



Nevada State Board of Massage Therapy

NOTICE OF PUBLIC MEETING

DRAFT MEETING MINUTES

LOCATIONS:

This meeting of the Nevada State Board of Massage Therapy took place online via Zoom and was available via telephone. Persons wishing to participate in the meeting were able to 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 times, 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/82173853899?pwd=K3dVNDh1Y09jYnBJZ3oxQkFTSkdtUT09>

Meeting ID: 821 7385 3899

Password: 788395

SIP: 82173853899@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:

August 10, 2022, commenced at 9:00 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 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 wished 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 9:04 a.m. on August 10, 2022, by Chair Elisabeth Barnard. Board members in attendance included Vice Chair Deirdre Strunk, Lorna Benedict, Rebecca Dorangricchia, Bianca Smith, John Teng, Stephanie Tsanas, and Sgt. Aaron Fink 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. Lorna Benedict left the meeting at 5:26 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.

The Executive Director advised the Board that no written public comments were submitted prior to the meeting.

4. Acknowledgement of service and introduction of new Board members. (For Discussion)
 - a. Richard Fields – July 1, 2020 through June 9, 2022
Chair Barnard thanked Mr. Fields for his service to the Board.
 - b. Karen Kramberg – May 2, 2021 through June 21, 2022
Chair Barnard thanked Ms. Kramberg for her service to the Board.
 - c. Introduction of Public Member appointed by the Governor.
The vacancy was not filled at the time of the meeting.
 - d. Introduction of Board Member representing Washoe County
The vacancy was not filled at the time of the meeting.
5. Election of Officers. (For Discussion and Possible Action)
 - a. Chair
Chair Barnard opened the nominations for Chair.
Deirdre Strunk nominated Elisabeth Barnard for Chair, seconded by Stephanie Tsanas.
Motion passed unopposed.
 - b. Vice Chair
Elisabeth Barnard nominated Deirdre Strunk for Vice Chair, seconded by Bianca Smith. Motion carried
 - c. Secretary-Treasurer
Elisabeth Barnard nominated Rebecca Dorangricchia for Secretary-Treasurer, seconded by Bianca Smith. Motion carried.
6. 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 Lei Wang. (For Discussion and Possible Action)
Ms. Wang was not present nor was legal counsel Kirk Kennedy. Mr. Kennedy Nevada State Bar #5032 provided a written request prior to the meeting to withdraw the application.
 - b. Review Application Edward T. Gao. (For Discussion and Possible Action)

Edward T. Gao was present and assisted by Jerry Xu.

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 before the Board for an application review on March 30, 2022. The application was denied based on NRS.640C.700(1), (2), (9) and/or (11) and NAC.640C.410 (1)(j), (p), (q), and (s). During the application review in March, Mr. Gao 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 and failed to disclose additional education. Mr. Gao was previously licensed with NSBMT from April 2007 to April 2010. Mr. Gao 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 approve a probationary license for four (4) years, must report who his employer is and any changes in employment within forty-eight (48) hours, and report any contact with law enforcement within forty-eight (48) hours, seconded by Dierdre Strunk. Motion carried unanimously.

c. Review Application Ashley A. Pedraza. (For Discussion and Possible Action)

Ashley A. Pedraza was present.

Management Analyst VanHorn presented the application of Ashley A. Pedraza to the Board. Ms. Pedraza's massage application is before you today for review that could not be approved administratively. Ms. Pedraza was arrested by Willimantic Police Department on April 7, 2010, April 9, 2011, August 29, 2011, and October 26, 2011, for sale of narcotic or hallucinogenic and risk of injury to child. All cases were combined for ten years per count sentence for a total of 4 counts on May 14, 2013. Jail term was suspended and followed by probation until December 30, 2016. Ms. Pedraza is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Rebecca Dorangricchia to grant a probationary license for two (2) years, all contact with law enforcement must be reported within forty-eight (48) hours, report employer and any changes in employment within forty-eight (48) hours, and no outcall services, seconded by Bianca Smith. Motion carried.

d. Review Application Kendal L. Priestly. (For Discussion and Possible Action)

Kendal L. Priestly was not present. Ms. Priestly requested prior to the meeting that her application review be moved to the October meeting. The request was granted.

e. Review Application Shi Sheng. (For Discussion and Possible Action)

Shi Sheng was present and assisted by Xin Cheng.

