



NSBMT - Board Meeting
August 19, 2020
Agenda Item 17e

Nevada State Board of Massage Therapy

DRAFT MEETING MINUTES

LOCATIONS:

Pursuant to Governor Steve Sisolak's Emergency Directive 006, there was no physical location for this meeting. Participants joined the meeting via Zoom.

<https://zoom.us/j/95920881130?pwd=UDZvQ05acnZlcC9qdGczTU9BQzU4UT09>

Meeting ID 959 2088 1130
Password 908735
SIP 95920881130@zoomcrc.com

Participation by phone was available via the following numbers:

+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)

DATES AND TIMES:

July 29, 2020 commencing at 9:00 a.m.

Zoom sign-in was available at 8:30 a.m.

DRAFT 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 are to be made to assist and accommodate individuals with disabilities who wish to attend the meeting by contacting Sandy Anderson at 775.687.9951 (sjanderson@lmt.nv.gov), in advance, so that arrangements may be made. Public comment is 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. The meeting was called to order by Chair Huleva at 9:02 a.m.

Roll call of Board Members – Chair Diane Huleva, Vice Chair Deirdre Strunk, Secretary/Treasurer Elisabeth Barnard, Richard Fields, Teresa Lopez, Sommer Plotnick, Sgt. Jorge Marty, Executive Director Sandy Anderson, Senior Deputy Attorney General Sophia Long as Prosecutor, and Deputy Attorney General Harry Ward as Board Counsel. Bob Oliver and Lorna Benedict were absent.

2. Chair Huleva read the mission statement into the record. The mission of the Nevada State Board of Massage Therapy is to, through licensing and regulating the practice of massage therapy, reflexology, and structural integration, protect the public health, safety and welfare by ensuring that only qualified competent massage therapists, reflexologists, and structural integration practitioners are licensed in the State of Nevada. It is our goal to balance the needs of the public with those of the licensees, through development, implementation, enforcement, and continued improvement in the areas of education, public safety, boundaries and ethics, in compliance with the highest standards set forth within the massage therapy profession.
3. Introduction of new Board members appointed by the Governor.

Chair Huleva introduced Sommer Plotnick the new massage therapist representing Southern Nevada.

4. Public comment – Members of the public who wish to participate in a public meeting may do so by providing public comment during the two designated public comment periods. Additionally, public comment options may include, without limitation, telephonic or email 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 the meeting.

No members of the public provided comment.

5. Discussion and possible action regarding Federation of State Massage Therapy Boards CE Registry provided by Lorena Haynes, Director of Government Relations, for tracking continuing education and providing an access point for licensees to find continuing education that is approved by the Board. (For Discussion and Possible Action)

Lorena Haynes introduced Gabrielle Bennett as the new Director of Continuing Education and provided a comprehensive review of CE Registry and a comparative analysis of the differences between CE Registry and CE Broker's platforms.

Diane Huleva motioned to approve FSMTB CE Registry as an approved accrediting body approved or recognized as another equivalent per NAC 640C.110(1)(a)(1) so that staff can utilize this tool, seconded by Elisabeth Barnard. Motion carried unanimously.

6. Formal Hearing Melissa A. Reinhardt – NVMT #9469 – NVMT-S-1936 (The Board may convene in session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Melissa Reinhardt was present.

The Board was presented with a Settlement Agreement for 5 years of probation with a background investigation every year at the respondent's expense and quarterly reports by the respondent and the respondent's employer.

Deidre Strunk motioned to approve the Settlement Agreement, seconded by Teresa Lopez. Motion carried unanimously.

7. Formal Hearing Xin Liang – NVMT #7499 – NVMT-C-1959. (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)

Xin Liang and legal counsel were not present.

This item was tabled to August 19, 2020. Senior Deputy Attorney General Long informed the Board that she was working on a settlement agreement for this case.

8. Formal Hearing Marilyn M. Vilorio - NVMT #4991 – NVMT-C-1962. (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)

Marilyn Vilorio was not present

Senior Deputy Attorney General Sophia Long provided information to the Board regarding the process of service, and Chair Huleva swore in Tereza VanHorn who provided testimony regarding service to the licensee at the last known residence and business addresses.

The Complaint Notice of Hearing was presented as Exhibit 1 and accepted by the Chair.

Pursuant to NRS 622A.350 Ms. Long requested that the Board make a finding that Ms. Viloría was properly noticed. Elisabeth Barnard so motioned, seconded by Teresa Lopez. Motion carried unanimously.

Based on the complaint paragraphs 1-7 Ms. Viloría received compensation but failed to provide services a violation of NRS 640C.700(12) and therefore also (9) unprofessional conduct. Additionally, she failed to respond to the Board staff a violation of NRS 640C.700(8) and therefore also (9). Ms. Long requested that the board find her in violation of counts 1 and 2.

