

NEVADA STATE BOARD OF MASSAGE THERAPY

AGENDA ACTION SHEET

TITLE: Application Review (Criminal History)

MEETING DATE: March 31, 2021

APPLICANT: Anthony B. Gilyard Jr.

REVIEW UNDER: NRS 640C.700

BACKGROUND INFORMATION:

Mr. Gilyard has requested a termination of his probation and has submitted a termination of probation application for your review today. Mr. Gilyard was before the Board on October 24, 2017 and was granted a one-year probationary license. On November 7, 2018, Mr. Gilyard appeared before the Board for a renewal review. The Board approved to extend probation for an additional 4 years. Mr. Gilyard's most recent background report showed no additional arrests or infractions and he completed a total of 3 years and 5 months of probation from the initial approval date. All employer/employee reports have been submitted on time without any delay from employer(s) or Mr. Gilyard. Mr. Gilyard is requesting to terminate his probation and 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 deny this request.

ACTION:

☐ Approved

☐ Probation

☐ Denied – NRS 640C. _____

☐ Tabled

PROBATION CONDITIONS: Per NRS 640C.710 Options for Respondent:

<input type="checkbox"/> A. Report all contact with law enforcement personnel within 48 hours after such contact occurs.	<input type="checkbox"/> B. Refrain from providing outcall services.
<input type="checkbox"/> C. Submit employment offers to the staff of the Board for review and approval.	<input type="checkbox"/> D. Submit to a random drug test at respondent's expense.
<input type="checkbox"/> E. Complete an ethics course within 90 calendar days of licensure.	<input type="checkbox"/> F. Submit to the Board a complete set of Fingerprints bi-annually/annually at licensee's expense.
<input type="checkbox"/> 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.

**NSBMT**

NOV 23 2020

RECEIVED**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.govWebsite: <http://massagetherapy.nv.gov>**TERMINATION OF PROBATION**

Please type or print legibly all portions of this application for termination of probation. Please complete this document in its entirety and return the original to the Nevada State Board of Massage Therapists at the address shown above. Use N/A for items not applicable. Incomplete applications will not be processed.

Applicant Name Last		First	Middle Initial
Gilyard Jr.		Anthony	B
List all other names previously or currently being used by you			
N/A			
Residence address (do not list Post Office boxes or mailbox drop addresses)		City	State Zip
Street			
Residence address (if less than 1 year)		City	State Zip
Street		N/A	N/A N/A
Mailing address (if different than the residence address)		City	State Zip
Street or PO Box		N/A	N/A N/A
Business Name:			
Anthony Gilyard Jr.			
Business Address		City	State Zip
Street			
Home Phone	Cell Phone	Business Phone	Gender
		N/A	Male Female
Social Security Number	Date of Birth	Place of Birth	
		Fort Smith, Arkansas	
Application Screening Questions (use additional sheets of paper if needed)			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
1. Have you ever had any disciplinary proceedings instituted against you relating to your license to practice massage?			
If yes, complete the following:			
Date of Revocation/suspension/surrender/ or any other disciplinary action: N/A			
Licensing Agency/jurisdiction that took action: N/A			
Name and Address of Employer/supervisor: N/A			
Reason for action: N/A			