Management Analyst VanHorn presented the application of Shi Sheng to the Board. Ms. Sheng's massage application is before you today for review that could not be approved administratively. Ms. Sheng was arrested on January 14, 2016, for prostitution by Indianapolis Metropolitan Police Department. Ms. Sheng accepted a plea agreement of guilty with a suspended jail sentence, fines/fees of \$183.00, and had to complete 24 hours of community service. Terms were completed on February 27, 2017. In reviewing the Indiana Massage Board licensee database, Ms. Sheng is not licensed to practice in Indiana. Ms. Sheng 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 deny based on NRS 640C.700(2), (3), (4), and/or (9) and NAC 640C.410 (1)(q), (r), and (x), seconded by Lorna Benedict. Motion carried unanimously.

f. Review Application Jasminemarie B. Soller. (For Discussion and Possible Action)

Jasminemarie B. Soller was present.

Management Analyst VanHorn presented the application of Jasminemarie Soller to the Board. Ms. Soller's massage application is before you today for review that could not be approved administratively. Ms. Soller was arrested on July 22, 1993, for two counts of corporal punishment/injury of child and cruelty to child with great bodily injury or death by San Jose Police Department. Ms. Soller accepted a plea agreement by pleading no contest and was convicted of willful child cruelty possible injury/death. The sentence imposed was to serve not more than 3 years in jail and one year of probation. Ms. Soller was given credit for time served and 3 years' probation. Ms. Soller is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Elisabeth Barnard to go into closed session, seconded by Bianca Smith. Motion carried unanimously.

Motioned by Bianca Smith to return to open session, seconded by Chair Barnard. Motion carried unanimously.

Motioned by Rebecca Dorangricchia to approve Jasminemarie Soller application without restrictions, seconded by Lorna Benedict. Motion carried unanimously.

g. Review Application Lihua Zhao. (For Discussion and Possible Action)

Lihua Zhao was not present. Jerry Xu and Ms. Zhao's husband Dan Chim represented the applicant.

Board Counsel Platt swore in Mr. Xu. Mr. Xu read a letter from Ms. Zhao.

Management Analyst VanHorn presented the application of Lihua Zhao to the Board. Ms. Zhao's massage application is before you today for review that could not be approved administratively. Ms. Zhao's application was previously before the Board on June 16, 2021, with a denial of licensure for violation of NRS.640C.700 (6) and (9). On

August 17, 2021, Ms. Zhao's application was approved for reconsideration. The Board requested Ms. Zhao to resolve all business matters or claims then return for the Board to review. Ms. Zhao has re-applied as of March 1, 2022. Ms. Zhao's business address, email, or phone number can be linked to 1,553 illicit postings on several different websites; adultlook.com; renoskipthegames.com, and onebackpage.com. These illicit sites for massage have several ads with woman in lingerie across the United States. Ms. Zhao 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 deny based on NRS 640C.700(2), (9), (14); NRS.640C.910; NAC.640C.410(1)(z) and/or (bb), seconded by Rebecca Dorangricchia. Motion carried unanimously.

7. Hearings for failure to respond to the Board's Inspection Team regarding outcall sanitation inspection compliance. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long asked the Board to dismiss the following cases:

- a. NVMT-OC-22045
- e. NVMT-OC-22049
- i. NVMT-OC-22053
- j. NVMT-OC-22054
- l. NVTM-OC-22056
- m. NVMT-OC-22057
- n. NVMT-OC-22059

Motioned by Chair Barnard to dismiss cases NVMT-OC-22045, NVMT-OC-22049, NVMT-OC-22053, NVMT-OC-22054, NVMT-OC-22056, NVMT-OC-22057, and NVMT-OC-22059, seconded by Bianca Smith. Motion carried.

- a. Formal Hearing Michelle Advincula License Number NVMT.4616 – Case Number NVMT-OC-22045. (For Discussion and Possible Action)

Michelle Advincula was present.

Senior Deputy Attorney General Sophia Long requested dismissal of this case (see motion above).

- b. Formal Hearing Elizabeth I. Audannio License Number NVMT.7601 – Case Number NVMT-OC-22046. (For Discussion and Possible Action)

Elizabeth Audannio was not present. Case was continued to October meeting.

- c. Formal Hearing Xiaokun Cao License Number NVMT.10146 – Case Number NVMT-OC-22047. (For Discussion and Possible Action)

Xiaokun Cao was present.