Tereza Lopez motioned that the alleged findings of facts were true, seconded by Elisabeth Barnard. Motion carried unanimously.

Teresa Lopez motioned that violations of law 1 and 2 did in fact occur, seconded by Deirdre Strunk. Motion carried unanimously.

Discussion was held regarding possible disciplinary action with multiple Board members expressing concern for the purposeful disregard of the consumer. Legal Counsel Ward advised the Board regarding their ability to address this action.

Diane Huleva motioned to revoke license for 1 year, require payment of restitution to the victim, pay fees not to exceed \$1,000 including the service fees of \$130 and legal fees, and that the licensee will have to come before the Board to be reinstated after paying restitution to complainant, seconded by Teresa Lopez. Motion carried unanimously.

9. Formal Hearing Ping Wang – NVMT #9683 – NVMT-C-2024. (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)

Prior to the meeting, legal counsel for the respondent requested that the hearing be continued to August 19, 2020. The continuance was granted.

10. Review of Probation for Kendal L. Priestly – NVMT #10263. (For Discussion and Possible Action)

Kendal Priestly was present. Teresa Lopez recused based on her relationship with the licensee stating that Ms. Priestly had been one of her students.

Ms. Priestly requested removal of the outcall restriction from her probationary restrictions. After discussion Ms. Priestly was advised to return to the Board with information regarding the state and local licensing required to practice outcall and a simple business plan. Ms. Priestly's Review of Probation will be added to a future agenda.

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 Megan Jackson. (For Discussion and Possible Action)

Megan Jackson was not present.

Executive Director Anderson - Ms. Jackson's massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Jackson was arrested on December 31, 2013 by Evansville Police Department for DUI and on February 4, 2018 by Newburgh Police Department for Battery on an officer (vehicle) and possession of paraphernalia. Ms. Jackson is requesting to be granted a license under NRS 640C.580 or 420 and is before you today for review under NRS 640C.700. Staff's recommendation is to approve a probationary license for two (2) years with restrictions.

The Board discussed the application and background of Ms. Jackson. Multiple members had concerns about protection of the public without being able to properly assess her nature and character due to her not being present.

Deirdre Strunk motioned to deny based on NRS 640C.700(3) and (9), seconded by Teresa Lopez. 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 address individual items for discussion or change.

12. *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. *Discuss, amend and approve Board meeting minutes for closed session from June 10, 2020. (For Possible Action)*

This item was pulled by the Chair for clarification on the motions regarding the closed session.

- b. *Discuss, amend and approve Board meeting minutes for July 1, 2020. (For Possible Action)*

This item was pulled by the Chair to question Senior Deputy Attorney General Long regarding whether the minutes needed to include more information about the discussion surrounding the Board Counsel's report. Ms. Long confirmed that the minutes provided the documentation needed and if additional information was required at a later date the recording could be transcribed.

Diane Huleva motioned to approve both items 12.a. and 12.b., seconded by Teresa Lopez. Motion carried unanimously.

13. Board Counsel report. (For Discussion)

Senior Deputy Attorney General Long provided information regarding the filing of the Appeal regarding the Connie Wright case, and the acceptance of the Appeal by the Supreme

Court on July 29, 2020. She also shared information regarding the Yao case filed by Kirk Kennedy whose opening brief will be due in about four (4) months.

14. Executive Director Report. (For Discussion)

The Executive Director provided information and responded to questions from the Board.

15. Discussion and possible action regarding approval of Executive Director and members of the Board to participate in the 2020 FARB Regulatory Law Seminar Virtual Conference October 1 – 3, 2020 at a cost of \$375 per attendee. (For Discussion and Possible Action)

Diane Huleva motioned to have eight (8) Board members, two (2) attorneys, and five (5) staff members participate at a total cost of \$5,625, second by Teresa Lopez. Motion carried unanimously.

16. Discussion and possible action regarding approval for Board members to take CLEAR virtual training \$795 per person or 2-5 Board members/staff for \$1,495 or 6-10 Board members/staff for \$2,895. (For Discussion and Possible Action)

The item was tabled to the August 19, 2020 meeting.

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

18. 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 members of the public provided comment.

19. The meeting adjourned at 12:18 p.m.

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. Regarding public comment no vote may be taken upon a matter raised under this agenda item 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 allow comment on individual agenda items at her discretion. Please limit public comments to 3 minutes.

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 **Tuesday July 28, 2020** 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/

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 were posted on or before July 24, 2020, at the following locations:

http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/

<https://notice.nv.gov>

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