



Nevada State Board of Massage Therapy

DRAFT MEETING MINTUES

LOCATIONS:

This meeting of the Nevada State Board of Massage Therapy was held online via Zoom and was available via telephone. Persons wishing to participate in the meeting were able connect to the meeting through the link or telephone numbers below. Persons wishing to provide public comment during the meeting were able to use the links below and at the appropriate time, the Board Chair called on persons wishing to make public comment.

Virtual access was available by registering for this meeting online:

<https://us06web.zoom.us/j/84202990113?pwd=ZDM2c25scnhBbmRydjR1S1hwS2d1QT09>

Meeting ID 842 0299 0113
Password 993954
SIP 84202990113@zoomcrc.com

Telephonic access to this meeting was available by dialing the number below based on the location closest to participant.

+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: March 30, 2022, commenced at 9:02 a.m.

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

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. 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 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 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 have discussed the matters not on the agenda but did not act on the matters at this meeting. If the Board desired, the matters will be placed on a future Agenda for action. In consideration of others who may also wish to provide public comment, repetition was avoided. The Board limited 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 have refused to consider public comment (see NRS 233B.126). Please be aware that after the quasi-judicial Board rendered a decision in the contested case and, assuming this happened before adjournment, the Board may have entertained public comment on the proceeding.

1. Call to order and roll call of Board Members.

The meeting was called to order at 9:02 a.m. on March 30, 2022, by Chair Elisabeth Barnard. Board members in attendance included Vice Chair Deirdre Strunk, Secretary/Treasurer Richard Fields, Lorna Benedict, Rebecca Dorangricchia, Bianca Smith, John Teng, Stephanie Tsanas, and Sgt. Price with the Las Vegas Metropolitan Police Department. Additional attendees included Senior Deputy Attorney General Sophia Long, Board Counsel Colleen Platt, and Executive Director Sandy Anderson. Karen Kramberg joined the meeting at 1:20 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 Barnard 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 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 public comment was provided by attendees.

Executive Director Anderson shared that there was only one written public comment submitted prior to the meeting and read the email received from Jayne Hydke.

Good morning,

It has come to my attention with the closures during the COVID 19 period came many issues relating to access to employment.

Not only did many therapists experience additional interference once the properties reopened. These additional experiences ranged from threatened violence increase to elevated expenses or thefts and financial damage to therapists' businesses and or personal property.

I am writing with these concerns and asking that the board take this into consideration with the fees involved for licensure.

I believe between the board and the therapists some alternative options can be created to assist with relief funds to keep all therapists active at all times.

Not only will this assist therapists with continued income this will allow the board to eliminate any decrease in collected renewal fees.

This action will create assistance to the public for access to alternative healthcare practices.

This action will assist the overall government with continuing worker stability.

I ask that the board make renewal fees with payment options ranging from Monthly, Pre Payment, Annually, and bi-annually.

With availability for instant renewal and digital copies of the license available if this would be possible.

When the board takes the public into consideration for this request, I ask that you see this request not only assists the public, but also assists the therapists which are part of the public interest.

Thank you so much for you time and consideration in this matter.

4. 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 Brian A. Bird. (For Discussion and Possible Action)

Brian Bird was present.

Management Analyst VanHorn presented the application of Brian A. Bird to the Board. Mr. Bird's massage application is before you today for review that could not be approved administratively. Mr. Bird was arrested on January 18, 1996, for criminal mischief and criminal endangerment by Billings Police Department with a conviction of assault with a sentencing term of suspended sentence of six (6) months; January 4,

1992, obstructing a peace officer or other public servant by Billings Police Department; July 29, 2000; for one count of battery by San Diego Sheriff's Office with a conviction of assault with a sentence term of 3-year probation with fines; and was cited by NSBMT for advertising without a license on March 16, 2020. Mr. Bird is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Bianca Smith to issue a probationary license for two (2) years, report all contact with law enforcement within 48 hours, and submit fingerprints at respondent's expense at time of renewal. Motion withdrawn by Bianca Smith. Motion by Bianca Smith to approve the application with no restrictions, seconded by Richard Fields. Motion carried.

b. Review Application Cierra D. Carter. (For Discussion and Possible Action)

Cierra Carter was present.

Management Analyst VanHorn presented the application of Cierra D. Carter to the Board. Ms. Carter's massage application is before you today for review that could not be approved administratively. Ms. Carter was arrested on March 17, 2019, for domestic battery by Sparks Police Department. Original charge was amended to disturbing the peace after a plea deal by Ms. Carter and the city attorney. Ms. Carter is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Chair Barnard to issue a probationary license for two (2) years, report contact with law enforcement personal within 48 hours after contact occurs and background investigation at renewal, seconded by Richard Fields. Motion carried unanimously.

c. Review Application Kelly G. Cerna-Rengifo. (For Discussion and Possible Action)

Kelly Cerna-Rengifo was present and represented by Dean Kajioka and assisted by paralegal Jacquellane Kopka.

