



Nevada State Board of Massage Therapy

NOTICE OF PUBLIC MEETING

LOCATIONS:	Capital Building 101 North Carson Street, Guinn Room Carson City, NV 89701 Videoconference To: Grant Sawyer Building – Las Vegas 555 East Washington Avenue, Suite 5100 Las Vegas, NV 89101
DATE:	March 27, 2019
TIME:	9:00 a.m. PDST

Consent agenda items are shown in italics. The Consent Agenda contains matters of routine acceptance. The Board members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or change.

APPROVED 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).

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. Public comment may also be taken at other such times as requested as long as the request that public comment will not interrupt ongoing Board business. 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. The Board reserves the right to limit public comment to three minutes.

Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126. Please be aware that after the quasi-judicial Board has rendered a decision in the contested case and, assuming this happens before adjournment, the Board may entertain public comment on the proceeding at that time.

1. Meeting called to order at 9:10 am. Board Members present: Chair – Diane Huleva, Vice Chair – Deirdre Strunk, Secretary/Treasurer – Elisabeth Barnard, April Whiting, Margaret Westcamp, Teresa Lopez, Lorna Benedict, Nancy Zitko, Sgt. Mark Menzie, Sgt. Rico Rodriguez, Executive Director Sandy Anderson, Deputy Attorney General Sophia Long, Senior Deputy Attorney General Sarah Bradley. Bob Oliver was not present.
2. 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. The Board will not restrict comments based on viewpoint.

No public comment.

3. Motion for reconsideration Thomasina J. Cotton – NVMT #8542 – NVMT-C-1827. (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)

Thomasina Cotton was present.

Sophia Long gave a brief introduction to Ms. Cotton's previous hearing at the January 23, 2019 Board meeting.

April Whiting motioned to reconsider Ms. Cotton's case, seconded by Deirdre Strunk. Motion carried unanimously.

4. Formal hearing Thomasina J. Cotton – NVMT #8542 – NVMT-C-1827. (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)

Thomasina Cotton was present.

Sophia Long requested to enter in the Stipulations of Facts and Violations of Law as evidence. Ms. Long recommended the board find Ms. Cotton in violation of NRS.640.700 (3).

Chair Diane Huleva swore in Thomasina Cotton.

Teresa Lopez motioned to accept Facts and Violations of Law, seconded by Lorna Benedict. Motion carried unanimously.

April Whiting motioned to remove seven (7) month suspension from previous Board meeting on January 23, 2019 while keeping the remainder of the items. Ms. Cotton will have a probationary license for three (3) years with a background check every year at Ms.

Cotton's expense. If Ms. Cotton does not complete the requirements, her license will be revoked for ten (10) years, seconded by Nancy Zitko. Motion carried unanimously.

5. Formal Hearing for Keisha Curtis – NVMT #6266 – NVMT-C-1842. (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)

Keisha Curtis was not present.

Elisabeth Barnard motioned to accept the Settlement Agreement, seconded by Teresa Lopez. Motion carried unanimously.

6. Formal Hearing Aihua Wang – NVMT #8552 – NVMT-C-1884. (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)

Aihua Wang was not present.

April Whiting motioned to accept the Settlement Agreement, seconded by Teresa Lopez. Motion carried unanimously.

7. Formal Hearing Michelle Lu – NVMT #3364 – NVMT-C-1886. (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)

Michelle Lu was not present.

April Whiting motioned to accept the Settlement Agreement, seconded by Elisabeth Barnard. Teresa Lopez opposed. Motion carried.

8. Formal Hearing for Cai Feng Donovan – NVMT #408 – NVMT-C-1901. (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)

Cai Feng Donovan was not present.

Teresa Lopez motioned to deny the Settlement Agreement. No second. Motion failed.

Elisabeth Barnard motioned to accept the Settlement Agreement, seconded by Lorna Benedict. Teresa Lopez opposed. Motion carried.

9. Formal Hearing Lili Zhang – NVMT #2066 – NVMT-C-1903. (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)

Lili Zhang was not present.

