

Nevada State Board of Massage Therapists

NOTICE OF PUBLIC MEETING

LOCATIONS:	Nevada Attorney General's Office – Las Vegas Grant Sawyer Building 555 East Washington Street, Suite 4500 Las Vegas, NV 89101
	Videoconference To: Nevada Attorney General's Office – Carson City 100 North Carson Street, Mock Court Room Carson City, NV 89701
DATE:	May 3, 2017
TIME:	9:00 a.m. PST

Meeting Minutes

Please Note: The Nevada State Board of Massage Therapy may 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Sandy Anderson at 775.687.9951 (sjanderson@lmt.nv.gov), in advance, so that arrangements may be made. Public comment will be taken at the beginning and the end of the meeting. 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).

1. Call to order and roll call of Board Members - Board members present: Chair – April Whiting, Vice Chair – Diane Huleva, Secretary/Treasurer - Deirdre Strunk, Robin Graber, Margaret Westcamp, Gayle Ferruccio and Teresa Lopez.
2. Welcome new Board member Sergeant Cody Fulwiler, Las Vegas Metropolitan Police Department

Sgt. Cody Fulwiler was not in attendance.
3. Public comment. (Discussion Only) Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.

Victoria Sadiki with Professional Massage Inc., spoke about the upcoming World Series of Poker tournament in Las Vegas. We have been communicating with Moses Haynes about the

upcoming event. I am excited that we are going to work more closely this year as we are anticipating about 400 Massage Therapists working the event.

4. Discussion and acknowledgement of the first ITEC exams taken in the State and the two newly certified licensees Chuen Kwong “John” Teng and Judith Salamo Izquierdo. (For Discussion)

Sandy Anderson introduced Mr. John Teng and Ms. Judith Izquierdo to the Board. Mr. Teng is the first person in Nevada to take and pass the ITEC exam. Ms. Izquierdo has taken and passed the ITEC exam in Spanish.

5. Formal Hearing for Jason Handog NVMT #4253 – NVMT-C-1663. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Mr. Handog was present. Colleen Platt, Board Counsel, explained Mr. Handog agreed to a settlement agreement. Mr. Handog agreed to take a continuing education course regarding Hot Stone Massage. These hours will not count towards his yearly required continuing education hours. He will complete the course within a year.

Motioned by Deirdre Strunk to accept settlement agreement, seconded by Teresa Lopez. Motion carried unanimously.

6. Formal Hearing for Julia Liu NVMT #190 – NVMT-C-1664. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Ms. Liu was present. Sophia Long, Board Counsel; Colleen Platt as Prosecutor. Colleen Platt called Moses Haynes, Compliance Inspector to testify. Moses Haynes was sworn in by Sophia Long. Mr. Haynes testified that during an inspection he conducted, he witnessed a caucasian male on a massage table that was completely nude. Mr. Haynes spoke with Ms. Liu during the inspection, and she confirmed that she was completing a Detox Massage on the client. Mr. Haynes testified as to the circumstances surrounding the draping violation.

Motioned by Robin Graber to find Ms. Liu in violation of NAC 640C.400(7) failure to drape based on the facts presented today, seconded by Teresa Lopez. Motion carried unanimously. Motioned by Diane Huleva, Ms. Liu is to complete an Ethics and Draping course within 90 days and to pay the fees associated with this hearing, not to exceed \$500.00 payable within 90 days, seconded by Margaret Westcamp. Motioned carried unanimously.

7. Formal Hearing for Fengjun Qin NVMT #8278 – NVMT-C-1702. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Ms. Qin was not in attendance. Collen Platt, Board Counsel, requested to have this hearing tabled until a later date. No motion needed.

8. Formal Hearing for Mingzhu He NVMT #5378 – NVMT-C-1703. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Ms. He was not in attendance. Collen Platt, Board Counsel, requested to have this hearing tabled until a later date. No motion needed.

9. Discussion, review and possible approval of renewal application for Alexander Hewitt NVMT #5000. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Discussion and Possible Action)

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

Mr. Hewitt was present.

Motion by Robin Graber to approve this renewal, seconded by Deirdre Strunk. Motioned carried. Margaret Westcamp, Deirdre Strunk, Robin Graber and Gayle Ferruccio approved. Teresa Lopez and Diane Huleva opposed.

