Las Vegas Location
Nevada Housing Division
7220 Bermuda Road, Suite B
Las Vegas, NV 89119

or

Carson City Location
Nevada Housing Division
1535 Old Hot Springs Road, Suite 50
Carson City, NV 89706

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

Billie Shea, Licensed Massage Therapist – I want to begin this statement by saying it is such a privilege to have been a part of the Nevada Massage Board and to see it growing and evolving as time passes. You have all shown your dedication to the profession by giving your time, through your diligence and discernment of the issues. During my tenure on the Nevada State Board of Massage Therapists, I spent two years as a delegate to the Federation of State Massage Therapy Boards followed by two years as a Director. In

all that time, I learned a lot. I gained insight into what problems plagued other states, met a lot of other Board Members and Directors from member states and made lasting relationships. I also went to some pretty places including Puerto Rico, New Orleans and Redondo Beach. All of which was sponsored as part of our membership in the Federation. My own relationship with the Federation of State Massage Therapy Boards did not end well. Some of the people on that Board as well as staff, found my native Nevada behavior to be a bit prickly. As a native Nevadan, I identify myself as more of a cactus than a rose petal. In a way, I am grateful to the Federation of State Massage Therapy Boards, they certainly made me stronger. Let's just say if I had it to do over again, I would not. What I hope I can relate to you today is that before you spend money that you are entrusted with, you should kick the tires, look under the hood and double check the odometer. Your dollars spent should yield products and services that enhance your regulatory ability while also protecting the licensees. The benefits of the membership should be carefully evaluated. After all, you still get to use the exam, you still get access to the published information and developing relationships with other Boards in other states is easy. Finally, I think your agenda for this item should allow for a more democratic process. Your Executive Director might be the person you want to be your delegate, but that should be through legitimate consideration by the Board. You are all eligible to act as a delegate. You, as Board Members are entrusted with all things relating to the Board business. I know you understand this, but I want to remind you that it is within your power to turn over the page to read the whole story. Information has been and continues to be given to you showing only one side of an issue. It is your duty to examine all the facts which means asking more questions, doing your own research and never taking anyone's word for anything. After all, your previous Board felt the only real benefit of the membership.....copy for the record attached.

April Whiting, Chairperson – I am sorry Ms. Shea, your 3 minutes are up. Thank you so much for your comment. You may provide a written copy for us, if you would like.

Ashlee Tatler, General Manager at Professional Massage – I just want to introduce myself. This is my first meeting.

Erick Sewell, Applicant – I am currently employed at Massage Envy. I am here for my first meeting.

2. Roll Call of Board Members

Board Members Present: April Whiting, Diane Huleva, Robin Graber, Teresa Lopez, Deirdre Strunk, Margaret Westcamp, Gayle Ferruccio, and Sgt. Ailee Burnett.

Staff Present: Sandy Anderson – Executive Director, Tereza VanHorn – Executive Assistant, Christy Brunner – Field Inspector II, Arianna Clifford – Administrative Assistant, Moses Haynes – Field Inspector II, Keith Marcher – Board Counsel, and Colleen Platt – Board Counsel.

3. Election of officers – Chairperson, Vice-Chairperson, and Secretary/Treasurer

a. Chairperson

Teresa Lopez nominated April Whiting for Chairperson.
Diane Huleva seconded the nomination.

Motion: Teresa Lopez nominated April Whiting

Second: Deirdre Strunk

Motion Carries Unanimously

b. Vice Chairperson

Robin Graber nominated Diane Huleva for Vice Chairperson.
April Whiting seconded the nomination.

Motion: Teresa Lopez nominated Diane Huleva

Second: Robin Graber

Motion Carries Unanimously

c. Secretary/Treasurer

Robin Graber nominated Deirdre Strunk for Secretary/Treasurer.
Teresa Lopez seconded the nomination.

Motion: Robin Graber nominated Deirdre Strunk

Second: Teresa Lopez

Motion Carries Unanimously

4. Formal Hearing

a. Jianping Wang Avellar – NVMT-C-1627

Colleen Platt, Board Counsel – I am requesting this issue be tabled until the next meeting.

No Motion Needed

b. Li Ma – NVMT-C-1628 – Present, Xiao Ling Hays, Court Interpreter – Present

Keith Marcher, Board Counsel – I am going to swear in everyone that is going to give testimony. The interpreter also needs to be sworn in. Everyone please raise your right hand. Do each of you swear to tell the truth, the whole truth and nothing but the truth?

Sandy Anderson, Executive Director – I do.

Li Ma via Xiao Ling Hays, Court Interpreter – I do.

Xiao Ling Hays, Court Interpreter – I do.

Colleen Platt, Board Counsel – I would like to call Sandy Anderson to the stand. Sandy can you please tell us your name for the record?

Sandy Anderson, Executive Director – Sandy Anderson.

Colleen Platt, Board Counsel – Who is your employer?

Sandy Anderson, Executive Director – The Nevada State Board of Massage Therapists.

Colleen Platt, Board Counsel – What is your title?

Sandy Anderson, Executive Director – Executive Director.

Colleen Platt, Board Counsel – Are you familiar with Ms. Li Ma?

