



## Nevada State Board of Massage Therapy 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/89023133843?pwd=Mlp1SFYwT3FMdTIGSk93c0JIMHRHZz09>

Meeting ID: 890 2313 3843

Password: 649868

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

**October 26, 2022, commenced at 9:04 a.m.**

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

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### MINUTES

**Please Note:** The Nevada State Board of Massage Therapy may: 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion

related to an item at any time. Reasonable efforts were made to assist and accommodate individuals with disabilities who wished to attend the meeting by contacting Sandy Anderson at 775.687.9951 ([sjanderson@lmt.nv.gov](mailto:sjanderson@lmt.nv.gov)), in advance, so that arrangements could be made. Public comment was taken at the beginning and the end of the meeting. 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 9:03 a.m. on October 26, 2022, by Chair Elisabeth Barnard. Board members in attendance included Secretary-Treasurer Rebecca Dorangricchia, Lorna Benedict, Christine Garvey, Bianca Smith, John Teng (left the meeting at 5:45 p.m.), Stephanie Tsanas, and Sgt. Aaron Fink with the Las Vegas Metropolitan Police Department. Additional attendees included Senior Deputy Attorney General Sophia Long (joined the meeting at 10:30 a.m.), Board Counsel Colleen Platt, and Executive Director Sandy Anderson. Vice Chair Deirdre Strunk was excused.

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)

Morgan Blackwell requested that the Board address NAC 640C regarding the draping wording used stating that the current language would not protect transgender males.

Elizabeth Benion, AMTA Nevada Chapter President, read the Governor’s Proclamation proclaiming October 23<sup>rd</sup> through 29<sup>th</sup>, *Massage Therapy Awareness Week in Nevada*.

*Whereas, massage therapy is beneficial to overall health, and is increasingly part of integrated healthcare; and*

*Whereas, physicians are prescribing massage to complement traditional medical treatment for illness, injury, and pain; In 2021, 63% of consumers who got a massage for health and wellness reasons stated it was part of a treatment plan from a doctor or medical provider and pain relief or pain management was a top concern when consumers discussed massage with a doctor; 83% eighty-three percent of Americans believe massage therapy should be considered a form of health care; and*

*Whereas, massage therapy has become an important part of work-related stress relief and recovery from sports-related injuries; and*

*Whereas, significant evidence supports the inclusion of massage therapy to achieve many important, positive patient health outcomes, including for those people in various stages of recovery from chronic medical conditions, like low back pain, neck and shoulder pain, and headache; acute medical conditions, like post-operative pain and lymphatic drainage, and behavioral health conditions, like anxiety and stress, depression, PTSD, and; substance use disorder; and*

*Whereas, a 2017 economic modeling analysis indicates that as many as 5 million people in the United States could potentially benefit from massage therapy for pain relief while reducing the number of people with addiction disorder by over 100,000 per year; and*

*Whereas, e market size of the massage therapy industry is estimated to be \$16.6 Billion in 2022, and more than 350 massage therapists were employed in the United States in 2021, an increase of 14% over the last decade, and employment numbers projected to increase by over 20% by 2031; and*

*Whereas, in the Silver State thousands of licensed massage therapists provide a variety of treatment options for Nevadans as part of their overall health and wellness plans;*

***NOW, THEREFORE, I, STEVE SISOLAK, GOVERNOR OF THE STATE OF NEVADA, do hereby proclaim the week of October 23 – 29, 2022 as MASSAGE THERAPY AWARENESS WEEK IN NEVADA***

Executive Director Anderson shared that former board member Robert “Bob” Oliver passed away on Thursday, October 20, 2022. Mr. Oliver and his wife ran the Ralston School of Massage from 1988 to 2011 training over 2000 students. They also provided services at the Ralston Massage Center from 1999-2020. A moment of silence in honor of Mr. Oliver was observed.

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

4. Introduction of new Board members. (For Discussion)

- a. Introduction of Public Member appointed by the Governor.