10. Discussion, review and approval of Voluntary Surrender of a License In Lieu of Other Discipline for Zhe Li NVMT #7281. (For Discussion and Possible Action)

Ms. Li was not in attendance. Mr. Kennedy, legal counsel for Ms. Li was present.

Motion by Diane Huleva to accept Voluntary Surrender, seconded by Robin Graber. Motion carried unanimously.

11. Approval of applications approved and authorized by the Chairperson. (For Possible Action)

Motioned by Diane Huleva to approve 122 new licensees from January 1, 2017 through March 31, 2017, seconded by Robin Graber. Motion carried unanimously.

12. Discussion and possible approval of programs of massage therapy that the Board recognizes pursuant to NRS 640C.400. (For Discussion and Possible Action)

- a. Review documentation for David's Academy of Beauty – Pico Rivera. (For Discussion and Possible Action)

Motioned by Robin Graber to deny this school, seconded by Gayle Ferruccio. Motion carries unanimously.

- b. Review documentation for Everest – Los Angeles. (For Discussion and Possible Action)

Motioned by Diane Huleva to approve this school, seconded by Teresa Lopez. Motion carries unanimously.

13. Application Review for review of education completed by applicant. (For Possible Action)

a. Review Application of Jianzhong Yan

Sandy Anderson, Executive Director - Mr. Yan's application is before you today due to education that cannot be approved administratively. Mr. Yan's application was tabled at the October 21, 2016 and January 26, 2017 Board meetings pending additional information. Mr. Yan received his education in California. David's Academy of Beauty's application with CAMTC is pending. Mr. Yan is requesting to be granted a license under NRS 640C.400. A background check was completed.

Jianzhong Yan was present, Michael Lin, Legal Counsel.

Motioned by Deirdre Strunk to approve this application pursuant to NRS 640C.425. Mr. Yan is to complete 40 hours of Pathology with contraindications within 1 year to be applied to his CEU's, seconded by Teresa Lopez. Motion carries unanimously.

b. Review Application of Rene Najarro

Sandy Anderson, Executive Director - Mr. Najarro's application is before you today due to education that cannot be approved administratively. Mr. Najarro received his education in California. Mr. Najarro attended Everest College in Los Angeles, California. Additional information has been requested. Mr. Najarro is requesting to be granted a license under NRS 640C.400. A background check was completed.

Renee Najarro was present.

Motioned by Robin Graber to approve this application, seconded by Teresa Lopez. Motion carries unanimously.

14. Application Review. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

a. Review Application of Dan Wang

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

Ms. Wang was present, Wai-Mei Borgel, Court Interpreter, Kirk Kennedy, Legal Counsel.

Motioned by Diane Huleva to approve this application, seconded by Robin Graber.
Motion carried unanimously.

b. Review Application of Heming Tang

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

Ms. Heming Tang was present, Yen Ong, Interpreter was present.

Motioned by Teresa Lopez to deny this application pursuant to NRS 640C.700(4), seconded by Robin Graber. Motion carries unanimously.

15. Termination of Probation

a. Traci Jennings NVMT #8170

Sandy Anderson, Executive Director - Ms. Jennings came before the Board on August 26, 2016. Ms. Jennings was granted a probationary license for 3 years with the following conditions: 1, 4, 6, 9, 12-16. Ms. Jennings is requesting early termination of probation. It is my recommendation to terminate probation.

Ms. Jennings was present.

Motioned by Diane Huleva to terminate probation, seconded Teresa Lopez. Motion carried unanimously.

b. Steven Cole NVMT #7172

Sandy Anderson, Executive Director - Mr. Cole came before the Board on November 14, 2014. Mr. Cole was granted a probationary license for 3 years with the following conditions: 1, 4, 5, 6, 12-16. Mr. Cole is requesting early termination of probation. It is my recommendation to terminate probation.

Mr. Cole was present.

Motioned by Teresa Lopez to terminate probation, seconded Deirdre Strunk. Motion carried unanimously.

16. Discussion and possible action regarding the annual performance review of Sandra Anderson, Executive Director. (For Discussion and Possible Action)

Motioned by Teresa Lopez to approve a 5% pay increase, seconded Robin Graber. Motion carries unanimously.

17. Discussion and possible action regarding financial reports and budgetary approvals (For Discussion and Possible Action)
 - a. 2017 Budget vs. Actual Expenses (For Discussion) No Motion Needed
 - b. 2018 Proposed Budget Narrative (For Discussion) No Motion Needed
 - c. 2018 Proposed Budget for discussion, review, and approval of expenses including Out-of-State Travel. (For Discussion and Possible Action)

Motioned by Diane Huleva to approve the budget without the 2% cost of living adjustment, removing the out of state travel, seconded by Robin Graber. Motion carried unanimously.

