



## Nevada State Board of Massage Therapy MEETING MINUTES

**LOCATIONS:** Pursuant to Governor Steve Sisolak's Emergency Directive 006, there was no physical location for this meeting. Participants were able to join the meeting via Zoom.

<https://zoom.us/j/95421402454?pwd=VlorZ1ZIaEhaWStWcys0UkEzZGRMUT09>

Meeting ID 954 2140 2454  
Password 855165  
SIP [95421402454@zoomcrc.com](mailto:95421402454@zoomcrc.com)

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**DATES AND TIMES:** March 31, 2021, commenced at 9:15 a.m.

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

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### 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 were made to assist and accommodate individuals with disabilities who wished to attend the meeting by contacting Sandy Anderson at 775.687.9951 ([sjanderson@lmt.nv.gov](mailto:sjanderson@lmt.nv.gov)), in advance, so that arrangements could be made. Public comment was taken at the beginning and the end of the meeting.

Public Comment Agenda Item: There was a time designated at the beginning of the meeting and the end of the meeting for Public Comment. Members of the general public were able to bring matters not appearing

on this Agenda to the attention of the Board or make comment on specific agenda items. Public comment was also taken at other such times as requested as long as the request for public comment did not interrupt ongoing Board business. The Board may have discussed matters not on the agenda but did not act on the matters at this meeting. If the Board desired, the matters may be placed on a future Agenda for action. In consideration of others who may have also wished to provide public comment, the public was asked to please avoid repetition. The Board reserved 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.

The meeting was called to order at 9:22 a.m. by Chair Diane Huleva. Board Members in attendance included Vice Chair Deirdre Strunk, Secretary/Treasurer Elisabeth Barnard, Richard Fields, Sommer Plotnick, Bianca Smith, and Sgt. Jorge Marty. Board Member Lorna Benedict was excused. Additional attendees included Executive Director Sandy Anderson, Senior Deputy Attorney General Sophia Long, and Deputy Attorney General Harry Ward.

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.

There were no new appointments made by the Governor.

4. Public comment – Members of the public who wished to participate in the public meeting were able to do so by providing public comment during the two designated public comment periods. Additionally, public comment options included, without limitation, telephonic or email comment. Action was not taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting. The Board did not restrict comments based on viewpoint. The opportunity for public comment was available at the beginning and ending of the meeting. (Discussion Only)

Isaiah Leverette asked for clarification regarding the meeting. Chair Huleva provided information.

No written public comments were submitted prior to the meeting.

5. Formal Hearing Liwen Kuang – NVMT #7798 – NVMT-C-2038. (For Possible Action)

Senior Deputy Attorney General asked that this case be dismissed. Motioned by Secretary/Treasurer Elisabeth Barnard to dismiss the case on the recommendation of Senior

Deputy Attorney General Sophia Long, seconded by Richard Fields. Motion passed unanimously.

6. Formal Hearing Juan Li – NVMT #10578 – NVMT-C-2050. (For Possible Action)

Legal Counsel requested that the case be continued. The continuance was approved.

7. Formal Hearing Mei F. Liao-Reid – NVMT #7708 – NVMT-C-2052. (For Possible Action)

Deputy Attorney General Harry Ward swore in Mei F. Liao-Reid.

Senior Deputy Attorney General Sophia Long presented a voluntary surrender for 3 years to the Board.

Motioned by Richard Fields to approve the voluntary surrender for 3 years, seconded by Bianca Smith. Motion carried unanimously.

8. Formal Hearing Alexis J. Orlosky – NVMT #10005 – NVMT-C-21005. (For Possible Action)

Legal Counsel Lyn Beggs was present representing Alexis Orlosky.

Senior Deputy Attorney General Sophia Long presented the Board with a Settlement Agreement which included drug testing for the term of Ms. Orlosky's probation. Motioned by Sommer Plotnick to approve the Settlement Agreement, seconded by Richard Fields. Motion carried unanimously.