<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>2. Have you ever been arrested or convicted, within the 10 years immediately preceding submission of this application, of a felony or for any crime involving violence, prostitution or any other sexual offense?</p> <p>If yes, complete the following:</p> <p>Date of Charge/offense: <u>9/4/2014</u></p> <p>Name and Address of Law Enforcement Agency: <u>Metro Police</u></p> <p>Charge: <u>Domestic Violence - 1st Degree Domestic Battery</u></p> <p>Disposition: <u>DA Denial - Case Dismissed</u></p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>3. Do you currently use any chemical substances that would in any impair or limit your ability to practice the full scope of massage?</p> <p>If yes, you must submit:</p> <ul style="list-style-type: none"> a. A letter of explanation that addresses the impairment or limitations of practice b. A letter of reference from you current/last employer c. A copy of your last employment evaluation d. If you are using the chemical substance as a confirmed medical necessity, a letter from your treating practitioner documenting the diagnosis and medical necessity for the use of chemical substances, including any practice limitations.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>4. Are you currently in recovery for chemical dependency, chemical abuse or addiction?</p> <p>If yes, you must submit:</p> <ul style="list-style-type: none"> a. A letter of explanation describing your recovery experience, including length of continuous recovery, treatment, and current recovery activities b. Documentation from knowledgeable individual(s) documenting your length of sobriety c. Documentation of inpatient or outpatient chemical dependency treatment.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>5. Do you currently have a medical or psychiatric/mental health condition which in any way impairs or limits your ability to practice the full scope of massage?</p> <p>If yes, you must submit:</p> <ul style="list-style-type: none"> a. A letter of explanation regarding your condition, whether temporary or permanent, including diagnosis, past hospitalizations, date of last treatment, current treatment plan, and how your condition may interfere with your ability to practice the full scope of massage safely b. Documentation from treating practitioner regarding the diagnosis, (Axis I-V for psychiatric diagnosis), medications, current status and treatment plan, the extent of condition, and statement regarding your ability to carry out massage duties reliably and with good judgment.





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>

Affidavit of Applicant / Authorization of Release

I, Anthony Gilyard Jr., 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 authorize all institutions or organizations, including educational institutions and organizations, my references, 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 Therapists any information, files or records required by the Nevada State Board of Massage Therapists in connection with processing this application for termination of Probation.

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 in the State of Nevada.

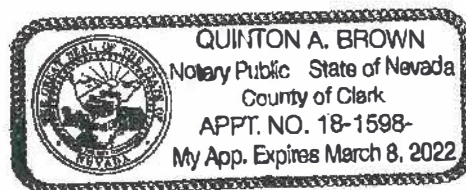
Signature of Applicant: _____ Date: 11-19-2020

State of Nevada
 County of Clark

Signed and sworn to before me this 19 day of November 2020 by Anthony Blake Jr Gilyard, who personally appeared before me.

Quinton Brown
 Notary Public Signature

March 8th, 2022
 Notary commission expiration date





**Nevada State Board of Massage
Therapy**

1755 E. Plumb Lane Suite 252

Reno, NV 89502

Reno Phone (775) 687-9955

Fax (775) 786-4264

Email: nvmassagebd@lmt.nv.gov

Website: <http://massagetherapy.nv.gov>

March 1, 2021

Anthony B. Gilyard Jr.

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

Dear Mr. Gilyard;

In connection with your Request for Termination of Probation, the Nevada State Board of Massage Therapists (Board) may consider your character, alleged misconduct, competence or physical or mental health at its meeting on March 31, 2021. Pursuant to Governor Steve Sisolak's Emergency Directive 006, 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 this meeting:

<https://zoom.us/j/95421402454?pwd=VlorZ1ZlaEhaWStWcysOUkEzZGRMUT09>

Meeting ID: 954 2140 2454

Password: 855165

You may attend at either location. The meeting is a public meeting. You are not required to attend; however, attendance is recommended. 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,

A handwritten signature in blue ink, appearing to read "Sandra J. Anderson".

Sandra J. Anderson
Executive Director

9489 0090 0027 6265 6252 20

ORIGINAL

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Anthony Gilyard,
License No. LVMT. 9083

ORDER OF PROBATION

IT APPEARING on November 7, 2018, Anthony Gilyard ("Gilyard") appeared before the Nevada Board of Massage Therapy ("Board") for a review of his Order of Probation entered by the Board on October 24, 2017.