Chair Barnard introduced Christine Garvey and welcomed her to the Board.

- b. Introduction of Board Member representing Washoe County

The vacancy was not filled at the time of the meeting.

5. Probation Review Anthony B. Gilyard Jr. license number NVMT.9083. (For Discussion and Possible Action)

Anthony Gilyard was present. He completed the terms of the probation and appeared before the Board as required in the Order.

Motioned by Chair Barnard to terminate Mr. Gilyard's probation, seconded by Bianca Smith. Motion passed unanimously.

6. Probation Reconsideration Request Ashley A. Pedraza. license number NVMT.11597. (For Discussion and Possible Action)

Ashley Pedraza was present. She requested that the Board remove the restriction for performing outcall services so that she can do post operative care for client's that have had Brazilian Butt Lifts.

Motioned by Chair Barnard to deny the request for reconsideration of probation, seconded by Lorna Benedict. Motion carried unanimously.

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)

Kendal L. Priestly was present.

Management Analyst VanHorn presented the Request for Reinstatement of Kendal L. Priestly to the Board. Ms. Priestly was previously licensed by NSBMT in January of 2020 with probationary restrictions. In September of 2020, Ms. Priestly failed a random drug test, resulting in a violation of her probation terms. During a probation hearing on November 4, 2020, Ms. Priestly was found guilty of the violations and was revoked for a term of one year. Ms. Priestly is requesting to be granted a reinstatement license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Ms. Priestly made a statement to the Board.

Motioned by Bianca Smith to reinstate Ms. Priestly's license with a 2-year probation, drug testing, background check, refrain from providing outcall services, report any contact with law enforcement within forty- eight (48) hours, notify the Board of any changes in residence or employment in fifteen (15) days, submit to random drug testing, seconded by Rebecca Dorangricchia. Motion carried unanimously.

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)

Jajuane D. Fisher was present.

Management Analyst VanHorn presented the application of Jajuane Fisher to the Board. Mr. Fisher's massage application is before you today for review that could not be approved administratively. Over a twenty-six (26) year period, Mr. Fisher had multiple convictions including four (4) DUI convictions, and twenty-two (22) traffic or moving violations. Mr. Fisher is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Chair Barnard explained the process to Mr. Fisher. Mr. Fisher made a statement to the Board regarding his history and his experience at Northwest Career College.

Application tabled to allow for the outcome of the most recent arrest.

b. Review Application Svetlana N. Harding. (For Discussion and Possible Action)

Svetlana N. Harding was present.

Management Analyst VanHorn presented the application of Svetlana Harding to the Board. Ms. Harding's massage application is before you today for review that could not be approved administratively. Ms. Harding was arrested on February 1, 2003, for battery on spouse/ex-spouse by Santa Ana Police Department. Ms. Harding plead guilty to battery resulting in a three (3) year term of probation. Probation completed on or around April 30, 2010. Arrested on March 4, 2003, for three (3) counts of willful cruelty to a child by San Bernardino Sheriff's Office. Ms. Harding plead guilty to three (3) counts of cruelty to a child and was granted four (4) years of probation. Probation completed on or around June 14, 2010. Arrested on March 13, 2008, for one (1) count of burglary by San Bernardino's Sheriff's office. The burglary charge was amended to petit theft and Ms. Harding accepted a "Nolo contendere" plea deal. Ms. Harding was sentenced to 36 months of probation with additional terms of violate no law other than minor traffic, pay \$100.00 to victim restitution fund, pay \$20.00 surcharge, 10% administrative fee, serve 1 day in jail facility with credit for time served of one day and stay away from Sears. Ms. Harding 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 license with no restrictions, seconded by Stephanie Tsanas. Motion carried unanimously.

c. Review Application Elena A. Irivboje. (For Discussion and Possible Action)

Elena A. Irivboje was present.

