



Nevada State Board of Massage Therapy

DRAFT MEETING MINUTES

LOCATIONS:

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

Virtual access available by registering for this meeting online:

<https://us06web.zoom.us/j/84402330839?pwd=Q3hwb2lxSkNGQlpgYmhLV3N6dk1sQT09>

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

Meeting ID: 844 0233 0839

Password: 837512

SIP: 84402330839@zoomcrc.com

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

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

DATES AND TIMES:

August 8, 2023, commencing at 9:00 a.m.

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

AGENDA

Please Note: The Nevada State Board of Massage Therapy may: 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Sandy Anderson at 775.687.9951 (sjanderson@lmt.nv.gov), in advance, so that arrangements may be made. Public comment will be taken at the beginning and the end of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

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

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

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

The meeting was called to order at 9:04 a.m. on August 8, 2023, by Chair Elisabeth Barnard. Board members in attendance included Vice Chair Deirdre Strunk, Secretary/Treasurer Rebecca Dorangricchia, Lorna Benedict, Christine Garvey, Rosemarie Mueller, Bianca Smith, John Teng. Additional attendees included Senior Deputy Attorney General Sophia Long as Prosecutor, Colleen Platt as Board Counsel, and Executive Director Sandy Anderson. Board member Stephanie Tsanas and Sgt. Fink were 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)

The Chair shared how to make public comments.

No public comment was provided.

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

4. Election of officers (For Discussion and Possible Action)

Chair Barnard disclosed that she has applied for the position of Executive Director and turned the election of officers over to Vice Chair Strunk.

Christine Garvey requested information from legal counsel regarding the process of election of officers and if Ms. Barnard could be elected as chair. Legal counsel explained the election process and informed the Board that Ms. Barnard could still serve as Chair. If she is selected to appear before the Board as an applicant, she would have to recuse from the process at that time.

- a. Chair – Lorna nominated Deirdre Strunk. Ms. Strunk declined due to professional commitments. Deirdre Strunk nominated Elisabeth Barnard, seconded by Lorna Benedict. Vice Chair Strunk asked if there were any other nominations. There being none. Motion carried. Bianca Smith wanted the record to reflect that she hopes that Ms. Barnard does make it through the selection process.
 - b. Vice Chair – Chair Barnard opened nominations for Vice Chair. Chair Barnard nominated Deirdre Strunk, seconded by Lorna Benedict. Chair Barnard called for any other nominations. There were none. Motioned by Elisabeth Barnard to retain Ms. Strunk as vice chair, seconded by Christine Garvey. Motion carried.
 - c. Secretary-Treasurer – Bianca Smith nominated Rebecca Dorangricchia, seconded by Vice Chair Strunk. Chair called for another nominations. There were none. Motioned by Bianca Smith to approve Rebecca Dorangricchia as Secretary-Treasurer for the Board, Deirdre seconded. Motion carried.
5. 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 Zhongqiong Yang. (For Discussion and Possible Action)

Zhongqiong Yang was present and represented by Kirk Kennedy Nevada State Bar #5031 with interpretation services provided by Wai Mei Borgel.

Management Analyst VanHorn presented the application of Zhongqiong Yang to the Board. Ms. Yang's massage application is before you today for review that could not be approved administratively. Ms. Yang is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Mr. Kennedy shared information regarding the two arrests and asked the Board to allow the application to go forward and grant her a license.

Motioned by Bianca Smith for probationary license for four (4) years, refrain from outcall services, report any contact with law enforcement within forty-eight (48) hours, employer report quarterly to the Board, within ninety (90) days takes two (2) ethics courses provided by the Federation of State Massage Therapy Boards REACH platform Human Trafficking and Sexual Boundaries, and submit to the board a complete set of finger prints annually at the licensee's expense, seconded by Christine Garvey. Motion carried no opposition.

b. Review Application Aimin Zhang. (For Discussion and Possible Action)

Aimin Zhang was present and accompanied with Peter Lee as interpreter.

Management Analyst VanHorn presented the application of Aimin Zhang to the Board. Ms. Zhang's massage application is before you today for review that could not be approved administratively. Ms. Zhang is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Ms. Zhang provided a statement and asked the Board to grant her a license with a two (2) year probation.

Motioned by Bianca Smith to deny the application based on NRS 640C.700(4) and (9) and NAC 640C.410(1)(bb), seconded by Lorna Benedict. Motion carried.

c. Review Application Min Liu. (For Discussion and Possible Action)

Min Liu was present and represented by Kirk Kennedy Nevada State Bar #5031 with interpretation services provided by Wai Mei Borgel.

Management Analyst VanHorn presented the application of Min Liu to the Board. Ms. Liu's massage application is before you today for review that could not be approved administratively. Ms. Liu is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Mr. Kennedy explained the reasons for the phone being used for advertising illicit activity.

