



## Nevada State Board of Massage Therapy

\*\*\*NOTICE OF PUBLIC MEETING\*\*\*

### MEETING AGENDA

#### LOCATIONS:

This meeting of the Nevada State Board of Massage Therapy will take place online via Zoom and is available via telephone. Persons wishing to participate in the meeting may connect to the meeting through the link below or telephone numbers below. Persons wishing to provide public comment during the meeting may use the links below and at the appropriate time, the Board Chair will call on persons wishing to make public comment.

Virtual access available by registering for this meeting online:

<https://us06web.zoom.us/j/89023133843?pwd=Mlp1SFYwT3FMdTIiGSk93c0JIMHRHZz09>

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

Meeting ID: 890 2313 3843

Password: 649868

SIP: [89023133843@zoomcrc.com](mailto:89023133843@zoomcrc.com)

Telephonic access to this meeting 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:

**October 26, 2022, commencing at 9:00 a.m.**

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

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### AGENDA

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1755 E. Plumb Lane, Suite 252, Reno, Nevada 89502 775.687.9955 Fax 775.786.4264

Email: [nvmassagebd@lmt.nv.gov](mailto:nvmassagebd@lmt.nv.gov) Website: <http://massagetherapy.nv.gov>

**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 for 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 limits 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.
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.
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)
4. Introduction of new Board members. (For Discussion)
  - a. Introduction of Public Member Christine Garvey appointed by the Governor.
  - b. Introduction of Board Member representing Washoe County
5. Probation Review Anthony B. Gilyard Jr. license number NVMT.9083. (For Discussion and Possible Action)

6. Probation Reconsideration Request Ashley A. Pedraza. license number NVMT.11597. (For Discussion and Possible Action)
7. Request for Reinstatement Kendal L. Priestly. (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)
8. 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 Jajuane D. Fisher. (For Discussion and Possible Action)
  - b. Review Application Svetlana N. Harding. (For Discussion and Possible Action)
  - c. Review Application Elena A. Irvboje. (For Discussion and Possible Action)
  - d. Review Application Chaquita R. Kelly. (For Discussion and Possible Action)
  - e. Review Application Hiu H. Tse. (For Discussion and Possible Action)
  - f. Review Application Aihua Yuan. (For Discussion and Possible Action)
9. Hearings for failure to respond to the Board’s Inspection Team regarding outcall sanitation inspection compliance. (For Discussion and Possible Action)
  - a. Formal Hearing Elizabeth I. Audannio License Number NVMT.7601 – Case Number NVMT-OC-22046. (For Discussion and possible Action)
  - b. Formal Hearing Xiaokun Cao License Number NVMT.10146 – Case Number NVMT-OC-22047. (For Discussion and possible Action)
  - c. Formal Hearing Jaline K. Castell License Number NVMT.9161 – Case Number NVMT-OC-22048. (For Discussion and possible Action)
  - d. Formal Hearing Malena Hansen License Number NVMT.7620 – Case Number NVMT-OC-22050. (For Discussion and possible Action)
  - e. Formal Hearing Joseph Himelstein License Number NVMT.10070 – Case Number NVMT-OC-22051. (For Discussion and possible Action)
  - f. Formal Hearing Chunmiao Hou License Number NVMT.9954 – Case Number NVMT-OC-22052. (For Discussion and possible Action)
  - g. Formal Hearing Joseph R. Maule License Number NVMT.5476 – Case Number NVMT-OC-22055. (For Discussion and possible Action)
10. Formal Hearing Thomas W. Maher NVMT.1717 – Case Number NVMT-C-21086 (For Discussion and Possible Action)

11. Formal Hearing Hong “Mi” Guo NVMT.343 – Case Number NVMT-C-22003. (For Discussion and Possible Action)
12. Formal Hearing Yan Guan NVMT.9302 – Case Number NVMT-C-22018. (For Discussion and Possible Action)
13. Formal Hearing Liqing Huang NVMT.1883 – Case Number NVMT-C-22029. (For Discussion and Possible Action)
14. Formal Hearing Ratana A. Haag NVMT.5986 – Case Number NVMT-C-22045. (For Discussion and Possible Action)
15. Formal Hearing Dongxing Qiu NVMT.10695 – Case Number NVMT-C-21051. (For Discussion and Possible Action)
16. Formal Hearing Yolonda C. Johnson License Number NVMT.7523 – Case Number NVMT-R-2214. (For Discussion and Possible Action)
17. Formal Hearing Denesia E. Rose NVMT.10846 – Case Number NVMT-B-2216. (For Discussion and Possible Action)
18. Formal Hearing Shekiara D. Pettway License Number NVMT.11360 – Case Number NVMT-B-2221. (For Discussion and Possible Action)
19. Formal Hearing Guoli Song NVMT.10890 – Case Number NVMT-P-2220. (For Discussion and Possible Action)
20. Reconsideration Hong Lu NVRF.0112 – Case Number NVMT-C-22005. (For Discussion and Possible Action)
21. Formal Hearing regarding the reconsideration of fines imposed on Hong Lu NVRF.0112 – Case Number NVMT-C-22005 (For Discussion and Possible Action)
22. Reconsideration of the imposition of fines/Board costs, and/or the amount of the fines/Board costs for Hongying Xu-Rode NVMT.8379 – Case Number NVMT-C-22040. (For Discussion and Possible Action)
23. Request that the final decision of the Board Case Number NVMT-C-22036 regarding Frank Lisa NVMT.10366 be vacated and a request for a rehearing of Case Number NVMT-C-22036. (For Discussion and Possible Action)
24. Citation Appeal Jingjing Yang NVMT.10956 – Citation 22019. (For Discussion and Possible Action)
25. Citation Appeal Mario Hawkins – Citation 22035. (For Discussion and Possible Action)
26. Continuing education review for hours submitted by Sandra F. Atcheson NVMT.2626. (For Discussion and Possible Action)

27. 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.