9. Request for Termination of Probation Anthony B. Gilyard Jr. – NVMT #9083. (For Discussion and Possible Action)

Anthony Gilyard was present.

Tereza VanHorn presented Mr. Gilyard's request to the Board. 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.

Chair Huleva asked Mr. Gilyard why he was requesting to have the probation terminated at this time. Mr. Gilyard shared information regarding employment and the difficulty of obtaining employment during Covid with a probationary license.

Former Clark County Commissioner Lawrence Weekly spoke on behalf of Mr. Gilyard and provided information regarding the effectiveness of programs in Clark County including Huddle Up and Hope for Prisoners. He requested that Board consider Mr. Gilyard's request.

The Board discussed options and their concern with protecting the public while allowing Mr. Gilyard the maximum amount of flexibility possible to earn a living performing massage.

Francesca Colbert a licensed therapist in Nevada and California provided supportive testimony regarding Mr. Gilyard's character while working at Casinossage.

Lawrence Weekly via the Zoom Chat feature – "This distinguished board granted him a 2nd chance and Mr. Gilyard complied with all of your conditions. He is asking for a little more flexibility. His community service is awesome and have made a difference in my district. I humbly ask you Madame Chair, to loosen his restrictions, but have him come back and see you in a year or two."

Jessica Krutka NVMT.8458 manager for Casinossage addressed Anthony's performance while working there.

Motioned by Diane Huleva that we continue with the probationary license through November 2022 taking out the restrictions of B not allowing him to be self-employed adding that he can offer outcall massage and remove the requirement for employer reporting, seconded by Bianca Smith. Motion carried unanimously.

10. Review of Probation Davey D. Garrett – NVMT #9795 – NVMT-S-2051. (For Discussion and Possible Action)

Motioned by Diane Huleva to dismiss this agenda item, second Deirdre Strunk. 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. Review Application of Lianyan Kelly. (For Discussion and Possible Action)

Lianyan Kelly was present and represented by legal counsel Lyn Beggs. Ms. Kelly's spouse also participated in the application review.

Motioned by Secretary/Treasurer Barnard to go into closed session per NRS.241.030, seconded by Sommer Plotnick. Motion carried unanimously.

Motioned by Chair Diane Huleva to re-open session per NRS.241.030, seconded by Bianca Smith. Motion carried unanimously.

Motioned by Diane Huleva for a probationary license for 5 years, report within 14 business days any involvement with law enforcement, no outcall, must work for an employer, quarterly reports from her employer for the first 2 years and then every 6 months for the next 3 years, background investigations at the licensee's expense,

cannot work at any location identified as having a history of arrests for prostitution, seconded by Deirdre Strunk. Bianca Smith and Elisabeth Barnard opposed. Motion carried.

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

Rosemary Yang was present and represented by legal counsel Kirk Kennedy. Interpretation services were provided by Wai Mei Borgel.

Tereza VanHorn presented Rosemary Yang's 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's application was before the Board on January 20, 2021. Legal counsel Kirk Kennedy requested a continuance. Ms. Yang was arrested on July 1, 2008, for prostitution by the San Bernardino County Sheriff's Office. Ms. Yang was cited on March 17, 2015, by Las Vegas Metropolitan Police Department for obstructing a public officer. Ms. Yang 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(4)(6) & (9).

Legal Counsel provided information regarding the criminal history and requested that she be issued a license. He mentioned that one of the instructors at FuZuBa is assisting English as a second language individuals with their applications and is filling them out incorrectly.

Motioned by Secretary/Treasurer Barnard to deny based on NRS 640C.700(4)(6) and (9), seconded by Sommer Plotnick. Motion carried unanimously.

c. Review Application of Ping He. (For Discussion and Possible Action)

Ping He was present and represented by legal counsel Kirk Kennedy. Interpretation services were provided by Wai Mei Borgel.

