



Nevada State Board of Massage Therapy

LOCATIONS: **Legislature**
401 South Carson Street, Room 2134
Carson City, NV 89701

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

DATES AND TIMES: **August 14, 2019 commencing at 9:00 a.m.**
August 15, 2019 Workshop commencing at 9:00 a.m.

The Board meeting commenced at 9 a.m. on Wednesday August 14, 2019, continuing 9 a.m. on Thursday, August 15, 2019, until all Board business was completed.

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 Chair may limit public comment to three (3) minutes per person.

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 on August 14, 2019 at 9:14 am. Board Members present: Chair – Diane Huleva, Vice Chair – Deirdre Strunk, Secretary/Treasurer – Elisabeth Barnard, April Whiting, Margaret Westcamp, Teresa Lopez, Lorna Benedict, Bob Oliver, Nancy Zitko, Executive Director Sandy Anderson and Deputy Attorney General Sophia Long. Senior Deputy Attorney General Sarah Bradley arrived at 9:29 am.

Meeting called to order on August 15, 2019 at 9:16 am. Board Members present: Chair – Diane Huleva, Vice Chair – Deirdre Strunk, April Whiting, Margaret Westcamp, Teresa Lopez, Lorna Benedict, Bob Oliver, Nancy Zitko, Executive Director Sandy Anderson, and Senior Deputy Attorney General Sarah Bradley. Bob Oliver present via teleconferencing. Secretary/Treasurer Elisabeth Barnard was not present.

2. Introduction of new Board member(s) appointed by the Governor.

No new Board members.

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. The Board will not restrict comments based on viewpoint. The opportunity for public comment will be available at the beginning and ending of each day of the meeting and during the open discussion period of the workshop on August 15, 2019.

August 14, 2019 – David Otto NVMT.103 – “Thank you for allowing public comment. I have previously submitted written comments however I wanted to also speak with you today as I am unable to attend tomorrow’s workshop. In reference to Agenda Item 25. Provision 9: Please consider using language to include independent practitioners not just massage therapists or establishments for the waiver/age form. Provision 10: Please consider adding independent practitioners for the waiver of photography. Provision 24: Change the 5th word from “or” to “and” to be more inclusive while not allowing for interpretation. Provision 25: Thank you. Provision 28: Love, love, love. Provision 30: In my personal opinion and professional opinion this provision will need some safety guidance from the Board.

August 15, 2019 – Barbara Burchfield NVMT.229 – Read by Director Sandra Anderson - This letter is in regards to the board wanting massage therapist to take a class in jurisprudence and charging \$70.00 dollars to do so. I totally oppose this and think it's ridiculous! I have been a massage therapist in Las Vegas for over 20 years, I pay so much in fees every year, and you want to add another one!! We have learned this in school already! It's too bad that there are a few bad apples in our profession, but don't make all the good ones pay! At least grandfather the therapist that have been in good standing for over 15 years in!! Leave us alone, please No More Fees!!! You are nickel and diming us to death!! I ask that you rethink this proposal and decline it!!! Thank you.

August 15, 2019 – Diane Woodside NVMT.217 – Read by Director Sandra Anderson - Dear Nevada State Board, this letter is in regards to the board wanting massage therapist to take a class in Jurisprudence to maintain our current license and charge us \$50 to \$70.00 along \$295.00 every 2 years plus paying State, County and City. And continuing education and that's a few hundred. Jurisprudence is the theory or philosophy of law. Massage therapist is someone who treats clients by using touch to manipulate the soft- tissue muscles of the body WITH THERE TOUCH MASSAGE THERAPIST RELIEVE PAIN. Obviously, someone doesn't know the difference. What next a medical degree? What purpose will that serve, and it has nothing to do with helping in what we do. Why don't lawyer's go to massage school? This is just someone's way of getting more money from us. The board is responsible get rid of the bad therapist. Hit them with a heavy fine and there's your money. Heavy fines for prostitution and there's your money. take a cut in pay and there's your money! Stop finding ways to bleed us. I have been practicing massage therapy over 20 years. I was finger printed and mug shot. And a background check from the age of 18 up to the age I was when I applied. I work hard, pay my license on time and I have a great reputation. Ethic's was taught in our school. Now you want me to take a worthless class? And I have to take time off of work and loose more money. For what? To fatten someone's job security and wallet! Esthetician's have one license. I checked into other states and guess what one license for massage. The board has a lot of money coming in. There are a lot of therapist out there and more coming in by the minute. Looks like someone is not capable of handling money. I did not become a therapist to have to jump through hoops with petty crap or to keep shelling out money. 4 licenses Just to work! Really? We are not paid by the hour. Were paid by the massage. During slow times money is less. No paid vacations, sick pay, or insurance. And no pay raise. I will be 70 next year and I will still have to work. Would you like me to send you my social security money? We should receive statement's on where and how all the money is used. How much is the board being payed? How do I know someone isn't mis using fund's? Something's wrong somewhere. I have a forensic accountant who can look matters over. Maybe channel 13 can do some investigating. As they say there is something rotten in Denmark or should I say Nevada. Thank you to board member for support the therapist and understand. Get rid of the bad apples. Where can I get your spending statement? Please send me a copy.