Sophia Long submitted into evidence the Compliant Notice of Hearing and advised the Board that per NRS.622A.350 the Board may proceed without Ms. Zhang in attendance.

Executive Assistant Tereza Van Horn was sworn in to confirm that Ms. Zhang was properly noticed at her current mailing address.

Teresa Lopez motioned to accept that Ms. Zhang was properly and legally noticed, seconded by April Whiting. Motion carried unanimously.

Officer Anton Jerbic was sworn in by Chair Diane Huleva and provided testimony.

Sophia Long submitted a copy of the arrest report into evidence. Chair accepted the evidence.

Teresa Lopez motioned to find Ms. Zhang in violation of NRS.640C.700(4), seconded by Margaret Westcamp. Motion carried unanimously.

April Whiting motioned to find Ms. Zhang in violation of law and the facts have been proven, seconded by Teresa Lopez. Motion carried unanimously.

Elisabeth Barnard motioned to revoke Ms. Zhang license for ten (10) years based on NRS.640C.700(4), seconded by Teresa Lopez. Motion carried unanimously.

10. Voluntary Surrender Bradley Cook – NVMT # 2352 – NVMT-C-1911. (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)

Deirdre Strunk recused herself as a former employer and does not feel that she can be unbiased.

April Whiting stated she worked with him in the past and felt she could remain unbiased. April did not recuse.

Teresa Lopez stated she works for an employer that Mr. Cook previously worked for and felt she could remain unbiased. Teresa did not recuse.

Teresa Lopez motioned to accept Voluntary Surrender, seconded by Elisabeth Barnard. Motion carried. Deirdre Strunk recused.

11. 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 Qi Feng. (For Discussion and Possible Action)

Qi Feng was present; Alex Young, interpreter was present; Kirk T. Kennedy, legal counsel was present.

Kirk Kennedy asked to defer to the next available meeting.

Teresa Lopez motioned to table this application until next available meeting, seconded by Elisabeth Barnard. Motion carried unanimously.

b. Review Application of Nathalie Landry. (For Discussion and Possible Action)

Nathalie Landry was present.

Executive Assistant Tereza Van Horn - Ms. Landry's application is before you today due to potential criminal history that could not be approved administratively. Ms. Landry was arrested in April of 1998 for Solicitation in Pompano Beach, Florida. Ms. Landry is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700. Ms. Landry has not had any other arrests since 1998. She has been licensed in Florida since 1999 with no disciplinary actions. Staff's recommendation is to approve a two (2) year probationary license, with a background to be completed each year of renewal at Ms. Landry's expense. If the licensee is arrested for prostitution during the 2 years her license will be revoked for ten (10) years and complete a background check prior to termination of probation paid for by the licensee.

Teresa Lopez motioned to accept staff's recommendation with background check each year at Ms. Landry's expense, seconded by April Whiting. Motioned carried unanimously.

c. Review Application of Yanett Hernandez. (For Discussion and Possible Action)

Yanett Hernandez was present.

Executive Assistant Tereza Van Horn - Ms. Hernandez's application is before you today due to potential criminal history that could not be approved administratively. Ms. Hernandez was arrested in February of 2002 for embezzlement and theft, in April of 2014 for Domestic Battery in Las Vegas, Nevada. The arrest in April of 2014 was later dismissed by the District Attorney. Ms. Hernandez 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's recommendation is to approve a two (2) year probationary license with a background check annually and prior to termination of probation paid for by the licensee.

Teresa Lopez motioned to accept staff's recommendation with background checks annually at Ms. Hernandez expense, quarterly reporting from her employer to staff and no outcall, seconded by April Whiting. Motioned carried unanimously.

d. Review Application of Charn C. Lee. (For Discussion and Possible Action)

Charn C. Lee was present; Alex Young, interpreter was present.

Executive Assistant Tereza Van Horn - Ms. Lee's application is before you today due to potential criminal history that could not be approved administratively. Ms. Lee was arrested in March 2011 for domestic battery then arrested in July of 2011 for elderly abuse in Henderson, Nevada. Ms. Lee was granted probation for not more than three (3) years. Ms. Lee has completed the conditions of probation and was honorably discharged. Ms. Lee 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's recommendation is to approve a three (3) year probationary license with background checks every year paid for by the licensee.

