NEVADA STATE BOARD OF MASSAGE THERAPY AGENDA ACTION SHEET

TITLE: Application Review (Education and Administrative)

MEETING DATE: August 17-18, 2021

APPLICANT: Xiaohua He

REVIEW UNDER: NRS 640C.700

BACKGROUND INFORMATION:

Ms. He's massage application is before you today for review that could not be approved administratively. Ms. He was arrested on March 1, 2012 for solicitation or engaging in prostitution by Las Vegas Metropolitan Police Department (LVMPD). Ms. He was working at Diva Foot Spa and offered to perform a sexual act during the course of massage on an undercover officer that visited the establishment. Ms. He did not have a massage license at the time of the arrest. Ms. He is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

ACTION: Approved Probation - NRS 640C.700(1)(2)(4)(9)	☐ Denied – NRS 640C.700(1)(2)(4)(9) ☐ Tabled
PROBATION CONDITIONS: Per NRS 640C.710 Op	otions for Respondent:
A. Report all contact with law enforcement personnel within 48 hours after such contact occurs.	B. Refrain from providing outcall services.
C. Submit employment offers to the staff of the Board for review and approval.	D. Submit to a random drug test at respondent's expense.
☐ E. Complete an ethics course of CEU hours within 90 calendar days of licensure.	F. Submit to the Board a complete set of Fingerprints bi-annually/annually at licensee's expense.
☐ G. Take any other action that the Board deems appropriate -	
Required for Respondent:	
Cooperate fully with Board staff to administrate term of probation.	Responsible for all administrative fees incurred by the Board as a result of their probation compliance
Attend Probation Orientation	Comply with all laws governing massage therapy
Notify any change in address, phone number, establishment or employment to the Board office within 10 calendar days per NAC.640C.085(3)	Take any combination of the actions set forth in paragraphs (a) through (g), inclusive.

Board Meeting Application review:

Summary of Xiaohua He arrests/charges:

03/01/2012 – Ms. He was arrested by LVMPD for one count of Solicitation or engaging in prostitution. Received the following statement from by LVMPD.

While working in an undercover capacity investigating vie related crimes from XXXX W. Flamingo Rd. in Las Vegas at Diva Foot Spa. SIS received a complaint from unknown source/citizen stating that he went there to get a massage and the person who was working, an Asian female, solicited him for a prostitution act, hand job/manual masturbation. It should be noted that this establishment is only licensed to conduct reflexology massage of the hand, feet and ears.

I arrived at the location and went inside the Diva Foot Spa after ringing the door bell several times where an Asian female, approximately middle age, 40-50 years old, answered the door and let me in. When I went inside, I spoke to the unknown Asian female, which I asked if I could get a full body massage and she stated, yes. She escorted me into room # 3 and told me to get undressed. I then got undressed and covered myself with the towel laid on the table. The subject (He) gave me a full body massage touching my buttocks and genital area which is not the appropriate type massage. The subject (He) continued with the full body massage and several times left me uncovered without a towel around my genital area. After half an hour into the massage, near the completion, she turned me over at which point she then smiled, and I asked are we done. She stated, I don't know. I said, okay, well, can you do more for me and I pointed down to my genital area, meaning my penis and where she started to laugh and said, okay. I said, well how much is this going to cost, and she continued to be nervous at first and smiled and laughed.

Then she sat down next to me and started to hug me and them attempted to kiss me on the check. I said, hey, listen I'm just looking for a hand job and pointed down to my genital area and motioned my hand up and down towards my penis, meaning manual masturbation. I said, I'll give you extra money and she looked at me and said, okay. I said how about \$60.00. She nodded her head and said, yes. So, at which time, Ms. He agreed to a prostitution act, manual masturbation/hand job for a fee of \$60.00 in US currency. At his time, SIS entered the establishment and placed Ms. He under arrest for one count of solicitation of prostitution. Ms., He did not have any ID at the location and refused to give her proper name, so she initially was arrested under Jane Doe. When SIS then took over the investigations and contacted the owner of the establishment. The owner stated she just got hired two days ago and they were not sure of her real name either.

Section 6 question 4 of the application, Ms. He did not disclose that she had been arrested during the course of massage – therefore violation of NRS.640C.700(1) for submitting false, fraudulent or misleading information applies.

