



Nevada State Board of Massage Therapy

MEETING and WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS MINUTES

LOCATIONS:

On March 22, 2020, Nevada Governor Steve Sisolak signed Declaration of Emergency Directive 006. Section 1 of that Emergency Directive suspended the requirement contained in NRS 241.023(1)(b) that there be physical location designated for meetings of public bodies. Section 3 of the March 22, 2020 Emergency Directive suspended the requirements contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada.

This meeting of the Nevada State Board of Massage Therapy took place exclusively via Zoom based upon Nevada Governor Steve Sisolak's Declaration of Emergency in the State of Nevada in response to COVID-19, and upon the Nevada State Board of Massage Therapy's obligation to timely conduct Board business.

<https://zoom.us/j/94782584072?pwd=SWIyTUxkNE1MZjITQWpDY0x5THdzd09>

Meeting ID 947 8258 4072
Password 243524
SIP 94782584072@zoomcrc.com

Or by phone by dialing
+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: **April 1, 2021, commenced at 9:13 a.m.**

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

The meeting was noticed as a Public Workshop and Request for Comments for possible changes to Nevada Administrative Code, Chapter 640C related to the practice of massage therapy, reflexology, and structural integration; and/or amendments pertaining to revisions to NAC 640C.

The purpose of the workshop was to receive comments from all interested persons and to consider the review of the Nevada Administrative Code, Chapter 640C. Persons wishing to comment and participate in the workshop of the Nevada State Board of Massage Therapy were able to appear at the scheduled workshop March 31, 2021 via Zoom or address their comments, data, views, or arguments, in written form to: The Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502 Attn: Sandy Anderson, or via email at sjanderson@lmt.nv.gov. In order for written submissions to be made available to members of the public, the written submissions needed to be received before Tuesday, May 30, 2021.

A copy of this Notice was on file at the State Library, 100 N. Stewart Street, Carson City, Nevada. Additional copies of the notice were available at the offices of the Board, Nevada State Board of Massage Therapy, 1755 East Plumb Lane, Suite 252, Reno, Nevada 89502, Nevada State Board of Massage Therapy, 555 East Washington Avenue, Suite 4774, Las Vegas, Nevada 89101, on Board's website massagetherapy.nv.gov, at notices.nv.gov, and on the State Legislatures website at <https://www.leg.state.nv.us/App/Notice/A/>.

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), 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 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 the Agenda to the attention of the Board or make comment on specific agenda items. Public comment also was taken at other such times as requested as long as the request for public comment did 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 participants were asked to 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 by Chair Huleva at 9:13 a.m. Board members in attendance were Vice Chair Deirdre Strunk, Secretary/Treasurer Elisabeth Barnard, Richard Fields,

Sommer Plotnick, Bianca Smith. Additional attendees included Executive Director Sandy Anderson and Deputy Attorney General Harry Ward. Vice Chair Strunk was excused from the meeting at 12:17 p.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. 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 did not restrict comments based on viewpoint. The opportunity for public comment was available at the beginning and ending of the meeting. (Discussion Only)

No written public comments were received prior to the meeting.

No public comment was provided by participants in attendance.

4. Workshop discussion and possible action regarding possible regulatory changes to NAC 640C including but not limited to the items listed in Exhibit A. (For Discussion and Possible Action)

Discussion was held regarding the proposed regulations. Lorena Haynes Director of Government Relations for the Federation of State Massage Therapy Boards (Federation) provided information to assist the Board in the discussion including referencing the job tasks analysis completed previously and requested that the Board consider using only the MBLEx as the exam.

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.

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

This order of business was completed during the Board meeting held March 31, 2021.

6. Board Counsel report. (For Discussion and Possible Action)

This order of business was completed during the Board meeting held March 31, 2021.

7. Executive Director report. (For Discussion)

This order of business was completed during the March 31, 2021, meeting.

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

Performance reviews were completed by both Board Members and staff with one exception. Discussion was held regarding the Executive Director's performance, professionalism, service as a servant leader, and ability to provide training for staff. The Executive Director requested no raise at this time due to the impact of COVID on the budget. The Board asked to address a raise with an agenda item in 6 months.

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

No action was taken on this item. An agenda item will be added to the June meeting for discussion and possible action regarding creation of a committee to address the newsletter.

10. 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)

Information was provided by the Federation of State Massage Therapy Boards regarding the educational requirements for many of the member boards.

Motioned by Diane Huleva to authorize staff to approve education as substantially equivalent per NRS 640C.420(3) when the hours of education required by the state issuing the original license exceed Nevada's requirements, seconded by Richard Fields. Motion carried unanimously.

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

Tabled until June meeting.

12. 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).

Tabled until June meeting.

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

The Board reached consensus that the current strategic plan is on target.

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

In February of 2016, the Board requested that the Executive Director provide regular updates to the Board as part of improving communication between the Board and staff. The Board determined that the need for these updates and that the appropriate frequency for the updates shall be monthly with the understanding that if something of significant importance occurs between updates the Executive Director will notify the Board via email.

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

Tabled until June meeting.

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

Attendees shared their perspectives of the information provided at the 2021 FARB Forum held January 27 through 29, 2021 in a virtual format. Participants recommended the Board continue having the forum as a training tool for both Board members and staff.

17. Discussion and possible action regarding potential national compact for licensure of massage 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?

Debra Persinger, Executive Director for the Federation of State Massage Therapy Boards (Federation) shared information regarding the progress of the licensure compact funded by a Department of Defense grant. The Counsel of State Governments will work with the industry to draft the compact language to ease portability for legitimate therapists. Every state board and licensees will have the ability to provide public comment during the process.

18. 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)

Motioned by Diane Huleva to move forward with a Board Retreat with a budget impact not to exceed \$30,000, seconded by Deirdre Strunk. Motion carried unanimously.

19. Discussion regarding recommended future agenda items. (For Discussion)
20. Public comment.

Laura Embleton shared her appreciation of being able to participate in the process.

21. The meeting was adjourned at 1:00 p.m.

In accordance with NRS 241.020, the public notice and agenda were posted on or before March 17, 2021, at the following locations:

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

<https://notice.nv.gov>

<https://www.leg.state.nv.us/App/Notice/A/>

Nevada Legislature Building, 401 S. Carson Street, Carson City, NV 89701

Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502

Nevada State Board of Massage Therapy, 555 E. Washington, Suite 4774, Las Vegas, NV 89101

Nevada State Library and Archives, 100 N. Stewart St., Carson City, NV 89701