Sandy Anderson, Executive Director – I am.

Colleen Platt, Board Counsel – How did you become familiar with her?

Sandy Anderson, Executive Director – I received a letter from the Federation of State Massage Therapy Boards, notifying me of her test score was invalidated.

Colleen Platt, Board Counsel – Do you have the letter in front of you?

Sandy Anderson, Executive Director – Yes, I do.

Colleen Platt, Board Counsel – Was this received in the normal course of business?

Sandy Anderson, Executive Director – Yes, it was.

Colleen Platt, Board Counsel – At this time Madame Chair I would like to introduce the letter, unless there is an objection? This letter is from the Federation of State Massage Therapy Boards stating that her score was invalid.

April Whiting, Chairperson – I will allow.

Colleen Platt, Board Counsel – Is Ms. Li Ma indicated on this list?

Sandy Anderson, Executive Director – Yes, she is.

Colleen Platt, Board Counsel – What does this letter indicate to you?

Sandy Anderson, Executive Director – This letter indicates that her qualifying examination to practice massage has been invalidated.

Colleen Platt, Board Counsel – Is she able to sit for the exam again?

Sandy Anderson, Executive Director – Yes, in one year.

Colleen Platt, Board Counsel – Is this exam one of the requirements for licensure?

Sandy Anderson, Executive Director – Yes, it is.

Colleen Platt, Board Counsel – I have no further questions.

Li Ma via Xiao Ling Hays, Court Interpreter – No questions for Ms. Anderson.

Li Ma via Xiao Ling Hays, Court Interpreter – Ms. Ma received the letter late. She never received this letter by email. Since she received the letter late, she was unable to appeal or respond to this letter. After June of 2017, she can re-take the test.

Keith Marcher, Board Counsel – Does Ms. Ma understand why she is here today? This letter indicates her test scores are invalid. Therefore she did not pass her test. Which means that the license that she currently has is invalid, because she currently does not meet the requirements for licensure. That is what is being alleged here. Does she disagree with any of that?

Li Ma via Xiao Ling Hays, Court Interpreter – Now she understands.

Keith Marcher, Board Counsel – What we have to decide is what to do, since she currently has an active license.

Colleen Platt, Board Counsel – If she is agreeable to this offer, Ms. Ma would surrender her license today for one year. Once she re-takes the exam and passes then she can re-apply.

Li Ma via Xiao Ling Hays, Court Interpreter – Would you waive the application fees?

Sandy Anderson, Executive Director – She would be a new applicant; therefore the fees would be imposed on Ms. Ma.

Keith Marcher, Board Counsel – Does she agree with the terms?

Li Ma via Xiao Ling Hays, Court Interpreter – Yes, I agree.

Motion: Robin Graber made a motion to accept the voluntary surrender.

Second: Teresa Lopez

Motion Carries Unanimously

- c. Hong Zhou Ou – NVMT-C-1614 – Not Present

Colleen Platt, Board Counsel – As you can see from the Complaint Notice of Hearing, Ms. Ou was arrested for solicitation. It is her first offense and there is currently a standard settlement that I can offer her. She chose to suspend her license for 60 days and to pay the administrative fine of \$2,750.00 and administrative costs of \$750.00. I ask that you accept this offer.

Motion: Robin Graber made a motion to accept the agreement.

Second: Diane Huleva

Motion Carries Unanimously

- d. Ying Ma NVMT #2204 – NVMT-C-1628 – Not Present

Colleen Platt, Board Counsel – As you can see from the Complaint Notice of Hearing, this is her third offense regarding solicitation. I have a settlement agreement for a voluntary surrender of her license. I ask that you accept this offer.

Motion: Robin Graber made a motion to accept the agreement.

Second: Gayle Ferruccio

Motion Carries Unanimously

5. Acceptance of Voluntary Surrender in Lieu of Other Disciplinary Action.

- a. Christopher Garcia – NVMT-C-1626 – Not present

Colleen Platt, Board Counsel – As you can see in your Board packet, Mr. Garcia is alleged to have inappropriately touched a client while performing a massage. As you can see, he has agreed to surrender his license. I ask that you accept this offer.

Motion: Teresa Lopez made a motion to accept the voluntary surrender.

Second: Deirdre Strunk

Motion Carries Unanimously

6. Citation Appeal

- a. Dong Zhiyong – Not present

Colleen Platt, Board Counsel – Mr. Zhiyong has rescinded his appeal of the citation. The citation has been paid in full.

No Motion Needed

7. Discussion and possible action regarding the benefits of Joint Representation by Chief Deputy Attorney General Brent Kandt.

Brent Kandt, Chief Deputy Attorney - I wanted to reach out and introduce myself and let you know that I am always available and the resources of our office are also always available to you to the extent that you need them. There is some value in seeking an official opinion from my office on a matter of law, that you may be confronted with. Because if you rely on our advice, even if we get it wrong, you are protected.

The second matter is the service of documents on your office. Whenever you are served with documents that maybe in question, please contact our office to let us know what was received and what the documents pertain to. We can determine whether our office was served. The NRS requires that a complaint in a law suit or a petition for judicial review, be served on both your office and ours. We can determine whether service has been properly made in compliance with the law. That triggers response times and we need to determine appropriate defenses or responses.