John Teng shared that Ms. Cerna-Rengifo was one of his graduates and that he felt he could be impartial.

Management Analyst VanHorn presented the application of Kelly G. Cerna-Rengifo to the Board. Ms. Cerna-Rengifo's massage application is before you today for review that could not be approved administratively. Ms. Cerna-Rengifo was arrested on August 2, 2019, for pandering, act/encourage brothel, solicitation/engage in prostitution and live from earnings of prostitute by Las Vegas Metropolitan Police Department. During negotiations with the Clark County District Attorney's Office, Ms. Cerna-Rengifo entered a "Nolo Contendere (No Contest)" plea to amended charges to solicitation and disorderly conduct. Ms. Cerna-Rengifo is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Bianca Smith to move to closed session per NRS.241.030, seconded by Elisabeth Barnard. Motion carried.

Motioned by Bianca Smith to return to open session per NRS.241.030, seconded by Richard Fields. Motion carried with no opposition.

Motioned by Bianca Smith to deny this application based on NRS 640C.700(1)(3)(4)(6)(9) and NAC 640C.410 (1)(a)(q)(r)(x), seconded by Lorna Benedict. Motion passed unanimously.

d. Review Application Dehua Duan. (For Discussion and Possible Action)

Dehua Duan was present and accompanied by her son Shijie Qin who served as a translator.

Management Analyst VanHorn presented the application of Dehua Duan to the Board. Ms. Duan's massage application is before you today for review that could not be approved administratively. Ms. Duan was previously licensed with NSBMT from August 2006 to August 2011. Her 2006 application with NSBMT listed Acupuncture and Massage Institute of America with a completion date of December 1999 and East-West Institute of Hand Therapy with a completion date in November of 2005. Ms. Duan has failed to disclose her previous license and establishment owner license by Florida Department of Health. Ms. Duan listed her 2021 application with education from Rosel School of Massage Therapy with a completion date of January 2013 and Fuzuba with a completion date of 2021. Additional education from other sources were not listed on recent application with NSBMT. Ms. Duan has failed to provide her previous Florida license and education from multiple massage programs. Ms. Duan currently has two business licenses listed with Clark County: Iris Day Spa and Li Ren Massage. Iris Day Spa has 108 reviews on Rubmaps.com with dates ranging from 2012 to 2021 and Li Ren Massage has 68 reviews on rubmaps.com with dates ranging from 2012 to 2021. Ms. Duan is requesting to be granted a license under NRS 640C.420 and is before you today for review under NRS 640C.700.

Motioned by Bianca Smith to deny NRS 640C.700(1)(9) & NAC 640C.410(1)(j)(p) and/or (bb), seconded by Deirdre Strunk. Motion carried unanimously.

e. Review Application Edward T. Gao. (For Discussion and Possible Action)

Edward Gao was present.

Management Analyst VanHorn presented the application of Edward T. Gao to the Board. Mr. Gao's massage application is before you today for review that could not be approved administratively. Mr. Gao was previously licensed with NSBMT from April 2007 to April 2010. His 2007 application listed Acupuncture and Massage Institute of America with a completion date in July of 2005. Mr. Gao has failed to disclose his previous license and citation issued by Utah Division of Occupational & Professional Licensing for allowing an unlicensed person to perform massage in his business. Mr. Gao was the listed owner of the establishment where the unlicensed activity occurred. On September 5, 2012, Utah listed the citation on the National Practitioners Data Bank

(NPDB). Mr. Gao listed Acupuncture and Massage Institute of America and East-West Institute of Hand Therapy on his Utah license application. Mr. Gao has failed to provide his previous license, education from multiple massage programs and his citation. Mr. Gao is requesting to be granted a license under NRS 640C.420 and is before you today for review under NRS 640C.700.

Mr. Gao provided a statement to the Board that the omissions on his application were an honest mistake, and he would like to request to be able to add the information.

Motioned by Bianca Smith to deny the application based on NRS 640C.700(1)(2)(9) and/or (11) and NAC 640C.410 (1)(j)(p)(q)(s) , seconded by Richard Fields. Motion carried.

f. Review Application Joleen Y. Kwan. (For Discussion and Possible Action)

Joleen Kwan was present.

John Teng shared that Ms. Kwan was a prior student, and he feels he can be impartial.