Tereza VanHorn presented Ping He's application to the Board. Ms. He's massage application is before you today due to potential criminal history that could not be approved administratively. Ms. He was previously licensed with NSBMT with a probationary license on October 12, 2007. Probation termination was granted on 10/23/2009. Ms. He was arrested on 12/28/06 for solicitation of prostitution, 1/7/2007 for solicitation of prostitution, 10/08/2009 for false information to a police officer and 10/22/2010 for solicitation of prostitution by Las Vegas Metropolitan Police Department. Ms. He had her NCBTMB national exam results revoked on 8/25/2011. Ms. He 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).

Kirk Kennedy addressed the Board regarding her prior appearance before the Board.

Motioned by Sommer Plotnick to deny based on NRS 640C.700(2), (3), (4), (6) and (9), seconded by Richard Fields. Motion carried unanimously.

d. Review Application of Guoli Song. (For Discussion and Possible Action)

Guoli Song was present and represented by legal counsel Kirk Kennedy. Interpretation services were provided by Wai Mei Borgel.

Tereza VanHorn presented Guoli Song's application to the Board. Ms. Song's massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Song was arrested on February 4, 2003, and October 11, 2002, by Las Vegas Metropolitan Police Department for soliciting or engaging in prostitution. Ms. Song was cited on June 5, 2001, for soliciting prostitution and practicing without a massage permit and on May 4, 2006, for practicing massage without a health card by Las Vegas Metropolitan Police Department. Ms. Song 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(1)(4)(6) & (9).

Kirk Kennedy provided information regarding the completion of applications by the FuZuBa school staff in an effort to try to help the students without really confirming if there is any history. Ms. Song knows that she has prior history. Ms. Song applied in 2007, and the Board said no based on the arrests in 2002 and 2003. In 2008, the Board gave her a license, and she was licensed from 2008 through 2011. There is no indication that there was any discipline taking it away from her.

Motioned by Bianca Smith to deny this application based on NRS 640C.700(1), (4), 6) and (9), seconded by Sommer Plotnick. Roll call vote Bianca Smith and Sommer Plotnick in favor of denial. Deirdre Strunk, Elisabeth Barnard, Richard Fields, and Diane Huleva opposed the motion. Motion failed.

Motioned by Elisabeth Barnard to issue a probationary license for 2 licensing cycles (4 years), report if she has any interaction with law enforcement, cannot work at a location that has been known for prostitution or illicit activity of any kind, annual background checks at the licensee's expense, must work for an employer and no outcall massage, seconded by Deirdre Strunk. Motion passed. Board members Smith and Plotnick opposed.

e. Review Application of Joanna W. Tucker. (For Discussion and Possible Action)

Joanna Tucker was present.

Tereza VanHorn presented Joanna W. Tucker's application to the board. Ms. Tucker's massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Tucker was previously licensed with NSBMT. Her licensed was revoked due to the Federation of State Massage Therapy Boards (FSMTB) invalidating Ms. Tuckers exam result's. During an inspection at the location where Ms. Tucker currently is employed, the phone she answered was for a phone number that was posted on adultlook.com and reno.backpage.com. These illicit websites are escort service providers 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).

Motioned by Diane Huleva to issue a license, seconded by Deirdre Strunk. Motion approved. Bianca Smith opposed.

f. Review Application of Isaiah A. Leverette. (For Discussion and Possible Action)

Isaiah Leverette was present.

Tereza VanHorn presented Isaiah A. Leverette's application to the Board. Mr. Leverette's massage application is before you today due to potential criminal history that could not be approved administratively. Mr. Leverette was arrested for domestic battery on March 28, 2018 and placed in temporary custody for domestic battery on October 2, 2018, by Las Vegas Metropolitan Police Department. Mr. Leverette did not provide written narrative as requested by staff. Mr. Leverette 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 or approve with probation for four years with restrictions.