Teresa Lopez motioned to deny this application under NRS.640C.700(3)(7). No second, motion fails.

April Whiting motioned to approve a three (3) year probation, no hospice or nursing care facility with quarterly reports from employer to staff and background checks annually at Ms. Lee's expense, seconded by Teresa Lopez. Motion carried unanimously.

e. Review Application of Bailing Li. (For Discussion and Possible Action)

Bailing Li was present; Weilin Chang, interpreter was present.

Executive Assistant Tereza Van Horn - Ms. Li's application is before you today due to potential criminal history that could not be approved administratively. Ms. Li was arrested in September of 2008 for prostitution in Paso Robles, California. Ms. Li attended Royal Irvin College in California. She obtained a massage license in New Mexico with education from Royal Irvin College. Royal Irvin College is on CAMTC list of unapproved programs. Ms. Li did not disclose Royal Irvin education on her application. Ms. Li attended and completed additional education at Elbe Institute prior to the school's closure. 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. Staff's recommendation is to deny this application based on NRS 640C.700(1)(4) and (9).

April Whiting motioned to deny the application based on NRS.640C.700(1)(4) and (9), seconded by Teresa Lopez. Margaret Westcamp opposed. Motion carried.

f. Review Application of Pik Yuk Li. (For Discussion and Possible Action)

Pik Yuk Li was present; Allison Jacobs, interpreter, was present; Fred Page, legal counsel, was present.

Executive Assistant Tereza Van Horn - Ms. Li's application is before you today due to potential criminal history that could not be approved administratively. Ms. Li was arrested in January, February and March of 2010 for solicitation or engaging in prostitution and no massage permit in Las Vegas, Nevada. Ms. Li attended East-West Institute of Hand Therapy in California in 2004 and Fuzuba in 2017. Ms. Li did not disclose East-West Institute of Hand Therapy on her application. East-West Institute of Hand Therapy is not an approved program with CAMTC. During Ms. Li's licensure period in Nevada, Ms. Li was given a 45-day suspension with fines of \$2,500.00 and finally voluntarily surrendered her license in 2011. Ms. Li applied in 2017 and was denied based off NRS.640C.700(4)(6)(7) and (9). 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. Staff's recommendation is to deny this application based on NRS640C.700(1)(4)(6)(7) and (9).

Teresa Lopez motioned to deny this application based on NRS.640C.700(1)(4)(6)(7) and (9), seconded by Lorna Benedict. Motion carried unanimously.

g. Review Application of Tiavera Robinson. (For Discussion and Possible Action)

Tiavera Robinson was present.

Teresa Lopez recused herself. Teresa is an instructor at the school Ms. Robinson attended and cannot be unbiased.

Executive Assistant Tereza Van Horn - Ms. Robinson's application is before you today due to potential criminal history that could not be approved administratively. Ms. Robinson was arrested in July and September of 2010 for solicitation or engaging in prostitution in Las Vegas, Nevada. Ms. Robinson 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's recommendation is to deny this application based on NRS.640C.700(4) and (9).

Margaret Westcamp motioned to discuss a probationary license. Discussion occurred.

Diane Huleva motioned to approve a probationary license for five (5) years with background checks annually at Ms. Robinson costs, no out call, must be employed, monthly reports to staff for the first two years, then go before the Board for re-evaluation, must notify the Board of any changes in employment, if she is arrested automatic revocation for ten (10) years, seconded by Lorna Benedict. Motion carried. Teresa Lopez recused.

h. Review Application of Jiahong Yao. (For Discussion and Possible Action)

Jiahong Yao was present; Alex Young, interpreter, was present; Kirk T. Kennedy, legal counsel, was present.