Prepared by Tereza Van Horn, Executive Assistant



Nevada State Board of Massage Therapy

1755 F. Plumb Lane, Suite 252, Reno, NEVADA

	1755 E. Plumb Lane,	Suite 252, Reno, NEVADA	
Application: License Application Number: OL210319		A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Fee: \$30.00
APPLICATION INSTRUCTIONS			
Please read the following instr cause delays in processing your ap website listed above and click the	oplication. If you have any ques		
Did you complete/graduate from hours?:			Yes \(\) NoYes \(\) No
Did you take and pass the Na ARCB, IIR and NCBTMB-R)? :	tlonal Exam (NESL, NCETM, NC	ETMB, MBLEX, IASI, ITEC,	
Section 1 : Personal Information			
 No larger than 2" x 2", fron Must be taken against a so We will NOT ACCEPT the practice. 		sunglasses, or anything obst	tructing any portion of your
List all legal names previously No record found.	or currently being used by y	/ou :	
Mailing address :			
Street:			
City:	State :	Zip:	
Residence address (if differen	t than the mailing address)	: Same as mailing add	ress
Street:			
City:	State:	Zip:	
Social Security Number : Place of Birth :		Date of Birth: Gender:	ie

Do you want to be excluded from the public mailing list? (Select one - You will still receive Board

Indicate the appropriate selection; which address you would prefer to be public knowledge.

● Home Mailing Business

🔵 Yes 🌘 No				
Section 2 : Child Suppor	t Information (Purs	uant to NRS 640C.430)		
Mark the appropriate res	oonse (failure to mark	one of the three will result in d	enial of your applicatio	n):
☑ I am NOT SUBJECT	to a court order for t	he support of a child.		
☐ I am SUBJECT to a	court order for the su	apport of one or more children a	nd am in compliance w	ith the order or
am in compliance v	vith a plan approved b	by the district attorney or other p	oublic agency enforcing	the order for
the repayment of t	ne amount pursuant t	o the order.		
☐ I am SUBJECT to a	court order for the su	upport of one or more children a	nd am NOT in compliar	ice with the order
or am NOT in comp	liance with a plan app	proved by the district attorney of	other public agency e	nforcing the
order for the repay	ment of the amount p	oursuant to the order.		
Section 3 : Previous Lice	ensure Information			
Previous Licensure : List all jurisdictions/state Integrationist.	s in which you have e	ver been licensed as a Massage	Therapists, Reflexology	or Structural
	e never been licensec	i in any state jurisdiction.		
Licensure information is not	equired because you hav	re checked "Sign off from Local jurisdi	ction to follow".	
Section 4 : Training and	Education			
Training: Contact registrar of your Massage Therapy. Diploma may be provided		st to have official transcripts mai	led directly to the Neva	ada State Board of
Name of School	City/State	Years from and to	Hours Comp	leted
Fuzuba	Las Vegas	2019 - 2020	550	
Transcript(s)	5 11 6 7 1 - 1			
Document Name		User Defined Document Nar	ne	Document Link
210319120181-161262-Tran	script.pdf	FUZUBA-TRANSCP		Document Detail
Section 5 : National Exa	m			
Exam Taken	When	e Taken	Date Taken	
ITEC	Las Ve	gas, NV	07/02/2020	
National Exam Status	: Pass			
Date Received	: 08/17/2020	Score Repo	ort Received 🗹	

User Defined Document Name

ITEC

Document Status

notifications)

Document Name

210319120181-161263-ScoreReportCard.pdf

Section 6: Application Screening Questions Please review the information you provided on this page carefully before submitting. Once saved and submitted, this cannot be changed.

1. Have you ever had any disciplinary proceedings instituted against you relating to your license to practice massage, reflexology or structural integration?
○ Yes No
If yes, add the disciplinary actions below.
No record found.
2. Are you currently a party to any pending litigation related to the practice of massage therapy, reflexology or structural integration? If yes, please indicate whether you are a plaintiff or defendant and describe the nature of the litigation.
○ Yes No
3. Are you currently or have you ever been required to register as a Sex Offender? (Tier I, II or III)
○ Yes
If Yes, please explain in below textbox:
4. Have you been accused of, arrested for, engaged in or solicited sexual activity during the course of practicing massage, reflexology, or structural integration on a person, with or without the consent of the person, including, without limitation, if you were an applicant or holder of a license:
 (a) Made sexual advances toward the person; (b) Requested sexual favors from the person; or (c) Massaged, touched or applied any instrument to the breasts of the person, unless the person had signed a written consent form provided by the Board;
○ Yes No
If yes, fill in the following with complete and accurate information for each accusation or arrest:

No record found.

Fingerprint Background Waiver

NOTICE OF NONCRIMINAL JUSTICE APPLICANT'S RIGHTS

As an applicant who is the subject of a Federal Bureau of Investigation (FBI) fingerprint-based criminal history record check for a noncriminal justice purpose you have certain rights which are discussed below.

