



## Nevada State Board of Massage Therapy

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**LOCATIONS:** Nevada Legislative Building – Carson City  
401 South Carson Street, Suite 2134  
Carson City, NV 89701

**Videoconference To:**  
**Grant Sawyer Building – Las Vegas**  
555 East Washington Avenue, Suite 4412  
Las Vegas, NV 89101

**DATE:** September 5, 2018

**TIME:** 9:30 a.m. PDST

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### 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](mailto: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. Meeting called to order at 9:00 AM. Board Members present: Chair - April Whiting, Vice Chair - Diane Huleva, Secretary/Treasurer - Deirdre Strunk, Margaret Westcamp, Teresa Lopez, Elisabeth Barnard, Bob Oliver, Lorna Benedict, Nancy Zitko, Sgt. Cody Fulwiler, Sandy Anderson Executive Director, Board Council Colleen Platt and Asheesh Bhalla.
2. Public comment –

Sommer Blenden – Massage Therapist for 20 years and licensed in different states, advocating for requiring at least 6 out of the 24 hours continuing education hours be hands on continuing education. Also as an educator at AMO where the majority of students speak

Mandarin she has found that the students spend their time memorizing questions and answers for the MBLEx exam rather than learning the material.

Diane Woodside – letter for Public Comment read by April Whiting. Letter attached.

3. Discussion and possible action regarding the election of officers of the Board as provided for in NRS 640C.180. (For Discussion and Possible Action)
  - a. Chair
  - b. Vice Chair
  - c. Secretary/Treasurer

Lorna Benedict motioned to postpone elections until after mediation, seconded by Teresa Lopez. Motion carried unanimously.

4. Formal Hearing for Aaron Sachs – NVMT #5989 – NVMT-C-1704. (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)

Aaron Sachs was not present.

Diane Huleva motioned to accept and approve the settlement agreement, seconded by Teresa Lopez. Motion carried unanimously.

5. Formal Hearing for Shifang Tian – NVMT #8961 – NVMT-C-1850. (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)

Shifang Tian was not present.

Diane Huleva motioned to accept and approve the settlement agreement, seconded by Teresa Lopez. Motion carried unanimously.

6. Formal Hearing for Jing Dai – NVMT #1858 – NVMT- S-1856. (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)

Jing Dai was not present.

Teresa Lopez motioned to accept and approve the settlement agreement, seconded by Elisabeth Barnard. Motion carried unanimously.

7. Formal Hearing for Juhua Lu – NVMT #8563 – NVMT- C-1859. (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)

Juhua Lu was not present.

Agenda item tabled until November 7, 2018.

8. Discussion, review and approval of Voluntary Surrender of a License In Lieu of Other Discipline for Rafael Garcia NVMT #5582 – NVMT-C-1837. (For Discussion and Possible Action)

Rafael Garcia was not present.

Teresa Lopez motioned to accept and approve a voluntary surrender, seconded by Lorna Benedict. Motion carried unanimously.

9. Discussion, review and approval of Voluntary Surrender of a License In Lieu of Other Discipline for Henry McCarthy NVMT #520 – NVMT-C-1740. (For Discussion and Possible Action)

Henry McCarthy was not present.

Diane Huleva motioned to accept and approve a voluntary surrender, seconded by Deirdre Strunk. Motion carried unanimously.

10. 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 Welton Bailey. (For Discussion and Possible Action)

Welton Bailey was present.

Sandra Anderson, Executive Director – Mr. Bailey's application is before you today due to potential criminal history that could not be approved administratively. Mr. Bailey is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700. Tereza felt he should come before you today as he did not comply with all of the requests for information.

Elisabeth Barnard motioned to grant a probationary license for one year, and during that time he is not allowed to do outcall massages and at the end of that time he submits to a background check at Mr. Bailey's expense, he must report all contact with law enforcement within 48 hours after the contact occurs, submit employment offers to staff for approval, notify the board of any changes in employment, complete an ethics course within 90 days at Mr. Bailey's expense, attend a probation orientation, chair massage at organized events under supervision, seconded by Deirdre Strunk. Elisabeth Barnard, Bob Oliver, Deirdre Strunk and Lorna Benedict approved. Teresa Lopez, April Whiting, Diane Huleva, Margaret Westcamp and Nancy Zitko opposed, motion fails.

Teresa Lopez motioned to deny the application, seconded by Margaret Westcamp. Motion carried. Teresa Lopez, April Whiting, Diane Huleva, Margaret Westcamp and Nancy Zitko approved. Bob Oliver, Deirdre Strunk, Elisabeth Barnard and Lorna Benedict opposed. Motion carried.

b. Review Application of Shaikiera L. Armstrong. (For Discussion and Possible Action)

Shaikiera Armstrong was present.