Management Analyst VanHorn presented the application of Joleen Y. Kwan to the Board. Ms. Kwan's massage application is before you today for review that could not be approved administratively. Ms. Kwan was arrested for multiple drug related charges by San Jose Police Department or Chowchilla Women's Detention Center on different dates over a twelve (12) year period resulting in several convictions with sentences including prison for no more than sixteen (16) months, prison for no more than eight (8) months and no less than ninety (90) days in jail, sixteen (16) months in prison and a probation term of two (2) years with fines. Drug related charges include use/under influence of controlled substance, possession of controlled substance/sale, possession of controlled substance, possession of paraphernalia, and resisting/delaying or obstructing. Ms. Kwan is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700

Motioned by Bianca Smith to issue a probationary license for two (2) years under NRS 640C.700(3), report contact with law enforcement within 48 hours, a background check at the respondent's expense at the time of renewal, and random drug testing at the respondent's expense, seconded by Chair Barnard. Motion carried unanimously.

g. Review Application Domenico R. Lonardo. (For Discussion and Possible Action)

Domenico Lonardo was present.

John Teng shared that Mr. Lonardo was one of his students and that he can be impartial.

Management Analyst VanHorn presented the application of Domenico R. Lonardo to the Board. Mr. Lonardo's massage application is before you today for review that could not be approved administratively. Mr. Lonardo was previously before the Board on January 12, 2022, and his application was tabled. The Board requested a report from Mind/Brain Institute. Mr. Lonardo was arrested on June 5, 1999, for Assault 3rd degree

by Rochester Police Department; September 12, 1999, for DUI by Rochester/Henrietta Police Department; September 18, 2001, for Possession of Marijuana by Hillsborough Sheriff's Office; May 6, 2010, for Conspiracy Marijuana of Domestic Origin by DEA-Rochester Division; person of interest for domestic battery on August 4, 2021, and arrested on August 17, 2021, for domestic battery by Las Vegas Metropolitan Police Department. Mr. Lonardo is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Bianca Smith to issue a probationary license for 4 years based on NRS 640C.700(2)(3) and/or (9), report contact with law enforcement within 48 hours, quarterly reporting to the Executive Director, background investigations at renewal at the respondent's expense, seconded by Richard Fields. Motion carried.

h. Review Application Brandon L. Romeo. (For Discussion and Possible Action)

Brandon Romeo was present.

John Teng shared that Mr. Romeo was one of his students and that he can be impartial.

Management Analyst VanHorn presented the application of Brandon L. Romeo to the Board. Mr. Romeo's massage application is before you today for review that could not be approved administratively. Mr. Romeo was arrested on August 4, 2016, for Battery by Los Angeles Sheriff's Office; November 24, 2018, for attempted murder with a deadly weapon by Las Vegas Metropolitan Police Department, additional charge added on November 28, 2018 for destroy property of another by Nye County Sheriff's Office; March 14, 2020 for DUI by Las Vegas Metropolitan Police Department; March 19, 2020 for probation violation (DUI arrest) by Nevada Department of Public Safety Parole and Probation; and listed as a person of interest from an incident on June 5, 2021 by Las Vegas Metropolitan Police Department. Mr. Romeo is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Chair Barnard to deny based on NRS 640C.700(3) and/or (9) and NAC.640C.410 (1)(t), seconded by Bianca Smith. Motion carried.

i. Review Application Aylin D. Sanchez-Perez. (For Discussion and Possible Action)

Aylin Sanchez-Perez was not present.

John Teng shared that Ms. Sanchez-Perez was one of his students and that he could be impartial.

Management Analyst VanHorn presented the application of Aylin D. Sanchez-Perez to the Board. Ms. Sanchez-Perez' massage application is before you today for review that could not be approved administratively. Ms. Sanchez-Perez was arrested on June 17, 2016, for burglary, forgery, and attempted theft by Las Vegas Metropolitan Police Department. Ms. Sanchez-Perez accepted a plea deal and pled guilty to attempted forgery. Resulting in a conviction of petit larceny. Ms. Sanchez-Perez is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Karen Kramberg to deny based on NRS 640C.700(3), seconded by Richard Fields. Motion carried with no opposition.

j. Review Application Kitty H. Schlup. (For Discussion and Possible Action)

Kitty Schlup was present and represented by Joseph Gersten. Translation services provided by Vue “Lori” Teffs. The husband’s spouse David Schlup assisted Ms. Schlup with communication as well.

Management Analyst VanHorn presented the application of Kitty H. Schlup to the Board. Ms. Schlup’s massage application is before you today for review that could not be approved administratively. Ms. Schlup has failed to disclose her previous certificate with California Massage Therapy Council (CAMTC) and disciplinary action for multiple violations with a final resolution of a revoked certificate by CAMTC. Ms. Schlup was the listed owner of the establishment where two undercover operations occurred, and sexual activity was solicited by two therapists certified by CAMTC. Ms. Schlup failed to provide her previous education, including previous disciplinary action. Ms. Schlup is requesting to be granted a license under NRS 640C.420 and is before you today for review under NRS 640C.700.

Motioned by Bianca Smith to move to closed session per NRS.241.030, seconded by Chair Barnard.

Motioned by Bianca Smith to return to open session per NRS.241.030, seconded by Chair Barnard. Motion carried.

