



Nevada State Board of Massage Therapy 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 time, the Board Chair called on persons wishing to make public comment.

Virtual access was available by registering for this meeting online:

<https://us06web.zoom.us/j/86981107368?pwd=cVhxOFhuVGRNOTV3clhvTnRPOUZkdz09>

Meeting ID 869 8110 7368
Password 627930
SIP 86981107368@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: January 12, 2022, commencing at 9:00 a.m.

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

MINUTES

Please Note: The Nevada State Board of Massage Therapy may: 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts were made to assist and accommodate individuals with

disabilities who wished to attend the meeting by contacting Sandy Anderson at 775.687.9951 (sjanderson@lmt.nv.gov), in advance, so that arrangements could be made. Public comment was taken at the beginning and the end of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

Public Comment Agenda Item: There was a time designated at the beginning of the meeting and the end of the meeting for Public Comment. Members of the general public were able to bring matters not appearing on this Agenda to the attention of the Board or make comment on specific agenda items. Public comment also was taken at other such times as requested as long as the request for public comment did not interrupt ongoing Board business. The Board may have discussed the matters not on the agenda but did not act on the matters at this meeting. If the Board desired, the matters will be placed on a future Agenda for action. In consideration of others who may also wish to provide public comment, repetition was avoided. The Board limited public comment to three (3) minutes.

Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may have refused to consider public comment (see NRS 233B.126). Please be aware that after the quasi-judicial Board rendered a decision in the contested case and, assuming this happened before adjournment, the Board may have entertained public comment on the proceeding.

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

The meeting was called to order at 9:02 a.m. on January 12, 2022, by Chair Elisabeth Barnard. Board members in attendance included Secretary/Treasurer Richard Fields, Lorna Benedict, Rebecca Dorangricchia, Karen Kramberg, Bianca Smith, John Teng, Stephanie Tsanas, and Sgt. Marty with the Las Vegas Metropolitan Police Department. Additional attendees included Executive Director Sandy Anderson, Board Counsel Colleen Platt and Senior Deputy Attorney General Sophia Long who joined the meeting at 10:45 a.m. Vice Chair Deirdre Strunk was excused.

2. Introduction of new Board Member John Teng representing Southern Nevada.

Chair Barnard introduced Mr. Teng and welcomed him to the Board. Mr. Teng serves on the Board as a licensee from Southern Nevada.

3. 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.

4. 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 was available at the beginning and ending of the meeting. (Discussion Only)

Tereza VanHorn expressed her thanks to staff and the Board for their concern and condolences related to the passing of her mother.

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

5. Acknowledgement of Service – Sommer Plotnick July 1, 2020, through October 27, 2021. (For Discussion)

Chair Barnard thanked Ms. Plotnick for her service on the Board from July 1, 2020, through October of 2021.

6. Discussion and possible action regarding Federation of State Massage Therapy Boards (Federation) Regulatory Education and Competence Hub (REACH). (For Discussion and Possible Action)

Mai Lin Petrine and Ellen Helmich with the Federation presented information regarding REACH to the Board. Discussion was held regarding the benefits of using REACH and other services provided by the Federation. The Board thanked them for the presentation.

7. Formal Hearing Mengyi T. Ernsberger License Number NVMT.639 – Case Number NVMT-C-21028. (For Discussion and Possible Action)

Mengyi T. Ernsberger was not present, but was represented by legal counsel Jack Buchanan.

Senior Deputy Attorney General Sophia Long advised the Board that the matter has been resolved with a Voluntary Surrender for three (3) years.

Mr. Buchanan confirmed the acceptance of the Voluntary Surrender for three (3) years and advised the Board the documentation would be provided once signed by his client.

Motioned by Bianca Smith to approve the Voluntary Surrender of Mengyi T. Ernsberger License Number NVMT.639 for three (3) years, second by Richard Fields. Motion carried.

