



## Nevada State Board of Massage Therapy MEETING MINUTES

### LOCATIONS:

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.

Register in advance for this meeting:

<https://zoom.us/j/92363397745?pwd=OFBzbkJxYVpaa0t0WmRBTks1NDhiQT09>

After registering, you will receive a confirmation email containing information about joining the meeting.

Meeting ID 923 6339 7745  
Password 121473  
SIP [92363397745@zoomcrc.com](mailto:92363397745@zoomcrc.com)  
Join by phone Dial by your location  
+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:

**January 20, 2021 commencing at 9:00 a.m.**

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

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### AGENDA

**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](mailto:sjanderson@lmt.nv.gov)), in advance, so that arrangements may be made. Public comment will be taken

at the beginning and the end of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

Public Comment Agenda Item: There is a time designated at the beginning of the meeting and the end of the meeting for Public Comment. Members of the general public may bring matters not appearing on this Agenda to the attention of the Board or make comment on specific agenda items. Public comment may also be taken at other such times as requested as long as the request that public comment will not interrupt ongoing Board business. The Board may discuss the matters not on the Agenda but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others who may also wish to provide public comment, please avoid repetition. The Board reserves the right to limit public comment to three (3) 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. Call to order and roll call of Board Members. Chair Diane Huleva, Vice Chair Deirdre Strunk, Secretary Treasurer Elisabeth Barnard, Robert Oliver, Lorna Benedict, Richard Fields, Sommer Plotnick, Bianca Smith, Sgt. Jorge Marty, Deputy Attorney General Justin Taruc, Executive Director Sandy Anderson, and Senior Deputy Attorney General Sophia Long who joined the meeting at 10:27 a.m.
2. Mission Statement of the Nevada State Board of Massage Therapy – To protect the public health, safety, and welfare through effective massage therapy regulation. Insuring that qualified, competent, ethical practitioners are licensed.

Chair Huleva read the mission statement into the record.

3. Introduction of new Board members appointed by the Governor.

No new appointments

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. 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. (Discussion Only)

No written public comments were provided prior to the meeting, and no comments were made by individuals participating via Zoom.

5. Formal Hearing Lijun Shen – NVMT #449 – NVMT-C-2026. (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)

Senior Deputy Attorney General Sophia Long presented a Voluntary Surrender for three years to the Board.

Motioned by Elisabeth Barnard, seconded by Bianca Smith. Motion carried unanimously.

6. Formal Hearing Diana Y. Dai – NVMT #352 – NVMT-C-2056. (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)

Robert Demarco State Bar #12359 appeared for Richard Schonfeld on behalf of Ms. Dai who participated via Zoom.

Senior Deputy Attorney General Sophia Long presented a Voluntary Surrender for three years to the Board.

Motioned by Bianca Smith to approve Voluntary Surrender, seconded by Richard Fields. Motion carried unanimously.

7. Settlement Agreement Liang Shen – NVMT #8650 – NVMT-C-2055. (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)

Motioned by Elisabeth Barnard to accept the Settlement Agreement, seconded by Lorna Benedict. Motion carried unanimously.

8. Formal Hearing Liwen Kuang – NVMT #7798 – NVMT-C-2038. (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)

Counsel asked for item to be continued to March 3, 2021.

9. Formal Hearing Ruixin Li - NVMT #7818 - NVMT-C-2039. (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)

Senior Deputy Attorney General Sophia Long presented a Voluntary Surrender for three years to the Board.

Motioned by Lorna Benedict to approve Voluntary Surrender for Ms. Li, seconded by Deirdre Strunk. Motion carried unanimously.

10. Voluntary Surrender for Alexander P. Hewitt - NVMT #5000 - NVMT-C-2046. (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)

Alexander Hewitt was present.

Elisabeth Barnard stated for the record, “I would like to see so much more, but I believe it is in the best interest of the public to make sure this person is no longer licensed to perform massage and to do that in the most expeditious manner is to accept his voluntary surrender.”

Motioned by Elisabeth Barnard to accept voluntary surrender, seconded by Bianca Smith. Motion carried unanimously.

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. Request for reconsideration of application for Lianyan Kelly. (For Discussion and Possible Action)

Lianyan Kelly and husband Terrance Kelly were present. Legal Counsel Lyn Beggs was present.

Motioned by Sommer Plotnick to reconsider, seconded by Richard Fields. Motion carried unanimously.

- b. Review Application of Lianyan Kelly. (For Discussion and Possible Action)

Lianyan Kelly and husband Terrance Kelly were present and represented by Lyn Beggs.