Management Analyst VanHorn presented the application of Elena Irivboje to the Board. Ms. Irivboje's massage application is before you today for review that could not be approved administratively. Ms. Irivboje was arrested on April 10, 2017, for inflict corporal injury to spouse/cohabitant and assault with a deadly weapon other than firearm by Bakersfield Police Department. Inflict corporal injury charge was dismissed during negotiations. Ms. Irivboje plead nolo contender and was sentenced to jail for 90 days with credit/time served followed by five (5) years of probation with community

service of 720 hours and fines of \$870.00. All sentencing requirements have been completed as of October 15, 2021. Ms. Irvboje 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 grant a probationary license for two (2) years with report all contact with law enforcement within forty-eight (48) hours, reports from employer every six (6) months, report any changes in employment to the Board within fifteen (15) days, and no outcall massage, seconded by Bianca Smith. Motion carried unanimously.

d. Review Application Chaquita R. Kelly. (For Discussion and Possible Action)

Chaquita R. Kelly was present.

Management Analyst VanHorn presented the application of Chaquita R. Kelly to the Board. Ms. Kelly's massage application is before you today for review that could not be approved administratively. Over a fifteen (15) year period, Ms. Kelly had multiple convictions including three (3) burglary convictions, one (1) theft conviction, one (1) soliciting prostitution conviction, and eight (8) trespassing convictions one of which was an arrest for prostitution. Ms. Kelly is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Stephanie Tsanas to move to closed session, seconded by Chair Barnard. Motion carried.

Motioned by Bianca Smith to return to open session, seconded by Stephanie Tsanas. Motion carried.

Item tabled to next meeting.

e. Review Application Hiu H. Tse. (For Discussion and Possible Action)

Hiu H. Tse was present and assisted by her son Michael Mak.

Management Analyst VanHorn presented the application of Hiu Tse to the Board. Ms. Tse's massage application is before you today for review that could not be approved administratively. Ms. Tse failed to disclose her previous license in Florida and the disciplinary action of a voluntary surrender of license invoked by the Florida Board of Massage Therapy. Ms. Tse 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 application based on NRS 640C.700(9) and/or (11) and NAC 640C.410(1)(q), seconded by Rebecca Dorangricchia. Motion carried.

f. Review Application Aihua Yuan. (For Discussion and Possible Action)

Aihua Yuan was present with interpreter Baoqin Wang.

Management Analyst VanHorn presented the application of Aihua Yuan to the Board. Ms. Yuan's massage application is before you today for review that could not be

approved administratively. Ms. Yuan failed to disclose her previous citation issued on August 20, 2021, by Utah Division of Occupational & Professional Licensing for offering to perform a massage at Angel Massage without possessing a State of Utah massage license. A fine amount of \$500.00 was referred to collections for nonpayment until paid on March 2, 2022. Ms. Yuan 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(9) and/or (11) and NAC 640C.410(1)(q), seconded by Rebecca Dorangricchia. Motion carried unanimously.

9. 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 Items 9.a. NVMT-OC-22046, b. NVMT-OC-22047, c. NVMT-OC-22048, d. NVMT-OC-22050, and f. NVMT-OC-22052.

Motioned by Chair Barnard to dismiss Items 9.a. NVMT-OC-22046, b. NVMT-OC-22047, c. NVMT-OC-22048, d. NVMT-OC-22050, and f. NVMT-OC-22052, seconded by Bianca Smith. Motion carried.

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

Senior Deputy Attorney General Sophia Long requested the Board dismiss the case regarding Elizabeth Audannio NVMT.7601 – case number NVMT-OC-22046. Ms. Audannio was not present.

Motioned by Chair Barnard to dismiss case number NVMT-OC-22046 regarding Ms. Audannio, seconded by Bianca Smith. Motion carried.

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

Senior Deputy Attorney General Sophia Long asked the board to dismiss the case regarding Xiaokun Cao License Number NVMT.10146 – Case Number NVMT-OC-22047 to the Board. Ms. Cao was not present.

Motioned by Chair Barnard to dismiss Case Number NVMT-OC-22047, seconded by Bianca Smith. Motion carried.