8. Formal Hearing Phoovanad “Paul” Jansanguan License Number NVMT.11053 – Case Number NVMT-C-21055. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the Voluntary Surrender for five (5) years of Phoovanad Jansanguan NVMT.11053 to the Board. Mr. Phoovanad was not present nor was legal counsel.

Motioned by Richard Fields to accept the five (5) year Voluntary Surrender of Phoovanad Jansanguan NVMT.11053 as submitted by Ms. Long, seconded by Karen Kramberg. Motion carried.

9. Formal Hearing Yuanzhu Z. Spencer License Number NVMT.7771 – Case Number NVMT-C-21061. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the Voluntary Surrender for three (3) years of Yuanzhu Spencer NVMT.7771 to the Board. Ms. Spencer was not present nor was legal counsel.

Motioned by Karen Kramberg to accept the three (3) year Voluntary Surrender of Yuanzhu Z. Spencer NVMT.7771, seconded by Richard Fields. Motion carried unanimously.

10. Formal Hearing Yuanzhen Ludwick License Number NVMT.9375 – Case Number NVMT-C-21062. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the three (3) year Voluntary Surrender of Yuanzhen Ludwick NVMT.9375 to the Board. Ms. Ludwick was not present nor was legal counsel.

Motioned by Lorna Benedict to accept the three (3) year Voluntary Surrender of Yuanzhen Ludwick NVMT.9375, seconded by Bianca Smith. Motion carried unanimously.

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

Senior Deputy Attorney General Sophia Long reported that this case was continued until the next meeting.

12. Formal Hearing Michael W. Jackson License Number NVMT.4768 – Case Number NVMT-C-21079. (For Discussion and Possible Action)

This matter was continued to the next meeting.

13. Formal Hearing Joanna M. Iris License Number NVMT.10460 – Case Number NVMT-P-2131. (For Discussion and Possible Action)

Senior Deputy Attorney General presented the case regarding Joanna Iris NVMT.10460 to the Board. Ms. Iris 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. The certificate of service was the offer of proof of service at Ms. Iris' address on file with the Board. Chair Barnard accepted the Exhibit.

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

Ms. Long presented the Complaint Notice of Hearing regarding failure to comply with probationary requirements. Ms. Long requested that exhibits 2-10 be submitted into evidence. Chair Barnard accepted the exhibits.

Motioned by Richard Fields to accept the alleged facts as true, seconded by Bianca Smith. Motion carried.

Motioned by Elisabeth Barnard the violations of law count 1 through 3 did occur, seconded by Bianca Smith. Motion carried.

Motioned by Richard Fields to suspend the license of Ms. Iris for 364 days, seconded by Lorna Benedict. Motion carried unanimously.

14. Voluntary Surrender Robin Gregory P. San Gil License Number NVMT.10453 – Case Number NVMT-P-2134. (For Discussion and Possible Action)

Motioned by Rebecca Dorangricchia to accept the Voluntary Surrender for 3 years of Robin Gregory P San Gil, seconded by Bianca Smith. Motion carried.

15. Reconsideration of fines for Xiaomei Shen License Number NVMT.400 – Case Number NVMT-C-1956. (For Discussion and Possible Action)

Ms. Shen was present and represented by legal counsel Michael Gowdey.

Board Counsel Platt advised the Board on the process of a reconsideration of a fine assessed by the Board. Ms. Platt informed the Board that once a debt has been turned over to the Controller's Office for collection the Board no longer has the authority to reduce the fine. Mr. Gowdey would have to contract the Controller's Office.

The Board took no action on this item.

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

Counsel Platt provided information on the process of background review requests.

Management Analyst VanHorn presented Mr. Pereira's background review to the Board. Mr. Pereira is requesting a background review based on NRS. 622.085. Mr. Pereira was arrested on March 26, 1998, for OUI by Middleborough Police Department and on July 29, 2005, for OUI by Raynham Police Department.

Mr. Pereira provided information regarding his goal to become a massage therapist and answered questions from the Board.

