



Nevada State Board of Massage Therapy

NOTICE OF PUBLIC MEETING

DRAFT MEETING MINUTES

LOCATIONS:

This meeting of the Nevada State Board of Massage Therapy took place online via Zoom and was available via telephone. Persons wishing to participate in the meeting were able to connect to the meeting through the link or telephone numbers below. Persons wishing to provide public comment during the meeting were able to use the links below and at the appropriate 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/88127538257?pwd=dmM4SzIlanJLN3crVm40c003ckQwQT09>

Meeting ID: 881 2753 8257

Password: 839656

SIP: 88127538257@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:

June 7, 2023, commenced at 9:01 a.m.

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

DRAFT MINUTES

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

Public Comment Agenda Item: There was a time designated at the beginning and the end of the meeting for Public Comment. Members of the general public were able to bring matters not appearing on this Agenda to the attention of the Board or make comment on specific agenda items. Public comments also were 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 would 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 9:01 a.m. on June 7, 2023, by Chair Elisabeth Barnard. Board members in attendance included Secretary/Treasurer Rebecca Dorangricchia, Lorna Benedict, Christine Garvey, Rosemarie Mueller, Bianca Smith, and Sgt. Aaron Fink with the Las Vegas Metropolitan Police Department. Additional attendees included Board Counsel Colleen Platt and Executive Director Sandy Anderson. Stephanie Tsanas joined the meeting at 9:30 a.m. Vice Chair Deirdre Strunk and John Teng were excused. Secretary Treasurer Rebecca Dorangricchia was excused at 12:42 p.m.

2. Mission Statement of the Nevada State Board of Massage Therapy – To protect the public health, safety, and welfare through effective massage therapy regulation. Insuring that qualified, competent, ethical practitioners are licensed.

Chair Barnard read the mission statement into the record.

3. Public comment – Members of the public who wish to participate in a public meeting may do so by providing public comment during the two designated public comment periods. Additionally, public comment options may include, without limitation, telephonic or email comment. Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting. The Board will not restrict comments based on viewpoint. The opportunity for public comment will be available at the beginning and ending of the meeting. (Discussion Only)

No public comment was provided.

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

4. 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 D. Fisher to the Board. Mr. Fisher's massage application is before you today for review that could not be approved administratively. Mr. Fisher 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 four (4) year probationary license, report all contract with law enforcement within forty-eight (48) hours, refraining from outcall services, must be employed and provide reports from his employer quarterly, report to the Executive Director of the Nevada State Board of Massage Therapy quarterly, submit a background check at each renewal, seconded by Rebecca Dorangricchia. Motion carried.

b. Review Application Zhongqiong Yang. (For Discussion and Possible Action)

Legal Counsel Kirk Kennedy Nevada State Bar number 5032 was present. Mr. Kennedy requested that this application review be tabled.

c. Review Application Jin Qin Deng. (For Discussion and Possible Action)

Jin Qin Deng was present and accompanied by husband Michael Fan.

Management Analyst VanHorn presented the application of Jin Qin Deng to the Board. Ms. Deng's massage application is before you today for review that could not be approved administratively. Ms. Deng 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 the application, seconded by Stephanie Tsanas. Motion passed.

d. Review Application Xiaohong Deng. (For Discussion and Possible Action)

Xiaohong Deng was present and accompanied by Zhaoxin Fan with Wendot Law Group.

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

approved administratively. Ms. Deng 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 the application, seconded by Rebecca Dorangricchia. Motion carried.

e. Review Application Li Fu. (For Discussion and Possible Action)

Li Fu was present and accompanied by translator Wai Mei Borgel and legal counsel Kirk Kennedy Nevada State Bar number 5032.

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

Ms. Smith asked that the record reflect the timeframe that the applicant had the phone number and the advertisements that were available on the internet, that this number was in use by the applicant, and that she used it on her application.

Motioned by Liz to approve the application for Li Fu, seconded by Rebecca Dorangricchia. Motion passed. Bianca Smith opposed.

f. Review Application Yunxuan Guan. (For Discussion and Possible Action)

Yunxuan Guan was present and accompanied by Wai Mei Borgel and legal counsel Kirk Kennedy Nevada State Bar number 5032.

Management Analyst VanHorn presented the application of Yunxuan Guan to the Board. Ms. Guan's massage application is before you today for review that could not be approved administratively. Ms. Guan 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(3)(4)(6) and (90, seconded by Lorna Benedict. Motion carried.

g. Review Application Xingji Jiang. (For Discussion and Possible Action)

Xingji Jiang was present and accompanied by interpreter Dan Chen.

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

Motioned by Christine Garvey to deny based on NRS 640C.700(1)(11), seconded by Bianca Smith. Motion passed.

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

Aihua Yuan was present and accompanied by interpreter Wai Mei Borgel and legal counsel Kirk Kennedy Nevada State Bar number 5032. Mr. Kennedy called Xiaoyue Deng Utah License 9535401-4701 Issued 10/06/2015 5/31/2025 and Nevada Massage Therapy License number NVMT.8080 to provide information.

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

Motioned by Liz to approve the application of Aihua Yuan, seconded by Rosemarie Mueller. Motion passed. Bianca Smith and Lorna Benedict opposed.

i. Review Application Jian Fei Zeng. (For Discussion and Possible Action)

Jian Fei Zeng was present and accompanied by interpreter Wai Mei Borgel and legal counsel Kirk Kennedy Nevada State Bar number 5032.