Sandra Anderson, Executive Director – Ms. Armstrong’s application is before you today due to potential criminal history that could not be approved administratively. Ms. Armstrong is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700. On September 16, 2017, Ms. Armstrong had an arrest for battery with her roommate. It resulted in a discussion over money. She has completed one of her four classes that were recommended, and I am not sure if the probation has been completed. She has paid her fees.

Teresa Lopez motioned to approve the application, seconded by Lorna Benedict. Motion carried unanimously.

c. Review Application of Shawna M. McMillan. (For Discussion and Possible Action)

Sandra Anderson, Executive Director – Ms. McMillan’s application is before you today due to potential criminal history that could not be approved administratively. Ms. McMillan is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700.

Shawna M. McMillan was present.

Margaret Westcamp motioned to deny application. Motion fails due to lack of a second.

Deirdre Strunk motioned to approve a six year probationary license. Board will receive monthly updates from the Probation and Parole Board, Ms. McMillan will report all contact with law enforcement within 48 hour of contact, and attend a probation orientation, for any arrest Ms. McMillan will be brought before the Board, seconded by Teresa Lopez. Motion carried unanimously.

d. Review Application of Sarawan Soenderup. (For Discussion and Possible Action)

Sarawan Soenderup was present. Liz Delk counsel for the applicant was present.

Sandra Anderson, Executive Director – Ms. Soenderup’s application is before you today due to potential criminal history that could not be approved administratively. Ms. Soenderup is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700.

Diane Huleva motioned to approve the application, seconded by Bob Oliver. Motion carried unanimously.

11. Approval of applications approved and authorized by the Chairperson through July 31, 2018. (For Possible Action)

Diane Huleva motioned to approve, seconded by Elisabeth Barnard. Motion carried unanimously.

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

- a. Discussion and possible action regarding review of 2018 Budget vs. Actual and acceptance of Fiscal Year 2018 financials to be sent to Coulson and Associates for Legislative Counsel Bureau mandated annual audit. (For Discussion and Possible Action)

Diane Huleva motioned to approve that Fiscal Year 2018 financials be sent to Coulson and Associates for Legislative Counsel Bureau mandated annual audit, seconded by Deirdre Strunk. Motion carried unanimously.

- b. Discussion and possible action regarding review of the Fiscal year 2019 Budget verses Actual Year-To-Date. (For Discussion and Possible Action)

Diane Huleva motioned to approve Fiscal year 2019 Budget verses Actual Year-To-Date, seconded by Deirdre Strunk. Motion carried unanimously.

- c. Discussion and possible action regarding decreasing Out-of-State Travel to FARB or changing the attendee. (For Discussion and Possible Action)

April Whiting motioned to eliminate FARB trip, seconded by Lorna Benedict. Motion carried unanimously.

- d. Discussion and possible action regarding increasing In-State Travel expenses to allow for costs associated with Board Facilitation and travel to Reno of 2 staff members, 5 Board members, and Deputy Attorney General Bhalla including airfare, hotel, and per diem. (For Discussion and Possible Action)

Diane Huleva motioned to approve \$15,000 for mediation expenses, seconded by Teresa Lopez. Motion carried unanimously.

13. Discuss, amend and approve Board meeting minutes. (For Discussion and Possible Action)
  - a. June 27, 2018

Diane Huleva motioned to approve June 27, 2018 meeting minutes with changes, seconded by Teresa Lopez. Motion carried unanimously.

b. July 25, 2018

Item tabled until November 7, 2018 Board Meeting.

14. Inspection Team Report (For Discussion)

Inspection team numbers were presented. No motion needed.

15. Discussion and possible action regarding approval of programs meeting the criteria of NAC 640C. (For Discussion and Possible Action)

a. Massage Therapy Programs

Elisabeth Barnard motioned to approve the additional massage therapy programs, seconded by Lorna Benedict. Motion carried unanimously.

b. Reflexology Programs

Diane Huleva motioned to approve reflexology programs, seconded by Deirdre Strunk. Motion carried unanimously.

c. Structural Integration Programs

Diane Huleva motioned to approve Structural Integration programs, seconded by Lorna Benedict. Motion carried unanimously.