The Board reviewed Gilyard's probation and after discussion hereby renders its Order as follows:

ORDER

IT IS HEREBY ORDERED:

1. Gilyard's license shall be placed on probation for a period of four years subject to the following terms:
 - a. Gilyard must report to the Executive Director on a quarterly basis. The report must include a performance evaluation, with employer input, and can be provided by submitting any written documents and speaking with the Executive Director.
 - b. Gilyard cannot be self-employed, he must work for a massage establishment.
 - c. Gilyard may provide clients with table massage.
 - d. At the end of each year of the probation period, Gilyard must submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. Gilyard must pay the required fees associated with the background check.
 - e. At the end of the four-year probationary period, Gilyard's probation will be reviewed by the Board at which time the Board may extend Gilyard's probationary period subject to terms the Board determines are necessary.

2. If the Board determines, after notice, that Gilyard has violated any of the terms and conditions of this Order, the Board may revoke probation for Gilyard and carry out any appropriate disciplinary action pursuant to NRS 640C.700. The Board shall have continuing jurisdiction over any complaint filed against Gilyard to revoke probation until such matter is final.
3. This order shall not be construed as excluding or reducing any criminal or civil penalties or sanction or other remedies that may be applicable under federal, state or local laws.
4. Gilyard's license shall be marked "Restricted" throughout the probationary period.
5. Gilyard shall meet with the Board or its representatives upon request and shall cooperate with representatives of the Board in his supervision and investigation of Gilyard's compliance with the terms and conditions of this Order.
6. This Order will become part of Gilyard's permanent record, will become public information, will be published with the list of disciplinary actions the Board has taken, and may be reported to any national repository which records disciplinary action taken against licensees or holders of certificates or any agency or another state, which regulates the practice of massage therapy. The Board may use the Order in any subsequent hearings.
7. Gilyard acknowledges that if he violates one or more of the terms of this Order, the Board may revoke or invoke other appropriate discipline against his license to practice massage therapy; subject only to the requirement that the Board shall, prior to such disciplinary action, conduct a hearing in accordance with Chapters 233B, 622A, and 640C of the Nevada Revised Statutes for the limited purpose of establishing that there has, in fact, been a violation of the requirements of this Order. In the event that a violation of this Order is alleged, Gilyard agrees to surrender his license to the Executive Director, if so requested, and refrain from practicing as a massage therapist until an entry of a final order of the Board or a court of competent jurisdiction, whichever last occurs, regarding the potential violation. Gilyard agrees to waive his right to appeal the substantive legal basis of the disciplinary action. In the event an alleged violation of this Order is taken to hearing and the facts which constitute the violation are determined to be not proven, no disciplinary action shall be taken by the Board.

1 8. In the event other misconduct is reported to the Board, this Order may be used as evidence
2 against the Gilyard to establish a pattern of behavior and for the purpose of proving
3 additional acts of misconduct.

4 9. Nevada State Board of Massage Therapy retains jurisdiction in this case until all
5 conditions have been met to the satisfaction of the Board.

6 **NEVADA STATE BOARD OF MASSAGE THERAPY**

7 

8 Diane Huleva, LMT
9 Board Chair


Sandra Anderson

10 Date 11/26/18

11 November or 19/2018
12 Date

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28  ORIGINAL

2.

3. Probation Review for Anthony Gilyard Jr. – NVMT #9083 pursuant to Section 7 of the Probation Order issued by the Board on November 28, 2017. (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)

Anthony Gilyard Jr. was present.

Deirdre Strunk motioned to approve four (4) additional years of probation with table massage, quarterly reports to Executive Director and background checks at every year at this expense. Mr. Gilyard cannot be self-employed, seconded by Diane Huleva. Margaret Westcamp and Teresa Lopez opposed. Motion carried.

4.

5.

6.

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Anthony Gilyard Jr.,
License No. LVMT-9083

Applicant.

ORDER OF PROBATION

IT APPEARING on October 24, 2017, an application review hearing was held on Anthony Gilyard's application for a license as a massage therapist by the Nevada State Board of Massage Therapy (Board), at the Attorney General's Office, 100 N. Carson Street, Mock Courtroom, Carson City, Nevada 89701 with videoconferencing to the Grant Sawyer Building, 555 E. Washington St., Suite 4500, Las Vegas, Nevada 89101. The Applicant was present at the Grant Sawyer Building and represented himself in the matter.