The third point is if for some reason, neither Keith nor Colleen were available, I just want to emphasize that my office is available to sit as your Board Counsel in those situations.

Finally, I wanted to also indicate that although Boards have a lot of autonomy, you are not part of the State budget system. When it comes to signing contracts or leases, those documents still require a review by my office. And they still have to be approved and reviewed in conformance for contracts with the State Contracting laws set forth in NRS 333 and for leases in conformance with NRS 331. Once again it is simply to protect you. Thank you again for this opportunity.

8. Probation Termination

- a. Aubrey Arcadipane

Sandy Anderson, Executive Director - Ms. Arcadipane came before the Board on March 8, 2013. Ms. Arcadipane was granted a Probationary License for 1 year with the following conditions: 9, 10, 11, 12, 13, and 14. Ms. Arcadipane has met all the requirements requested by the Board. It is my recommendation to terminate probation.

Motion: Diane Huleva made a motion to approve the termination of probation.
Second: Robin Graber

Motion Carries Unanimously

9. **Discussion regarding the programs of massage therapy approved by the California Massage Therapy Council and the possible approval of those current programs and any future programs CAMTC may approve as massage programs recognized by the Board for obtaining a license as a massage therapist from the Board pursuant to NRS 640C.400.**

Motion: Diane Huleva made a motion to accept the CAMTC's approved school list and as the pending schools become approved the Board will accept them. Schools that are denied by the CAMTC will also be denied in Nevada.

Second: Robin Graber

Motion Carries Unanimously

10. **Discussion and possible action regarding revising Board policy that every license application that lists a program of massage therapy from a school located in California as the education of the applicant must be reviewed by the Board during an open meeting and authorizing staff to approve license applications which list a school approved by the California Massage Therapy Council (CAMTC) without Board review. (For Discussion and Possible Action)**

Motion: Teresa Lopez made a motion to approve.

Second: Diane Huleva

Motion Carries Unanimously

11. **Application Review**

- a. Licenses approved and authorized by the Chairperson

Motion: Diane Huleva made a motion to accept the licenses approved.

Second: Teresa Lopez

Motion Carries Unanimously

- b. Lihong Guan – Not Present

Motion: Diane Huleva made a motion to table until next meeting.

Second: Teresa Lopez

Motion Carries Unanimously

c. Fang-Li Shi – Not Present

Sandy Anderson, Executive Director - Ms. Shi's application is before you today due to education that cannot be approved administratively. Ms. Shi received her education in California. Ms. Shi's application was tabled on April 29, 2016 and June 24, 2016 pending review by the CAMTC of Angeles College. The CAMTC has not completed their evaluation of the school and has not added Angeles College to their list of approved schools. Ms. Shi has attended AMO Nevada Massage and Reflexology School. Ms. Shi is requesting to be granted a license under NRS 640C.420. The background check was completed. I did request her hours of attendance and her hours recorded were 520 hours over the course of 3 months.

Motion: Teresa Lopez made a motion to approve.

Second: Margaret Westcamp

Motion Carries Unanimously

d. Jing Wang – Not Present

Motion: Diane Huleva made a motion to table until next meeting.

Second: Teresa Lopez

Motion Carries Unanimously

e. Lu Kao – Present

Sandy Anderson, Executive Director - Ms. Kao's application is before you today due to education that cannot be approved administratively. Ms. Kao received her education in California. Ms. Kao's application was tabled on April 29, 2016 and June 24, 2016 pending review by the CAMTC of David's Academy of Beauty. The CAMTC has not completed their evaluation of the school and has not added David's Academy of Beauty to their list of approved schools. Records were requested from the applicant and have been provided. Ms. Kao is requesting to be granted a license under NRS 640C.420. My recommendation is for the Board to review her transcript and make a decision based off her transcript.

Diane Huleva, Secretary/Treasurer – If you look at her transcript, it only reflects 10 hours of Anatomy and Physiology. She does not meet the Nevada standard.

Motion: Diane Huleva made a motion to deny this application at this time. If applicant takes 100 hours of anatomy and physiology and provides proof to staff, then staff can approve/deny administratively.

Second: Teresa Lopez

Motion Carries Unanimously

f. Ru Smith – Not Present

Sandy Anderson, Executive Director - Ms. Smith's application is before you today due to education that cannot be approved administratively. Ms. Smith's application was tabled on June 24, 2016 pending additional information. Ms. Smith received her education in California at David's Academy of Beauty. The CAMTC's review of David's Academy of Beauty is still pending. Ms. Smith is requesting to be granted a license under NRS 640C.420.

Motion: Diane Huleva made a motion to deny this application. If the applicant takes 100 hours of anatomy and physiology and provides proof to staff, then staff can approve/deny administratively.

