



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 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/85832292435?pwd=WDJhN1F6ZzF4WWYwZjFrZU9ZRitmUT09>

Meeting ID: 858 3229 2435

Password: 091855

SIP: 85832292435@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:

January 18, 2023, commenced at 9:00 a.m.

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

MINUTES

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

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

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

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

The meeting was called to order at 9:01 a.m. on January 18, 2023, by Chair Elisabeth Barnard. Board members in attendance included Vice Chair Deirdre Strunk, Secretary-Treasurer Rebecca Dorangricchia, Lorna Benedict, Christine Garvey, Rosemarie Mueller, John Teng, Stephanie Tsanas, and Sgt. Aaron Fink with the Las Vegas Metropolitan Police Department participated telephonically. Bianca Smith joined the meeting at 9:57 a.m. and left the meeting at 10:30 a.m. Ms. Smith rejoined the meeting at 11:43 a.m. Additional attendees included Senior Deputy Attorney General Sophia Long, Board Counsel Colleen Platt, and Executive Director Sandy Anderson.

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)

Robert Seelye made a comment regarding how he received his renewal license via the United States Postal Service since COVID. He started the process in November, and he doesn't think that the postal service has been very reliable. Somewhere between Reno and Las Vegas the license got lost. He doesn't have a printer, and he had to jump through a lot of hoops because he didn't receive the original license to provide to his employer. He had to get an affidavit form, a \$45.00 money order, copy of license, plus the cost to mail to Reno of \$12.00, and it cost \$30.00 to have the license returned to him. He stated his license was never mailed to him. He has never had to track down so much mail. He would rather pay a little bit more to be able to rely on receiving the license.

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

4. Introduction and appreciation of Board members (For Discussion)

a. Rosemarie Mueller representing Washoe County. (For Discussion)

Chair Barnard introduced Rosemarie Mueller and welcomed her to the board; although she had attended the Special Meeting in December, this was her first scheduled meeting.

b. Presentation of appreciation for the work of former Board member Robert "Bob" Oliver. (For Discussion)

Chair Barnard thanked Mr. Oliver's wife for his service to the industry and the Board and presented her with a plaque commemorating the Board's appreciation.

5. Request for Early Termination of Probation Shawna M. McMillan license number NVMT.9561. (For Discussion and Possible Action)

Management Analyst VanHorn presented the request for early termination of probation of Shawna McMillan to the Board. Ms. McMillan's probation termination application is before you today for review. In September of 2018, Ms. McMillan was granted a probationary license with a six-year probation term. Ms. McMillan has maintained a satisfactory probation over the four (4) years since her approval. Ms. McMillan is requesting early termination of probation based on completion of sentencing requirements and granted an un-restricted massage license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Shawna McMillan was present and addressed the Board.

Motioned by Christine Garvey to grant the request for early termination of probation for Shawna McMillan, seconded by Lorna Benedict. Motion carried with no opposition.

6. Application Review. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

a. Review Application Jajuane D. Fisher. (For Discussion and Possible Action)

Jajuane D. Fisher was present.

Item was tabled at the October Board meeting until completion of criminal case. The case was continued, and the item remained tabled until completion.

b. 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) DUI conviction, 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 Lorna Benedict to deny the massage license application of Chaquita Kelly based on past criminal history, seconded by Stephanie Tsanas. Motion carried unanimously.

c. Review Application Karen L. Katzmark. (For Discussion and Possible Action)

Karen L. Katzmark was not present and decided as of January 18, 2023, to withdraw her application.

d. Review Application Yaqin Zhang Villanueva. (For Discussion and Possible Action)

Yaqin Zhang Villanueva was not present.

Management Analyst VanHorn presented the application of Ms. Villanueva to the Board Ms. Villanueva's massage application is before you today for review that could not be approved administratively. Ms. Villanueva was arrested on October 23, 2013, for solicitating prostitution by Las Vegas Metropolitan Police Department (LVMPD) while working at Japanese Spa. The case was dismissed after the diversion requirements were met or completed on July 16, 2014. At the time of the arrest Ms. Villanueva was not licensed to practice massage. Ms. Villanueva failed to answer the application screening questions appropriately. Ms. Villanueva is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Lorna Benedict to deny the application of Yaqin Zhang Villanueva, seconded by Deirdre Strunk. Bianca Smith abstained. Motion carried with no opposition.

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

Hearing was continued to March.

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

Senior Deputy Attorney General Sophia Long presented a Voluntary Surrender for three (3) years to the Board for Yan Guan NVMT.9302 – Case Number NVMT-C-22018. Ms. Guan was not present.

Motioned by Deirdre Strunk to accept the Voluntary Surrender of Yan Guan, seconded by Lorna Benedict. Motion carried with no opposition.

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

Senior Deputy Attorney General Sophia Long presented a Settlement Agreement to the Board for Dongxing Qui NVMT.10695 – Case Number NVMT-C-21051 including suspension for twelve (12) months, Administrative Fees of \$770 payable within thirty (30) days of the Order, complete Federation of State Massage Therapy Boards (FSMTB) Regulatory Education and Competency Hub (REACH) courses Ethics – Professional Relationships: Sexual Boundaries and Human Trafficking within thirty (30) days of the Order, and Fines of \$5,000 payable within thirty (30) days of the Order. Mr. Qui was not present

Motioned by Rebecca Dorangricchia to accept the Settlement Agreement, seconded by Deirdre Strunk. Motion carried with no opposition.