Motioned by Chair Barnard to deny based on NRS 640C.700(1)(9) and/or (11) and NAC 640C.410 (1)(j)(p)(q), seconded by Bianca Smith. Motion carried unanimously.

k. Review Application Deshawn R. Wilson. (For Discussion and Possible Action)

Deshawn Wilson was present.

Management Analyst VanHorn presented the application of Deshawn R. Wilson to the Board. Ms. Wilson’s massage application is before you today for review that could not be approved administratively. Ms. Wilson was arrested on November 17, 2004, for petit larceny by New York City Police Department. Ms. Wilson was convicted of petit larceny with a requirement to complete 12 days of community service. After the completion of community service, the case was dismissed. Ms. Wilson is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Bianca Smith to approve with no restrictions, seconded by Deirdre Strunk. Motion carried.

5. Early Termination of Probation Raeann M. Rigiroszi license number NVMT.10452 (For Discussion and Possible Action)

Management Analyst VanHorn presented the termination of probation application of Raeann M. Rigirozzi to the Board. Ms. Rigirozzi is requesting to be granted early termination of probation. Probation approval was issued by the Board on June 10, 2020, with a four (4) year term. Ms. Rigirozzi appealed the June 10th decision and was before the Board again on August 19, 2020. The original probation terms were upheld. Ms. Rigirozzi completed the required 12 hours of ethics and completed one background check review. Ms. Rigirozzi is requesting to be granted a non-restricted license under NRS 640C.420 and is before you today for termination of probation under NRS 640C.700.

Motioned by Bianca Smith to keep Ms. Rigirozzi on probation, seconded by Richard Fields. Motion carried unanimously.

6. Formal hearings for failure to respond to the Board's Inspection Team regarding outcall sanitation inspection compliance. (For Discussion and Possible Action)
 - a. Formal Hearing Jennifer A. Denney License Number NVMT.5648 – Case Number NVMT-OC-22011. (For Discussion and possible Action)

Jennifer Denney was present.

Senior Deputy Attorney General Sophia Long asked for the case to be continued.

- b. Formal Hearing Brenda Z. Duarte License Number NVMT.8928 – Case Number NVMT-OC-22014. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Brenda Duarte License Number NVMT.8928 to the Board. Ms. Duarte was not present.

Ms. Long asked the Chair to admit Exhibit 1 – Complaint Notice of Hearing and explained that the certificate of service was the offer of proof of service at Ms. Duarte's address on file with the Board per NRS 622A.350. Chair Barnard accepted the Exhibit.

Motioned by Chair Barnard that Ms. Duarte had been properly noticed, seconded by Bianca Smith. Motion passed with no opposition.

The alleged facts were read from the Complaint Notice of Hearing.

Ms. Long asked the Chair to admit Exhibit 2 as proof of notification by the inspection team and that the lack of response constituted the violation of NRS 640C.700(8). Chair Barnard accepted the Exhibits.

Ms. Long asked the Board to accept that the findings of fact were true, and the violations of law Count 1 did occur.

Motioned by Elisabeth Barnard to accept the findings of fact were true and the violation of law Count 1 did occur, seconded by Richard Fields. Motion carried.

Executive Director Anderson recommended discipline be a \$200 fine and \$150 administrative fee.

Discussion was held regarding possibilities for disciplinary action.

Motioned by Bianca Smith that Ms. Duarte pay a fine of \$150, administrative fees of \$150, and be issued a public reprimand, seconded by Richard Fields. Motion carried unanimously.

- c. Formal Hearing Junyan Guo License Number NVMT.8530 – Case Number NVMT-OC-22019. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long requested that the Board dismiss the case.

Motioned by Chair Barnard to dismiss Case Number NVMT-OC-22019 regarding Junyan Guo License Number NVMT.8530, seconded by Bianca Smith. Motion carried.

- d. Formal Hearing Zhijian Lu License Number NVRF.0057 – Case Number NVMT-OC-22022. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long requested that the Board dismiss this case.

Motioned by Chair Barnard to dismiss Case Number NVMT-OC-22022 regarding Zhijian Lu License Number NVRF.0057, seconded by Bianca Smith. Motion carried.

- e. Formal Hearing Jeneen Miller License Number NVMT.396 – Case Number NVMT-OC-22023. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Jeneen Miller License Number NVMT.396 to the Board. Ms. Miller was not present.

Ms. Long asked the Chair to admit Exhibit 1 – Complaint Notice of Hearing and explained that the certificate of service was the offer of proof of service at Ms. Miller's address on file with the Board per NRS 622A.350. Chair Barnard accepted the Exhibit.

Motioned by Chair Barnard that Ms. Miller had been properly noticed, seconded by Bianca Smith. Motion carried.

Ms. Long asked the Chair to admit Exhibit 2 as proof of notification by the inspection team and that the lack of response constituted the violation of NRS 640C.700(8). Chair Barnard accepted the Exhibits.