Motioned by Diane Huleva to allow Director Anderson to refund the fees paid by Mr. Leverette excluding the background investigation fee upon receipt from Mr. Leverette of request, seconded by Elisabeth Barnard. Motion carried.

g. Review Application of Brian T. Morlet. (For Discussion and Possible Action)

Brian Morlet was present and represented by legal counsel Kimberly Maxson-Rushton.

Tereza VanHorn presented Brian Morlet's application to the Board. Mr. Morlet's massage application is before you today due to potential criminal history that could not be approved administratively. Mr. Morlet was previously licensed by NSBMT in September of 2008 and let his license expire on September 30, 2009. No disciplinary actions were discovered or located during this licensure period. Mr. Morlet was arrested on March 14, 2016, for Domestic Battery by Sparks Police Department. Mr. Morlet 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 this application with probation for four years with restrictions.

Legal counsel asked the Board to note that the record for the domestic battery was amended to disturbing the peace and later dismissed. Counsel requested that Mr. Morlet be issued a license without restrictions based on the nature of the offense, the time since the offense, and that he took responsibility for the actions that occurred.

Mr. Morlet offered information regarding why he let his license lapse and why he would like to return to the profession.

Motioned by Diane Huleva to issue a probationary license for two years that every 4 months the employer will report to the staff and the second year every 6 months, and background check annually at the licensee's expense, seconded by Bianca Smith. Motion carried unanimously.

12. Citation Appeal #19286 Stephanie Cortes. (For Discussion and Possible Action)

Stephanie Cortes was present. Chair Huleva swore in Stephanie Cortes and Investigator Christy Brunner.

Investigator Brunner provided information regarding the issuance of the citation and the documentation to support advertising without a license.

Stephanie Cortes provided a statement and information regarding the business and denied providing massage therapy stating that she is a post op coordinator and that she has certifications for those items. She also stated that she did not pass the MBLEx while living in Wisconsin. She claimed no ownership for the website advertising her business, stating that a friend takes care of the website for her.

The Board questioned Ms. Cortes regarding the business and website advertising resulting in the citation.

Motioned by Richard Fields to uphold the citation, seconded by Bianca Smith and noted the responsibility of the business owner for advertising. 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.***

13. *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 February 28, 2021 (see Exhibit A). (For Possible Action)*
  - b. *Discussion and possible action regarding review and acceptance of the Fiscal Year 2021 Budget versus Actual through February 28, 2021. (For Possible Action)*
  - c. *Discuss, amend, and approve Board meeting minutes for January 20, 2021. (For Possible Action)*

Motioned by Bianca Smith to approve item 13, seconded by Deirdre Strunk. Motion carried unanimously.

14. Board Counsel report. (For Discussion and Possible Action)
  - a. Unlicensed activity District Court case update provided by Deputy Attorney General Harry Ward. (For Discussion and Possible Action)

Deputy Attorney General Harry Ward advised the Board regarding the pending case and recommended the Board not continue to pursue litigation.

Motioned by Diane Huleva to dismiss any action on this case, seconded by Elisabeth Barnard. Motion carried.



- b. Supreme Court cases update provided by Senior Deputy Attorney General Sophia Long. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long advised the Board on the status of the pending cases.

- c. General topics and training provided by both Deputies Attorney General.

15. Executive Director Report including but not limited to (For Discussion)

- a. Strategic Plan Key Indicators

- i. Licensure and renewals

There are 4,879 active licensees a decline of 275 since December of 2019, with background investigations for new applicants taking up to 4 months from the date of fingerprinting. The extended time frame is partially due to the increase in background investigation for medical professionals and the staff at the Department of Public Safety working remotely in response to COVID-19.

- ii. Inspection Team calendar year-to-date key indicators

The inspection team completed 162 or 19.4% of the 833 projected inspections for calendar year 2021. They are working on the goal of inspecting outcall practitioners and have addressed 172 of the 931 or 18.5% individuals that marked outcall on their renewal application.

