



Nevada State Board of Massage Therapy

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:	February 7, 2018
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 at 9:03 AM. Board Members Present: Chair – April Whiting, Vice Chair – Diane Huleva, Margaret Westcamp, Teresa Lopez, Elisabeth Barnard, Bob Oliver, Lorna Benedict, Nancy Zitko, and Sergeant Cody Fulwiler. Secretary/Treasurer Deirdre Strunk was not present. Sandy Anderson joined the meeting at 9:30 AM.
2. Introduction of new Board members Nancy Zitko representing reflexologists statewide.

Nancy Zitko was introduced.

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.

No public comment.

4. Formal Hearing for Jason Ruesch – NVMT #2406 – NVMT-C-1733. (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)

Jason Ruesch and Christy Brunner, Compliance Investigator were present and sworn in by April Whiting.

Teresa Lopez motioned to accept facts as proven, seconded by Diane Huleva. Motioned carried unanimously.

Elisabeth Barnard motioned to accept that the violations of law have been proven, seconded by Teresa Lopez. Motion carried unanimously.

Teresa Lopez motioned to impose a fine \$1,000.00 plus costs not to exceed \$500.00 payable within 90 days, seconded by Lorna Benedict. Diane Huleva, Elisabeth Barnard, Bob Oliver opposed. Motion carried.

5. Formal Hearing Keyang Xu – NVMT #6357 – NVMT-C-1739. (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)

Keyang Xu and Jack Buchanan, legal counsel for Ms. Xu were present.

Teresa Lopez motioned to accept Stipulation of Facts and Liability, seconded by Elisabeth Barnard. Motion carried unanimously.

Teresa Lopez motioned for 6 month suspended license, costs not to exceed \$500.00 payable within one year, complete an Ethics class within 6 months at a school not previously attended, 2-year probation with a background check every year, paid for by licensee. If Ms. Xu is arrested for prostitution the license will be revoked for 10 years, seconded by Diane Huleva. Motion carried unanimously.

6. Formal Hearing for Shue 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)

Shue Xu, was present. Attorney Louis Schneider was present for Attorney Craig Mueller with a request for a continuance until April 18, 2018. Continuance granted.

7. Discussion, review and approval of Voluntary Surrender of a License In Lieu of Other Discipline for Zimei Patton NVMT #6627 – NVMT-C-1631. (For Discussion and Possible Action)

Zimei Patton was not present.

Teresa Lopez motioned to accept Voluntary Surrender, seconded by Diane Huleva. Motion carried unanimously.

8. Discussion, review and approval of Voluntary Surrender of a License In Lieu of Other Discipline for Nancy Morris NVMT #7049 – NVMT-C-1728. (For Discussion and Possible Action)

Nancy Morris was not present.

Diane Huleva asked Board Counsel Colleen Platt if this comes back in the future will we have more information.

Ms. Platt - What I can say in regards to situations like this is that when you receive a Voluntary Surrender, when you approve the Voluntary Surrender, these licensees can technically come back tomorrow and apply for a new license obviously when we are working through these types of things with the licensees and sometimes their attorneys is that we let them know that that application would obviously be flagged and brought before the Board where they would undergo questioning as to what happened in the Voluntary Surrender. So, you at that application process is when you could ask those questions. At this time there isn't a whole lot more I can say about this because this is what we agreed to. If you want the nitty gritty in these types of situations, then you have to go to a formal hearing to have that. But I would say that is she comes back as an applicant in the future you would have, obviously we would run the fingerprints again to find out what the story is there, if anything happened after the arrest or whatnot but at that time that application would be flagged and brought to you for review. And then obviously this document would be a, is a public document so you would be able to ask questions surrounding that.

Diane Huleva – Great thank you, I would just like to for Board minutes, I would like that to be on the record what Board Counsel just said just to cover ourselves for future meetings in case this does come back.

Diane Huleva motioned to accept Voluntary Surrender, seconded by Margaret Westcamp. Motion carried unanimously.

9. Discussion, review and approval of Settlement Agreement for Linda Fleming – NVMT #3554 – NVMT-C-1745. (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)

Linda Fleming was not present.

Diane Huleva motioned to accept Settlement Agreement, seconded by Teresa Lopez. Motion carried unanimously.

