



Nevada State Board of Massage Therapy

NOTICE OF PUBLIC MEETING

And

NOTICE OF WORKSHOP FOR PROPOSED REGULATION
MEETING MINUTES

LOCATIONS:

This meeting of the Nevada State Board of Massage Therapy will take place online via Zoom, available via telephone or by visiting 1755 E. Plumb Ln. Ste 254, Reno, NV 89502. 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 is available by registering for this meeting online:

<https://us06web.zoom.us/j/84878671765?pwd=1jDPyqwgoJ9u5wdb5lR7RikofUZue0.1>

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

Meeting ID: 848 7867 1765

Passcode: 494459

SIP: 84878671765@zoomcrc.com

Telephonic access to this meeting is 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 (Washington DC)

+1 312 626 6799 US (Chicago)

DATES AND TIMES:

January 30, 2024, commencing at 9:00 a.m.

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

MEETING 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 will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Elisabeth Barnard at 775.687.9951 (ebarnard@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 9:01 a.m. on January 30, 2024, by Chair Rebecca Dorangricchia. Board members in attendance included Vice Chair Deirdre Strunk, Secretary-Treasurer Bianca Smith, Lorna Benedict, Christine Garvey, Rosemarie Mueller, Stephanie Tsanas, John Teng, Paula Wilber. Additional attendees included Deputy Attorney General Ziwei Zheng as Prosecutor, Colleen Platt as Board Counsel, and Executive Director Elisabeth Barnard. Strunk left the meeting at 11:00 am, returning at 11:43 am.

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 Dorangricchia 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)

Carri Arata, applicant, made comments expressed in her letter submitted to the Executive Director prior to the meeting and requested the letter be submitted as her public comment.

Dear Nevada State Board of Massage Therapy,

I am writing this letter asking you to reconsider your decision in denying my application for a massage license and to open my original application up for approval (after I get a Utah license)

I have spoke to multiple staff members in the office about completing the list to be approved for my massage license in Nevada beginning in May 2023.

Since Liz has been the Executive Director I have been in communication with her and she has provided me so much help. I am so grateful for Liz! But of course her help came after I had been denied.

At the end of September, I spoke with Sandy. She said the board would only approve me if I would get my Colorado license reinstated. I did some research, and to do this, I would need to complete 24 CEU's and get a separate background check. I called the board again at the beginning of October and spoke with Sandy and she said take October to complete the CEU's. I did this and at the end of October I sent in my application for Colorado license, which included the \$97 processing fee.

I then called the board on November 1st to check in like we agreed to let them know I completed the 24 CEU'S but now need a background check and the closest place to do this was in Sacramento, CA. And that I would try and get an appointment in the next two weeks. I was speaking with Thereza this time and she said, don't bother we are just going to deny you because you're taking too long.

Here's where I'm really confused. I was taking the steps to complete the tasks asked of me as fast as humanly possible. Remember I am working and commuting to Truckee, Ca to a spa where I can legally practice massage. It's a 40-minute commute each way, as long as there's no traffic, construction or weather. Plus, this is the timeline that was agreed upon. How could I have been taking too long? What could I have done differently?

Then what's even worse, in November I was told that even if I got my Colorado license reinstated, the Nevada state board wouldn't accept it after all. I literally spent all my extra time in the month of October to complete the CEU's. I had no time to advertise my private practice doing Akashic readings let alone be able to see clients.

The process to get my license in Nevada began in May 2023. I didn't get an answer until the very end of September 2023, just to be told the wrong information. It is now the end of January 2024. I have been spinning my wheels trying to get my license here in Nevada. And asking for help the entire way. Just to be told wrong information.

This is an unacceptable way to treat someone who is applying for a license for make a living.

This process has negatively affected me financially, physically and emotionally.

All the money I spent on the process to get this license, pay to get the Colorado license, now to get a Utah license and take the necessary courses required to get a Utah license. (Utah requires one to take CPR and First Aid plus some sanitation courses which I will need to pay for. There are no sanitation courses offered on AMTA)

I had to close my office because I need both aspects of my business, physical and energetic, to be able to have a physical office. I never imagined getting a license would take this incredibly long and then be denied. Again, I had absolutely no time to see clients in October, so I lost money that month.

Having a physical space to see clients really incorporates me into the local community, too. I lead a Soul Sisterhood group for women here in Reno every month where we get together and connect. We were meeting at my office which had a perfect lobby for small groups. The larger group, The Women of Reno Social Group, I am very active in, too.