- iii. Complaints and investigations calendar year-to-date key indicators

Staff opened 28 investigations since the beginning of 2021 and closed 28. There are 15 open investigations some of which are being held open due to litigation.

- b. AMTA 2021 Massage Profession Research Report

Executive Director Anderson addressed the AMTA 2021 Massage Profession Research Report provided to the attendees at the annual AMTA Schools Summit, stating that the document is an excellent tool for schools and regulatory agencies to use as they address the future of the massage industry.

- c. Nevada State Legislature 81<sup>st</sup> Session including but not limited to items listed in Exhibit B. (For Discussion and Possible Action)

Exhibit B provided adequate information regarding the 81<sup>st</sup> Session.

Director Anderson provided an update from the employer of the most licensees within the state. In the past, Professional Massage employed over 400 licensees. As of March 30<sup>th</sup>, they have about 80 therapists back to work and are open at Fashion Show Mall, Miracle Mile Shops, Grand Canal Shops, Harrah's, Flamingo, and Bally's. On the Casino side they have only been allowed to open at Circa in downtown Las Vegas.

16. Discussion and possible action regarding the performance evaluation of the Executive Director Sandy Anderson. (For Discussion and Possible Action)

This item was held for discussion on Thursday, April 1, 2021, as agenda item 8.

17. Discussion and possible action regarding issuing a contract for production/publication of Board newsletter not to exceed \$5,000. (For Discussion and Possible Action)

This item was held for discussion on Thursday, April 1, 2021, as agenda item 9.

18. Discussion and possible action regarding adoption of a list of jurisdictions that have program requirements for licensure that are substantially equivalent to those of Nevada. (For Discussion and Possible Action)

This item was held for discussion on Thursday, April 1, 2021, as agenda item 10.

19. Discussion and possible action regarding adoption of form for disclosure of an alias used by a massage therapist. (For Discussion and Possible Action)

This item was tabled for discussion at a later date.

20. Discussion and possible action regarding the jurisprudence exam number of questions, potential databank, content, topics for questions, and determination for moving forward. (For Discussion and Possible Action).

This item was table for discussion at a later date.

21. Discussion and possible action regarding the Strategic Plan and incorporation of additional items. (For Discussion and Possible Action)

This item was held for discussion on Thursday, April 1, 2021, as agenda item 13.

22. Discussion and possible action regarding the Board Update including frequency and topics. (For Discussion and Possible Action)

This item was held for discussion on Thursday, April 1, 2021, as agenda item 14.

23. Discussion and possible action regarding changes to Policy 5.1.1 Internal Controls. (For Discussion and Possible Action)

The Chair advised the Board that continuing to require an officers' signature may not be in the best interest of the day-to-day operations and recommended that the signatory authority of the Executive Director be reinstated.

No action was taken at this time.

24. Discussion regarding participation in the 2021 FARB Forum. (For Discussion)

This item was held for discussion on Thursday, April 1, 2021, as agenda item 16.

25. Discussion and possible action regarding potential national compact for licensure of massages therapists and the Board's position regarding interest in participation and items of criticality to the compact including:
  - a. Participation
  - b. Testing and the requirement for MBLEx
  - c. Education requirements
  - d. Who will represent the board at the table for these discussions on a national level?

This item was held for discussion on Thursday, April 1, 2021, as agenda item 17.

26. Discussion and possible action regarding planning a Board Retreat during fiscal year 2021 or fiscal year 2022 including potential fiscal impact and budget allocation. (For Discussion and Possible Action)

This item was held for discussion on Thursday, April 1, 2021, as agenda item 18.

27. Discussion regarding recommended future agenda items. (For Discussion)
28. Public comment.

No public comment was provided.

29. Recessed at 5:59 p.m. until Thursday, April 1, 2021, at 9:00 a.m.

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In accordance with NRS 241.020, the public notice and agenda was posted on or before March 26, 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>