Second: Robin Graber

Motion Carries Unanimously

g. Wei Geng - Present, Wai Mei Borgel, Court Interpreter – Present, Kirk Kennedy, Attorney – Present

Sandy Anderson, Executive Director - Ms. Geng's application is before you today due to education from California and potential criminal history that could not be approved administratively. Ms. Geng's application was tabled at the June 24, 2016 meeting. The CAMTC has not completed their evaluation of David's Academy of Beauty. Some of the records requested have been provided. Ms. Geng is requesting to be granted a license under NRS 640C.420.

Kirk Kennedy, Attorney – You just heard an applicant that attended the same school as my client which is David's Academy of Beauty which is on the pending list in California. As I sat here, and I listened to the argument, I am somewhat troubled by what the Board is saying. You need 100 hours of anatomy and physiology, which is fine. However, as I look through the Nevada Administrative Code, the Nevada Revised Statute and the Nevada State Board website where it states what an applicant would need to get a license in Nevada, you need a certificate of completion from a massage program that contains a minimum of 500 hours. My client has 600 hours, yet we come to the Board meetings, and the Board decides that the applicants do not have enough hours in anatomy and physiology. Where is that break down? Where does it state that each applicant needs 100 hours of anatomy and physiology? Your website only states 500 hours of education from an approved massage program. Why is the applicant not made aware of the hour requirements? Why is that not on your website? Why is that not on your application form? If Nevada has those standards, then why are those standards not made public to prevent these situations?

Diane Huleva, Secretary/Treasurer – Mr. Kennedy, we are on the same page. As far as future agenda items go, we cannot adopt that today. It should be in the

application. We cannot discuss this topic during this application that we have in front of us right now. However, it is something we will be addressing as a future agenda item at our next meeting. As you know, everything has to be a bullet point item.

Motion: Diane Huleva made a motion to deny this application at this time. If applicant takes 100 hours of Anatomy and Physiology and provides proof to staff, then staff can approve/deny administratively.

Second: Robin Graber

Motion Carries Unanimously

- h. Courtney Nguyen – Not Present

Motion: Diane Huleva made a motion to table this application until next meeting.

Second: Teresa Lopez

Motion Carries Unanimously

- i. Xinmei Wang – Not Present

Sandy Anderson, Executive Director - Ms. Wang's application is before you today due to education that cannot be approved administratively. Ms. Wang received her education in California. Ms. Wang's application was tabled on April 29, 2016 and June 24, 2016 pending review by the CAMTC of Santa Ana Beauty College. The CAMTC has completed their evaluation of the school and has not added Santa Ana Beauty College to their list of approved schools. Records were requested from the applicant and have not been provided. Ms. Wang recently completed AMO School of Nevada. Ms. Wang is requesting to be granted a license under NRS 640C.420. The background check has been completed. I did request her hours of attendance and her hours recorded were 526 hours over the course of 3 months. My recommendation is to approve this applicant.

Motion: Diane Huleva made a motion to approve the license.

Second: Teresa Lopez

Motion Carries Unanimously

- j. Zengxin Yuan - Not Present

Sandy Anderson, Executive Director - Mr. Yuan's application is before you today due to education that cannot be approved administratively. Mr. Yuan received his education in California. Mr. Yuan's application was tabled on April 29, 2016 and June 24, 2016 pending review by the CAMTC of Santa Ana Beauty College. The CAMTC has completed their evaluation of the school and has not added Santa Ana Beauty College to their list of approved schools. Mr. Yuan recently completed

AMO School of Nevada. Mr. Yuan is requesting to be granted a license under NRS 640C.420. The background check has been completed. I did request her hours of attendance and her hours recorded were 529 hours over the course of 3 months. My recommendation is to approve this applicant.

Motion: Teresa Lopez made a motion to approve the license.

Second: Gayle Ferruccio

Motion Carries Unanimously

- k. Sarah Anderson – Not Present

Motion: Diane Huleva made a motion to table this application until next meeting.

Second: Teresa Lopez

Motion Carries Unanimously

- l. Walter Leite – Present

Sandy Anderson, Executive Director - Mr. Leite's application is before you today due to education that cannot be approved administratively. Mr. Leite received education in California and Hawaii. Mr. Leite's application was tabled at the November 14, 2014 meeting due to outstanding warrants. Those warrants were paid April 18, 2016. He is reapplying. Mr. Leite is requesting to be granted a license under NRS 640C.420. The background check was completed.

Diane Huleva, Secretary/Treasurer – Mr. Leite, you paid all your fines, correct?

Walter Leite, Applicant – Yes, I did.

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

Second: Gayle Ferruccio

Motion Carries Unanimously

- m. Erick Sewell – Present

Sandy Anderson, Executive Director - Mr. Sewell's application is before you today due to education that cannot be approved administratively. Mr. Sewell received his education in California. The CAMTC's review of California Healing Arts College is pending. Mr. Sewell is requesting to be granted a license under NRS 640C.420. The background check was completed. It is my recommendation that you review his transcript and make a decision on his license.

Erick Sewell, Applicant – I currently work at Massage Envy. I currently change the tables, clean the spa, and fold towels. I have been at Massage Envy since April 2016. I am currently licensed in New Mexico.

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

Second: Deirdre Strunk

Motion Carries Unanimously

- n. Victoria Dougherty – Not present

Motion: Diane Huleva made a motion to table this application until the next meeting.