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

- d. Formal Hearing Jaline K. Castell License Number NVMT.9161 – Case Number NVMT-OC-22048. (For Discussion and Possible Action)

Jaline K. Castell was not present.

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

- e. Formal Hearing Marcus L. Greer License Number NVMT.6621 – Case Number NVMT-OC-22049. (For Discussion and Possible Action)

Marcus L. Greer was not present.

Senior Deputy Attorney General Sophia Long requested dismissal of this case (see motion above).

- f. Formal Hearing Malena Hansen License Number NVMT.7620 – Case Number NVMT-OC-22050. (For Discussion and Possible Action)

Malena Hansen was not present.

Case was continued to October meeting.

- g. Formal Hearing Joseph Himelstein License Number NVMT.10070 – Case Number NVMT-OC-22051. (For Discussion and Possible Action)

Joseph Himelstein was not present

Case was continued to October meeting.

- h. Formal Hearing Chunmiao Hou License Number NVMT.9954 – Case Number NVMT-OC-22052. (For Discussion and Possible Action)

Chunmiao Hou was not present

Case was continued to October meeting.

- i. Formal Hearing Julie C. Jadofsky-Lynch License Number NVMT.10214 – Case Number NVMT-OC-22053. (For Discussion and Possible Action)

Julie Jadofsky-Lynch was not present.

Senior Deputy Attorney General Sophia Long requested dismissal of this case (see motion above).

- j. Formal Hearing Tisha M. Johnson License Number NVMT.2911 – Case Number NVMT-OC-22054. (For Discussion and Possible Action)

Tisha Johnson was present.

Senior Deputy Attorney General Sophia Long requested dismissal of this case (see motion above).

- k. Formal Hearing Joseph R. Maule License Number NVMT.5476 – Case Number NVMT-OC-22055. (For Discussion and Possible Action)

Joseph R. Maule was not present.

Case was continued to the October meeting.

- l. Formal Hearing Trong H. Nguyen License Number NVMT.10239 – Case Number NVMT-OC-22056. (For Discussion and Possible Action)

Trong Nguyen was not present.

Senior Deputy Attorney General Sophia Long requested dismissal of this case (see motion above).

- m. Formal Hearing Sol Renteria License Number NVMT.7774 – Case Number NVMT-OC-22057. (For Discussion and Possible Action)

Sol Renteria was not present.

Senior Deputy Attorney General Sophia Long requested dismissal of this case (see motion above).

- n. Formal Hearing Baoping Chen License Number NVRF.0078 – Case Number NVMT-OC-22059. (For Discussion and Possible Action)

Baoping Chen was present.

Senior Deputy Attorney General Sophia Long requested dismissal of this case (see motion above).

- 8. Formal Hearing Thomas W. Maher NVMT.1717 – Case Number NVMT-C-21086. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long advised the Board that the case regarding Thomas Maher NVMT.1717 – Case Number NVMT-C-21086 was continued to October.

- 9. 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 presented the case regarding Hongying Xu-Rode NVMT.8379 – Case Number NVMT-C-22040 to the Board. Ms. Xu-Rode was present and represented by legal counsel Mitchel Bisson Nevada State Bar #11920. Jenny Liu provided interpretation services.

Board Counsel Platt swore in Detective Kamran Ailyev with the Las Vegas Metropolitan Police Department who provided testimony regarding the incident.

Board counsel Platt swore in Jenny Liu (interpreter) and Hongying Xu-Rode. Ms. Xu-Rode provided information regarding the incident.

Ms. Long asked that the Court Docket be admitted. Mr. Bisson did not object.

Motioned by Bianca Smith to accept the alleged facts as true and that the violation of law Count 1 did occur, seconded by Deirdre Strunk. Motion carried with no opposition.

Motioned by Bianca Smith that the license of Xu-Rode be revoked for ten (10) years, \$5,000 fine for count 1, and recovery of administrative costs incurred by the board, seconded by Deirdre Strunk. Motion carried unanimously.

10. Formal Hearing Hong “Mi” Guo NVMT.343 – Case Number NVMT-C-22003. (For Discussion and Possible Action)

Hong “Mi” Guo was not present nor was legal counsel Dan Winder. Mr. Winder Nevada State Bar #1569 provided a written request prior to the meeting to continue the case until October which was granted.