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

Senior Deputy Attorney General Sophia Long asked the board to dismiss the case regarding Jaline Castell License Number NVMT.9161 – Case Number NVMT-OC-22048 to the Board. Ms. Castell was not present.

Motioned by Chair Barnard to dismiss Case Number NVMT-OC-22048, seconded by Bianca Smith. Motion carried.

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

Senior Deputy Attorney General Sophia Long asked the board to dismiss the case regarding Malena Hansen License Number NVMT.7620 – Case Number NVMT-OC-22050 to the Board. Ms. Hansen was not present.

Motioned by Chair Barnard to dismiss Case Number NVMT-OC-22048, seconded by Bianca Smith. Motion carried.

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

Senior Deputy Attorney General Sophia Long presented the case regarding Joseph Himelstein License Number NVMT.10070 – Case Number NVMT-OC-22051 to the Board. Mr. Himelstein was not present.

Ms. Long advised the board regarding NRS 622A.350 and the requirements for notification. 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. Himelstein's address on file with the Board per NRS 622A.350. Chair Barnard accepted the Exhibit.

Motioned by Chair Barnard that Joseph Himelstein had been properly noticed, seconded by Lorna Benedict. Motion carried unopposed.

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

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

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

Motioned by Chair Barnard that Mr. Himelstein pay a fine of \$150, administrative fees of \$150, and be issued a public reprimand, seconded by Rebecca Dorangricchia. Motion carried with no opposition.

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

Senior Deputy Attorney General Sophia Long requested the Board dismiss the case regarding Chunmiao Hou NVMT.9954 – case number NVMT-OC-22052. Ms. Hou was not present.



Motioned by Chair Barnard to dismiss Case Number NVMT-OC-22052, seconded by Bianca Smith. Motion carried.

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

Senior Deputy Attorney General Sophia Long presented case regarding Joseph Maule License Number NVMT.5476 – Case Number NVMT-OC-22055 to the Board. Mr. Maule was not present.

Ms. Long advised the board regarding NRS 622A.350 and the requirements for notification. 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. Maule’s address on file with the Board per NRS 622A.350. Chair Barnard accepted the Exhibit.

Motioned by Bianca Smith that Joseph Maule had been properly noticed, seconded by Chair Barnard. Motion carried with no opposition.

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

Ms. Long asked the Board to accept that the findings of fact were 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 Bianca Smith. Motion carried with no opposition.

Motioned by Bianca Smith to that Mr. Maule pay a fine of \$150, administrative fees of \$150 and be issued a public reprimand, seconded by Lorna Benedict. Motion carried.

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

Senior Deputy Attorney General Sophia Long presented the Settlement Agreement for Thomas Maher NVMT.1717 – Case Number NVMT-C-21086 to the Board with administrative penalties including \$500 fine, costs incurred \$500, and take an anatomy class offered by the Federation of State Massage Therapy Boards that shall not count towards his continuing education.

Motioned by Bianca Smith to reject the settlement agreement, seconded by Stephanie Tsanas. Motion carried with no opposition.

Formal Hearing was continued.

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

Ms. Guo was not present. Senior Deputy Attorney General Sophia Long presented a voluntary surrender for three (3) years to the Board. The Board clarified that the location listed in the voluntary surrender should be Cloud 9 Spa.

Motioned by Bianca Smith to accept the voluntary surrender, seconded by Chair Barnard. Motion carried unanimously.

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

Ms. Guan was not present.

Case was continued to January meeting.