Executive Assistant Tereza Van Horn - Ms. Yao's Reflexology application is before you today due to potential criminal history that could not be approved administratively. Ms. Yao was arrested for solicitation or engaging in prostitution in Las Vegas during the practice of massage on September of 2007, February 2010 and May of 2010. Ms. Yao previously attended East-West Institute of Hand Therapy in California and Fuzuba in 2018. East-West Institute of Hand Therapy is not an approved program with CAMTC. Ms. Yao has been previously licensed in Nevada. During that licensure period Ms. Yao was given a 90-day suspension and fines of \$1,000.00 followed by a one (1) year probationary license and finally voluntarily surrendered her license in 2010. Ms. Yao 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's recommendation is to deny this application based on NRS640C.700(4)(6) and (9).

Teresa Lopez motioned to deny this applicant based off NRS.640C.400(4)(6) and (9), seconded by April Whiting. Motion carried unanimously.

12. Request to file action in Second Judicial District Court pursuant to NRS 640C.900 regarding the unlicensed activity of Randell Williams. (For Discussion and Possible Action)

Teresa Lopez motioned to proceed with legal action for practicing without a license in the case of Randell Williams with Board updates as available. If costs exceed \$15,000.00 staff will go back before the Board. Staff will track costs as a separate line items on the budget, seconded by Elisabeth Barnard. Motion carried unanimously.

13. *Consent Agenda Items – Board members may choose to request any item listed below be pulled for discussion and possible action. Any items not pulled may be approved in a single motion to approve the consent agenda excluding pulled items. (For Discussion and Possible Action)*

- a. *Approval of applications approved and authorized by the Chairperson through February 28, 2019 (see Exhibit A). (For Possible Action)*

Lorna Benedict motioned to approve consent agenda item 13 a, b, c, d, e and f (i) and (iii), seconded by April Whiting. Motion carried unanimously.

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

Lorna Benedict motioned to approve consent agenda item 13 a, b, c, d, e and f (i) and (iii), seconded by April Whiting. Motion carried unanimously.

- c. *Discussion and possible action regarding increasing the scanning and shredding contract for FY 2019 by \$4,000 to cover the costs of converting the inspection files to datafiles online. (For Discussion and Possible Action)*

Lorna Benedict motioned to approve consent agenda item 13 a, b, c, d, e and f (i) and (iii), seconded by April Whiting. Motion carried unanimously.

- d. *Discuss, amend and approve Board meeting minutes for January 23, 2019. (For Discussion and Possible Action)*

Lorna Benedict motioned to approve consent agenda item 13 a, b, c, d, e and f (i) and (iii), seconded by April Whiting. Motion carried unanimously.

- e. *Discussion and possible action regarding approval of Massage Therapy Programs meeting the criteria of NAC 640C. (For Discussion and Possible Action) (See attached list)*

Lorna Benedict motioned to approve consent agenda item 13 a, b, c, d, e and f (i) and (iii), seconded by April Whiting. Motion carried unanimously.

- f. *Review of recommended changes to policies approved with changes at the September 5, 2018 Board Meeting.*

- ii. *1.5.1 – Travel and Per Diem – including changes to clarify employee and board member compensation for travel after board business.*

Lorna Benedict motioned to approve consent agenda item 13 a, b, c, d, e and f (i) with changes and (iii), seconded by April Whiting. Motion carried unanimously.

- iii. *5.1.1 – Internal Control Monitoring and Evaluation*

Margaret Westcamp motioned to have two signatures (one staff member and one Executive officer) on all checks issued more than \$300.00, seconded by Lorna Benedict. Motion carried unanimously.

- iv. *5.2.1 – Reserves Policy*

Lorna Benedict motioned to approve consent agenda item 13 a, b, c, d, e and f (i) with changes and (iii), seconded by April Whiting. Motion carried unanimously.

- v. *8.1.1 – Board Compensation – including changes to add compensation for prep for meetings that do not have a board packet and clarification of compensation for travel related to business of the Board.*

Margaret Westcamp motioned to add specific tasks or items to list of available compensation table and with changes as needed while legal counsel looking into further requests or changes, seconded by Teresa Lopez. Motion carried unanimously.