10. Discussion, review and approval of Settlement Agreement for Yuhua Zhu – NVMT #8924 – NVMT-C-1743. (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)

Yuhua Zhu was not present.

Lorna Benedict motioned to accept Settlement Agreement, seconded by Teresa Lopez. Motion carried unanimously.

11. Discussion and possible approval of programs of massage therapy that the Board recognizes pursuant to NRS 640C.400 and application review of education completed by applicants who attended these programs. (For Discussion and Possible Action)
 - a. Review documentation for Body Mind College based out of San Diego, California (For Discussion and Possible Action)
 - b. Review application for Carole Sarian. (For Discussion and Possible Action)

Tereza VanHorn, Executive Assistant – Ms. Sarian’s application is before you today due to education that could not be approved administratively. Ms. Sarian completed 491.5 hours at Body Mind College, 292 hours at Mueller College for a total of 783 hours. Ms. Sarian has a Bachelor’s Degree in Special Education and she has been a teacher for 30 years. There is no additional information on Body Mind College as it is closed. In 2011, Ms. Sarian took and passed the National Certification Board for Therapeutic Massage and Bodywork Exam. Ms. Sarian is requesting to be granted a license under NRS 640C.400 or 420. A background check has been completed.

Margaret Westcamp motioned to approve application, seconded by Bob Oliver. Teresa Lopez opposed. Motion carried.

- c. Review documentation for Muscle Therapy Center based out of Hobbs, New Mexico (For Discussion and Possible Action)
- d. Review application for Sacha Russel. (For Discussion and Possible Action)

Tereza VanHorn, Executive Assistant – Ms. Russell’s application is before you today due to education that could not be approved administratively. Ms. Russel received her attended Muscle Therapy Center in Hobbs, New Mexico, she is requesting to be granted a license under NRS 640C.400 or 420.

Teresa Lopez motioned to approve school and application, seconded by Margaret Westcamp. 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 Connie Wright. (For Discussion and Possible Action)

Connie Wright was present, Kirk Kennedy legal counsel for Ms. Wright, Asheesh Bhalla, Board Counsel and Colleen Platt, as Prosecutor.

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

Teresa Lopez motioned to deny application, seconded by Elisabeth Barnard. Motion carried unanimously.

- b. Review Application of Zhe Li. (For Discussion and Possible Action)

Zhe Li was present, Kirk Kennedy legal counsel for Ms. Li, Joe Novotni, Detective with the Las Vegas Metropolitan Police Department, Asheesh Bhalla, Board Counsel and Colleen Platt, as Prosecutor.

Detective Joe Novotni was sworn in by April Whiting and provided testimony.

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

Teresa Lopez motioned to deny this application pursuant to NRS 640C.700 (4)(9), seconded by Lorna Benedict. Motion carried unanimously.

- c. Review Application of Erin L. Buonanno. (For Discussion and Possible Action)

Sandy Anderson, Executive Director – Ms. Buonanno's application is before you today due to potential criminal history that could not be approved administratively. Ms. Buonanno is requesting to be granted a license under NRS 640C 400 or 420 and is before you today for review under NRS 640C 700. Staff recommendation is to deny based on NRS 640C.700 (1)(3).

Ms. Buonanno was present and requested a closed meeting.

Margret Westcamp motioned to close the meeting based on NRS 241.030, seconded by Teresa Lopez. Motion carried unanimously.

Teresa Lopez motioned to reopen meeting based on NRS 241.030, seconded by Margaret Westcamp. Motion carried unanimously.

Margaret Westcamp motion to deny based on NRS640C.700 (1)(3), seconded by Teresa Lopez. Elisabeth Barnard opposed. Motion carried.

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

Teresa Lopez motioned to approve, seconded by Nancy Zitko. Motion carried unanimously.

14. 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 additions from prior Board meetings. (For Discussion and Possible Action)

Teresa Lopez motioned to adopt budget as presented today, seconded by Diane Huleva. Motion carried unanimously.

- b. Discussion and possible action regarding the increase in costs associated with the FY 2017 Audit and corrections to prior years. (For Discussion and Possible Action)

Teresa Lopez motioned to approve contract for \$6028.25, seconded by Lorna Benedict. Motion carried unanimously.

- c. Discussion and possible action regarding adding signing authority to the Southern Nevada Operations Manager position in the amount of \$500 for line items approved in the budget. (For Discussion and Possible Action)

Teresa Lopez motioned to add signing authority in the amount of \$500 to the job description, seconded by Nancy Zitko. Motion carried unanimously.