Ms. VanHorn presented the application to the Board – Ms. Kelly’s massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Kelly was issued an e-ticket on June 19, 2017 by Renton Police Department for prostitution. Ms. Kelly 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 deny this application based on NRS.640C.700(2)(3)(4)(6) and (9).

The Chair addressed the Board.

Motioned by Sommer Plotnick to continue this to the next Board meeting, seconded by Lorna Benedict. Motion Carried. Opposed by Bob Oliver and Deirdre Strunk

- c. Review Application of Rosemary Yang. (For Discussion and Possible Action)

Ms. Yang was present and represented by Kirk Kennedy. Translation services were provided by Wai Mei Borgel.

Ms. VanHorn presented the application to the Board – Ms. Yang’s massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Yang was arrested on July 1, 2008 for prostitution by the San Bernardino County Sheriff’s Office. 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(4)(6) & (9).

Discussion was held. Sgt Marty questioned Ms. Yang regarding a citation issued to her for obstructing a peace officer at Asian Reflexology.

Motioned by Diane Huleva to continue to March meeting, seconded by Elisabeth Barnard. Motion carried unanimously.

d. Review Application of Jennavee A. Mathisen. (For Discussion and Possible Action)

Ms. Mathisen was present.

Ms. VanHorn presented the application to the Board – Ms. Mathisen's massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Mathisen was arrested for domestic battery and minor in consumption of alcohol on November 18, 2010, domestic battery on September 9, 2012 and December 5, 2014 by Reno Police Department. Ms. Mathisen 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)(3) & (9) or probation for 4 years with restrictions.

Motioned by Elisabeth Barnard for four (4) years' probation, must work under supervision with quarterly reports for the first year, reports every six (6) months for the next three (3) years, report encounters with law enforcement and any issues on the job related to massage within four (4) business days, if an opportunity for self-employment becomes available she may come before the Board for modification of probation, seconded by Lorna Benedict. Motion carried unanimously.

e. Review Application of Chantal Roybal. (For Discussion and Possible Action)

Ms. Roybal was present.

Ms. VanHorn presented the application to the Board – Ms. Roybal's massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Roybal was arrested for DUI and battery on a protected person on November 7, 2018 by Las Vegas Metropolitan Police Department. Roybal is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700. Staff's recommendation is to approve this application with probation for two years with restrictions.

Board members questioned Ms. Roybal regarding her arrest and how she plans to ensure the Board that this behavior will not continue.

Motioned by Richard Fields for four (4) years' probation, must work under supervision with quarterly reports for the first year, reports every six (6) months for the next three (3) years, report encounters with law enforcement and any issues with on the job related to massage within four (4) business days and if an opportunity for self-

employment becomes available Ms. Roybal may come before the Board for modification of probation, seconded by Lorna Benedict.

Vice Chair Deirdre Strunk stated for the record “Sorry, I am listening to all the great conversation. I too agree, I think you need to have a business plan. I just wanted to state, please don’t go into massage someplace, working in a business where you are just going to get by, because that never reflects well on any other therapists. So really make a good decision on where you want to go and work some years to be successful in the business before you try to go out and into your own business. I think giving her a license to practice is a pretty big gift, given the abuse of our front-line workers. Everyone knows I am the second chance girl, but I think it is a terrible decision. I also wonder if we shouldn’t put some sort of drug/alcohol testing. She has stated, she hasn’t drunk since, I am a little concerned that that she was so intoxicated that in her words “she doesn’t remember” that happening again, it is just really fresh. I am having trouble with not taking the responsibility. I read her letter and it feels like fully accountable. Come forward, say this is what I did, it was a horrible mistake, I accept responsibility, whether I remember, or I don’t, it is or was a horrible thing to do.”

Motioned by Richard Fields to amend current motion to add random alcohol and drug testing for the first year of probation paid for by the respondent, seconded by Lorna Benedict. Motion carried unanimously.

Motioned by Richard Fields to amend current motion to add paid for by the respondent, seconded by Lorna Benedict. Motion carried unanimously.

Motioned by Richard Fields for four (4) years’ probation, must work under supervision with quarterly reports for the first year, reports every six (6) months for the next three (3) years, report encounters with law enforcement and any issues on the job related to massage within four (4) business days, random drug and alcohol testing for one (1) year paid for by the respondent, and she may come before the Board for modification of probation, seconded by Lorna Benedict. Motion carried unanimously.

f. Review Application of Lei Wang. (For Discussion and Possible Action)

Ms. Wang was not present.

