



Nevada State Board of Massage Therapy

NOTICE OF PUBLIC MEETING

LOCATIONS:	Grant Sawyer Building – Las Vegas 555 East Washington Avenue, Suite 4412 Las Vegas, NV 89101
DATE:	April 18, 2018
TIME:	9:00 a.m. PDST

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 at 9:04 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, Sargent Cody Fulweiler, Sandy Anderson, Executive Director, and Board Counsel Colleen Platt and Rosalee Bordelove.
2. Public comment. (Discussion Only)

Tori Sadeki with Professional Massage, there are 430 licensed massage therapists prepared for the event. Thank you to the Board for attending the event orientation.

Sandy Anderson, Executive Director, stated that the Board Retreat was under budget by \$2709.

3. Discuss, amend and approve Board meeting minutes for February 7, 2018. (For Discussion and Possible Action)

Diane Huleva motioned to approve meeting minutes with corrections, seconded by Teresa Lopez. Motion carried unanimously.

4. Formal Hearing for Ms. Xu – NVMT #8887– NVMT-C-1726. (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. Xu, Craig Mueller, legal counsel for Ms. Xu, and Colleen Platt, Board Counsel were present.

Diane Huleva motioned to accept voluntary surrender, seconded by Lorna Benedict. Motion carried unanimously.

5. Formal Hearing for Yuyao Wu – NVMT #7567– NVMT-C-1734. (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. Wu, Gregg Knapp, legal counsel for Ms. Wu, and Colleen Platt, Board Counsel were present.

Diane Huleva motioned to accept stipulations of facts and the violations of law are true, seconded by Elisabeth Barnard. Motion carried unanimously.

Diane Huleva motioned to suspend Ms. Wu’s license for 6 months with costs not to exceed \$500, payable within 1 year, complete an ethics class within 6 months at a school not previously attended. Immediately following the 6-month suspension, Ms. Wu will be placed on a 2-year probation with a background check every year at the licensee’s expense. If Ms. Wu is arrested for prostitution, her license will be revoked for 10 years, seconded by Deirdre Strunk. Motion carried unanimously.

6. Formal Hearing for Li Jun Wang – NVMT #3883 – NVMT-C-1810. (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. Wang, Kirk Kennedy, legal counsel for Ms. Wang, interpreter Wai-Mei Borgel and Colleen Platt, Board Counsel were present.

Teresa Lopez motioned to accept the stipulations and facts and the violations of law are true, seconded by Lorna Benedict. Motion carried unanimously.

Teresa Lopez motioned to suspend Ms. Wang's license for 6 months with costs not to exceed \$500, payable within 2 years, complete an ethics class within 6 months at a school not previously attended. Immediately following the 6-month suspension, Ms. Wang will be placed on a 2-year probation with a background check every year at the licensee's expense. If Ms. Wang is arrested for prostitution, her license will be revoked for 10 years, seconded by Lorna Benedict. Motion carried unanimously.

7. Formal Hearing for Sophia An – NVMT #3287 – NVMT-C-1811. (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. An, Kirk Kennedy, legal counsel for Ms. An, Wai-Mei Borgel, interpreter and Colleen Platt, Board Counsel were present.

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

8. Formal Hearing for Daniel Holly – NVMT #5521 – NVMT-C-1817. (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. Holly was not present. Garrett Ogata, legal counsel for Mr. Holly, and Colleen Platt, Board Counsel were present.

Deirdre Strunk for the record: I need to recuse myself from this one. Mr. Holly, though I don't know him personally, I do know his girlfriend really well, she was a student of mine back in 2000, and I care for her very much, so I think it is best to recuse myself from voting at this time.

Teresa Lopez motioned to accept voluntary surrender of the license, seconded by Diane Huleva. Motion carried with one recusal.

9. Formal Hearing for Subrina "Lynn" Jones – NVMT-C-1825. (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. Jones was not present. Colleen Platt, Board Counsel was present.

Ms. Smith, NSBMT Inspector, and Tereza Van Horn, NSBMT Executive Assistant were sworn in by April Whiting.

Colleen Platt called Ms. Smith. Ms. Smith received a complaint that Ms. Jones was advertising massage without a license. Ms. Smith scheduled an appointment with Ms. Jones. When Ms. Jones arrived, a Notice to Appear was issued by Ms. Smith.

Colleen Platt called Tereza Van Horn. Ms. VanHorn testified Ms. Jones was sent a certified letter to her address on file containing her complaint notice of hearing on March 13, 2018. Ms. Platt moved that proper notification has occurred.

Elisabeth Barnard motioned proper notice was provided, seconded by Teresa Lopez. Motion carried unanimously.

Teresa Lopez motioned to accept facts as proven and the violation of law, seconded by Lorna Benedict. Motion carried unanimously.

Teresa Lopez motioned to accept \$1000 administrative fine with board costs not to exceed \$500 payable within 6 months, seconded by Diane Huleva. Motion carried unanimously.

10. Formal Hearing for Pablo Poloni – NVMT-C-1826. (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. Poloni was not present. Colleen Platt, Board Counsel, was present.

Diane Huleva motioned to accept settlement agreement, seconded by April Whiting. Motion carried unanimously.