- d. Discussion and possible action regarding adding a credit card with a spending limit of \$5,000 to the Southern Nevada Operations Manager position for line items approved in the budget with prior approval from the Executive Director. (For Discussion and Possible Action)

Teresa Lopez motioned to approve a credit line of \$5,000 as a sub card, seconded by Elisabeth Barnard. Motion carried unanimously.

- e. Discussion and possible action regarding sending Bianca Smith to the CLEAR Basic Inspector Certification Training in Austin, Texas April 9-11, 2018. (For Discussion and Possible Action)

Diane Huleva motioned to approve sending Bianca Smith to CLEAR Basic Inspector Training in Austin Texas from April 9-11, 2018, seconded by Lorna Benedict. Motion carried unanimously.

- f. Discussion and possible action regarding moving the Las Vegas Office to the Nevada Business Center on West Sahara. (For Discussion and Possible Action)

Teresa Lopez motioned to deny moving the Las Vegas office to the Business Center on West Sahara, seconded by Margaret Westcamp. Motion carried unanimously.

- g. Discussion and possible action regarding the maturity of the City National Certificate of Deposit (CD) and possible reinvestment of the \$202,000.82 or deposit of an increased amount into a CD including comments and information provided by Paul Couch with City National Bank. (For Discussion and Possible Action)

Diane Huleva motioned to place \$200,000.00 into a Morgan Stanley 1.5 year CD and \$200,000.00 into a Morgan Stanley 2-year CD, seconded by Bob Oliver. Motion carried unanimously.

15. Discuss, amend and approve Board meeting minutes. (For Discussion and Possible Action)
 - a. November 29, 2017
 - b. December 13, 2017

Diane Huleva motioned to approve Board meeting minutes with changes, seconded by Bob Oliver. Motion carried unanimously.

16. Inspection Team Report (For Discussion)

Christy Brunner presented the final inspection numbers for the year. She explained that both she and Bianca Smith have been combing through routes to make them more efficient. Bianca Smith shared feedback from a business owner regarding the significant changes from November to January in establishments. Inspection team now has state cars for use.

17. Discussion and possible action regarding the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) Reflexology Certificate Exam including comments by Donna Sarvello – Vice President of Educational Support for NCBTMB. (For Discussion and Possible Action)

Discussion was held regarding the NCBTMB Reflexology Certificate Exam including Board members, staff and stakeholders. All of the above provided constructive feedback regarding subject matter. Ms. Sarvello requested adding a requirement that a person be licensed for one or two years prior to taking the test or attended and completed at least 24 hours of reflexology school or class or CEU. The Board already has a similar requirement. Ms. Sarvello will proctor the exam each time it is offered. Test may go up to 80 questions next year. Passing grade will be 75%.

18. Discussion and possible action regarding the acceptance of CPR courses as part of a licensee's continuing education hours. (For Discussion and Possible Action)

Teresa Lopez motioned to approve accepting CPR as Continuing Education, no second. Teresa Lopez rescinded motion. Item tabled until further information can be provided.

19. Discussion and possible action regarding the review of curriculum for programs being reviewed by the Commission on Postsecondary Education including comments from Kelly Wuest – CPE Administrator and SAA Director for the Commission on Postsecondary Education. (For Discussion and Possible Action)

Discussion was held regarding review of curriculum for programs being reviewed by the Commission on Postsecondary Education, including Board members, staff and stakeholders. Members of the public participating in the discussion were Kelly Wuest and Donna Sarvello. All of the above provided constructive feedback regarding subject matter.

Elisabeth Barnard motioned to approve the Executive Director and staff to help with the curriculum review for the Commission on Post-Secondary Education, seconded by Lorna Benedict. Motion carried unanimously.

20. Closed Session for discussion between Board and counsel regarding potential litigation involving the Board.

Teresa Lopez motioned to enter into closed meeting, per NRS 241.030, seconded by Elisabeth Barnard. Motion carried unanimously.

Margaret Westcamp motioned to open meeting per NRS 241.030, seconded by Teresa Lopez. Motion carried unanimously.

21. Public Comment

No Public Comment.

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

Meeting adjourned at 2:42 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 February 1, 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