16. Discussion and possible action regarding extending the time frame for board and staff mediation/facilitation from 60 days to October 16<sup>th</sup> and 17<sup>th</sup> to allow 100% of the team to be present. (For Discussion and Possible Action)

Teresa Lopez motioned that the Las Vegas Board Members attend mediation on October 17<sup>th</sup> and return the same day, flights to be the same day or the night before, and the 60-day parameter remains in effect until October 17<sup>th</sup>, seconded by Diane Huleva. Motion carried, Bob Oliver opposed.

17. Discussion and possible action regarding the Nevada State Board of Massage Therapy Policies and Procedures. (For Discussion and Possible Action)

a. 1.5.1 – Travel and Per Diem addressing the process for preauthorizing travel, reimbursing expenses for travel, and the documentation to support the expenses.

Diane Huleva motioned to approve 1.5.1 Travel and Per Diem, seconded by Teresa Lopez. Motion carried unanimously.

- b. 5.1.1 – Internal Control Monitoring and Evaluation addressing the process for handling documentation to support the financial activities of the Board.

Diane Huleva motioned to approve 5.1.1 Internal Control Monitoring and Evaluation, seconded by Deirdre Strunk. Motion carried unanimously.

- c. 5.2.1 – Reserves Policy addressing the amount of reserves to be maintained by the Board and the responsibility of the Board and the Executive Director to maintain these balances.

Diane Huleva motioned to approve 5.2.1 Reserves policy, seconded by Elisabeth Barnard. Motion carried unanimously.

- d. 8.1.1 – Board Compensation addressing the salary a board member may receive while engaged in business of the Board, including revising the salary and setting forth a definition of “engaged in business of the Board.”

Diane Huleva motioned to approve 8.1.1 Board Compensation, seconded by Teresa Lopez. Motion carried unanimously.

- 18. Discussion and possible action regarding a statement from the Board regarding compliance with the Governor’s Finance Office – Division of Internal Audits recommendation. (For Discussion and Possible Action)

No discussion was held. Item tabled until a later date.

- 19. Discussion and possible action regarding submission of the response to the Governor’s Finance Office – Division of Internal Audits Boards Information Request. (For Discussion and Possible Action)

Diane Huleva motioned to approve submission response to Governor’s Finance Office – Division of Internal Audits Boards Information request, seconded by Elisabeth Barnard. Motion carried unanimously.

- 20. Discussion and possible action regarding adding a regulation to prescribe the requirements for a written Nevada jurisprudence examination covering Chapter 640C of NRS and NAC that the Board will require to obtain and maintain a license and the possible frequency for taking the exam to maintain a license. (For Discussion and Possible Action)

No discussion was held. Item tabled until a later date.

- 21. Discussion and possible action regarding adding a continuing education course and/or test on Chapter 640C NRS and NAC as a requirement for renewal of a license including the possibility of providing continuing education for the course. (For Discussion and Possible Action)

No discussion was held. Item tabled until a later date.

22. Discussion and possible action regarding creating a course covering Chapter 640C NRS and NAC to be provided by the Board including the fee for the course. (For Discussion and Possible Action)

No discussion was held. Item tabled until a later date.

23. Discussion and possible action regarding Federation of State Massage Therapy Boards (FSMTB) Resolutions and Bylaw Changes to assist Delegate in voting during the Annual Meeting. (For Discussion and Possible Action)

No discussion was held. Item tabled until a later date.

24. Discussion and possible action regarding the usage of FSMTB's Massage Therapy Licensing Database (MTLD). (For Discussion and Possible Action)

No discussion was held. Item tabled until a later date.

25. Discussion and possible action regarding motion made during the June 27, 2018 Board meeting. The motion did not specifically state the Board's delegate for the FSMTB Annual meeting.

No discussion was held. Item tabled until a later date.

26. Discussion and possible action to draft a document/pamphlet with the new regulations to give to licensees. (For Discussion and Possible Action)

April Whiting motioned to approve a document/pamphlet with new or updated regulations, seconded by Nancy Zitko. Motion carried unanimously.

27. Update on Status of Southern Nevada Office (For Discussion and Possible Action)

Discussion was held. No motion is needed.

28. Update on Reflexology Testing Concerns and Progress (For Discussion and Possible Action)

Donna Sarvello from NCBTMB discussed the testing issues during the 3:00 pm test on August 28, 2018. New tests will be created and submitted to the Board.

29. Public Comment

30. Adjournment no later than 4:30 PM (For Possible Action)
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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](mailto:sjanderson@lmt.nv.gov)) and is available at the Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, Nevada 89502.

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In accordance with NRS 241.020, this public notice and agenda was posted on or before August 28th, 2018, 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

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