Management Analyst VanHorn presented the application of Jian Fei Zeng to the Board. Ms. Zeng's massage application is before you today for review that could not be approved administratively. Ms. Zeng 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(4), seconded by Lorna Benedict. Motion carried.

5. Background Review Request per NRS 622.085 – Peng 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)

Motioned by Bianca Smith that the criminal history does not disqualify, seconded by Rosemarie Mueller. Motion passed.

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.

6. *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 April 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 April 30, 2023. (For Possible Action)*

- c. Discuss, amend, and approve Board meeting minutes for March 22, 2023. (For Possible Action)*
- d. Discuss, amend, and approve Board meeting minutes for March 30, 2023. (For Possible Action)*
- e. Discuss, amend, and approve Board meeting minutes for May 15, 2023. For Possible Action)*

Motioned by Bianca Smith to approve items as presented, seconded by Christine Garvey. Motion carried.

- 7. Board Counsel report. (For Discussion)

Board counsel did not provide a report

- 8. Executive Director Report. (For Discussion)

- a. Strategic Plan Key Indicators

Licensure and renewals - Management Analyst VanHorn provided information regarding the Licensing Teams activity during 2022. The Board issued 210 new licenses and renewed 1555 licenses.

Inspection Team calendar year-to-date key indicators – The inspection team has completed inspections at 38.7% of the establishments statewide.

Investigations – Staff has opened 55 investigations year-to-date and closed 54. The average processing time is 33 days.

- b. Other topics

The IMPact was adopted by the Legislature as part of SB 161.

The Executive Director advised the Board that she will be retiring during fiscal year 2024 after she completes her obligation to serve on the Board of Directors for the Federation of State Massage Therapy Boards which will be complete on September 30, 2023 and finalizing the annual audit.

- 9. Discussion and possible action regarding the twelve percent (12%) cost of living increase provided to state employees as authorized in AB 522 Section 3 effective July 1, 2023, and the four percent (4%) cost of living increase effective July 1, 2024, and adoption of the Department of Administration compensation tables incorporating the cost-of-living increases as well as the appropriate adjustments for the Public Employees Retirement System contributions. (For Discussion and Possible Action)

Motioned by Bianca Smith to approve the twelve percent (12%) cost of living increase provided to state employees as authorized in AB 522 Section 3 effective July 1, 2023, and the four percent (4%) cost of living increase effective July 1, 2024, and adoption of the Department of Administration compensation tables incorporating the cost-of-living increases

as well as the appropriate adjustments for the Public Employees Retirement System contributions, seconded by Stephanie Tsanas. Motion passed.

10. Discussion and possible action regarding the reinvestment of the City National Securities certificate of deposit. (For Discussion and Possible Action)

The Executive Director advised the Board that the funds have not been deposited into a CD at this time. The current interest rate on the account is 4.1%. If a certificate of deposit that meets the state standards and is short term becomes available, the funds will be transferred at that time.

11. Discussion and possible action regarding FARB Regulatory Law Seminar September 21 through 23, 2023, in Chicago, Illinois. (For Discussion and Possible Action)

The Board's budget was built to allow for two (2) attendees. The Board selected Chair Barnard and Board Counsel Platt to attend.

12. Discussion and possible action regarding selection of the delegate to represent the Board at the Federation of State Massage Therapy Boards' Annual Meeting September 28th through 30th, 2023 in San Diego, California. (For Discussion and Possible Action)

Motioned by Bianca Smith to designate Elisabeth Barnard as the delegate and for Bianca Smith to attend, seconded by Elisabeth Barnard. Motion carried.

13. Discussion and possible action regarding developing a succession plan for the employment of a new Executive Director including, without limitation, identifying how recruitment for the position will be completed. (For Discussion and Possible Action)

Motioned by Bianca Smith to implement Sandy and Colleen as the recruitment committee; they shall post the job recruitment for 30 days; they will make the initial cuts; and they shall select not less than three nor more than 5 individuals to appear before the board, seconded by Rosemarie Mueller. Motion carried with no opposition.

14. Discussion and possible action regarding defining sexual misconduct. (For Discussion and Possible Action)

Board Counsel Platt reviewed the sexual misconduct regulations for the State of Washington medical providers as compared to NAC 640C.410 and shared the findings with the Board.

15. Discussion and possible action regarding the feasibility of the Newsletter. (For Discussion and Possible Action)

Item was discussed. No action was taken.

16. Discussion and possible action regarding whether to continue to require the Executive Director to provide Monthly Updates to the Board, which include, without limitation, documentation of all measurable activities assigned to the Executive Director, travel plans for the Executive Director, and other goals and objectives assigned to the Executive Director based on the strategic plan. (For Discussion and Possible Action)

No change was made at this time.

17. Discussion and possible action regarding shifting from printed paper and plastic licenses to a self-printing system. (For Discussion and Possible Action)

Management Analyst VanHorn provided information regarding the cost savings.

18. Other topics

Update from all the legislative activity.

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

20. Public comment.

David Otto NVMT.103 provided public comment regarding minors receiving massage including a form/waiver provided by the Board.

21. Adjourned at 4:09 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, this public notice and agenda was posted on or before June 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