11. Formal Hearing Luis A. Gonzalez NVMT.11178 – Case Number NVMT-C-22016. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Luis A. Gonzalez NVMT.11178 – Case Number NVMT-C-22016 to the Board. Mr. Gonzalez was present and accompanied by Legal Counsel Jack Buchanan Bar #11069.

Board Counsel Platt swore in Akiko Patterson. Ms. Patterson provided testimony regarding the incident.

Mr. Buchanan questioned Ms. Patterson and then Ms. Long asked a few clarifying questions.

Board Counsel Platt swore in Kanittah “Katie” Seekares. Ms. Seekares provided testimony regarding the day of the event.

Mr. Buchanan questioned Ms. Seekares.

Mr. Buchanan called Luis Gonzales. Board Counsel swore in Luis Gonzalez. Mr. Gonzalez provided testimony regarding the event and was questioned by Mr. Buchanan, Ms. Long, and the Board.

Both counsels provided closing statements.

Board Counsel Platt explained the process for the Board moving forward regarding the alleged facts and the violations of law.

Motioned by Chair Barnard to accept the alleged facts as true with two changes first “on or about February 26” and secondly “receptionist” rather than “manager” as true, seconded by Stephanie Tsanas. Motion carried with Bianca Smith in opposition.

Motioned by Chair Barnard to accept the violations of law counts 1 and 2 did occur, seconded by Deirdre Strunk. Motion carried with Bianca Smith in opposition.

Mr. Buchanan shared that he and his client respect the decisions of the Board and asked the Board not to revoke his license but put him on probation with possibly a class or two.

Motioned by Bianca Smith to suspend the license of Luis Gonzalez for ninety (90) days to be followed by (two) 2 years of probation, continuing education of five (5) hours of continuing education units in professional ethics to be completed within ninety (90) days, fines of \$2,000 per violation of law, practice restricted to clothed clients, and costs incurred by the Board for the investigation and the hearing, seconded by Chair Barnard. Motion carried unanimously.

12. Formal Hearing Yan Guan NVMT.9302 – Case Number NVMT-C-22018. (For Discussion and Possible Action)

Yan Guan was not present nor was legal counsel Dan Winder. Mr. Winder Nevada State Bar #1569 provided a written request prior to the meeting to continue the case until October which was granted.

13. Formal Hearing Hongqin Jiang NVMT.436 – Case Number NVMT-C-22021 (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the voluntary surrender for three (3) years of Hongqin Jiang NVMT.436 to the Board. Ms. Jiang was represented by legal counsel Yao Wen Nevada State Bar #14299.

Motioned by Bianca Smith to approve the three (3) year voluntary surrender of Hongqin Jiang, seconded by Lorna Benedict. Motion carried unanimously.

14. Formal Hearing Marcus T. Truman NVMT.10048 – Case Number NVMT-C-22030 (For Discussion and Possible Action)

Chair Barnard signed the Summary Suspension of Mr. Truman’s license and, therefore, recused herself. Vice Chair Strunk presided over the hearing.

Senior Deputy Attorney General Sophia Long presented the case regarding Marcus Truman NVMT.10048 – Case Number NVMT-C-22030 to the Board. Mr. Truman was not present.

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

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

Vice Chair Strunk swore in Tereza VanHorn. Ms. VanHorn provided testimony regarding service.

Ms. Long presented the Complaint Notice of Hearing regarding Marcus Truman. Ms. Long requested that Exhibit 1 be submitted into evidence. Vice Chair Strunk accepted the exhibit.

Motioned by Bianca Smith to find that Mr. Truman was properly noticed, seconded by Rebecca Dorangricchia. Motion carried.

Board Counsel Platt swore in Robin Swift-Rohrer. Ms. Swift-Rohrer provided testimony regarding the incident.

Ms. Long requested that Exhibit 2, the docket from the criminal case, be submitted into evidence. Vice Chair Strunk accepted the exhibit.

Ms. Long asked the Board to accept the alleged facts contained in the complaint as true and that the violations of law Counts 1 through 4 did occur.

Motioned by Bianca Smith to accept the alleged facts contained in the complaint as true and that the four (4) violations of law did occur, seconded by Lorna Benedict. Motion carried.

Motioned by Vice Chair Strunk to revoke for ten (10) years, fines of \$2,000 per count, and costs associated with investigating the complaint and the hearing, seconded by Bianca Smith. Motion carried.