Ms. Long asked the Board to accept that the findings of fact were true, and the violation of law Count 1 did occur.

Motioned by Chair Barnard to accept the findings of fact were true and the violation of law Count 1 did occur, seconded by Bianca Smith. Motion carried.

Motioned by Chair Barnard that Ms. Miller pay a fine of \$150, administrative fees of \$150, and be issued a public reprimand, seconded by Bianca Smith. Motion carried with no opposition.

- f. Formal Hearing Zhonglin Qi License Number NVRF.0006 – Case Number NVMT-OC-22026. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Zhonglin Qi License Number NVRF.0006 to the Board. Mr. Qi was not present.

Ms. Long asked the Chair to admit Exhibit 1 – Complaint Notice of Hearing and explained that the certificate of service was the offer of proof of service at Mr. Qi's address on file with the Board per NRS 622A.350. Chair Barnard accepted the Exhibit.

Motioned by Chair Barnard that Mr. Qi had been properly noticed, seconded by Lorna Benedict. Motion carried.

Ms. Long asked the Chair to admit Exhibit 2 as proof of notification by the inspection team and that the lack of response constituted the violation of NRS 640C.700(8). Chair Barnard accepted the Exhibits.

Ms. Long asked the Board to accept that the findings of fact were true, and the violation of law Count 1 did occur.

Motioned by Chair Barnard to accept the findings of fact were true and the violation of law Count 1 did occur, seconded by Richard Fields. Motion carried.

Motioned by Chair Barnard that Mr. Qi pay a fine of \$150, administrative fees of \$150, and be issued a public reprimand, seconded by Stephanie Tsanas. Motion carried.

- g. Formal Hearing Fengjun Qin License Number NVMT.8278 – Case Number NVMT-OC-22027. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long requested that the Board dismiss the case involving Fengjun Qin license number NVMT.8278.

Motioned by Chair Barnard to dismiss Case Number NVMT-OC-22027 regarding Fengjun Qin License Number NVMT.8278, seconded by Rebecca Dorangricchia. Motion carried.

- h. Formal Hearing Sonja M. Ramirez License Number NVMT.7655 – Case Number NVMT-OC-22028. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long requested that the case be continued.

- i. Formal Hearing Deanna P. Reynolds License Number NVMT.8801 – Case Number NVMT-OC-22029. (For Discussion and possible Action)

Deanna Reynolds was present.

Senior Deputy Attorney General Sophia Long asked for the case to be continued.

- j. Formal Hearing Fang-Li Shi License Number NVMT.8157 – Case Number NVMT-OC-22031. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Fang-Li Shi License Number NVMT.8157 to the Board. Ms. Shi was not present.

Ms. Long asked the Chair to admit Exhibit 1 – Complaint Notice of Hearing and explained that the certificate of service was the offer of proof of service at Ms. Shi's address on file with the Board per NRS 622A.350. Chair Barnard accepted the Exhibit.

Motioned by Chair Barnard that Ms. Shi had been properly noticed, seconded by Bianca Smith. Motion carried unanimously.

Ms. Long asked the Board to accept that the findings of fact were true, and the violation of law Count 1 did occur.

Ms. Long asked the Chair to admit Exhibit 2 as proof of notification by the inspection team and that the lack of response constituted the violation of NRS 640C.700(8). Chair Barnard accepted the Exhibits.

Motioned by Chair Barnard to accept the findings of fact were true and the violation of law Count 1 did occur, seconded by Lorna Benedict. Motion carried no opposition.

Motioned by Chair Barnard that Ms. Shi pay a fine of \$150, administrative fees of \$150, and be issued a public reprimand, seconded by Richard Fields. Motion carried with no opposition.

- k. Formal Hearing Jayshyia S. Thompson License Number NVMT.9525 – Case Number NVMT-OC-22033. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Jayshyia Thompson License Number NVMT.9525 to the Board. Ms. Thompson was not present.

Ms. Long asked the Chair to admit Exhibit 1 – Complaint Notice of Hearing and explained that the certificate of service was the offer of proof of service at Ms. Thompson's address on file with the Board per NRS 622A.350. Chair Barnard accepted the Exhibit.

Motioned by Chair Barnard that Ms. Thompson had been properly noticed, seconded by Lorna Benedict. Motion carried with no opposition.

Ms. Long asked the Chair to admit Exhibit 2 as proof of notification by the inspection team and that the lack of response constituted the violation of NRS 640C.700(8). Chair Barnard accepted the Exhibit.

Ms. Long asked the Board to accept that the findings of fact were true, and the violation of law Count 1 did occur.

Motioned by Chair Barnard to accept the findings of fact were true and the violation of law Count 1 did occur, seconded by Bianca Smith. Motion carried with no opposition.

Motioned by Chair Barnard that Ms. Thompson pay a fine of \$150, administrative fees of \$150, and be issued a public reprimand, seconded by Bianca Smith. Motion carried.

