



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 below or telephone numbers below. Persons wishing to provide public comments during the meeting were able to use the links below, and at the appropriate time, the Board Chair called on people wishing to make public comments.

<https://us06web.zoom.us/j/89508631982?pwd=ZEt1eGRScldHME5TNTThhajN3SjRMZz09>

Meeting ID: 895 0863 1982

Password: 498438

SIP: 89508631982@zoomcrc.com

Telephonic access to this meeting was available by dialing the number below based on the location closest to the 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:

March 30, 2023, commencing at 9:13 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 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 comments 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 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 9:13 a.m. on March 22, 2023, by Chair Elisabeth Barnard. Board members in attendance included Secretary-Treasurer Rebecca Dorangricchia, Lorna Benedict, Christine Garvey, Rosemarie Mueller, Bianca Smith, and John Teng. Additional attendees included Chief Deputy Attorney General Rosalie Bordelove as Board Counsel, Senior Deputy Attorney General Sophia Long as Prosecutor, and Executive Director Sandy Anderson. Board members Vice Chair Deirdre Strunk, Stephanie Tsanas, and Sgt. Aaron Fink with the Las Vegas Metropolitan Police Department 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 point of view. The opportunity for public comment will be available at the beginning and end of the meeting. (Discussion Only)

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

4. Continuation of formal hearing regarding Thomas W. Maher NVMT.1717 – Case Number NVMT-C-21086. (For Discussion and Possible Action)

Minutes of the hearing are available by contacting Litigation Services, 151 Country Estates Circle, Reno, Nevada 89511 or by calling (702) 314-7200.

Chief Bordelove advised the Board on how to proceed with deliberation.

The Board held discussion regarding each count individually.

Count 1 – By performing adjustments to Ms. Young without informing her or getting consent, and/or practicing outside the scope of practice for a massage therapist, Respondent violated NRS 640C.700(9).

The Board discussed the evidence provided to substantiate Count 1 and the relevance to massage therapy as defined in NRS 640C.060 and the exclusion defined in NRS 640C.060(2)(a).

Motioned by Bianca Smith that Count 1 did occur based on a preponderance of the evidence provided. Seconded by John Teng. Motion carried.

Count 2 – By performing cupping to Ms. Young without informing her or getting consent, Respondent violated NRS 640C.700(9).

Motioned by Chris Garvey that Count 2 did occur by a preponderance of the evidence provided on the two (2) days of the hearing. Mr. Maher did not ask for nor did Ms. Young consent. Seconded by Rebecca Dorangricchia. Motion carried. Bianca Smith opposed.

Count 3 – By performing elbow and ankle adjustments to Ms. Perusse without informing her or getting consent, and/or practicing outside the scope of practice for a massage therapist Respondent violated NRS 640C.700(9).

The Board discussed the relevance of NRS 640C.060(1)(d) and (2)(a).

Motioned by Bianca Smith that there was a violation of law Count 3 by providing elbow and ankle adjustments that Count 3 did occur. Seconded by Lorna Benedict. Motion carried.

Count 4 – By scraping and stripping Ms. Perusse’s hamstrings causing Ms. Perusse to feel pain and nauseated and continuing to do so even after Ms. Perusse told him to “back off”, Respondent violated NRS 640C.700(9).

Motioned by Bianca Smith that Count 4 had not been proven, seconded by Rosemarie Mueller. Motion carried. John Teng opposed.

Motioned by Bianca Smith to suspend the license of Mr. Maher for 90-days, assess fines of \$500 per count for a total of \$1,500, require twelve (12) hours of continuing education offered by an approved provider in the topics of ethics and communication, and pay fees not to exceed \$8,000. Seconded by Rosemarie Mueller. Motion carried.

5. Public comment.

Denise Bolanos provided public comment regarding Mr. Maher's practice of sitting his clients up while disrobed and that as a licensee he is in charge of multiple other people and that should have weight.

6. Adjourned at 5:23 p.m.

In accordance with NRS 241.020, this public notice and agenda was posted on or before Monday, March 27, 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