11. Discussion and possible action regarding adopting the Approved Programs List with programs that meet the 550 hours requirement set forth in R108-17. (For Discussion and Possible Action.

Teresa Lopez motioned to accept the Approved Program List, seconded by Elisabeth Barnard. Motion carried unanimously.

12. 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 Rand Olson. (For Discussion and Possible Action)

Mr. Olson was present.

Sandy Anderson, Executive Director - Mr. Olson's application is before you today due to potential criminal history that could not be approved administratively. Mr. Olson is asking to be granted a license under NRS 640C.400 or 420 and is here for review under 640C.700.

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

b. Review Application of Erick Reanos. (For Discussion and Possible Action)

Erick Reanos was present.

Sandy Anderson, Executive Director - Mr. Reanos' application is before you today due to potential criminal history that could not be approved administratively. Mr. Reanos is asking to be granted a license under NRS 640C.400 or 420 and is here for review under 640C.700.

Deirdre Strunk motioned to grant a license with a 2-year probation or until court ordered probation ends, whichever is longer, with background checks every 6 months at licensee's expense, with a quarterly meeting with Sandy Anderson on Mr. Reanos' employment status, seconded by Teresa Lopez. Margaret Westcamp opposed. Motion carried.

c. Review Application of Summer Rieders. (For Discussion and Possible Action)

Ms. Rieders was present.

Teresa Lopez – I need to disclose that Ms. Rieders graduated from the school where I teach, I did not know her, we may have passed each other in the hall and I do believe I can remain impartial.

Sandy Anderson, Executive Director, - Ms. Rieders' application is before you today due to potential criminal history that could not have been approved administratively. Ms. Rieders is asking to be granted a license under NRS 640C.400 or 420 and is here for review under 640C.700.

Elisabeth Barnard motioned to grant Ms. Rieders a license with a 2-year probation with background checks at 6 months, one year and two years, at licensee's expense. Ms. Rieders meet with Sandy Anderson at the completion of each background check, seconded by Teresa Lopez. Motion carried unanimously.

d. Review Application of Nina Romero. (For Discussion and Possible Action)

Ms. Romero was present.

Sandy Anderson, Executive Director - Ms. Romero's application is before you today due to potential criminal history that could not be approved administratively. Ms. Romero is asking to be granted a license under NRS 640C.400 or 420 and is here for review under 640C.700.

Teresa Lopez motioned to grant Ms. Romero a license with a 2-year probation, with random drug testing at licensee costs, quarterly check in with Sandy Anderson, if Ms. Romero fails

a drug test, is arrested or in violation of her probation, she will be brought back before the Board, seconded by Diane Huleva. Motion carried unanimously.

- e. Review Application of Surrenda Sylvester. (For Discussion and Possible Action)

Ms. Sylvester was not present.

Sandy Anderson, Executive Director - Ms. Sylvester's application is before you today due to potential criminal history that could not be approved administratively. Ms. Sylvester is asking to be granted a license under NRS 640C.440 or 420 and is here for review under 640C.700.

Teresa Lopez motion to deny, seconded by Lorna Benedict. Diane Huleva opposed, motion carried.

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

- a. Discussion and acceptance of 2018 Budget vs. Actual. (For Discussion and Possible Action)

Items a and b were combined.

Sandy Anderson, Executive Director – item 13 is on the agenda for additional discussion should any Board member have any additional comments or questions after yesterday's budget review. No additional discussion.

- b. Discussion and possible action regarding adoption of the Fiscal Year 2019 Annual Budget. (For Discussion and Possible Action)

- 14. Inspection Team Report (For Discussion)

Maggie Adams presented information regarding the new tracking format and inspection team numbers to date. Bianca Smith reported on her CLEAR training.

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

Motion by Diane Huleva to approve licenses, seconded by Deirdre Strunk. Motion carried unanimously.

- 16. Discussion and possible action regarding the Board staff organizational chart/structure to ensure efficiency of Board operations when any member of the team may be unavailable and discussion of Southern Nevada Operations Manager serving as Interim Director (NRS 640C.210) including increasing the signature authority of the manager to \$5,000 during times when the position is acting as the Executive Director. (For Discussion and Possible Action)

Elisabeth Barnard motioned to grant signatory authority in the amount of \$5,000 to the Southern Operations Manager in the absence of the Executive Director, seconded by Teresa Lopez. Motion carried unanimously.

17. Discussion and possible action regarding the Board's policies and procedures. (For Discussion and Possible Action)

Presenting the policies and procedures will be tabled until the June 27th Board Meeting.

18. Closed Session for discussion between Board and counsel regarding potential litigation involving the Board.
19. Public Comment

David Otto, AMTA Las Vegas Chapter – wanted to thank the Board for attending the chapter convention and discuss a recent federal bill the enabled the closing of Rub Maps and Back Page. Craigslist took down their personals; its good news for regulatory boards.

20. Meeting adjourned at 1:30 PM

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, Suite 252, Reno, Nevada 89502.

In accordance with NRS 241.020, this public notice and agenda was posted on or before April 10, 2018, on the Nevada State Board of Massage Therapy 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 Therapy
1755 E. Plumb Lane, Suite 252
Reno, NV 89502

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

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100 South Stewart Street
Carson City, NV 89701

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