August 15, 2019 – Martin Marx NVMT.7412 – Read by Director Sandra Anderson - In the New Provision 7, the first sentence does not have a verb. It needs to be changed in order to be grammatically correct. It states: " Any statement made by a client to a massage establishment, reflexology establishment or structural integration establishment operated by the holder that the client was touched inappropriately by a massage therapist, reflexologist structural integration practitioner." Followed by: " Any establishment that receives such a statement must inform the client that a report may be made to the Board and offer to report the incident on the client's behalf." It might be more correct if these are merged properly. For example: Any statement made by a client to a massage establishment, reflexology establishment or structural integration establishment, operated by the holder, that the client was touched inappropriately by a massage therapist, reflexologist structural integration practitioner, must inform the client that a report may be made to the Board and offer to report the incident on the client's behalf.

August 15, 2019 – Robin Graber NVSI.0001 – Read by Director Sandra Anderson – I would very much like to attend the workshop meeting scheduled for next Wednesday, August 15, but I am unable. I would like to offer some comments. First, I'd like to thank you for all of your hard work and efforts. I appreciate it very much. Secondly, I'd like to thank you for increasing awareness around human trafficking training as well as more ethics. I think it's important and I'm in favor. The last thing I'd like to address is the language around working underneath clothing being classified as sexual misconduct. In the scope of a structural integration session we often need to adjust or move the waistline of the client's underwear to better access the hip, or maybe the edge of the bra strap to better access the ribcage and/or back. As you know we work without draping, and the clients wear garments that they are comfortable being seen in. Please see my attached client agreement where I have them give consent for all of this. I ask for better language regarding this. Hopefully Lorna and Sandy can help as they have direct knowledge of the work. Sincerely Robin Graber.

August 15, 2019 – Meaghan Maillet NVMT.9892 – Read by Director Sandra Anderson - Dear Nevada State Board of Massage Therapy Members, It was a pleasure and a great experience to participate in the Regulatory Workshop on July 3, 2019. I want to thank all of you for your service on the board. It is obvious that each of you are dedicated to your duties to establish regulations which protect the public as well as licensees without placing undue burden on the licensees or certificate holders. With that in mind, I feel compelled to request that you take time to reconsider the language in NAC 640C.250 (3) regarding attire, specifically the wearing of swim attire. During the workshop it was suggested that the last sentence "The Board may grant exceptions to this regulation upon a showing that the massage therapist, reflexologist or structural integration practitioner will be poolside at a resort" be entirely stricken from the proposed new language. A statement was made to the effect that there is absolutely no legitimate reason for a massage therapist to practice in a bathing suit. That statement is simply false. Watsu, Aquatic Integration, and other variations of aquatic bodywork are indeed legitimate forms of bodywork recognized by NCBTMB, ABMP & AMTA as well as many international massage and bodywork organizations. I believe that the proposed new language would place an unnecessary burden on legitimate practitioners in our state. I wholeheartedly agree with the intent to "de-sexify" the industry, but I feel that there is better language to accomplish this without harming legitimate practitioners. A quick Google search of massage regulation relating to attire found some good examples of language that other states have adopted. California code Chapter 5.40.090 (A) states: All persons shall be clean and wear clean and sanitary outer garments at all times. All outer garments shall be of a fully opaque, nontransparent material and provide complete covering from at least the mid- thigh to two inches below the collarbone. The midriff may not be exposed. Another example from Florida could be adapted to address this issue in both attire regulation, as well as advertising regulations. In their statute outlining what behaviors could be grounds for disciplinary action they include: "False, deceptive or misleading advertising" and "Advertising to induce or attempt to induce, or to engage or attempt to engage, the client in unlawful sexual misconduct as described in s. 480.0485" These are just two examples of language that clearly communicate the intent behind the regulation, would still allow our qualified and talented inspectors to use their good judgment and would not place unnecessary burden on legitimate practitioners who may have appropriate occasion to practice in swim attire. I hope that you will take these points into consideration prior to adopting the proposed new language. Most respectfully, Meaghan Maillet, LMT.