13. Formal Hearing Liqing Huang NVMT.1883 – Case Number NVMT-C-22029. (For Discussion and Possible Action)

Ms. Huang was not present and represented by Pengxiang “Calvin” Tian Nevada State Bar #15662. Senior Deputy Attorney General Sophia Long presented a Settlement Agreement for Liqing Huang NVMT.1883 – Case Number NVMT-C-22029. to the Board with administrative penalties including four (4) years’ probation, minimum quarterly inspections, quarterly reports of licensed and unlicensed employees, annual copies of city and state business licenses, minimum liability insurance of \$1,000,000 per occurrence, no outcall, \$600 administrative fee, \$5,000 fine, twenty-four (24) hours of ethics courses provided by the Federation of State Massage Therapy Boards including: Professional Relationships: Client Assessment and Documentation, Professional Relationships: Sexual Boundaries, Professional Relationships: Client Intake, Human Trafficking: General Interest, and Human Trafficking: Awareness for Massage Professionals.

Motioned by Bianca Smith to accept the settlement agreement, seconded by Rebecca Dorangricchia. Motion carried unanimously.

14. Formal Hearing Ratana A. Haag NVMT.5986 – Case Number NVMT-C-22045. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented a Settlement Agreement for Ratana Haag NVMT.5986 – Case Number NVMT-C-22045 to the Board including four (4) years’ probation, report all contact with law enforcement within forty-eight (48) hours, refrain from performing outcall services, quarterly inspections, quarterly reports from employer, report changes in employment within fifteen (15) days, annual copies of licenses for the municipality and the state, \$1,000,000 liability insurance, shall pay administrative costs of \$600, and a fine of \$5000 Mr. Haag was present.

Motioned by Bianca Smith to accept the settlement agreement, seconded by Lorna Benedict. Motion carried unanimously.

15. Formal Hearing Dongxing Qiu NVMT.10695 – Case Number NVMT-C-21051. (For Discussion and Possible Action)

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

16. Formal Hearing Yolonda C. Johnson License Number NVMT.7523 – Case Number NVMT-R-2214. (For Discussion and Possible Action)

Ms. Johnson was present.

Senior Deputy Attorney General Sophia Long presented the case regarding Yolanda Johnson NVMT.7523 – Case Number NVMT-R-2214 to the Board.

Ms. Long presented the Complaint Notice of Hearing regarding Yolanda Johnson. Ms. Long requested that exhibits 1-6 be submitted into evidence. Chair Barnard accepted the exhibits.

Board Counsel Platt swore in Yolonda Johnson.

Ms. Johnson provided a statement to the Board.

Motioned by Bianca Smith to dismiss this case, seconded by Stephanie Tsanas. Motion carried unanimously.

17. Formal Hearing Denesia E. Rose NVMT.10846 – Case Number NVMT-B-2216. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long requested the Board dismiss the case regarding Denesia Rose NVMT.10846 – case number NVMT-B-2216. Ms. Rose was not present.

Motioned by Chair Barnard to dismiss case number NVMT-B-2216 regarding Ms. Rose, seconded by Bianca Smith. Motion carried unanimously.

18. Formal Hearing Shekiara D. Pettway License Number NVMT.11360 – Case Number NVMT-B-2221. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Shekiara Pettway NVMT.11360 – Case Number NVMT-B-2221 to the Board. Ms. Pettway was not present.

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

Board Counsel Platt swore in Tereza VanHorn. Ms. VanHorn provided testimony that Ms. Pettway was provided sufficient legal notice per NRS 622A.350 and was served notice at the last known address on file with the Board. Ms. Pettway had not responded to the notice.

Bianca Smith disclosed that she knows this person but does not believe the relationship will have any impact on her decision.

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

Ms. Long presented the Complaint Notice of Hearing regarding Shekiara Pettway. Ms. Long requested that an exhibit packet be accepted into evidence. Chair Barnard accepted the packet.

Motioned by Chair Barnard to accept the alleged facts as true and violations of law Counts 1 and 2 did occur, seconded by Bianca Smith. Motion carried with no opposition.

Motioned by Stephanie Tsanas to revoke for one (1) year, seconded by Lorna Benedict. Motion carried unanimously.

19. Formal Hearing Guoli Song NVMT.10890 – Case Number NVMT-P-2220. (For Discussion and Possible Action)

This item was tabled to allow the Department of Public Safety time to process the background.