Ms. VanHorn presented the application to the Board – Ms. Wang’s massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Wang was arrested for solicitation/engage in prostitution on October 17, 2017 by Las Vegas Metropolitan Police Department. 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(4)(6) & (9).

The Board held discussion regarding the criminal history and potential unlicensed activity.

Motioned by Bianca Smith to deny this application based on NRS 640C.700(4)(6) and (9), seconded by Sommer Plotnick. Motion carried unanimously.

g. Review Application of Yuekun Liu. (For Discussion and Possible Action)

Ms. Liu was present. Crystal Lynn was present as interpreter.

Ms. VanHorn presented the application to the Board – Ms. Liu’s massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Liu was arrested for battery and assault on October 26, 2007 while working in a massage establishment by the Anaheim Police Department, pandering and prostitution on March 26, 2009 while working at Asian Massage Center by the Riverside County Sheriff’s Department, and solicitation/engage in prostitution on November 17, 2015 while working at an unlicensed reflexology/massage establishment by Las Vegas Metropolitan Police Department. Ms. Liu is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700. Staff’s recommendation is to deny this application based on NRS.640C.700(4)(6) & (9).

Motioned by Diane Huleva to deny application based on NRS 640C.700(4)(6) and (9), seconded by Lorna Benedict. Motion carried unanimously.

h. Review Application of Megan H. Feng. (For Discussion and Possible Action)

Megan Feng was present with her husband Jim Warren.

Ms. VanHorn presented the application to the Board – Ms. Feng’s massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Feng’s phone number was posted on adultlook.com website in 2018 while she was licensed to practice massage therapy in Florida. This illicit website is an escort service provider that features ads with woman in lingerie across the United States. Staff’s recommendation is to deny this application based on NRS.640C.700(6) & (9).

Sandy provided information regarding the ability to check illicit websites for information regarding the applicants.

Sgt. Marty provided information regarding the trend to go with online advertising for services.

Mr. Warren provided a statement regarding revenge posting which can occur.

Bianca Smith noted that the attendance records from FuZuBa looked to be inconsistent.

Motioned by Elisabeth Barnard to approve, seconded by Deirdre Strunk. Motion carried. Bianca Smith opposed.

***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. *Approval of applications approved and authorized by the Chairperson through November 30, 2020 (see Exhibit A). (For Possible Action)*
  - b. *Discussion and possible action regarding review and acceptance of the Fiscal Year 2021 Budget verses Actual through December 31, 2020. (For Possible Action)*
  - c. *Discuss, amend, and approve Board meeting minutes for November 4, 2020. (For Possible Action)*
  - d. *Discuss, amend, and approve Board meeting minutes from December 7, 2020. (For Possible Action)*

Motioned by Richard Fields to approve consent agenda items, seconded by Bianca Smith. Motion carried unanimously.

13. Discussion and possible action regarding the implementation of the jurisprudence exam as specified in LCB File No. R128-20. (For Discussion and Possible Action)

<https://www.leg.state.nv.us/Register/2020Register/R128-20RP1.pdf>

Discussion was held. Staff will come up with questions and submit them before the Board at the March meeting.

14. Discussion and possible action regarding the 2021 CLEAR Winter Symposium discussion topics and take-aways. (For Discussion and Possible Action)

The Board members that participated and the Executive Director shared their impressions and key takeaways.

15. Board Counsel report. (For Discussion)

Justin Turac provided an update from Harry Ward regarding the District Court case in Northern Nevada. Harry will provide additional information at the March meeting.

Sophia Long currently has 4 cases on appeal in supreme court:

- a. Chen – Briefing schedule is complete.
  - b. Yan – Briefing schedule is complete.
  - c. Yao – Case responses are due this week.
  - d. Wright – Court is awaiting her reply which is due in February.
16. Executive Director Report including but not limited to (For Discussion)
    - a. Financials and renewals

Executive Director Anderson provided an overall perspective of the budget and impacts from COVID-19. The staff has held spending to a minimum and with the



downsizing of the Las Vegas office the expenses have been reduced by over \$150K through the first half of the fiscal year.

- b. Discussion regarding Inspection Team calendar year-to-date key indicators

Investigator Brunner provided an update regarding the Inspection Team projections for 2021. The number of establishments was reduced from 1,113 to 833 with 305 in Northern Nevada and 528 in Southern Nevada. Locations no longer in business were removed in January, and locations where massage was once offered but is not offered any longer now remain on the list for only 2 years.