- You must be notified by the Nevada State Board of Massage Therapy that your fingerprints will be used to check the criminal history records of the FBI and the State of Nevada.
- 2. If you have a criminal history record, the officials making a determination of your suitability for the job, license or other benefit for which you are applying must provide you the opportunity to complete or challenge the accuracy of the information in the record. You may review and challenge the accuracy of any and all criminal history records which are returned to the submitting agency. The proper forms and procedures will be furnished to you by the Nevada Department of Public Safety, Records Bureau upon request. If you decide to challenge the accuracy or completeness of you FBI criminal history record, Title 28 of the Code of Federal Regulations Section 16.34 provides for the proper procedure to do so:
 - 16.34 Procedure to obtain change, correction or updating of identification records. If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed

the original information, the FBI CJIS Division will make any changes necessary in accordance with the Information supplied by that agency.

- 3. Based on 28 CFR § 50.12 (b), officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- 4. You have the right to expect that officials receiving the results of the fingerprint-based criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal or state statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.
- 5. I hereby authorize Nevada State Board of Massage Therapy to submit a set of my fingerprints to the Nevada Department Public Safety, Records Bureau for the purpose of accessing and reviewing State of Nevada and FBI criminal history records that may pertain to me,
 - In giving this authorization, I expressly understand that the records may include information pertaining to notations of arrest, detainments, indictments, information or other charges for which the final court disposition is pending or is unknown to the above referenced agency. For records containing final court disposition information, I understand that the release may include Information pertaining to dismissals, acquittals, convictions, sentences, correctional supervision information and information concerning the status of my parole or probation when applicable.
- 6. I hereby release from liability and promise to hold harmless under any and all causes of legal action, the State of Nevada, its officer(s), agent(s) and/or employee(s) who conducted my criminal history records search and provided information to the submitting agency for any statement(s), omission(s), or infringement(s) upon my current legal rights. I further release and promise to hold harmless and covenant not to sue any persons, firms, institutions or agencies providing such information to the State of Nevada on the basis of their disclosures. I have signed this release voluntarily and of my own free will.

A reproduction of this authorization for release of information by photocopy, facsimile or similar process, shall for all purposes be as valid as the original.

In consideration for processing my application I, the undersigned, whose name and signature voluntarily appears below; do hereby and irrevocably agree to the above.

Last Name: HE

First Name: XIAOHUA

Middle Name:

Street:

City:

State:

Zip:

Date: 4/28/2021

Therapy

Submitting Agency: Nevada State Board of Massage

Address: 1755 E. Plumb Ln. Suite 252,

Reno, NV 89502

VETERAN

The Nevada State Board of Massage Therapy is required by State Law to report veteran information annually. If this section applies to you, please complete the following information.

its section applies to you, please complete the following information	
Have you ever served in the military: O Yes O No	
Branch(es) of Service: (Check all that apply)	
Army/Army Reserve	
Marine Corps/Marine Corps Reserve	
□ Navy/Navy Reserve □	
☐ Air Force/Air Force Reserve	
Coast Guard/Coast Guard Reserve	
National Guard	
Military Occupation Speciality/Specialities:	
Date(s) of Service: From To	

As by Excutive Order 2014-20 all professional licensing board organized pursuant to the NRS shall collect the above data and provide the Information to the Nevada Department of Veterans Services.

Affidavit of Applicant / Authorization of Release

- I, XIAOHUA HE certify that I am the person described and identified in this application;
- I have answered all the questions truthfully and completely, and any documents that I have provided in support of my application are, to the best of my knowledge, accurate.
- I certify that I have not had any undisclosed disciplinary proceedings instituted against me relating to my license to practice massage, reflexology or structural integration and I have disclosed or have not been arrested or convicted, for any crime involving violence, prostitution or any other sexual offense.

I authorize all institutions or organizations, including educational institutions and organizations, employers (past and present), business and professional associations (past and present) and all governmental agencies and municipalities (local, state, federal and foreign) to release to the Nevada State Board of Massage Therapy any information, files or records required by the Nevada State Board of Massage Therapy in connection with processing this application. I understand that furnishing false or misleading information or failing to furnish required information on this application may be cause for the denial, suspension or revocation of my license to practice massage therapy, structural integration or reflexology in the State of Nevada.

Name: XIAOHUA HE Date: 5/20/2021

U	nl	٥	a	d

Have you uploaded a current passport quality photo?	
Has our office received your Official School Transcripts, Certificate of Completion (diploma), National Ex	am
Official Score Report and, if applicable, Certified Statement from other jurisdictions/states?	
Yes (No	

Have you uploaded a current copy of driver's license or identification card and social security card. Names must match on driver's license and social security card. If your license has expired since you submitted your

Yes ○ No

Have you uploaded a current massage therapy license, reflexology license/certificate or structural integration license. If your current massage therapist license, reflexology license/certificate or structural integration license has expired since you submitted your application you must include a current legible copy?