- l. Formal Hearing Sofia E. Ticas License Number NVMT.6406 – Case Number NVMT-OC-22034. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long requested that the Board dismiss this case.

Motioned by Chair Barnard to dismiss Case Number NVMT-OC-22034 regarding Sofia Ticas License Number NVMT.6406, seconded by Bianca Smith. Motion carried.

- m. Formal Hearing Xi Wang License Number NVMT.8782 – Case Number NVMT-OC-22038. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long requested that the Board dismiss this case.

Motioned by Elisabeth Barnard to dismiss Case Number NVMT-OC-22038 regarding Xi Wang License Number NVMT.8782, seconded by Bianca Smith. Motion carried.

- n. Formal Hearing Yanling Zheng License Number NVMT.9273 – Case Number NVMT-OC-22042. (For Discussion and possible Action)

Senior Deputy Attorney General Sophia Long requested that the Board dismiss this case.

Motioned by Chair Barnard to dismiss Case Number NVMT-OC-22042 regarding Yanling Zheng License Number NVMT.9273, seconded by Bianca Smith. Motion carried.

- o. Formal Hearing Juan Zhu License Number NVMT.8545 – Case Number NVMT-OC-22044. (For Discussion and possible Action)

Juan Zhu was present.

Senior Deputy Attorney General Sophia Long asked the case to be continued.

7. Formal Hearing Michael W. Jackson License Number NVMT.4748 – Case Number NVMT-C-21079. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Michael Jackson NVMT.4748 to the Board. Mr. Jackson was not present.

Ms. Long advised the board regarding NRS 622A.350 and the requirements for notification.

Ms. Long presented the Complaint Notice of Hearing regarding sexual misconduct. Ms. Long requested that Exhibit 1 be admitted into evidence. Chair Barnard accepted the exhibit.

Chair Barnard swore in Ms. VanHorn. Ms. VanHorn provided testimony that Mr. Jackson was provided sufficient legal notice per NRS 622A.350 and was served notice at the address that was on file with the Board.

Motioned by Chair Barnard that Mr. Jackson had been properly noticed, seconded by Bianca Smith. Motion carried unanimously.

Chair Barnard swore in Kelsey Andruss. Ms. Andruss provided testimony regarding the incident.

Board Member Smith acknowledged that Ms. Andruss had been a student of hers while teaching at Nevada School of Massage. Ms. Smith does not believe that her prior relationship with the victim would have any effect on her ability to be impartial.

Motioned by Chair Barnard to accept the alleged facts as true and that the violations of law counts 1 through 3 did occur, seconded by Rebecca Dorangrichia. Motion carried unanimously.

Motioned by Bianca Smith to revoke the license of Michael Jackson NVMT.4748 for ten (10) years NRS 640C.710 with a fine of \$5,000 per violation for a total of \$15,000, and fees not to exceed \$1,000 for the recovery of reasonable investigative fees and costs, and the recovery of attorney fees, seconded by Rebecca Dorangrichia. Motion carried unanimously.

8. Formal Hearing Marcelino Martinez License Number NVMT.4283 – Case Number NVMT-C-21087. (For Discussion and Possible Action).

Senior Deputy Attorney General Sophia Long presented the Settlement Agreement for Marcelino Martinez to the Board including probation for five (5) years, reading *The Ethics of Touch* by Ben Benjamin and Cherie Sohnen-Moe, and discussing the book with the Executive Director.

Motioned by Bianca Smith to accept the Settlement Agreement, seconded by Lorna Benedict. Motion carried unanimously.

9. Formal Hearing Jorge E. Moyano License Number NVMT.8126 – Case Number NVMT-C-21060. (For Discussion and Possible Action)

Board Member Teng shared that Mr. Moyano was a former student of his. Legal counsel informed Mr. Teng he did not need to recuse if he felt he could still be impartial. Mr. Teng stated he could be impartial and did not recuse.

Mr. Moyano was present and represented by counsel Sean Flanagan and assisted by interpreter Ximena Chica NVCS #763.

Senior Deputy Attorney General Sophia Long advised the Board that Mr. Moyano had agreed to a voluntary surrender for three (3) years with documents to be drafted and signed after the meeting.

Motioned by Bianca Smith to accept the voluntary surrender for three (3) years, seconded by Chair Barnard. Motion carried.

10. Formal Hearing Shufen Li License Number NVMT.10637 – Case Number NVMT-C-21063. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the Settlement Agreement for Shufen Li to the Board including probation for two (2) years, \$150 administration fee, and \$3,000 fine. Ms. Li was present and accompanied by Counsel Calvin Tian.

Motioned by Bianca Smith to accept the Settlement Agreement, seconded by Richard Fields. Motion carried unanimously.

11. Formal Hearing Hongyan Chen License Number NVMT.9946 – Case Number NVMT-C-21073. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Hongyan Chen NVMT.9946 to the Board. Ms. Chen was not present.