Motioned by Bianca Smith to deny the application based on NRS 640C.700(1) and (9) and NAC 640C.410(1)(s), seconded by Deirdre Strunk. Motion carried.

d. Review Application Chien Yu Chen. (For Discussion and Possible Action)

Applicant requested to be tabled to October.

e. Review Application Xiuyan Di. (For Discussion and Possible Action)

Xiuyan Di was present and represented by Kirk Kennedy Nevada State Bar #5031 with interpretation services provided by Wai Mei Borgel.

Management Analyst VanHorn presented the application of Xiuyan Di to the Board. Ms. Di's massage application is before you today for review that could not be approved administratively. Ms. Di is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Mr. Kennedy addressed the Board regarding Ms. Di's previous history with the Board and asked for a probationary license with a two (2) year term.

Motioned by Bianca Smith to deny the application of Xiuyan Di based on NRS 640C.700(4) and (9) and NAC 640C.410(1)(bb), seconded by Deirdre Strunk. Motion carried.

f. Review Application Hong Yang Ostergaard. (For Discussion and Possible Action)

Management Analyst VanHorn presented the application of Hong Yang Ostergaard to the Board. Ms. Ostergaard's massage application is before you today for review that could not be approved administratively. Ms. Ostergaard is requesting to be granted a license under NRS 640C.420 and is before you today for review under NRS 640C.700.

Hong Yang Ostergaard was present and assisted by Jenny Ma, CPA.

Motioned by Bianca Smith to deny the application based on NRS 640C.700(9) and NAC 640C.410(1)(bb), seconded by Christine Garvey. Motion carried.

g. Review Application Kevin M. Zanders. (For Discussion and Possible Action)

Kevin M. Zanders was present.

Management Analyst VanHorn presented the application of Kevin M. Zanders to the Board. Mr. Zanders' massage application is before you today for review that could not be approved administratively. Mr. Zanders is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Bianca Smith to approve a probationary license for two (2) years, report any contact with law enforcement within forty-eight (48) hours, submit fingerprints and background check annually at the licensee's expense based on NRS 640C.700(3), seconded by Rebecca Dorangricchia. Motion carried.

h. Review Application Clairee S.Y. Phillips-Frazier. (For Discussion and Possible Action)

Clairee S.Y. Phillips-Frazier was present.

Management Analyst VanHorn presented the application of Clairee S.Y. Phillips-Frazier to the Board. Ms. Phillips-Frazier's massage application is before you today for review that could not be approved administratively. Ms. Phillips-Frazier 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 grant a probationary license for two (2) years, report any contact with law enforcement within forty-eight (48) hours, and submit fingerprints and background check annually at the licensee's expense based on NRS 640C.700(3), seconded by Christine Garvey. Motion carried.

6. Background Review Request per NRS 622.085 – Bixian Li (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)

Tabled until the next meeting for staff to obtain additional information.

7. Formal Hearing Joseph W. Ponticello NVMT.2728 – Case Number NVMT-C-22067 (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the voluntary surrender for 3 years of Joseph Ponticello NVMT.2728 – Case Number NVMT-C-22067 to the Board.

Mr. Ponticello was not present.

Motioned by Lorna Benedict to accept the voluntary surrender for three (3) years of Joseph Ponticello, seconded by Deirdre Strunk. Motion carried.

8. Formal Hearing Maria Batres-Amaya (Hilkey) NVMT.6004 – Case Number NVMT-R-2214. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long asked the Board to dismiss Case Number NVMT-R-2214. Ms. Batres-Amaya (Hilkey) was not present.

Motioned by Rebecca Dorangricchia to dismiss Case Number NVMT-R-2214, seconded by Bianca Smith. Motion carried.

9. Formal Hearing Jaline K. Castell NVMT.9161 – Case Number NVMT-R-2306. (For Discussion and Possible Action)

Continued to October meeting.

10. Formal Hearing Adriel A. Nunez-Gomez NVMT.9804 – Case Number NVMT-R-2320. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long asked the Board to dismiss Case Number NVMT-R-2320. Ms. Nunez-Gomez was not present.

Motioned by Bianca Smith to dismiss, seconded by Rebecca Dorangricchia. Motion carried.

11. Formal Hearing Joseph Himelstein NVMT.10070 – Case Number NVMT-B-2321. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long asked the Board to dismiss Case Number NVMT-B-2321. Mr. Himelstein was not present.

Motioned by Bianca Smith to dismiss, seconded by Lorna Benedict. Motion carried.

12. Formal Hearing Shubo Lin-Washmon NVMT.7334 – Case Number NVMT-P-2215. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented a Voluntary Surrender for three (3) years to the Board for Shubo Lin-Washmon NVMT.7334 – Case Number NVMT-P-2215. Ms. Lin-Washmon was not present.

Motioned by Bianca Smith to approve the Voluntary Surrender of Shubo Lin-Washmon, seconded by Deirdre Strunk. Motion carried with no opposition.

13. Formal Hearing Luis A. Gonzalez NVMT.11178 – Case Number NVMT-C-23051. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented a Voluntary Surrender for three (3) years to the Board for Luis A. Gonzalez NVMT.11178 – Case Number NVMT-C-23051. Mr. Gonzalez was not present and represented by legal counsel Jack Buchanan Nevada State Bar # 11069.