Northern Nevada did not experience a significant change in the number of locations where massage is no longer offered; however Southern Nevada went from 67 locations to 141, a substantial increase for just one year. Locations that were out of business in Northern Nevada increased from 32 to 60, while locations in Southern Nevada that were out of business increased from 63 to 71. The Inspection Team follows up on these out of business locations just in case another establishment opens in the same location.

- c. Discussion regarding complaints and investigations key indicators

During calendar year 2020 Christy and Sandy opened 101 investigations and closed 122 with an average closure timeline of 48 days. This does not include cases that are pending litigation since those sometimes take years to close. A case is opened the day the complaint is received and closed the day that the complaint is sent to the Office of the Attorney General for generation of a Complaint Notice of Hearing or closed due to no violation of law, a citation is issued, or evidence.

- d. Nevada State Legislative 81<sup>st</sup> Session including but not limited to:
  - i. BDR 54-457 – This BDR is sponsored by Senator Ratti who held a meeting prior to the bill dropping to obtain input from the Boards that will be collecting the data. Although, massage is not licensed as a healthcare provider, the Executive Director was included in the meeting. This type of data driven regulation is being used in over 20 other states and is even mandated in some.

- 17. Discussion regarding the Fiscal Year 2020 independent audit performed by Colson & Associates, Ltd. (For Discussion)

Michael Coulson CPA was unavailable to present the Audit which was submitted to the Legislative Counsel Bureau on December 1, 2020.

- 18. Discussion and possible action regarding items that the Board may want to consider during regulatory workshops in 2021. (For Discussion and Possible Action)

Board members and the public provided topics for discussion at regulatory workshops:

- a. Chair Huleva requested to discuss new applications where their test score reflects a different school than is being presented to the Board and requiring applicants to

- provide information regarding all massage programs attended. Additionally, whether it is possible to require them to take an additional exam if they have new education.
- b. Board Member Smith requested a discussion regarding regulating education or education requirements 550 hours clinic portion more specifically public protection through inspection of the facilities.
  - c. Board Member Smith requested a discussion regarding continuing education when classes and groups come to our state and teach that they at least be in good standing for their license wherever they come from.
  - d. Board Member Smith being able to upload continuing education at time of completion.
  - e. Board Member Plotnick requested a discussion regarding requirements for a portion of the continuing education to be hands on.
  - f. Board Member Plotnick requested a discussion regarding requirements for a practical exam.
  - g. Board Member Plotnick requested a discussion regarding every massage therapist being required to have an intake form to insure no contraindications and disposal of those records.
19. Discussion and possible action regarding an ethics class that is used for disciplinary purposes by professional licensing boards in other states. (For Discussion and Possible Action)
- Item was discussed as an option for Board members in disciplinary cases. No motion was made.
20. Discussion and possible action regarding the Strategic Plan and the focus and direction of the Board moving forward through COVID and beyond. (For Discussion and Possible Action)
- Some discussion was held on this topic. Addition discussion will be held at a later date.
21. Discussion and possible action regarding discontinuance of mailing expired license notification letters via United States Postal Service. (For Discussion and Possible Action)
- Motioned by Sommer Plotnick to leave this policy as is, seconded by Richard Fields.  
Motion carried. Chair Diane Huleva Opposed.
22. Discussion regarding recommended future agenda items. (For Discussion)
- Zoom Board retreat.
23. Public comment. 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. (Discussion Only)

David Otto - NVMT #103 – Provided public comment regarding how much why he likes to attend the afternoon session. He thanked the Board for a very productive and positive discussion. He also commented on the direction the Board is taking with Item 13 and hopes that the exam will result in fewer violations. He thinks that there needs to be a passing rate on the exam. He agreed with Board Member Smith's comment about holding instructors that come to the state, accountable like American Federation of State, County and Municipal Employees (AFSCME) as part of that discussion. He

agreed with Board Member Plotnick's point regarding an intake or informed consent form including the information regarding requirements in Washington.

24. Adjourned at 4:18 p.m. (For Possible Action)

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#### **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 three (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, January 19, 2021** 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](mailto:sjanderson@lmt.nv.gov)** supporting materials are also available at the Board's office.

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](mailto:sjanderson@lmt.nv.gov) no later than 48 hours prior to the meeting.

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In accordance with NRS 241.020, this public notice and agenda was posted on or before January 15, 2021, at the following locations:

[http://massagetherapy.nv.gov/About/Board\\_Meetings/Meetings/](http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/)  
<https://notice.nv.gov>