15. Formal Hearing Frank A. Lisa NVMT.10366 – Case Number NVMT-C-22036 (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Frank Lisa NVMT.10366 – Case Number NVMT-C-22036 to the Board. Mr. Lisa was not present.

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

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

Ms. Long asked the Chair to accept Exhibit 1 the Complaint Notice of Hearing. Chair Barnard accepted the exhibit.

Motioned by Chair Barnard that Mr. Lisa was properly noticed, seconded by Bianca Smith. Motion carried.

Ms. Long presented the Complaint Notice of Hearing regarding Frank Lisa.

Board Counsel Platt swore in Teresa Lopez. Ms. Lopez provided testimony regarding the incident.

Ms. Long asked the Board to accept the alleged facts as true and that the violation of law Count 1 did occur.

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

Motioned by Bianca Smith to suspend the license of Frank Lisa for ninety (90) days with a \$500 fine, an anatomy class offered by FSMTB or an approved provider to be taken during the ninety (90) suspension prior to his license being reactivated, seconded by Chair Barnard. Motion carried unanimously.

16. Formal Hearing Bing An NVMT.10378 – Case Number NVMT-R-2213 (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the Settlement Agreement regarding Bing An NVMT.10378 – Case Number NVMT-R-2213 to the Board including five (5) classes offered by the Federation of State Massage Therapy Boards.

Motioned by Bianca Smith to approve the Settlement Agreement, seconded by Deirdre Strunk. Motion carried with no opposition.

17. Formal Hearing Sasha I. Wheelock NVMT.5878 – Case Number NVMT-R-2212 (For Discussion and Possible Action)

Sasha Wheelock was present and represented by Ronald Colquitt Nevada State Bar #4953.

Senior Deputy Attorney General Sophia Long presented a Settlement Agreement of five (5) continuing education classes within ninety (90) days on the FSMTB REACH platform and a two (2) year probation with background investigations each year.

Motioned by Bianca Smith to accept the Settlement Agreement, seconded Rebecca Dorangricchia. Motion carried.

18. Citation Appeal Hongyu Wang. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long informed the Board that the citation had been resolved.

19. Citation Appeal for Jamie Thurman. (For Discussion and Possible Action)

Ms. Thurman provided testimony regarding the services of body sculpting and wood therapy and the training she had received made her believe that neither were massage therapy.

Board counsel Platt reminded Ms. VanHorn that she was still under oath. Ms. VanHorn provided testimony regarding receiving services from Jamie Thurman including the topical

application of a lubricant on her abdomen, continuously rubbed this area with the machine and then the topical application of oil and use of the wood tool to rub the areas.

Motioned by Chair Barnard to dismiss the citation, seconded by Bianca Smith. Motion carried.

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

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

No topics were discussed or training provided by either counselors.

21. Continuing education review for hours submitted by Bianca R. Smith NVMT.5514. (For Discussion and Possible Action)

Ms. Smith withdrew the request for approval of continuing education.

22. Continuing education review for hours submitted by Sandra F. Atcheson NVMT.2626. (For Discussion and Possible Action)

Sandra Atcheson was not present and provided a written request prior to the meeting to continue to October.

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.

23. *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 July 31, 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 June 30, 2022. (For Possible Action)*
- c. *Discuss, amend, and approve Board meeting minutes for June 8, 2022. (For Possible Action)*
- d. *Discuss and possible action regarding approval of Massage Therapy Programs meeting the criteria of NAC 640C (see Exhibit B). (For Possible Action)*

Board Member Smith noted a typo on item 23.b. Executive Director Anderson will correct the typo prior to submission to the auditors.

Motioned by Chair Barnard to approve items 23.a. through 23.d., seconded by Bianca Smith. Motion carried unanimously.

24. Discussion and possible action regarding selection of the Board's delegate to the 2022 Federation of State Massage Therapy Boards (Federation) Annual Meeting October 18-20, 2022, in Charlotte, North Carolina. The delegate position travel expenses are paid by the Federation. (For Discussion and Possible Action)

Chair Barnard advised that Board that she could not attend this year and requested that the Board send Vice Chair Strunk.

Motioned by Chair Barnard to select Vice Chair Deirdre Strunk to serve as the Board's delegate, seconded by Bianca Smith. Motion carried unanimously.