August 15, 2019 – Ryan Black – City of Las Vegas Business License – We agree with most provisions presented before you. We do have a few things that we would like to comment on for the record. Provision 1 section 4 – Licensing process and/or concerns with timeline of licensing. Provision 9 – clarify “minor” in relation to federal or state level. Provision 10 section 1 – removing reflexology from this section as it conflicts with current regulation codes. Provision 28 – no clear distinction between establishment and/or massage therapists for advertising and license number purposes – we do support this provision. Provision 30 – remove cannabiniol at this time until further clarification from the FDA or CDC.

August 15, 2019 – Karla Quello NVMT.5758 – Provision 33 – Review this again. Possible generate a waiver or consent form to be completed.

August 15, 2019 – Lana Hammond – City of Henderson Business License – Provision 10 – Room requirements or privacy components would conflict with City of Henderson existing codes. Provision 28 – (Same as Las Vegas Business Licensing) no clear distinction between establishment and/or massage therapists for advertising and license number purposes.

August 15, 2019 – Michelle Flater – Director of Regulatory Compliance for Wynn, Las Vegas. Provision 7 – Clients bill of rights. Entrance into every room or a waiver to sign to prevent signage throughout the establishment.

August 15, 2019 – Eva Becerra NVMT.7951 – “My concern is for a lack of regulation of advertising. They need to be more stringent. I also would like to discuss the similarity with my name versus a business name that is located in Reno. A business name of Eva’s Massage and my name of Eva. I have received numerous emails or phone calls requesting to do illegal activities. Some of the people calling or sending emails have gotten upset or angry at me, when I turn them down.”

August 15, 2019 – Sommer Plotnick NVMT.9197 – “I want to speak about the importance of the intake form, while also having something available for communication with a non-English speaking therapist. Also, in my experience there is a lack of understanding of regulations versus cultural behavior surrounding massage or learning, I think it is absolutely necessary a jurisprudence exam would be beneficial regardless of renewing or new licensees. I would like to see that your website also lists the clear capacity of Board listed on the site.”

August 15, 2019 – Megan Blackwell NVMT.7736 – Making the website available for audio listening or available for smartphone capabilities.

August 15, 2019 – Jennell Kimball NVMT.5635 – “In the phone book my name is listed between the Bunny Ranch and KitKat Ranch. I get a lot of inappropriate phone calls. I would like to know if anyone can help with legislative to enact legislation to prevent brothels from advertising massage. The know the governing body over brothels is different but I would like some help or representation in regards to change to not let them advertise with us.”

4. Election of officers (For Possible Action)

a. Chair

Teresa Lopez nominated Diane Huleva for Chair. No other nominations were presented.

Teresa Lopez motioned for Diane Huleva as Chair, seconded by Lorna Benedict. Motion carried unanimously.

b. Vice Chair

Diane Huleva nominated Deirdre Strunk for Vice Chair. No other nominations were presented.

Diane Huleva motioned for Deirdre Strunk as Vice Chair, seconded by Teresa Lopez. Motion carried unanimously.

c. Secretary/Treasurer

Teresa Lopez nominated Elisabeth Barnard for Secretary/Treasurer. No other nominations were presented.