Second: Teresa Lopez

Motion Carries Unanimously

- o. Sierra Rosival – Present

Sandy Anderson, Executive Director – Ms. Rosival's application is before you today due to education that cannot be approved administratively. Ms. Rosival received her education in California. Ms. Rosival is requesting to be granted a license under NRS 640C.420. This particular school is currently closed. I did contact the CAMTC and they are not on the approved list because they are not open. The CAMTC approved this school prior to the closure.

Motion: Robin Graber made a motion to approve the license with no restrictions.

Second: Teresa Lopez

Motion Carries Unanimously

- p. Alyssa Baskiewicz – Present

Sandy Anderson, Executive Director - Ms. Baskiewicz's application is before you today due to education that cannot be approved administratively. Ms. Baskiewicz received her education in California. The CAMTC's review of School of Holistic Touch has been approved. Ms. Baskiewicz is requesting to be granted a license under NRS 640C.420. It is my recommendation to grant her a license.

Motion: Teresa Lopez made a motion to approve the license.

Second: Deirdre Strunk

Motion Carries Unanimously

- q. Hui Chun Myers – Present, David Lin, Interpreter – Present

Sandy Anderson, Executive Director - Ms. Myers's application is before you today due to education that cannot be approved administratively. Ms. Myers received her education in California. The CAMTC has not approved nor do they have an application pending for approval for Just For You Health College of Massage. Ms. Myers is requesting to be granted a license under NRS 640C.420. It is my recommendation that you review her transcript and application prior to making a decision.

Diane Huleva, Secretary/Treasurer – I am looking at the time sheets and some of the hours she completed were 16 or 17 hour days?

Hui Chun Myers via David Lin, Interpreter – Yes, the school is open early in the morning until late at night. I wanted to complete the courses as quickly as possible.

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

Second: Deirdre Strunk

Motion Carries Unanimously

- r. Yan Rong Cao – Present, Xiao Ling Hays, Interpreter – Present

Sandy Anderson, Executive Director - Ms. Cao's application is before you today due to education that cannot be approved administratively. Ms. Cao received her education in California. Milpitas Massage College is not on either the CAMTC's approved schools or pending applications lists. Ms. Cao is requesting to be granted a license under NRS 640C.420. It is my recommendation that you review her transcript and make a decision today.

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

Second: Teresa Lopez

Motion Carries Unanimously

- s. Hong Yang – Present, Patrick Riley, Husband – Present

Sandy Anderson, Executive Director - Ms. Yang's application is before you today due to education that cannot be approved administratively. Ms. Yang received her education in California. Ms. Yang has been licensed in Illinois since 2008 and has completed the continuing education requirements of the State of Illinois during that time frame. Ms. Yang is requesting to be granted a license under NRS 640C.420. It is my recommendation that you grant her a license.

Motion: Teresa Lopez made a motion to approve the license.

Second: Gayle Ferruccio

Motion Carries Unanimously

t. Shanhua Li – Not Present

Sandy Anderson, Executive Director - Ms. Li's application is before you today due to education that cannot be approved administratively. Ms. Li received her education in California. The University of East-West Medicine has an application pending with the CAMTC. Ms. Li is requesting to be granted a license under NRS 640C.420.

Motion: Deirdre Strunk made a motion to approve the license.

Second: Teresa Lopez

Motion Carries Unanimously

u. Nikki Allen – Present

Sandy Anderson, Executive Director - Ms. Allen's application is before you today due to potential criminal history that could not be approved administratively. Ms. Allen is requesting to be granted a license under NRS 640C.700.

Robin Graber, Board Member – How old were you when you got your first DUI?

Nikki Allen, Applicant – I was 21 years old.

Teresa Lopez, Board Member – Was that in 2009?

Nikki Allen, Applicant – Yes.

April Whiting, Chairperson – Did you take any classes?

Nikki Allen, Applicant – Yes, quite a few AA classes and counseling. I did all of that and paid the fines. So then that case was closed. Then I was stuck in a situation where I then obtained 2 more DUI charges. I took care of those two cases. My most recent case is still open and I am still paying the fines for it, but everything else has been completed.

Sgt. Ailee Burnett, Board Member – How many total DUI's do you have?

Nikki Allen, Applicant – Three.

Robin Graber, Board Member – When you say you completed AA, does that mean you completed a couple of classes and you do not go anymore?

Nikki Allen, Applicant – Yes.

Robin Graber, Board Member – So you are currently not attending meetings?

Nikki Allen, Applicant – No.

Robin Graber, Board Member – Do you still drink?

Nikki Allen, Applicant – Yes, on occasion. I do not drink like I did.

Diane Huleva, Secretary/Treasurer – From your July 2014 incident are you still on probation or are you just paying your fines?

Nikki Allen, Applicant – I am on a stay out of trouble clause. If I get in trouble while still paying my fines, I will go to jail.

Diane Huleva, Secretary/Treasurer – How much do you still owe?

Nikki Allen, Applicant – I still owe \$700.00. My current payment plan is set for \$100.00 per month.