- d. 2018 Proposed Budget in the event that AB 179 passes. (For Discussion and Possible Action)

Motioned by Diane Huleva to accept the alternate budget and to approve Cost of Living adjustments for ED and all office staff contingent on the enactment of passing AB 179, seconded by Teresa Lopez. Motion carried unanimously.

18. Discussion, review, and possible action regarding Board Retreat dates. (For Discussion and Possible Action)

Sandy Anderson expressed budgetary concerns regarding, the costs of the retreat, out of state travel, the 2% Cost of Living adjustment, and the potential need for additional meetings due to Passage of AB 179 passing.

Motion by Diane Huleva to cancel retreat dates at this time, seconded by Deirdre Strunk. Motion carries unanimously.

19. Discuss, amend and approve Board meeting minutes for February 22, 2017. (For Discussion and Possible Action)

Motioned by Teresa Lopez to approve February 22, 2017 meeting minutes, seconded by Robin Graber. Motion carries unanimously.

20. Inspection Team Report (For Discussion)

No Motion Needed.

21. Discussion, review, and possible action regarding pending legislation (For Discussion and Possible Action)

- a. 2017 Senate Bill 23
 - b. 2017 Senate Bill 55
 - c. 2017 Senate Bill 69
 - d. 2017 Senate Bill 396
 - e. 2017 Assembly Bill 19
 - f. 2017 Assembly Bill 76

- g. 2017 Assembly Bill 179
- h. 2017 Assembly Bill 328

22. Discussion and possible action regarding review of handout for human trafficking and the approval to add this document to the website. (For Discussion and Possible Action)

Motioned by Teresa Lopez to post on website, seconded by Margaret Westcamp. Motion carried unanimously.

23. Discussion and possible action regarding Federation of State Massage Therapy Boards (FSMTB) Executive Director Summit report presented by Executive Director Anderson and renewal of membership in FSMTB. (For Discussion and Possible Action)

Sandra Anderson stated the conference was amazing. Representatives from 28 of the current 42 states with membership attended. Top five states that are considered high risk are California, Florida, New Jersey, New York and Texas. Illinois has created a QR code to add to each licensee to help prevent fraud. Tennessee and California have huge issues with fraudulent transcripts.

Motioned by Teresa Lopez to renew membership, seconded by Diane Huleva. Motioned carried unanimously.

24. Discussion regarding the streamlining of office processes and application timelines. (For Discussion)

Margaret Westcamp is concerned with timeline and cost associated with fingerprint processing and background checks. The Board will be addressing regulations and costs during FY2018.

25. Discussion of issues concerning the relationship between Inspector Arianna Clifford, Inspector Moses Haynes, Investigator Christine Brunner and Executive Director Sandra Anderson. (For Discussion)

A discussion was held regarding personnel issues and the interaction between team members. Board members facilitated communication and discussion to better understand and resolve the issues.

26. Acknowledgements of Service

- a. Diane Huleva July 1, 2013 through June 30, 2017
- b. Robin Graber July 1, 2009 through June 30, 2017

Diane Huleva presented a plaque to Robin Graber for her continued years of service.

27. Public Comment

Liz Barnard – I was here in 2010 before the Board due to MBLEX. It is interesting to see the changes in those years. The changes are amazing. The Board is doing good.

28. Adjournment no later than 4:30 PM (For Possible Action)

Motioned by Robin Graber to Adjourn meeting at 2:47 pm, seconded by Diane Huleva.

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.

Supporting material for this meeting may be requested from Sandy Anderson at 775.687.9955 (sjanderson@lmt.nv.gov) and is available at the Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Reno, Nevada 89502.

In accordance with NRS 241.020, this public notice and agenda was posted on or before April 28, 2017, on the Nevada State Board of Massage Therapists website, <http://massagetherapy.nv.gov>, the State of Nevada's Public Notice Website, <https://notice.nv.gov>, and at the following locations:

Nevada State Board of Massage Therapists
1755 E. Plumb Lane, Suite 252
Reno, NV 89502

Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, NV 89101

Nevada State Library
100 South Stewart Street
Carson City, NV 89701

Nevada Attorney General's Office
100 N. Carson Street
Carson City, NV 89701