Teresa Lopez motioned for Elisabeth as Secretary/Treasurer, seconded by Diane Huleva. Motion carried unanimously.

5. Formal Hearing Jenny Hoang-Coursol – NVMT #8339 – NVMT-C-1828. (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)

Jenny Hoang-Coursol was not present.

Diane Huleva swore in Tereza Van Horn, Executive Assistant to provide testimony.

Teresa Lopez motioned to find Ms. Hoang-Coursol was properly noticed, seconded by April Whiting. Motion carried unanimously.

Deputy Attorney General Sophia Long advised the Board in reference to NRS.622A.350 the Board will continue with formal hearing without Jenny Hoang-Coursol in attendance.

Teresa Lopez motioned to find Ms. Hoang-Coursol guilty of Count 1, seconded by April Whiting. Motion carried unanimously.

Teresa Lopez motioned to revoke Ms. Hoang-Coursol's license for a period of ten (10) years, seconded by April Whiting. Motion carried unanimously.

6. Formal Hearing Li Jang – NVMT #5450 – NVMT-C-1904. (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)

Li Jang was not present; Kirk Kennedy, legal counsel was present.

Teresa Lopez motioned to reject settlement agreement, seconded by Elisabeth Barnard. Motion carried unanimously.

7. Formal Hearing Wen Ji Sun – NVMT #1743 – NVMT-C-1905. (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)

Wen Ji Sun was not present; Kirk Kennedy, legal counsel was present.

Teresa Lopez motioned to reject settlement agreement, seconded by Lorna Benedict. Motion carried unanimously.

8. Formal Hearing for Wei Geng – NVMT #8314 – NVMT-C-1906. (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)

Wei Geng was not present; Kirk Kennedy, legal counsel was present.

Teresa Lopez motioned to reject settlement agreement, seconded by Elisabeth Barnard. Motion carried unanimously.

9. Formal Hearing Meixiang Yang – NVMT #7696 – NVMT-C-1907. (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)

Meixiang Yang was not present; Kirk Kennedy, legal counsel was present.

Teresa Lopez motioned to reject settlement agreement, seconded by Lorna Benedict. Motion carried unanimously.

10. Formal Hearing Aihua Wang – NVMT #8552 – NVMT-C-1917. (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 present; Wai Mei Borgel, Interpreter was present; Kirk Kennedy, legal counsel was present.

Sophia Long presented a voluntary surrender for five (5) years in lieu of other discipline effective today August 14, 2019. Ms. Wang shall surrender all copies of her license.

April Whiting motioned to accept voluntary surrender, seconded by Lorna Benedict. Motion carried unanimously.

11. Voluntary Surrender for Eric Hall – NVMT #7942 – NVMT-C-1926. (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)

Eric Hall was not present.

April Whiting motioned to accept voluntary surrender in lieu of other discipline, seconded by Teresa Lopez. Motion carried unanimously.

Elisabeth Barnard – Kudos to staff for the written agreement of a term of ten (10) years.

12. Formal Hearing Yuvadee Phumpachart – NVMT #5477 – NVMT-C-1930. (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)

Yuvadee Phumpachart was present.

Chair Diane Huleva swore in Yuvadee Phumpachart.

Sophia Long presented the agreed upon facts. Yuvadee Phumpachart is the owner of Luxury Thai Spa. Yuvadee Phumand hired four (4) unlicensed individuals to perform massage therapy. Sophia Long would like to also clarify there was no allegations of other illegal activity. Through Sophia Long, Yuvadee Phumpachart does admit and understand this is a violation of law on counts 1-4 and has agreed the Board can find her in violation.

Teresa Lopez motioned to find Yuvadee Phumpachart guilty and in violation of counts 1-4, seconded by April Whiting. Motion carried unanimously.

Elisabeth Barnard motioned to fine Yuvadee Phumpachart twenty five hundred (\$2,500.00) per count for a total of ten thousand dollars (\$10,000.00) payable within six (6) months plus costs, a two (2) year probation, subject to additional inspections during probationary period, if during probation to be found in violation, Yuvadee Phumpachart will go before the Board for review, seconded by Lorna Benedict. In favor: Lorna Benedict, Elisabeth Barnard, Bob Oliver, and Teresa Lopez. Opposed: Nancy Zitko, Margaret Westcamp, April Whiting, Deirdre Strunk and Diane Huleva. Motion failed.