Motioned by Elisabeth Barnard to determine that Mr. Pereira's background as of today, January 12, 2022, does not disqualify him from moving forward with licensure, seconded by Lorna Benedict. Motion carried.

17. Presentation of disciplinary action website update by Management Analyst VanHorn. (For Discussion)

Ms. VanHorn shared the work completed to add the disciplinary actions to the website in a more accessible format and provided information regarding how to access the information.

18. 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. Reconsideration Application Review for Selma Repic. (For Discussion and Possible Action)

Ms. Repic was present.

Motioned by Lorna Benedict to reconsider Selma Repic's application, seconded by Karen Kramberg. Motion carried. Bianca Smith opposed.

- b. Review Application Selma Repic. (For Discussion and Possible Action)

Ms. Repic was present.

Management Analyst VanHorn presented Ms. Repic's application to the Board. Ms. Repic's massage application is before you today for review that could not be approved administratively. Ms. Repic was arrested on August 28, 2010, for DUI by Hawthorne Police Department; January 23, 2016, for DUI; June 14, 2016, for Driving on a suspended license after a bench warrant was issued from an arrest on January 29, 2013, by Torrance Police Department and December 12, 2016, for DUI by Los Angeles Sheriff's Office. Ms. Repic is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Ms. Repic provided a statement to the Board and answered questions from the Board.

Motioned by Lorna Benedict to deny based on NRS 640C.700(9) NAC 410(1)(z), no second was made.

Motioned by Bianca Smith to approve a license and immediately place it on probation for a period of two (2) years with the following conditions: report all contact with law enforcement within 48 hours, submit employment acceptance for review with quarterly employer reporting to Executive Director Anderson, engage in alcohol counseling on at least a monthly basis for the duration of the probation unless the licensed therapist deems otherwise to begin within ninety (90) days of licensure with reporting from the therapist at the end of ninety (90) days, and submit to a background investigation at the licensee's expense at the time of renewal, seconded by Stephanie Tsanas. Motion carried unanimously.

- c. Reconsideration Application Review for Guifang Qin. (For Discussion and Possible Action)

Ms. Qin was not present but was represented by legal counsel Kelvin Yoa Wen.

Kelvin Wen requested that the Board reconsider the application of Guigang Qin.

Motioned by Karen Kramberg to reconsider, seconded by Richard Fields. Motion carried unanimously.

d. Review Application Guifang Qin. (For Discussion and Possible Action)

Ms. Qin was not present but was represented by legal counsel Calvin Yoa Wen.

Management Analyst VanHorn presented Ms. Qin's application to the Board. Ms. Qin's massage application is before you today for review that could not be approved administratively. Ms. Qin was arrested on April 10, 2019, for a fugitive warrant or extraditable offense by San Luis Obispo Sheriff's Office. Ms. Qin had an outstanding balance of \$13,772.00 owed to Aria Casino for issuing two counterfeit or fraudulent checks in total of \$50,000.00. Arrest or charges were dismissed after final payment was paid on April 12, 2019. Ms. Qin 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(1)(2) and (9), seconded by Rebecca Dorangricchia. The motion was amended to NRS 640C.700(9), accepted by the second. Motion carried with none opposed.

e. Review Application Chunling Wu. (For Discussion and Possible Action)

Ms. Wu was present with interpreter Jenny Liu and represented by Eva Garcia-Mendoza.

Management Analyst VanHorn presented the application of Ms. Wu to the Board. Ms. Wu's massage application is before you today for review that could not be approved administratively. Ms. Wu was arrested on April 9, 2004, for prostitution by Dallas Police Department; arrested on June 8, 2013, for prostitution by Los Angeles Police Department. Ms. Wu failed to disclose she attended American International Vocational College in Monterey Park, California. Ms. Wu failed to answer section 3 and 6 of the application appropriately. Ms. Wu is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Legal Counsel requested that the application be withdrawn.

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

Mr. Lonardo was present.