The members of the Board participating were: April Whiting, Diane Huleva, Elisabeth Barnard, Margaret Westcamp, Deirdre Strunk, Gayle Ferruccio, and Teresa Lopez. The Board was represented by Colleen Platt, of the Platt Law Group and Deputy Attorney General Rosalie Bordelove acted as Board counsel. The Applicant, Anthony Gilyard Jr., was present and was not represented by counsel.

The Board having received and read the application and heard the testimony in this matter, hereby renders its decision. The Board, after due consideration of the record, evidence, and law, and being fully advised makes its Order as follows:

ORDER

Based on the foregoing,

IT IS HEREBY ORDERED:

1. Applicant is issued a license as a massage therapist, License No. LVMT-9083.
2. Applicant's license is placed on probation for one year.
3. Applicant may only provide clients with chair massages (defined as massages conducted on fully clothed clients while sitting in a chair) in a public setting.

4. Applicant must provide the Board with information regarding the Applicant's employment including the employer's name, address, telephone number, and the name of the respondent's supervisor.
5. Applicant must report to the Executive Director of the Board on a quarterly basis. The report must include a performance evaluation, with employer input, and can be provided by submitting any written documents to and speaking with the Executive Director.
6. At the end of the one-year probation period, Applicant must submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. Applicant must pay the required fees associated with the background check.
7. At the end of the one-year probation the applicant must be reevaluated by the Board in an open meeting of the Board.
8. Applicant must attend and complete a probation orientation with the Executive Director of the Board at a time to be determined by the Executive Director before receiving his license.

In the event other misconduct is reported to the Board, this Order may be used as evidence against the Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct. Nevada State Board of Massage Therapy retains jurisdiction in this case until all conditions have been met to the satisfaction of the Board.

Dated this 28 day of November 2017.

NEVADA STATE BOARD OF MASSAGE THERAPISTS

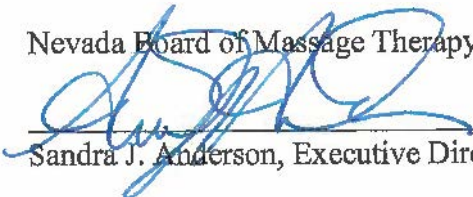
By: 
April Whiting, Board Chair


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 28, 2017, I hand delivered, a true and correct copy of the foregoing **ORDER OF PROBATION** to Mr. Anthony Gilyard Jr.:

Nevada Board of Massage Therapy


Sandra J. Anderson, Executive Director


Witness

12. Application Review. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

a. Review Application of Anthony B. Gilyard, Jr. (For Discussion and Possible Action)

Anthony Gilyard Jr. was present, Karina Manedell, friend.

Sandy Anderson, Executive Director - Mr. Gilyard's application is before you today due to potential criminal history that could not be approved administratively. Mr. Gilyard is requesting to be granted a license under NRS 640C.700.

Discussion was held regarding Mr. Gilyard's application. The Board questioned Mr. Gilyard regarding his history and also allowed his character witness, Karina Manedell to provide information as to his character.

After substantial discussion as to Mr. Gilyard's character, Deirdre Strunk proposed the possibility of a limited license with the ability to perform only chair massage during a probationary period which was followed by additional debate.

Motioned by Teresa Lopez to deny this application, seconded by Margaret Westcamp. Teresa Lopez, Margaret Westcamp and Elisabeth Barnard to deny this application. Deirdre Strunk, Gayle Ferruccio and Diane Huleva opposed the motion. Chair April Whiting voted to break the tie, voting in favor of the motion. Motion carries.

The Chair asked for legal counsel's assistance with regard to changing her vote. Counsel informed the Board members that to rescind a vote required a motion to rescind a previous decision.

Motioned by Gayle Ferruccio to rescind previous decision, seconded by Deirdre Strunk. Teresa Lopez and Margaret Westcamp opposed. Diane Huleva did not vote because she did not believe it was appropriate to rescind the vote.