Ms. Long advised the board regarding NRS 622A.350 and the requirements for notification. Ms. Long requested that the Chair accept Exhibit 1 be admitted into the record.

The Chair reminded Ms. VanHorn that she was under oath. Ms. VanHorn provided testimony that Ms. Chen was provided sufficient legal notice per NRS 622A.350 and was served notice at the address that was on file with the Board.

Motioned by Chair Barnard that Ms. Chen had been properly noticed, seconded by Bianca Smith. Motion carried.

Ms. Long presented the Complaint Notice of Hearing regarding sexual misconduct. Ms. Long requested that exhibit 2 be submitted into evidence. Chair Barnard accepted the exhibits.

Motioned by Chair Barnard to accept the alleged facts as true and that the violation of law count 1 did occur, seconded by Richard Fields. Motion carried unanimously.

Motioned by Chair Barnard to revoke for ten (10) years, seconded by Bianca Smith. Motion carried unanimously.

12. Formal Hearing Shubo Lin-Washmon License Number NVMT.7334 – Case Number NVMT-C-21076. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented a Settlement Agreement for Shubo Lin-Washman NVMT.7334 to the Board including four (4) years' probation, a \$1,000 fine for count 1, and a \$5,000 fine for count 2 for a total of \$6,000.

Motioned by Bianca Smith to accept the Settlement Agreement, seconded by Richard Fields. Motion carried unanimously.

13. Formal Hearing Usamat Hadfield License Number NVMT.7062 – Case Number NVMT-C-21088. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented a Settlement Agreement for Usamat Hadfield NVMT.7062 to the Board including four (4) years' probation, with a minimum of quarterly establishment inspections, quarterly reports to the Board of licensed and unlicensed employees, provide annual copies of business license renewals for the City of Henderson and the Nevada Secretary of State, maintain a minimum liability coverage of \$1,000,000 per occurrence, administrative fee of \$600, fine of \$5,000, 24 hours of ethics courses provided by the Federation of State Massage Therapy Boards in addition to required continuing education, and shall come before the Board in person every 2 years for her renewal.

Motioned by Lorna Benedict to accept the Settlement Agreement, seconded by Bianca Smith. Motion carried unanimously.

14. Formal Hearing Hongying Xu-Rode License Number NVMT.8379 – Case Number NVMT-OC-22040. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long requested that this matter be continued to the next meeting.

15. Background Review Request per NRS 622.085 – Jacqueline M. Totolos (For Discussion and Possible Action) (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Discussion and Possible Action)

Management Analyst VanHorn presented Ms. Totolos background review based on NRS. 622.085. Ms. Totolos is requesting a background review based on NRS. 622.085. Ms. Totolos was arrested on June 1, 2016, for burglary, grand larceny, conspiracy robbery, and conspiracy burglary; arrested on April 18, 2016, for conspiracy grand larceny and buy/possession/received stolen property of \$650.00 to \$3,500.00, conspiracy of robbery; arrested on January 23, 2016, for possession of heroin and burglary all by Las Vegas Police Department. Written statement with photos is attached.

Motioned by Chair Barnard that the petitioner's criminal history does not disqualify her from obtaining a license from the Board at this time, seconded by Bianca Smith. Motion passed 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 revisions.

16. *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. By approving this consent agenda item, the Board acknowledges that the Complaint Notice of Hearing documents specified below have been dismissed with no further action. (For Discussion and possible Action) Send an email to Kirk after this is approved.*
- a. *Kuok Lun Ao-Ieong case number NVMT-OC-22007*
 - b. *Tsetseg Bayar case number NVMT-OC-22008*
 - c. *Yidanya Chala case number NVMT-OC-22009*
 - d. *Brian K. Chandler case number NVMT-OC-22010*
 - e. *Rubirlandy Despaigne-Ferrera case number NVMT-OC-22012*
 - f. *Lina P. Dickey case number NVMT-OC-22013*
 - g. *Rong Fan case number NVMT-OC-22015.*
 - h. *Courtney Gain case number NVMT-OC-22016*
 - i. *Jacob Gentry case number NVMT-OC-22017*
 - j. *Araceli Gonzalez case number NVMT-OC-22018*
 - k. *Kimberly Hull case number NVMT-OC-22020*
 - l. *Hongwen Kong case number NVMT-OC-22021*
 - m. *Hanlan Mott case number NVMT-OC-22024*
 - n. *Anthony Joseph R. Paloma case number NVMT-OC-22025*
 - o. *Jackie Rogers case number NVMT-OC-22030*
 - p. *Kochagorn Sinsukthaworn case number NVMT-OC-22032*
 - q. *Daniel A. Vasquez-Vargas case number NVMT-OC-22035*
 - r. *Chunmiao Wang case number NVMT-OC-22036*
 - s. *Lijun Wang case number NVMT-OC-22037*
 - t. *Lianbiao Xu case number NVMT-OC-22039*
 - u. *Limei Yu case number NVMT-OC-22041*
 - v. *Li Zhou case number NVMT-OC-22043*
 - w. *Jialing Guo case number NVMT-P-2200*
 - x. *Pamika Kitsaengtana case number NVMT-C-21070*

Motioned by Bianca Smith to approve the consent agenda item 16 in its entirety and dismiss the cases, seconded by Lorna Benedict. Motion carried unanimously.