_		\sim	
1	Yes	(0)	NO

- Please allow up to 4 weeks for processing your live scan fingerprints
- Please allow up to 6-8 weeks for processing fingerprint cards

application you must include a current legible copy?

Once you have submitted your completed application, please allow up to 15 business days for processing before
inquiring about the status of your application.

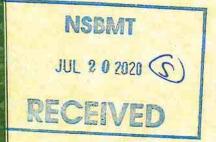
Document Type	Document Name	User Defined
		Document Name
Certificate of Completion	OL210319120181-164644-Certificate-of-Completion.pdf	FUZUBA-DIPL
Photo	13447-163917-HE, XIAOHUA.jpg	
Score Report Card	210319120181-161263-ScoreReportCard.pdf	ITEC
Transcript	210319120181-161262-Transcript.pdf	FUZUBA-TRANSCP
Social Security Card	OL210318115880-156045-Social-Security-Card.jpg	
Government Issued ID Card	OL210318115880-156044-Government-Issued-ID-Card.jpg	

All fees are non-refundable.

Fee	Detai	I(s)

Application Fees

Payment Detail(s)	
	Payment Method:
	Amount Paid:







Certificate of Graduation

I certify that that Ms. Xiaohua He, having successfully completed the 550 hour Professional Practice of Therapeutic Massage training program, is hereby awarded the Certificate of Graduation this sixth day of July, 2020 with all the rights and responsibilities thereto pertaining.

Nathan O'Hara, Ph.D.

Director

NSBMT

AUG 1 7 2020





Transcript

3884 Schiff Dr. Las Vegas, NV 89103

Student: Xiaohua He

SSN:

Gender: Male Birth Date:

Start Date: 12/06/2019 Graduation Date: 07/06/2020 Grade: 3.37

Total Earned Hours: 550

FUZUBA 12/2019 Class	NV Massage Training	NV Massage Training Program 550-Hr		GPA: 3.37	
Course	Marks	Grade	Credits	Earned	
1219 Unit A: Anatomy, Physiology, & Kinesiology	70	C-	125	125	
1219 Unit A: Anatomy, Physiology, a Kinesiology 1219 Unit B: Theory and Practice of Massage	94	Α	220	220	
1219 Unit C: Other Modalities of Massage Therapy	92	A-	125	125	
1219 Unit D: Pathology for Massage Therapists	92	A-	40	40	
1219 Unit E: Standards of Professional Practice	92	Α-	40	40	
TZT9 Unit E: Standards of Professional Practice		ı	0		

		Grading Scale		
97 - 100 = A+ 80 - 82 = B-	93 - 96 = A 77 - 79 = C+	90 - 92 = A- 73 - 76 = C	87 - 89 = B+ 70 - 72 = C-	83 - 86 = B 0 - 69 = F





Notes

GPA is reported for comparison purposes only. -iTEC scores are reported

separately

Signature of the Registrar

Not offical without school seal

IN ACCORDANCE WITH THE FAMILY EDUCATIONAL ACT OF 1974, THIS RECORD CANNOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE STUDENT



Nevada State Board of Massage Therapy

1755 E. Plumb Lane Suite 252 Reno, NV 89502 Phone (775) 687-9955 Fax (775) 786-4264

Email: nvmassagebd@lmt.nv.gov
Website: http://massagetherapy.nv.gov

June 11, 2021

Xiaohua He

Re: DISPOSITION OF RECORD

Dear Ms. He,

In order to complete your application and obtain your Nevada State Board of massage therapy license, we need to have the following documents to continue processing your application;

- 1. A written narrative describing the incident(s), the circumstances that led up to the incident(s) and the outcome of the incident(s). Online printouts cannot be accepted.
- 2. Receipts for all fines or penalties showing that they have been paid. You will need to contact the court you attended or appeared at. Online printouts cannot be accepted.
- 3. Dispositions from the court(s) you appeared at regarding the attached highlighted arrest dates.
- 4. You must comply with Board Staff for all requested documents and the Board Staff will be making recommendations regarding your Application.

Please mail or fax the above documents to our office for review. Emailed documents cannot be accepted. Your background check will expire on 10/31/2021. Your massage license must be completed and issued by the above expiration date, or you will be required to fulfill another background check and be responsible for the additional \$85.00 fee.

If you have any questions regarding the attached criminal history, you can email us at nvmassagebd@lmt.nv.gov.