***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.***

28. *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 September 30, 2022 (see Exhibit A). (For Possible Action)*
  - b. *Discussion and possible action regarding review and acceptance of the Fiscal Year 2023 Budget verses Actual through September 30, 2022. (For Possible Action)*
  - c. *Discussion and possible action regarding the contract for inLumon to cover costs of automating replacement license request, licensure verification, and implementation of additional cost option for paper applications and renewals in the amount of \$11,650. (For Possible Action)*
  - d. *Discussion and possible action regarding approval of Executive Director Anderson and Senior Deputy Attorney General Sophia Long attending the National Convening: Human Trafficking in Illicit Massage and the budget allocation of \$3,500 for their attendance. (For Possible Action)*
  - e. *Discuss, amend, and approve Board meeting minutes for August 10, 2022. (For Possible Action)*
29. Discussion and possible action regarding sending Board members and staff to the 2023 FARB Forum January 26, 2023, through January 28, 2023. (For Discussion and Possible Action)
30. Executive Director Report including but not limited to (For Discussion)
  - a. Strategic Plan Key Indicators
    - i. Licensure and renewals
    - ii. Inspection Team calendar year-to-date key indicators
    - iii. Complaints and investigations calendar year-to-date key indicators
  - b. Other topics
  - c. Financials, cash reserves, and anticipated upcoming expenditures
31. Discussion and possible action regarding the status of a potential national compact for massage therapy. (For Discussion and Possible Action)
32. Discussion and possible action regarding Board training and possible Board retreat during Fiscal Year 2023. (For Discussion and Possible Action)

33. Discussion and possible action regarding advising staff to review policies and procedures for current relevance and possible updating. (For Discussion and Possible Action)
34. Discussion and possible action regarding review of the continuing education approval forms used by the Board and the implementation of these documents into the database at a cost not to exceed \$15,000. (For Discussion and Possible Action)
35. Discussion and possible action regarding possible changes to NRS 640C, including, without limitation, the adoption of the Impact (Compact for Massage Therapy). (For Discussion and Possible Action)
36. Discussion and possible action regarding possible changes to NAC 640C including without limitation: (For Discussion and Possible Action)
  - a. Revise NAC 640C.050 to allow only the Massage and Bodywork Licensing Examination administered by the Federation of State Massage Therapy Boards.
  - b. Revise NAC 640C.052 to adopt the Entry Level Analysis Project (ELAP) working group sponsored by 7 national massage therapy organizations recommendation of six hundred twenty-five (625) hours of education for entry level competency including
  - c. Revise NAC 640C.052 to increase regulation as it relates to education and standardizing education beyond the hours and the programs possibly with a limit on the number of hours per day in the foundational education program. Limiting the number of hours per day in an education program, to 8 clock hours with clock hour defined as 60 minutes with 50 minutes instruction and 10 minutes of break and require that students be given a 30-minute continuous break after either 4 or 6 hours of instruction. Other possibilities include limiting the time frame for completion of a program to no less than 4-6 months. (Info: full time is considered 160 hours per month 4 months would equal 640 hours maximum.)
  - d. Revise NAC 640C.052 to:
    - i. Provide for inspection of clinics provided by educational programs and mandate passing inspection of the premises to make sure that the NRS/NAC are being followed the same as for licensed individuals.
    - ii. Include exposure to the inspection process for each student and validation of understanding of the requirements.
    - iii. Include anything else here?
    - iv. Mandate x hours of instruction on NRS/NAC 640C with a competency exam which will prepare students for the jurisprudence exam.
  - e. Revise NAC 640C.100 through 640C.140 to require that continuing education pertain to the human body and not other species.
  - f. Revise NAC 640C.100 add approved by FSMTB or provided through CE Registry.
  - g. Add sexual harassment in the workplace to unethical conduct as defined in NAC 640C.410.
  - h. Revise NAC 640C.450 to:
    - i. Include fines for not being properly licensed as a Nevada business with the Office of the Secretary of State and/or municipalities. (For Discussion and Possible Action).
    - ii. Include fines for failure to comply with inspections including outcall inspections.

- iii. Include fine for failure to notify the Board of change in work location within 30 days or 45 days. (For Discussion and Possible Action)
  - i. Modify NAC 640C to include language for AB 330. (For Discussion and Possible Action)
37. Other topics.
38. Discussion regarding recommended future agenda items. (For Discussion)
39. Public comment.
40. Adjournment.
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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. Public comments are limited 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, October 25, 2022**, to the following address: **Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502**. **Supporting materials are available on the Board's website [http://massagetherapy.nv.gov/About/Board\\_Meetings/Meetings/](http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/) or by contacting Sandy Anderson at 775.687.9951 or [sjanderson@lmt.nv.gov](mailto:sjanderson@lmt.nv.gov) or 1755 E Plumb Lane, Suite 252, Reno, NV 89502**. Documents provided to Board members during the meeting will be 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. 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 October 21, 2022, at the following locations:

[http://massagetherapy.nv.gov/About/Board\\_Meetings/Meetings/](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