Teresa Lopez requested the max amount of \$5,000.00 per count.

Deirdre Strunk motioned to fine Yuvadee Phumpachart twenty five hundred (\$2,500.00) per count for a total of ten thousand dollars (\$10,000.00) payable within twelve (12) months, a two (2) year probation, subject to additional inspections during probationary period, if cited by law enforcement or City/Code enforcement for criminal or unlawful activity during probation will go before the Board for review, seconded by Margaret Westcamp. Motion carried unanimously.

13. Discussion and review of Citation Appeal Troy Stephenson. (For Possible Action). The Board may vote to uphold the citation or withdraw the citation after hearing arguments from Mr. Stephenson and receiving evidence from Board staff regarding the citation.

Troy Stephenson was not present.

Elisabeth Barnard motioned to find Mr. Stephenson was properly noticed, seconded by Deirdre Strunk. Motion carried unanimously.

Deputy Attorney General Sophia Long advised the Board in reference to NRS.622A.350 the Board will continue with continue with citation appeal without Troy Stephenson in attendance.

Teresa Lopez motioned to uphold citation, seconded by Deirdre Strunk. Motion carried 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 Haili Chen. (For Possible Action)

Haili Chen was present; Wai Mei Borgel, Interpreter was present; Kirk Kennedy, Legal Counsel was present.

Executive Assistant, Tereza Van Horn - Ms. Chen's massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Chen's previous reflexology application was before the Board on January 23, 2019 and was denied based of NRS.640C.700 (4)(7) and (10). Ms. Chen indicated she had been arrested on 8/17/2016 and 2/11/2017 for unauthorized use of professional title, prostitution and unauthorized practice of profession. We are unable to obtain information from arresting agencies as Ms. Chen's information for both arrests have been sealed. Ms. Chen 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)(2)(4) and (9).

Teresa Lopez motioned to deny application based off NRS.640C.700(1)(2)(4) and (9), seconded by Lorna Benedict. Motion carried unanimously.

- b. Review Application of Qi Feng. (For Possible Action)

Qi Feng was present; Wai Mei Borgel, Interpreter was present; Kirk Kennedy, Legal Counsel was present.

Executive Assistant, Tereza Van Horn - Ms. Feng's reflexology application is before you today due to potential criminal history that could not be approved administratively.

Ms. Feng was arrested in May of 2007 for promoting prostitution in Overland Park, Kansas. At the time of the arrest Ms. Feng had a city business license. Ms. Feng did not have a city massage therapy license. Charge was later dismissed. Ms. Feng 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(2)(6) and (9).

Teresa Lopez motioned to deny application based off NRS.640C.700(2)(6) and (9), seconded by Elisabeth Barnard. Motion carried unanimously.

c. Review Application of Jianqin Wang. (For Possible Action)

Jianqin Wang was present; Wai Mei Borgel, Interpreter was present; Kirk Kennedy, Legal Counsel was present.

Executive Assistant, Tereza Van Horn - Ms. Wang's massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Wang was arrested in a massage establishment on June 6, 2016 for unlawful procure for the purpose of prostitution, conspire to unlawfully procure another person for the purpose of prostitution and engage in/solicit lewd conduct in public place by the Sheriff's Office in Hanford, California. Nolo contendere was initially entered. In October of 2017 the case was dismissed. Ms. Wang 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(2)(4)(a)(6) and (9).

April Whiting motioned to approve a two (2) year probationary license, no outcall, report to the Board within 48 hours if any contact with law enforcement, notify the Board with any changes in employment, address and phone, background checks annually at Ms. Wang's expense, if arrested for any violation Ms. Wang will go before the Board for review, seconded by Nancy Zitko. Elisabeth Barnard and Teresa Lopez opposed. Motion carried.

Teresa Lopez we should deny this application due to history.

d. Review Application of Xinpu Yan. (For Possible Action)

Xinpu Yan was present; Wai Mei Borgel, Interpreter was present; Kirk Kennedy, Legal Counsel was present.