Sgt. Ailee Burnett, Board Member – Obviously from the law enforcement stand point we have a concern. We are not just talking about 1 DUI, you have 3 DUI's. You have 2 DUI convictions within a 7 year period and 1 DUI would be a felony arrest. The only reason why the 3rd arrest was not a felony was because your first arrest was reduced. Otherwise your 3rd arrest would have been considered a felony crime. The timeline from 2009-2013, then 2013-2014 are very close together. So looking at that, it shows you have a substance abuse problem with alcohol, and you have a clear disregard for the laws of the State of Nevada. Your driver's license was revoked; you were stopped while on a revoked driver's license. You are not currently in counseling when it is obvious you have a problem with alcohol. That is definitely a concern from the law enforcement stand point.

Robin Graber, Board Member – She does not take drinking and driving or revocation of her driver's license seriously, why would she take our license seriously?

Teresa Lopez, Board Member – I am concerned she is still not in AA.

Robin Graber, Board Member – I am too, and she still drinks.

Teresa Lopez, Board Member – Do you understand you are not allowed to perform a massage on a client if you are intoxicated?

Nikki Allen, Applicant – Yes, I understand. I understand this is very troubling and concerning. That is why I began to change my life and begin classes at this school; to get out of this routine.

Robin Graber, Board Member – Do you really understand? Cause when you first sat down, you stated you did not understand what this was all about?

Nikki Allen, Applicant – I was not understanding the Board meeting. I did not know what questions you were going to ask, and what the questions pertained to or what needed to be said.

April Whiting, Chairperson – Do you have an employer?

Nikki Allen, Applicant – Yes I do. I work for Fox Smoke House BBQ. It is owned by my family. I have worked there for the last year and a half.

April Whiting, Chairperson – Do you have an employer lined up if we were to give you a massage license?

Nikki Allen, Applicant – I was looking into getting a job at Soothe. Currently I am seeing a guy who is in the Navy and if he gets deployed, then I can relocate. I need to get out of the area and I believe that will help me. I grew up here and there are a lot of triggers and a lot of emotional stress and baggage.

Motion: Teresa Lopez made a motion to grant a license with probation for 3 years with the following conditions 1, 4, 6, 9, 10, 12, 13, 14, 15 and 16 plus showing proof of payment for \$700.00 for fine that is outstanding.

Second: Diane Huleva

All in Favor: April Whiting, Teresa Lopez, Robin Graber, Diane Huleva, Gayle Ferruccio, Deirdre Strunk

Opposed: Margaret Westcamp

Motion Carries

v. Celso Favela – Present

Sandy Anderson, Executive Director - Mr. Favela's application is before you today due to potential criminal history that could not be approved administratively. Mr. Favela is requesting to be granted a license under NRS 640C.700.

Celso Favela, Applicant – I hope you do not judge me based off of my past. Massage Therapy has opened up a lot of windows for me. I do want to help people and to make the world a better place using my touch.

Sgt. Ailee Burnett, Board Member – Honestly this is a concern as it was not that long ago. One of the concerns I have, is that in your statement you stated you were not under the influence?

Celso Favela, Applicant – I was not. I was so confused about the questions that were given to me at the time. The Police Officer asked me if I had marijuana, I told him, “Yes.” He also asked me if I had alcohol. I told him, “Yes.” The Police Officer saw that there were some beers missing out of the case of 24 I had in the vehicle. The Police Officer asked when was the last time I had smoked marijuana? I told him 30 minutes ago. My girlfriend was with me, and she said it was over 2 hours since we had last smoked marijuana. I was scared and confused. I was upset.

Sgt. Ailee Burnett, Board Member – Do you have a medical marijuana card?

Celso Favela, Applicant – No, I do not.

Sgt. Ailee Burnett, Board Member – So you understand that it is a controlled substance and that it is illegal to use or be in possession of marijuana unless you have a medical marijuana card?

Celso Favela, Applicant – Yes, I understand.

Sgt. Ailee Burnett, Board Member – If you are caught with marijuana, it is considered a felony. Are you aware of that?

Celso Favela, Applicant – Ok.

Sgt. Ailee Burnett, Board Member – So that is obviously a concern for us. You are still using marijuana, and you continue to use marijuana without a proper license.

Teresa Lopez, Board Member – If it is not a habit and you know it is illegal, why are you doing it?

Celso Favela, Applicant – If someone has it around me and they offer it, I do not see it as crime. I apologize, but I do not see it as a crime. I am not hurting anyone. If anything, I am hurting my lungs.

Gayle Ferruccio, Board Member – My primary concern is that you were under the influence while you were driving.

Celso Favela, Applicant – I did not do it while I was driving. I had done it at home and got stopped at a later time.

Gayle Ferruccio, Board Member – Do you understand our concern about driving while under the influence?

Celso Favela, Applicant – I do understand the concern.

Gayle Ferruccio, Board Member - What is the concern that we are worried about?

Celso Favela, applicant – Delayed reaction, delayed responses, hurting someone.

Gayle Ferruccio, Board Member – Ok, I just wanted to hear you say it.

Motion: Robin Graber made a motion to grant a license with probation for 2 years with the following conditions 1, 4, 6, 9, 12, 13, 14, 15 and 16 and also attend our medical marijuana presentation today.