Sincerely

Tereza Van Horn Executive Assistant

Enclosed

COPY

Please Note: It is a misdemeanor to practice or advertise Massage Therapy without a current valid NSBMT Massage License.

JUL 1 2 2021

RECEIVED

Hi how are you

This is xioohua ite come How china not vong after came to the united state to see my sister it this time of the day, they are went out shoffing I was the only one in the shof and one gust came to do mossage it e asked me many questions. I don't understand because I don't understand any toglish I don't know what to do. They also don't understand me. They thinge im working But i'm not and I don't know I can't be in the shof and flooged there by myself and I couldn't say yes when answering his question.

So Athats why ste coused a lot of troubic.

And Painful because in fact I did nothing !!

After this inciplent I learned that if I want to work in the united states. I must first apply for a felmit you must also act according to the Vules. Now

Now I since (e) that you can give me a cestificate so that I can survive in the united states without seising on the sovernment's assistance and not cousing thouble to the sovernment!

Thank you so much sieohua He 7-7-21

C5082421 J5082421-REPORT 2A PAGE: 108 08/20/2012

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89101
COURT 128
DISPOSITION NOTICE AND JUDGMENT

CASE NUMBER - 12M07111X

STATE VS: HE, XIAO HUA

ID #: 02841926

AKA: HE, XIAO HUA

DR NUMBER:

START DATE: 03/01/2012

ARRESTED BY: FERRANOLA, THOMAS

ARREST DATE: 03/01/2012

SUBMITTED BY: NO SUBMITTING OFFICER

SUBMIT DATE: 03/01/2012

PROSECUTOR: TALEEN PANDUKHT

DISPO DATE: 08/20/2012

001 CHARGE: 201.354 M SOLICITING PROSTITUTION

DISPOSITION: ----GUILTY---- TRESPASS

SENTENCED: 08/20/2012

FINED: \$ 250 EXCUSED: \$ 0

JAIL TIME: MOS DAYS HRS CONS/CONC:

CTS: MOS DAYS HRS
COMM SERV: DAYS HRS MIN

COMM SERV: DAYS HRS MIN
RESTITUTION: \$ 0 CONTRIBUTION: \$ 0 DRUG FEE: \$ 0

EDUCATION: AIDS AWARENESS COUNSELING

CITATION: 1203011249 PCN: 0025335276 SEQ: 001

NSBMT

JUL 1 2 2021

RECEIVED

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in Justice Court of Las Vegra Trunghip, in and for the County

By: Olicity State of Nevada Deputy

JUSTICE OF THE PENEGRAPHICALINA



Nevada State Board of Massage Therapy

1755 E. Plumb Lane Suite 252 Reno, NV 89502 Phone (775) 687-9955 Fax (775) 786-4264

Email: nvmassagebd@lmt.nv.gov
Website: http://massagetherapy.nv.gov

July 19, 2021

Xiaohua He

Re:

Notice of meeting of the Nevada State Board of Massage Therapy to consider your character, alleged misconduct, competence, or physical or mental health.

Dear Ms. He:

In connection with your Application Review, the Nevada State Board of Massage Therapy (Board) may consider your character, alleged misconduct, competence or physical or mental health at its meeting(s) on August 17 and August 18, 2021. There will be no physical location for this meeting. Participants can join the meeting via Zoom. The meeting will begin at 9:00 a.m:

Zoom sign-in available at 8:30 a.m. Register in advance for both meetings:

August 17, 2021	August 18, 2021	
https://us06web.zoom.us/j/96813878335?pwd=cHAx M3NkY2gvWTVZaWpTRE5BNnl0UT09	https://us06web.zoom.us/j/93172894264?pwd=bVc3Z GtoZXBJWVJOU0hTamVWbDFHdz09	
Meeting ID: 968 1387 8335	Meeting ID: 931 7289 4264	
Password: 819714	Password: 833291	

The meeting is a public meeting. You are not required to attend; however, attendance is recommended. Pursuant to NAC 640C.070 your completed investigation results may be discussed. You may choose to have an attorney or other representative of your choosing present during the meeting, present written evidence, provide testimony, present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health. Please be aware you are one of many agenda items, and the Board may take items out of order. The meeting may last until 4:30 p.m.

If the Board determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health whether in a closed meeting or open meeting, it may take administrative action against you at this meeting. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034. This notice is provided to you under NRS 241.033.

In the event you need an interpreter, please provide one at your own expense.



If you have any questions, please feel free to contact the office at (775) 687-9955.

Sincerely,

Sandra Anderson Executive Director

9489 0090 0027 6351 4466 78