17. *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, 2022 (see Exhibit A). (For Possible Action)*
 - b. *Discussion and possible action regarding review and acceptance of the Fiscal Year 2022 Budget verses Actual through February 28, 2022. (For Possible Action)*
 - c. *Discuss, amend, and approve Board meeting minutes for January 12, 2022. (For Possible Action)*
 - d. *Discuss, amend, and approve 11.2.1 Inspection Policy Updated March 30, 2022. (For Discussion and Possible Action.*

- e. *Discuss, amend, and approve Work Performance Stands for Compliance Inspector I Updated March 30, 2022. (For Discussion and Possible Action)*
- f. *Discuss, amend, and approve Work Performance Stands for Compliance Inspector II Updated March 30, 2022. (For Discussion and Possible Action)*
- g. *Discuss, amend, and approve Work Performance Standards for Compliance Investigator Updated March 30, 2022. (For Discussion and Possible Action)*
- h. *Discuss, amend, and approve Policy 5.1.1 Internal Controls to include language regarding bad debts. (For Discussion and Possible Action)*
- i. *Discuss, amend, and approve Policy 8.1.1 Board Compensation to include language regarding timely submission and processing. (For Discussion and Possible Action)*

Motioned by Bianca Smith to approve the consent agenda item 17.a., b., c., d., e., f., g., and/or i., seconded by Rebecca Dorangricchia. Motion carried unanimously.

Board member Bianca Smith requested that items 17.h. be pulled for discussion to address pronoun usage. Motion to approve 17.h. with the changes discussed to strike pronouns, seconded by Bianca Smith. Motion carried unanimously.

18. Board Counsel report. (For Discussion)

- a. General topics and training provided by Deputies Attorney General.
- b. General topics and training provided by Board Counsel Colleen Platt.

Recommended that to facilitate protection of the public, the Board consider discussing any statutory changes for the 2023 session at the Board meeting in June and that any regulatory changes that the Board wants to make need to be addressed at the June meeting as well.

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

- a. Strategic Plan Key Indicators
 - i. Licensure and renewals

Management Analyst VanHorn provided information regarding the Licensing Teams activity during the first two (2) months of 2022. She noted that both new licenses and renewals are down compared to the same time in 2021.

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

Inspector Kitzman provided information regarding the goals set for 2022 and the status of the inspections so far for 2022. The team has addressed 152 establishments and over 200 outcall licensees. Investigator Brunner shared that at this point she projects approximately 80 letters for non-response to the emails will be sent out and hopes to have at least a 50% response rate. Complaints will be issued for all licensees that do not respond within the 60-day timeline.

Board Member Tsanas requested that the letter include information regarding the consequences and potential fines for not responding.

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

Investigator Brunner provided information regarding investigations with 23 open investigations and 3 slated for the June Board meeting.

- b. Other topics – inLumon has confirmed that they will be able to complete the addition of the jurisprudence exam questions to the application by July 1, 2022, at a cost of \$2,900.
 - c. Financials, cash reserves, and anticipated upcoming expenditures – The Board continues to maintain sound financial practices, and staff will be ordering some needed computer equipment during April.
20. Discussion and possible action regarding attending FARB 2022 Innovation in Regulation Conference July 21-22, 2022, in Washington, DC. Costs for this meeting had not been published as of the posting of this agenda. Estimated costs for in person attendees is \$3,500. (For Discussion and Possible Action)

Tabled to the June 8, 2022, meeting.

21. Discussion and possible action regarding the status of a potential national compact for massage therapy. (For Discussion and Possible Action)

Vice Chair Strunk and Executive Director Anderson shared that the compact is now in the drafting stages with the Counsel of State Governments (CSG) with hopeful completion date sometime in May.

22. Other topics

No other topics were discussed

23. Discussion regarding recommended future agenda items. (For Discussion)

Board members requested that discussion regarding changes to regulations, potential bill draft requests, and modification to the continuing education requirements be slated to future agendas.

24. Public comment.

No public comment was provided

25. Adjourned at 5:22 p.m.

Documents provided to Board members during the meeting were posted on the website after the meeting.

Persons/facilities who want to be on the mailing list must submit a written request every six months to the Board.

In accordance with NRS 241.020, the public notice and agenda were posted on or before March 25, 2022, at the following locations:

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

<https://notice.nv.gov>

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

DRAFT