Second: Diane Huleva

Motion Carries Unanimously

- w. Traci Jennings – Present, Diane Jennings, Mother - Present, Bobbi Jo Hargrave, Sister - Present

Sandy Anderson, Executive Director - Ms. Jennings' application is before you today due to potential criminal history that could not be approved administratively. Ms. Jennings is requesting to be granted a license under NRS 640C.700.

Traci Jennings, Applicant – I had my license since 2004. I have worked in different spas and casinos. Unfortunately I became involved in a domestically abusive relationship which resulted in my arrest. I have since separated from him. I have attended and completed all of my requirements. This matter has since been dismissed. I have included a letter from my employer. I am hoping to put this incident past me.

Robin Graber, Board Member – Do you still smoke meth?

Traci Jennings, Applicant – No.

Robin Graber, Board Member – Are you in treatment for that?

Traci Jennings, Applicant – I was not required to seek treatment. I did attend counseling sessions.

Robin Graber, Board Member – When was the last time you smoked methamphetamine?

Traci Jennings, Applicant – Three years ago.

Robin Graber, Board Member – Is that something you would do if you were stressed out?

Traci Jennings, Applicant – I did have postpartum depression along with the abusive relationship. I did use that as self-medication.

Diane Huleva, Secretary/Treasurer – So you went to counseling on your own?

Traci Jennings, Applicant – It was required at the beginning, and then after the court order was completed, I continued on my own.

Sgt. Ailee Burnett, Board Member – This is a concern for me. This was only 3 years ago. You were charged with a felony violent crime. You were court ordered to attend counseling for the domestic charge. So you attended anger management classes, correct?

Traci Jennings, Applicant – Yes.

Sgt. Ailee Burnett, Board Member – Did you receive drug counseling? Did you seek out drug counseling?

Traci Jennings, Applicant – No. I did address the drugs with the counselor that I was talking too on a regular basis.

Motion: Robin Graber made a motion to grant a license with probation for 3 years with the following conditions 1, 4, 6, 9, 12, 13, 14, 15 and 16.

Second: Margaret Westcamp

Motion Carries Unanimously

x. Jennifer Nases – Present

Sandy Anderson, Executive Director - Ms. Nases' application is before you today due to potential criminal history that could not be approved administratively. Ms. Nases is requesting to be granted a license under NRS 640C.700.

Jennifer Nases, Applicant – I have been practicing massage for over ten years. I have been licensed in Florida. This incident happened in Florida. I came back to Nevada to care for my father who was ill. I got arrested, but they let me go, due to non-extradition to Florida. After I confirmed my father was ok, I turned myself in to Florida. I completed my probation early, paid all of my fees and I was cleared of all charges.

Robin Graber, Board Member – Ok. Did you write a check to someone or did you receive a check from your client?

Jennifer Nases, Applicant - I gave an outcall massage to a friend. She paid me using a personal check. The check did not have her name on it. It had someone elses name it. She told me it was a friend of hers and that it was ok for her to use. After I was arrested, I found out the check she gave me was stolen. When I deposited the item into my bank account, I was arrested for negotiating a check that was reported as stolen.

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

Second: Diane Huleva

Motion Carries Unanimously

y. Jing Ma Nohrden – Present

Sandy Anderson, Executive Director - Ms. Nohrden's application is before you today due to potential criminal history that could not be approved administratively. Ms. Nohrden is requesting to be granted a license under NRS 640C.700.

Jing Ma Nohrden, Applicant – Five years ago, I made a terrible mistake. It was out of character. I feel so bad. I am a single mother with my daughter. I cannot change my past. I want to be a good person as I have learned from my mistakes. I am a good person today. I hope the Board will give me a chance.

April Whiting, Chairperson – You have not held a massage license since 2010?

Jing Ma Nohrden, Applicant – Yes.

April Whiting, Chairperson – Ok, the Board suspended your license correct?

Diane Huleva, Secretary/Treasurer – We suspended the license in 2010 for 45 days, however she got caught for prostitution a second time. Then on April 15, 2011 she did a voluntary surrender of her license. We are looking at three charges of prostitution within one year's time.

Sgt. Ailee Burnett, Board Member – That is a concern for us. It is one thing to say it was a mistake or I made a poor decision. Then you decide whoa this is really wrong, you get arrested or cited, and then you go on from there. You decided it was ok to do again and you were required to give up your license. Then the third time, you were cited, it was a he said-she said situation; however, it was enough for the client to contact the police because he felt violated. That is not considered prostitution that is more of a sexual offense, because you groped him without his consent. In this instance, you touched his private area, and he stated he did not want to be touched in his private area. This is a concern. This does not look like one bad decision. It looks more like a few bad decisions of the same kind. It shows a pattern of behavior.

April Whiting, Chairperson – Why are you coming back to the Board now?

Jing Ma Nohrden, Applicant – I want to change my life. I want to be a good person.

Teresa Lopez, Board Member – Are you working? How have you been making money since 2011?

Jing Ma Nohrden, Applicant – I have been working at a reflexology establishment and attending school.