Management Analyst VanHorn presented the application of Mr. Lonardo to the Board. Mr. Lonardo's massage application is before you today for review that could not be approved administratively. Mr. Lonardo was arrested on June 5, 1999, for Assault 3rd degree by Rochester Police Department; September 12, 1999, for DUI by Rochester/Henrietta Police Department; September 18, 2001, for Possession of Marijuana by Hillsborough Sheriff's Office; May 6, 2010, for Conspiracy Marijuana of Domestic Origin by DEA-Rochester Division; person of interest for domestic battery on August 4, 2021, and arrested on August 17, 2021, for domestic battery by Las Vegas

Metropolitan Police Department. Mr. Lonardo is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Mr. Lonardo provided information regarding the circumstances related to his situation and answered questions from the Board.

Item tabled to the next Board meeting pending additional information provided to the Board.

g. Review Application Shu Chiao Tseng. (For Discussion and Possible Action)

Shu Chiao Tseng was present with Wade Ohyoung as translator.

Investigator Brunner presented the application of Ms. Tseng. Ms. Tseng's massage application is before you today for review that could not be approved administratively. Ms. Tseng was arrested on December 17, 2009, for prostitution by Houston Police Department while working in a massage establishment; arrested on April 14, 2011, for prostitution by Houston Sheriff's Office while working at New Sun Island Massage. Ms. Tseng failed to answer section 6 of the application appropriately. Ms. Tseng is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

The Board asked Ms. Tseng questions regarding the application and the history of arrests for prostitution while practicing massage therapy in Texas.

Motioned by Bianca Smith to deny based on NRS 640C.700(1)(2)(4) and (9), seconded by Lorna Benedict. Motion carried with no opposition.

h. Review Application Mei Ye. (For Discussion and Possible Action)

Mei Ye was not present.

Investigator Brunner presented the application of Ms. Ye. Ms. Ye's massage application is before you today for review that could not be approved administratively. Ms. Ye's was previously before the Board for an application review on June 16, 2021. The application was denied due to NRS.640C.700(6)(9). Ms. Ye's phone number was linked to 12 illicit postings on multiple websites. These illicit sites for massage have several ads with woman in lingerie across the United States. Ms. Ye has failed to disclose her license in Texas and Iowa and her education she obtained in California with Advanced Pro Nursing Institute. Advanced Pro Nursing Institute is not an approved program with CAMTC. Ms. Ye's recently submitted application reflected different contact information that reflects no illicit ads online. Ms. Ye is requesting to be granted a license under NRS 640C.420 and is before you today for review under NRS 640C.700.

Motioned by Bianca Smith to deny based on NRS 640C.700(1)(2) and (9), seconded by Richard Fields. Motion carried with no opposition.

i. Review Application Yuqin Qi. (For Discussion and Possible Action)

Yuqin Qi was present with interpreter Wei Mai Borgel and represented by legal counsel Travis Akin.

Management Analyst VanHorn presented the application of Ms. Qi. Ms. Qi's massage application is before you today for review that could not be approved administratively. Ms. Qi was arrested on February 11, 2010, for prostitution by Webster Police Department while working at Tender Massage. Ms. Qi failed to disclose she attended American International Vocational College in Monterey Park, California. Ms. Qi failed to answer section 6 of the application appropriately. Ms. Qi is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Mr. Akin asked that the application be withdrawn and will submit the request in writing to the generic email box.

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.

19. *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 December 31, 2021 (see Exhibit A). (For Possible Action)*
 - b. *Discussion and possible action regarding review and acceptance of the Fiscal Year 2022 Budget verses Actual through December 31, 2021. (For Possible Action)*
 - c. *Discuss, amend, and approve Board meeting minutes for October 27, 2021. (For Possible Action)*

Motioned by Bianca Smith to approve the consent agenda items, seconded by Lorna Benedict. Motion passed with none opposed.

20. Board Counsel report. (For Discussion and Possible Action)
 - a. General topics and training provided by Deputies Attorney General.

Senior Deputy Attorney General had no report.