- 14. Discussion and possible action regarding financial reports and budgetary approvals. (For Discussion and Possible Action)
 - a. Discussion regarding the Fiscal Year 2018 Audit presented by Coulson & Associates. (For Discussion)
 - b. Discussion and possible action regarding the Fiscal Year 2020 Budget. (For Discussion and Possible Action)
 - c. Discussion and possible action regarding planning a Board Retreat for the Summer or Fall of 2019. (For Discussion and Possible Action)

Item 14 a, b, and c were not discussed.

- 15. Discussion and possible action regarding the usage of the Federation of State Massage Therapy Boards' (FSMTB) Massage Therapy Licensing Database (MTLD) as well as information regarding the Regulatory Education and Competency Hub (REACH) courses, CE Registry, and reflexology with information provided by FSMTB Executive Director Debra Persinger. (For Discussion and Possible Action)

Debra Persinger was in attendance.

Teresa Lopez motioned to approve MTLTD, seconded by April Whiting. Motion carried unanimously.

16. Board Counsel Report. (For Discussion)

Discussion was held regarding inLumon, massage establishments, regulations, suspending of licenses, ethical boundaries assessment testing, strategic planning or training meeting, guidance from the Board in relation to settlement agreements, and Ethics and Boundaries Assessment Services (EBAS).

17. Discussion and possible action regarding options concerning Board legal representation including the Office of the Attorney General and private counsel. (For Discussion and Possible Action)

Sandy Anderson stated the working relationship with Sarah and Sophia is going very well.

18. Legislative Update including the status of Bills being tracked by the Executive Director and Board Counsel (see Exhibit B) including possible Board position on the bills listed below. (For Discussion and Possible Action)

- a. AB 157
- b. AB 166
- c. SB 228

Item 18 a and b were not discussed.

Discussion was held regarding the safety and science related to the use of marijuana infused topicals. Based on the lack of science and our concern for licensee safety, Teresa Lopez motioned to oppose SB 228, seconded by April Whiting. Motioned carried unanimously.

19. Discussion and possible action regarding Inspection Team Report and additional information requested as part of the regular reports to the Board. (For Discussion and Possible Action)

Item was not discussed.

20. Discussion and possible action regarding modifying the existing complaint form. (For Discussion and Possible Action)

Item was not discussed.

21. Discussion and possible action regarding tracking of complaints by staff for reporting to the Board. (For Discussion and Possible Action)

Item was not discussed.

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

- a. 7.1.1 – Workers’ Compensation
- b. 10.2.1 – Description of Chairperson
- c. 10.3.1 – Description of Vice Chairperson

- d. 10.4.1 – Description of Secretary/Treasurer
- e. 10.5.1 – Description of Executive Director

Item 22 a, b, c, d and e were not discussed.

- 23. Discussion and possible action regarding the performance evaluation of Executive Director Sandra Anderson including possible compensation review. (For Discussion and Possible Action)

Item was not discussed.

- 24. Discussion regarding recommended future agenda items. (For Discussion)

Item was not discussed.

- 25. 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. The Board will not restrict comments based on viewpoint.

Elliott Reed, NVMT.3114 and owner of IMR massage – I am asking that the Board consider clarifying that the scope of practice of a licensed massage therapist in Nevada to include the use of “Dry Cupping Therapy” (No use of needles or bloodletting). The Nevada Board of Massage accepts cupping therapy CEU’s as continued education by the NCBTMB but doesn’t acknowledge it to be in a massage therapists’ scope of practice. This technique is safe and with proper training and certification can greatly benefit clients. I am bringing this to the Boards of attention to get ahead of any future senate bill that could limit the practice of a licensed massage therapists in Nevada. Thank you for your consideration and time.

Laura Embleton with Associated Bodywork and Massage Professionals (ABMP) – Good discussion.

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

Adjourned at 4:26 pm.

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 March 22, 2019, 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

Nevada Attorney General’s Office

100 South Stewart Street
Carson City, NV 89701

100 N. Carson Street
Carson City, NV 89701