Executive Assistant, Tereza Van Horn - Mr. Yan's massage application is before you today due to potential criminal history that could not be approved administratively. Mr. Yan was allegedly performing a massage on a client at Star Foot Spa. While performing the massage, Mr. Yan allegedly licked the client's vagina. The client told Mr. Yan "No". The client abruptly left the establishment. The victim then contacted Las Vegas Metro Police Department (LVMPD) and provided a voluntary statement. At this time the victim has declined to proceed with criminal charges therefore Mr. Yan

has not been arrested or charged. Mr. Yan was cited by NSBMT for practicing without a license. The citation amount of \$1,150.00 was paid on 10/19/2018. Mr. Yan was cited by Clark County Business license and remains active at this time. Mr. Yan 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(2)(4)(6) and (9).

Deirdre Strunk motioned to deny this application based of NRS.640C.700(2)(4)(6) and (9), seconded by April Whiting. Motion carried unanimously.

e. Review Application of Jiunan Yang. (For Possible Action)

Jiunan Yang was present; Wai Mei Borgel, Interpreter was present; Kirk Kennedy, Legal Counsel was present.

Executive Assistant, Tereza Van Horn - Ms. Yang's reflexology application is before you today due to potential criminal history that could not be approved administratively. Ms. Yang was cited by Clark County Las Vegas Metropolitan Police Department (LVMPD-SIS) in January of 2017 for providing a massage without having a license, arrested by LVMPD on October of 2017 for solicitation/engaging in prostitution while performing a massage (without a massage license) on an undercover agent. Ms. Yang 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(2)(4)(6) and (9).

Teresa Lopez motioned to deny this application based on NRS.640C.700(2)(4)(6) and (9), seconded by Elisabeth Barnard. Motion carried unanimously.

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 remove individual items for discussion or change prior to approval of that item.

15. *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 Possible Action)*

Teresa Lopez motioned to approve consent agenda, seconded by Deirdre Strunk. Motion carried unanimously.

- a. *Approval of applications approved and authorized by the Chairperson through June 30, 2019 (see Exhibit A). (For Possible Action)*
- b. *Discussion and possible action regarding review and acceptance of the Fiscal Year 2020 Budget versus Actual Year-To-Date. (For Possible Action)*
- c. *Discuss, amend and approve Board meeting minutes for June 4th and 5th, 2019. (For Possible Action)*

- d. *Discuss, amend and approve Board meeting minutes for July 3, 2019. (For Possible Action)*
- e. *Discussion and possible action regarding approval of Massage Therapy Programs meeting the criteria of NAC 640C (see Exhibit B). (For Possible Action)*
- f. *Discussion and possible action regarding approval of Policies and Procedures as amended at the June 4th and 5th, 2019 meeting of the Board. (For Possible Action)*
 - i. *1.1.1 Work Schedule*
 - ii. *1.2.1 Leave and Overtime*
 - iii. *1.3.1 Catastrophic Leave*
 - iv. *1.4.1 FMLA*
 - v. *2.1.1 Standards of Conduct*
 - vi. *2.2.1 Personal Appearance*
 - vii. *2.7.1 Harassment*

16. Discussion and possible action regarding review and acceptance of the Fiscal Year 2019 Year End Financial Statements and approval to send to Coulson and Associates for annual audit. (For Possible Action)

April Whiting motioned to approve Fiscal Year 2019 statements and to provide to Coulson and Associates for annual audit, seconded by Teresa Lopez. Motion carried unanimously.

17. Discussion and possible action regarding approval of Executive Director to attend the Polaris National Strategy Convening on Ending Human Trafficking in the Illicit Massage Industry to be held in Washington, DC, October 2nd and 3rd with an out-of-state travel budgetary increase not to exceed \$2,800. (For Possible Action)

Elisabeth Barnard motioned to not send Executive Director Sandra Anderson due to budgetary constraints at this time, seconded by Lorna Benedict. Teresa Lopez opposed. Motion carried.