Prior to hearing the reconsiderations, Board Counsel Platt advised the Board regarding NRS 622A.390 and the grounds for reconsideration.

*5. A motion requesting a rehearing or reconsideration may be based only on one of the following grounds:*

- (a) Newly discovered or available evidence.*
- (b) Error in the hearing or in the findings and recommendations or the decision that would be grounds for reversal of the findings and recommendations or the decision.*
- (c) The need in the public interest for further consideration of the issues or evidence, or both.*

*In looking at the items, you would likely need to find that the grounds for the new action is (c). Here are the things you can do:*

*6. The regulatory body or hearing panel or officer shall enter an order ruling on the motion requesting a rehearing or reconsideration not later than 25 days after the date on which the motion is filed. A copy of the order must be served on each party. The regulatory body or hearing panel or officer may:*

- (a) Deny the motion;*
- (b) Order a rehearing or partial rehearing;*
- (c) Order reconsideration of the findings and recommendations or the decision; or*
- (d) Direct other proceedings as the regulatory body or hearing panel or officer deems appropriate.*

*And a limit on the rehearing:*

*7. If the regulatory body or hearing panel or officer orders a rehearing, the rehearing must be confined to the issues upon which the rehearing was ordered.*

20. Reconsideration Hong Lu NVRF.0112 – Case Number NVMT-C-22005. (For Discussion and Possible Action)

Ms. Lu was present and represented by legal counsel Kirk Kennedy Nevada State Bar #5032.

Mr. Kennedy provided information regarding why the case should be reconsidered since had he represented Ms. Lu, he would have negotiated a settlement agreement or voluntary surrender for three (3) years.

Motioned by Bianca Smith to deny the reconsideration of Case Number NVMT-C-22005 regarding Hong Lu, seconded by Lorna Benedict. Motion carried.

21. Formal Hearing Hong Lu NVRF.0112 – Case Number NVMT-C-22005 (For Discussion and Possible Action)

Reconsideration denied. This item was not heard.

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)

Senior Deputy Attorney General Sophia Long advised the Board regarding the history of this case.

Ms. Xu-Rode was present and represented by legal counsel Yoa “Kelvin” Wen Nevada State Bar #14299.

Mr. Wen provided a statement regarding why the fines should be vacated due to Ms. Xu-Rode’s health issues.

Motioned by Bianca Smith to deny the reconsideration of Case Number NVMT-C-22040 regarding Hongying Xu-Rode, seconded by Chair Barnard. Motion carried unanimously.

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)

Mr. Lisa was present.

Senior Deputy Attorney General Sophia Long advised the Board regarding the history of this case. Ms. Long requested that Mr. Lisa’s license be reinstated as of October 26, 2022.

Motioned by Rebecca Dorangricchia to grant the reconsideration and reduce the suspension to 64 days for Case Number NVMT-C-22036 regarding Frank A. Lisa, seconded by Bianca Smith. Motion carried.

24. Citation Appeal Jingjing Yang NVMT.10956 – Citation 22019. (For Discussion and Possible Action)

Jingjing Yang was present and was assisted by Jerry Xu. Ms. Yang shared why she felt the citation should be dismissed.

Motioned by Bianca Smith to deny the citation appeal, seconded by Lorna Benedict. Motion carried unanimously.

25. Citation Appeal Mario Hawkins – Citation 22035. (For Discussion and Possible Action)

Mario Hawkins was present representing the Massage Envy.

Bianca Smith recused because she is employed by Mr. Hawkins as a massage therapist.

Board Counsel Platt swore in Vicki-Lynne Kitzman and Mario Hawkins.

Inspector Kitzman provided information regarding the issuance of the citation including requesting that the inspection forms be admitted as exhibits. Mr. Hawkins had no objection to the exhibits being admitted into evidence. Chair Barnard accepted the exhibits.

Mr. Hawkins provided a statement regarding their processes and that he thought he had until September 20<sup>th</sup> to come into compliance and that he was unaware of the previous out of compliance inspections. He informed the Board that he has processes in place to ensure notification going forward.