Motion: Robin Graber made a motion to deny this application due to NRS 640C.420.

Second: Teresa Lopez

Diane Huleva, Secretary/Treasurer – It is in the public's best interest to deny this application based off the history.

Motion Carries Unanimously

12. Discussion and possible action regarding financial reports and budgetary approvals (For Discussion and Possible Action).

a. 2016 Yearend Budget vs. Actual Expenses

Motion: Diane Huleva made a motion to approve the 2016 budget.

Second: Teresa Lopez

Motion Carries Unanimously

b. 2017 Budget vs. Actual Expenses with adjustments for 2016 approved expenses carried forward to 2017 including out-of-state travel and database completion.

Motion: Teresa Lopez made a motion to accept.

Second: Deirdre Strunk

Motion Carries Unanimously

c. Authorization to invest in Certificates of Deposit

Motion: Diane Huleva approved \$200,000 to be put into a 1 year certificate of deposit.

Second: Teresa Lopez

Motion Carries Unanimously

d. Approval of Lease for Reno office located at 1755 E Plumb Lane, Suites 250, 252, and 254.

Motion: Diane Huleva made a motion to approve.

Second: Robin Graber

Motion Carries Unanimously

- e. Federation of State Massage Therapy Boards (FSMTB) membership information provided by Executive Director Debra Persinger and the Executive Director's attendance as the Nevada delegate at the October 6-8, 2016 meeting in Cleveland, Ohio which is included in the membership.

Debra Persinger provided information regarding FSMTB and explained the Federation's current projects and programs. Robiin Graber voiced her opposition to rejoining the Federation and Model Practice Act.

Motion: Teresa Lopez made a motion to accept the offer from FSMTB for one a year membership with Sandy Anderson as the delegate.

Second: Diane Huleva

All in Favor: April Whiting, Teresa Lopez, Diane Huleva, Gayle Ferruccio, Deirdre Strunk, Margaret Westcamp

Opposed: Robin Graber

Motion Carries

- f. CLEAR NCIT-Basic training for Las Vegas Field Inspector II, Moses Haynes.

Motion: Diane Huleva made a motion to approve.

Second: Teresa Lopez

Motion Carries Unanimously

- g. inLumon module addition for joint collaboration between the municipalities and NSBMT.

Motion: Diane Huleva made a motion to approve.

Second: Gayle Ferruccio

Motion Carries Unanimously

13. Discuss, amend and approve Board meeting minutes

- a. June 24, 2016
- b. July 28, 2016
- c. August 3, 2016

Motion: Diane Huleva made a motion to approve a, b and c.

Second: Teresa Lopez

Motion Carries Unanimously

14. Discussion of inspection numbers January through July 2016 (For Discussion)

No Motion Needed

15. **Discussion and possible action regarding Board developed and sponsored continuing education classes on ethics and scope of practice. (For Discussion and Possible Action)**

Item Not Discussed

16. **Discussion and possible action regarding Regulation LCB File No. R135-14, including, the possible withdrawal or amendment of the regulation. (For Discussion and Possible Action)**

Motion: Teresa Lopez made a motion to call a special meeting to discuss this topic.

Second: Deirdre Strunk

Motion Carries Unanimously

17. **Discussion and possible action regarding the use of Medical Marijuana topicals during massages including presentation from the State of Nevada Department of Health and Human Services – Pam Graber, Education and Information Officer. (For Discussion and Possible Action)**

Handouts attached to minutes.

Motion: Robin Graber made a motion that the Board will take no position at this time. NSBMT will get approval from Health and Human Services to use their PowerPoint presentation on our website for informational purposes only.

Second: Diane Huleva

Motion Carries Unanimously

18. **Discussion and possible revision, amendment or rescission of the existing Board approved disciplinary settlement agreement (For Discussion and Possible Action)**

Item Not Discussed

19. **Discussion and possible action regarding statutory changes including licensure of establishments, the practice of reflexology as a massage modality, and the possible drafting of legislation for the next Legislative Session. (For Discussion and Possible Action)**

Motion: Teresa Lopez made a motion to seek Legislation to require Reflexology and Structural Integration to be licensed by the Board.

Second: Diane Huleva

Motion Carries Unanimously

20. **Discussion and possible action regarding modifying the Employee Manual to pay wages on the 5th and 20th of the month. (For Discussion and Possible Action)**

No Motion Needed

21. **Future Agenda Items (For Discussion)**

22. **Public Comment**

None

23. **Adjournment No Later than 4:30 PM**

Motion: Deirdre Strunk made a motion to adjourn at 4:10 pm

Second: Teresa Lopez

Motion Carries Unanimously

Notes:

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 or to obtain a copy of the supporting materials for this meeting, please notify the Nevada State Board of Massage Therapists in writing as soon as possible at:

NSBMT Attn: Sandy Anderson
1755 E. Plumb Lane, Suite 252
Reno, NV 89502
Or by phone (775) 687-9955

Persons wishing to obtain a copy of the supporting materials for this meeting may contact Sandy Anderson at 775-687-9955. The supporting materials are located at the Board's office, address listed above.

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
Attorney General's Office, 100 N. Carson Street, 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