Motioned by Lorna Benedict to accept the Voluntary Surrender of Luis Gonzalez, seconded by Bianca Smith. Motion carried.

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.

14. *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 June 30, 2023 (see Exhibit A). (For Possible Action)*
 - b. *Discussion and possible action regarding review and acceptance of the Fiscal Year 2023 Budget verses Actual through June 30, 2023. (For Possible Action)*
 - c. *Discussion and possible action regarding review and acceptance of updated Fiscal Year 2024 Budget. (For Possible Action)*
 - d. *Discussion and possible action regarding review and acceptance of Fiscal Year 2025 Budget. (For Possible Action)*
 - e. *Discuss, amend, and approve Board meeting minutes for June 7, 2023. (For Possible Action)*

- f. Discussion and possible action regarding approval of Massage Therapy Programs meeting the criteria of NAC 640C (see Exhibit B). (For Possible Action)*

Executive Director Sandy Anderson requested to pull item c and d.
Motioned by Bianca Smith to approve items a., b., e., and f., seconded by Lorna Benedict.
Motion carried.

15. Board Counsel report. (For Discussion)

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

Nothing presented.

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

Nothing presented.

16. Executive Director Report. (For Discussion)

- a. Strategic Plan Key Indicators

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

Director Anderson introduced Ryan Huffman to the Board as the newest team member. Becky SanGregorio was also introduced as the key employee for getting the Establishment Certificate applications generated, processed and certificates issued to licensees.

- b. Other topics

- i. Status of the Jurisprudence Exam – The exam is completed and available through the Federation of State Massage Therapy Board. We can add this to any disciplinary actions.
- ii. Update from Nick Vander Poel of Flynn Guidici Government Affairs regarding the legislative session. Vander Poel provided a report to Director Anderson regarding the session. The report captured all aspects of the industry. In total 1234 Bill drafts requests, of those 1096 bills were introduced, 535 were signed by Governor Lombardo and 75 were vetoed by Governor Lombardo. Those 75 bills will be reconsidered in the next Legislative Session scheduled in 2025 depending on what happens in 2024. 295 bills did not make it through the process. For agency specific, we tracked 25 bills, 2 bills were vetoed that we will monitor for future Legislation. AB 153 regarding the Naprapathy Industry was under the Board of Health for regulation. SB 431 was the reorganization to oversee complaints and disputes in relation to Boards. It is new and we are going to watch and see how it operates. The final one, was the success story where the language from SB 270 was amended and placed into SB 161 for the Interstate Massage Compact during the final ten (10) seconds of the special

session and was approved. Nevada is officially first in the Nation to adopt the Interstate Compact.

- c. Financials, cash reserves, and anticipated upcoming expenditures.

Items and numbers will be presented on August 25, 2023. Nothing currently to present.

- 17. Discussion and possible action regarding scheduling a retreat for the October meeting to allow Board members, the new Executive Director, legal counsel, and staff to work together in person. (For Discussion and Possible Action)

Motioned by Rebecca Dorangricchia to allocate \$30K for a Board retreat date to be decided, seconded by Bianca Smith. Motion carried.

- 18. Other topics

- 19. Discussion regarding recommended future agenda items. (For Discussion)

The Chair advised Board members if there are any ideas or recommendations for speakers at the Retreat, please get them to Director Anderson.

- 20. Public comment.

None

- 21. Adjourned at 3:05 p.m.

Notices:

Items may be combined for consideration by the board. Items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and at the end of the meeting. Regarding public comment, no vote may be taken upon a matter raised under this agenda item until the matter itself has been specifically included on a future agenda as an item upon which action may be taken. (NRS 241.020). The Chair may allow comment on individual agenda items at her discretion. Public comments are limited to three (3) minutes.

The Nevada State Board of Massage Therapy may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting. Interested persons may present oral and/or written comments at the time and place of the meeting, or written comments may be sent no later than **Monday, August 7, 2023**, to the following address: **Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502**. **Supporting materials are available on the Board's website http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/** or by contacting **Sandy Anderson at 775.687.9951 or sjanderson@lmt.nv.gov or 1755 E Plumb Lane, Suite 252, Reno, NV 89502**. Documents provided to Board members during the meeting will be posted on the website after the meeting.

Persons/facilities who want to be on the mailing list must submit a written request every six months to the Board. We are pleased to make reasonable accommodations for members of the public who are disabled

and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Sandy Anderson at 775.687.9951 or sjanderson@lmt.nv.gov no later than 48 hours prior to the meeting.

In accordance with NRS 241.020, this public notice and agenda was posted on or before August 2, 2023, 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

Posting Requirements based on AB 253

How the public may attend via remote technology and telephone

Business address for me

How to obtain supporting documents on the website

Post on website not later than when provided to the members of the public body or if provided at the meeting not later than 24 hours after the meeting.

2023 Additional OML items

Must have a physical location if there is a contested case.

Public comment at the beginning and ending of each day or after deliberation and before the Board makes a decision.

DRAFT