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

Senior Deputy Attorney General Sophia Long asked the Board to dismiss Case Number NVMT-P-2220 regarding Guoli Song NVMT.10890. Ms. Song was present.

Motioned by Elisabeth Barnard to dismiss Case Number NVMT-P-2220, seconded by Deirdre Strunk. Motion carried with no opposition.

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.

11. *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, 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 November 30, 2022. (For Possible Action)*

- c. *Discuss, amend, and approve Board meeting minutes for October 26, 2022. (For Possible Action)*
- d. *Discuss, amend, and approve Board meeting minutes for December 17, 2022. (For Possible Action)*
- e. *Discussion and possible action regarding approval of Massage Therapy Programs meeting the criteria of NAC 640C (see Exhibit B). (For Possible Action)*

Motioned by Bianca Smith to approve the consent agenda items, seconded by Lorna Benedict. Motion carried.

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

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

Senior Deputy Attorney Sophia Long shared information from the training at the Federation of Associations of Regulatory Boards (FARB) Regulatory Law Seminar including key takeaways regarding sexual misconduct, advisory opinions, public records requests, document confidentiality, and portability between states.

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

None provided

13. 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. The Board has issued 540 new licenses and renewed 2,268 licenses resulting in a total of 2,808 licensees.

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

Investigator Brunner advised the Board that the Inspection Team hit 108% completion rate due to additional establishments being added during 2022. In January the team removes the out-of-business and massage not offered locations from the routes resulting in a total number of establishments going into 2023 of 868.

Inspector SanGregorio started completing outcall inspections for 2023 and plans to complete all 364 prior to the June meeting.

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

Investigator Brunner shared that 80 investigations were closed 2022 and that 18 remain open.

b. Other topics

- i. Senior Deputy Attorney General Sophia Long and Executive Director Anderson attended the National Convening: Human Trafficking in Illicit Massage held in Los Angeles January 11th and 12th. During the convening the focus was on addressing the criminal enterprise behind the illicit massage establishments. Staff and Ms. Long will continue to work with local law enforcement to address these issues.

c. Financials, cash reserves, and anticipated upcoming expenditures

The cash reserves required by policy remain in the positive. The Executive Director advised the Board that she does not recommend approval of any additional expenditures at this time.

14. Discussion and possible action regarding the status of the Bill Draft Request approved at the December 17, 2022 Board Meeting and progress of the Interstate Massage Compact (IMpact). (For Discussion and Possible Action)

Nick Vander Poel with Flynn Giudici Government Affairs shared information regarding his progress facilitating the BDR.

Garvey asked for information regarding the Governor's Executive Order involving boards. The new administration wants to cut red tape for individuals getting into the workforce. With the assistance of Ms. Platt, Flynn Giudici Government Affairs, and Director Anderson can provide the Governor's Chief of Staff Ben Kieckhefer a memorandum regarding the need for additional regulations or removal of existing regulations. Flynn Giudici Government Affairs is scheduled to have a conversation with Chief of Staff Kieckhefer to confirm what is expected from the Board of Massage Therapy.

Board Counsel Platt addressed the impact of the Executive Order on the Board and explained that staff and counsel had reviewed the regulations previously.

The Executive Director shared that the Associated Bodywork and Massage Professionals (ABMP) has provided a letter in support of the compact approval in Nevada.

15. Discussion and possible action regarding delegating to Board staff, attorney, and lobbyist working on the BDR and testifying on behalf of the Board during the 2023 Legislative Session. (For Discussion and Possible Action)

Motioned by Elisabeth Barnard to delegate the Executive Director, Colleen Platt, and Flynn Giudici Government Relations to testify on behalf of the Board regarding our BDR during the 2023 Legislative Session, seconded by Christine Garvey. Motion carried with no opposition.

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

Bianca Smith informed the Board that the Committee is ready to move forward with the Newsletter in the first quarter of 2023.

17. Discussion and possible action regarding request from a member of the public to add an additional exemption to NRS 640C.100 “(i) A person who performs a back, shoulder, or neck rub in a licensed erotic dance establishment”. (For Discussion and Possible Action)

Katrina Cassara provided a statement and answered questions regarding the request for the additional exemption.

Chair Barnard asked the Board if anyone was interested in moving forward with this exemption. No action was taken.

18. Other topics
19. Discussion regarding recommended future agenda items. (For Discussion)

Agenda items 18 and 19 were combined.

Adding additional items that define sexual activity to NAC 640C.400(1)-(19)

20. Public comment.

Laura Embleton National Government Relations Representative for the Associated Bodywork and Massage Professionals (ABMP) commented on the discussion regarding the exemption and advised the Board that she is not aware of any jurisdictions that give the exotic dancers an exemption.

21. Adjourned at 12:01 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 January 13, 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