Motioned by Stephanie Tsanas to deny the appeal, seconded by Lorna Benedict. Motion carried unanimously.

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

Sandra Atcheson was not present.

Motioned by Bianca Smith to deny, seconded by Stephanie Tsanas. Motion carried unanimously.

27. Board Counsel report. (For Discussion)

- a. General topics and training provided by Deputies Attorney General.

Sophia attended FARB and will present some education at a later meeting to help the Board do things even better.

- 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)*

Motioned by Bianca Smith to approve items, seconded by Chair Barnard. Motion carried unanimously.

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)

Motioned by Chair Barnard that we amend our budget to send up to four (4) Board members and two (2) staff members to the 2023 FARB Forum, seconded by Bianca Smith. Motion carried unanimously.

30. 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 2022 through September 30. The Board issued 394 new licenses and renewed 1,549 licenses resulting in a total of 5,178 licensees as of September 30, 2022. She also shared that after attending the FSMTB Annual Meeting that licensing is down across the country.

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

Investigator Brunner advised the Board that the new position had been filled by Becky SanGregorio who will be starting on October 31, 2022.

The team has addressed 362 outcall licensees with 192 reporting that they do not practice outcall. They also completed 777 establishment inspections or 87% completion.

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

Investigator Brunner shared that 67 investigations have been closed in 2022 and that there are 11 investigations pending as of October 26, 2022.

- b. Other topics

- i. Status of the Jurisprudence Exam – NSBMT staff will be working with the Federation staff to create the exam.

ii. Board Website

The Executive Director advised the Board that Enterprise Information Technology Services recommends that staff take down all of the documents that are older than two years from the website.

c. Financials, cash reserves, and anticipated upcoming expenditures

The Board's financials are trending in a positive direction with a minimal shortfall anticipated over the next two (2) years.

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

Executive Director Anderson shared that the public comment period has closed and that the Technical Assistance Group met Monday, October 24<sup>th</sup>, to review the amended document. Boards interested in moving forward with adoption may contact the Counsel of State Governments for assistance. Final language will be shared with the Board when available.

32. Discussion and possible action regarding Board training and possible Board retreat during Fiscal Year 2023. (For Discussion and Possible Action)

Discussion was held regarding holding a Board retreat once all positions are filled.

Motioned by Chair Barnard to approve budgeting up to \$30,000 to hold a Board retreat, seconded by Bianca Smith. Motion carried with no opposition.

33. Discussion and possible action regarding advising staff to review policies and procedures for current relevance and possible updating. (For Discussion and Possible Action)

Item not discussed at this meeting.

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)

Colleen advised the Board regarding NRS 237.360 which requires that each state agency shall make available on their website an electronic version of each administrative form electronically and be able to complete, save and submit the form as needed. Counsel recommended at the very least the Board provide fillable PDF forms for download, completion, and submission.

Motioned by Chair Barnard to approve the forms as presented, seconded by Bianca Smith. Motion carried.

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)



The Board discussed possible changes to NRS 640C.

Motion by Chair Barnard to have Board Counsel draft language for a Bill Draft Request including enabling language for the compact, revise NRS.640C.750 to allow the Executive Director to sign subpoenas, revise citation statute to allow citations for outcall inspections, and licensee can request a waiver of continued education units for licensees in practice for twenty years with clean disciplinary record and have been active and in good standing, seconded by Bianca Smith. Motion carried unanimously.

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)

Discussion was held regarding NAC 640C, and the Board will hold a workshop after staff and counsel draft proposed language.

Motioned by Chair Barnard to direct staff and counsel to draft language to define moral turpitude and revise NAC.640C.410, seconded by Christine Garvey. Motion carried unanimously.

37. Other topics

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

39. Public comment.

David Otto NVMT.103 thanked the Board for staying late and for the discussion to move the profession forward.

40. Adjourned at 6:26 p.m.

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**Notices:**

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.

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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>

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