25. Discussion and possible action regarding sending additional attendees to the Federation Annual Meeting at a cost of \$2,700 per attendee. (For Discussion and Possible Action)

Motioned by Chair Barnard to send Bianca Smith and Tereza VanHorn, seconded by Deirdre Strunk. Motion carried unanimously.

26. Discussion and possible action regarding sending attendees to the FARB Regulatory Law Seminar in Renton, Virginia September 29 through October 1, 2022, at a cost of \$3,000 to \$4,000 per attendee (or have individuals participate virtually if available). (For Discussion and Possible Action)

Executive Director Anderson shared that there will not be a virtual option for the FARB Regulatory Law Seminar this year.

Motioned by Chair Barnard to authorize Executive Director Anderson and Senior Deputy Attorney General Sophia Long to attend the FARB Regulatory Law Seminar this year, seconded by Bianca Smith. Motion carried.

27. 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 public comment period will close on August 26th and that the Counsel of State Governments (CSG) will continue to receive public comments until then. Vice Chair Strunk addressed the importance of the compact for therapist mobility.

Motioned by Elisabeth Barnard to have staff and counsel draft a statement in support of a compact, seconded Bianca Smith. Motion carried with no opposition.

28. Discussion and possible action regarding possible changes to NRS 640C for the 2023 legislative session. (For Discussion and Possible Action)

This item will be rescheduled to another date.

29. Discussion and possible action regarding possible changes to NAC 640C. (For Discussion and Possible Action)

- a. Modify NAC 640C.050 to allow only the Massage and Bodywork Licensing Examination administered by the Federation of State Massage Therapy Boards. (For Discussion and Possible Action)
- b. Modify 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. Modify 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. NAC 640C.052 (xxx) (xxx) 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.
- e. NAC 640C.052 (xxx) (xxx) Include exposure to the inspection process for each student and validation of understanding of the requirements.
- f. NAC 640C.052 (xxx) (xxx) mandate x hours of instruction on NRS/NAC 640C with a competency exam which will prepare students for the jurisprudence exam.
- g. NAC 640C.100-140 requiring that continuing education pertain to the human body and not other species.
- h. NAC 640C.410 add sexual harassment in the workplace. (Add sexual harassment in the workplace to unethical conduct as defined in NAC 640C.410.)
- i. Modify NAC 640C.450 to 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)
- j. Modify NAC 640C.450 to include fines for failure to comply with inspections including outcall inspections. (For Discussion and Possible Action)
- k. Modify NAC 640C to include language for AB 330. (For Discussion and Possible Action)
- l. Modify NAC 640C to add regulations governing outcall inspections. (For Discussion and Possible Action)
- m. Any additional modifications or recommendations provided by the public or the members of the Board during discussion.

These items will be discussed on another date.

30. Discussion and possible action regarding publication of the Board's Newsletter presented by the Newsletter Committee and discussion on how to proceed with publication and the Board's recommendation for frequency including and authorization for approvals either before the Board or of the Chair and Legal Counsel. (For Discussion and Possible Action)

The Newsletter Committee met on August 5, 2022. The Executive Director asked the Board to change the structure of the Newsletter Committee and approval of the Newsletter to allow the Committee to work together without having to comply with open meeting law.

Motioned by Elisabeth Barnard to restructure the Newsletter Committee to be one member of the board, Bianca Smith, and at least one member of the public and that final review will be put through Board Counsel and the Chair, seconded by Deirdre Strunk. Motion carried unanimously.

31. 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. Financials, cash reserves, and anticipated upcoming expenditures
 - c. Other topics
 - i. Status of the Jurisprudence Exam
 - ii. Status of R128-20
 - iii. Technology
 - d. Board Training – Investigative Process presented by Investigator Brunner.

No discussion was held regarding this agenda item.

32. 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. (For Discussion and Possible Action)

No discussion was held regarding this agenda item.

33. Discussion and possible action regarding Board training and possible Board retreat during Fiscal Year 2023 including fiscal allocation for training not already approved in the budget. (For Discussion and Possible Action)

No discussion was held regarding this agenda item.

34. Other topics

No discussion was held regarding this agenda item.

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

No discussion was held regarding this agenda item.

36. Public comment.

No public comment was provided.

37. Adjournment occurred at 5:59 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, this public notice and agenda was posted on or before August 5, 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