18. Discussion and possible action regarding sending a delegate to the FSMTB Annual Meeting to be held October 3rd through 5th in Atlanta at no cost as well as sending the Executive Director and another member of the Board and/or staff at a cost of \$2,700 per attendee. (For Possible Action)

Elisabeth Barnard motioned to send Deirdre Strunk as delegate and Sandy Anderson to FSMTB, seconded by April Whiting. Motion carried unanimously.

19. Discussion and possible action regarding options available for the Board with regard to Unemployment Compensation. (For Possible Action)

Margaret Westcamp motioned to table this item and bring back at a later date, seconded by April Whiting. Motion carried unanimously.

20. Strategic Plan and SWOT results including guidance from the Board to staff regarding primary focus and three (3) to five (5) goals for implementation over the next three (3) to five (5) years. (For Possible Action)

Item was not discussed.

21. Board Counsel report including training and discussion of ways to handling application reviews and potential disciplinary action or contingencies for new licensees with criminal history. Discussion regarding the audit of licensing boards conducted by the Governor's Office of Finance, Division of Internal Audit. (For Discussion)

Sarah Bradley spoke briefly regarding AB319. The Board will need to have a petition process in place going forward. Sarah Bradley and Director Anderson currently are working on this. All recommendations from the auditors have been implemented.

22. Executive Director Report including but not limited to inspection team key indicators, investigations, Governor's Office of Finance, Division of Internal Audit Boards 1 and 2 Audits, SCR-6, and website activity and compliance with ADA requirements. (For Discussion)

Director Anderson provided a brief report regarding the inspection team numbers of Northern Nevada being on target with inspections and the Southern Nevada being a little bit behind with a game plan in place to be completely current by the year end. The Governor's Office of Finance Division of internal audits Boards 1 and 2 audits were discussed as well as the Boards compliance with the audits. State of Nevada requires websites to be at 90% compliance for ADA. Currently we are 98% in compliance with ADA requirements for our website.

23. Reflexology licensure status update. (For Possible Action)

Director Anderson stated we currently have 100 reflexology licenses that have been issued. Six (6) of those have converted to massage licenses. They are currently dually licensed. No change in the exam options available.

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

Item 24.a. – 24.t. were not discussed.

- a. 2.3.1 Ethical Behavior
- b. 2.4.1 Possession Firearms and Dangerous Weapons
- c. 2.5.1 Workplace Violence Prevention
- d. 2.6.1 Alcohol and Drug Free Workplace
- e. 3.1.1 Compensation and Performance Reviews
- f. 3.2.1 Separation of Employment
- g. 4.1.1 Board Issued Cellular Phone and Portable Device
- h. 4.2.1 State Owned Computers and Information

- i. 4.3.1 Use of State-Owned Motor Vehicles
- j. 5.1.1 – Internal Control Monitoring and Evaluation updated and modified to comply with changes recommended by Governor’s Finance Office – Division of Internal Audits – Executive Branch Auditor Heather Domenici and administrative changes recommended by staff. Including formally adding \$5,000 signing authority for the Executive Director and \$10,000 signing authority for the Executive Director for unexpected expenses if approved by the Chair or the Treasurer.
- k. 6.1.1 Board Responsibility for Records
- l. 7.1.1 Workers’ Compensation
- m. 9.1.1 Computer Software, Computers, E-Mail, and Voice Mail Usage
- n. 9.2.1 Receiving Gifts
- o. 10.1.1 Organizational Chart
- p. 10.2.1 Description of Chairperson
- q. 10.3.1 Description of Vice Chairperson
- r. 10.4.1 Description of Secretary/Treasurer
- s. 10.5.1 Description of Executive Director
- t. 10.6.1 Board Member Responsibilities

25. **August 15, 2019 at 9 a.m.:** Regulation workshop to review, update, and make changes to NAC 640C as needed to conform with recent legislative change and to ensure that its regulations are clear and up-to-date and may make changes with regard to licensing, continuing education, massage establishments, standards of practice, and unprofessional conduct. A draft of proposed changes is available from the Board office by contacting sjanderson@lmt.nv.gov or visiting the Board’s website at http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/. Public comment was welcomed and appreciated during this agenda item. Public comment was limited to three (3) minutes at the discretion of the Board Chair. (For Possible Action)

Discussion was held regarding each section of the proposed regulations. Members of the public participating in the discussion were Kristy Berge, Jennell Kimball, Meaghan Maillet, Eva Becerra, Michelle Flater, Lana Hammond, Ruth Ballentine, Ryan Black, Megan Blackwell, Sommer Plotnick, Erika Valles, Nathan O’Hara and Karla Quello.