Board Counsel Platt advised the Board members that it is time to start thinking about regulatory changes.
21. Executive Director Report including but not limited to (For Discussion)
 - a. Strategic Plan Key Indicators
 - i. Licensure and renewals

Although, 1,304 licenses expired during 2020 and 2021, the new licensing team issued 1,021 new licenses resulting in a year end total of 5,116 licensees. This leaves the Board close to where they were before the pandemic started.

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

Investigator Brunner shared that 2021 ended in a really good spot, but it was really rough on the team. During the beginning of 2021 there were all of the Covid restrictions which increased the amount of education that was provided by the team members and the number of unsatisfactory inspections.

Inspector Kitzman provided information regarding the increase in establishments during 2021 allowing the team to complete 880 establishment inspections or 106% of the goal.

The team will be reviewing establishments and setting new goals for 2022.

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

Investigator Brunner informed the board that there are 28 open investigations.

b. Projects and Focus for 2022

The administrative and inspection teams will be working on exploring requirements and options for software development to enhance the functionality of the database.

c. Financials, cash reserves, and anticipated upcoming expenditures

The Board's fiscal responsibility during the first half of Fiscal Year 2022 puts the Board in a position which will allow staff to address the need for an improved data base. Researching the improved database was approved by the Board previously and now there are sufficient funds for staff to move forward.

22. Discussion and possible action regarding annual audit prepared by Coulson and Associates and submitted to the Legislative Counsel Bureau. (For Discussion and Possible Action)

The audit was submitted to the Legislative Counsel Bureau prior to the December 1, 2021 deadline. The auditors recommended that the Board adopt a policy to address bad debts.

23. Discussion and possible action regarding policy addressing bad debt as recommended by auditors. (For Discussion and Possible Action)

The Board discussed the bad debt policy and recommended that the policy be drafted to address bad debts once annually at the close of the fiscal year. Executive Director Anderson will draft the policy for review at the next Board meeting.

24. Discussion and possible action regarding discrepancies with FuZuBa transcripts including requesting the Executive Director of the Commission on Postsecondary Education (CPE) to

participate in the discussion and potentially drafting a letter to the CPE to address these discrepancies and correct the practices of the school. (For Discussion and Possible Action)

The Board held discussion regarding the issues with FuZuBa transcripts and asked Executive Director Wuest questions regarding the process of addressing their concerns.

The Board directed staff to draft a letter for review by the Board at the March meeting. Staff also will provide additional support documentation for the Board review including the Course Catalog required by statute.

25. 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 participated in a meeting of the Massage Compact Technical Assistance Group in December. The compact is now in the drafting stages with the Counsel of State Governments (CSG). The CSG hopes to have the documents ready for public comment during the spring of 2022 and will potentially have compact language available to be considered during the 2023 session.

26. Discussion and possible action regarding virtual attendees for the 2022 FARB Forum scheduled January 27 through 29, 2022, at a cost of \$875 per attendee. (For Discussion and Possible Action)

Discussion was held regarding the 2022 FARB Forum, and the budget was increased from \$4,100 to \$8,750 to allow all Board members interested in participating virtually to attend the Forum.

Motioned by Elisabeth Barnard to amend the budget for the FARB Forum from \$4,100 to \$8,750, seconded by Lorna Benedict. Motion carried unanimously.

27. Other topics

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

- a. Bianca Smith presented the possibility of massage therapists who have been working and licensed for 20 plus years have reduced CE requirements

29. Public comment.

David Otto NVMT.103 spoke about the requirement for continuing education.

Bianca Smith shared that the Board needed to be considering how to respond to Las Vegas preparing to host the Super Bowl in a few years and whether the Board needs to pay attention to travelling massage therapists that may be coming to town and the need to address their ability to work in the industry while in Nevada.

Colleen Platt shared that many boards have language to address professionals visiting for special events.

30. Adjournment 4:16 p.m.

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.

In accordance with NRS 241.020, the public notice and agenda were posted on or before January 7, 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