Discussion was held including Board members, staff and stake holders. All of the above provided constructive feedback regarding each section of the proposed regulatory changes to the Nevada Administrative Code, Chapter 640C. Minor modifications were made to the proposed regulations based on stakeholder and Board member input. Legal counsel will work the Director Anderson to implement the requested changes and finalize the language.

Teresa Lopez motioned to approve the International Therapies Examination Council (ITEC) program of reflexology, seconded by Deirdre Strunk. Motion carried unanimously.

26. Discussion regarding recommended future agenda items. (For Discussion)

Item was not discussed.

27. 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.

8/14/2019 - Sommer Plotnick NVMT.9197 – “I spoke with Sandy Anderson some time ago, and she really shed some light on the full capacity of the Nevada State Board of Massage Therapy. It would be very helpful to other therapists, or outside agencies if you listed this information on your website for further clarification. You guys are doing a great job. Always insightful to come take a look. I think a jurisprudence exam for non-massage therapist’s business owners would be beneficial as a business owner and to ensure the owners are aware of the laws. A business owner should absolutely have discipline if they are breaking the laws. I think that all people that are cited (non-massage therapists or licensed massage therapists) should be required to attend a hearing. While public safety is a big concern, I have noticed that at most Asian foot spa location they do not require someone to fill out an intake form. This should be a requirement.”

8/14/2019 – Megan Blackwell NVMT.7736- “First of all you guys are doing an amazing job. I love coming to these meetings. I want to ask the Board to consider gender neutral designation on the all applications. Currently MBLEx has an “I prefer not to answer” option available. This will allow for members of the LGBTQ+ to feel accepted because not everyone fits into the category of male or female. Effective 4/22/2018 Nevada DMV began to offer gender x for all driver’s license applications or renewals. I would like to see this implicated to this industry, as this industry is heavily involved with gender. Thank you so much for your time.”

8/14/2019 – Sandy Anderson – Great job today you guys. This was hard today with a few of these cases.

28. Adjournment not later than 4:30 PM each day of the meeting. (For Possible Action)

8/14/2019 – Meeting adjourned at 4:20 pm.

8/15/2019 – Meeting adjourned at 4:12 pm

Notices:

Items may be combined for consideration by the Board. Items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and at the end of the meeting. No vote may be taken upon a matter raised during public comment until the matter itself has been specifically included on a future agenda as an item upon which action may be taken. (NRS 241.020). The Chair may limit public comment to three (3) minutes per person.

The Nevada State Board of Massage Therapy may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting. Interested persons may present oral and/or written comments at the time and place of the meeting, or written comments may be sent no later than **Thursday, August 8, 2019** to the following address: **Nevada State**

Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502. To request supporting materials, please contact: Sandy Anderson, Executive Director at 775.687.9951 or via email: sjanderson@lmt.nv.gov supporting materials are also available at the Board's office and on the Board's website http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/

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.

Persons/facilities who want to be on the mailing list must submit a written request every six months to the Board. We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Sandy Anderson at 775.687.9951 or sjanderson@lmt.nv.gov no later than 48 hours prior to the meeting.

In accordance with NRS 241.020, this public notice and agenda was posted on or before July 30, 2019, at the following locations:

http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/
<https://notice.nv.gov>
<https://www.leg.state.nv.us/App/Notice/A/>

Nevada Attorney General – Carson City Office, 100 N. Carson St. Carson City, NV 89701

Nevada Attorney General – Las Vegas Office, 555 E. Washington Ave., Las Vegas, NV 89101

Nevada Legislature Building, 401 S. Carson Street, Carson City, NV 89701

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

Nevada State Board of Massage Therapy, 1621 E. Flamingo Road, Suite 16A, Las Vegas NV 89121

Nevada State Library and Archives, 100 N. Stewart St., Carson City, NV 89701