My anxiety went through the roof during this process. I normally have low blood pressure, but my blood pressure was so high I couldn't receive anesthesia at the dentist in November to receive a much-needed treatment. I am under perio- maintenance and I need to receive deep cleanings to keep my gums healthy.

Honestly, I'm exhausted from all the wheel spinning and hoops I need to jump through just to be able to make a living in my field which I have 23 years' experience in and 900 hours of education. The Nevada board couldn't accept the format of my school. I understand, with help from Liz who has been explaining so much to me, that this is a legal matter and hands are tied.

Moving forward, for anyone else who may come up against this, please add an addendum or solution for new applicant in a timely manner. There are many massage therapists still in practice who began their careers before Nevada had a licensing board. I want to change along with the state I live in and see value in having a licensing board.

About halfway through my career, at age 40, I began looking into ways to continue to work in the massage field that would be sustaining to me financially and physically. I found a post operative clinic in Denver and got certified in post operative care which includes manual lymphatic drainage. This type of body work, which is easier on hands/joints alongside with my Akashic reading/guided meditation/breathwork facilitating I was thinking about my future and setting myself up to be able to work up to retirement.

Post operative and manual lymphatic drainage therapists are lacking here in Reno. My skills would be highly valued and needed here.

I moved back to this area from Colorado in July 2020 during the pandemic. My parents and siblings live in Reno and I knew I wanted to be near my family just in case anything was to happen to any of us. Life was full of questions and not knowing what will happen next. This area has always had my heart even before my parents moved to Truckee permanently when I went to college in 1991. I always knew I'd come back. Never would have thought during a global pandemic. (toughest move ever). Now that I'm here, I'm wanting to take part in all Reno has to offer, and also be able to offer my much-needed skill set and make a living in my career.

Thank you for taking the time to read this letter.
Sincerely,
Carri Arata

No other public comment was provided.

4. Introduction of new Board members (For Discussion)
 - a. Paula Wilber representing any county other than Clark or Washoe. (For Discussion)

Chair Dorangricchia introduced Paula Wilber as the new Board Member appointed to represent the rural counties.

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 Antoinette M. Parker. (For Discussion and Possible Action)

Antoinette M. Parker was present with Karl Hahn as a character reference.

The Board reviewed Ms. Parker's application and asked for clarification on her history after she and Mr. Hahn provided a statement.

Motioned by Benedict to deny the application, seconded by Garvey. Motion passed with Smith opposed.

- b. Review Application Xiaoyan Wang. (For Discussion and Possible Action)

Xiaoyan Wang was present, along with legal representation Kirk Kennedy. Wai-Mei Borgel was present as interpreter.

The Board reviewed Ms. Wang's application and asked for clarification of her history after Kenedy provided a statement on his client's behalf.

Motioned by Smith to deny the application, seconded by Garvey. Motion carried unanimously.

- c. Review Application Ping Zhang. (For Discussion and Possible Action)

Ping Zhang was present, along with legal representative Kirk Kennedy. Wai-Mei Borgel was present as interpreter.

The Board reviewed Ms. Zhang's application and asked for clarification of her history after Kenedy provided a statement on his client's behalf.

Motioned by Garvey to approve the application and immediately place the license on probation for four years with the following restrictions: only chair massage in a public setting allowed, no outcall, report all contact with law enforcement within 48 hours, employer(s) to provide quarterly reports, annual background check at licensee's expense, take two additional hours of continuing education on ethics that will not count towards renewal requirements. Seconded by Benedict. Motion passed with Smith opposed.

6. Formal Hearing Jialin Liu NVMT.10634 – Case Number NVMT-C-23021. (For Discussion and Possible Action)

Ms. Liu was not present.

Deputy Attorney General Ziwei Zheng presented the voluntary surrender for three (3) years of Jialin Liu NVMT.10634 – Case Number NVMT-C-23021 to the Board.

Smith motioned to accept the voluntary surrender of NVMT.10634, seconded by Benedict. Motion carried unanimously.

7. Formal Hearing Wenting Li NVMT.10777 – Case Number NVMT-C-23075. (For Discussion and Possible Action)

Ms. Li was not present; her legal representative Kirk Kennedy was present.

Deputy Attorney General Ziwei Zheng presented the voluntary surrender for three (3) years of Wenting Li NVMT.10777 – Case Number NVMT-C-23075 to the Board.

Smith motioned to accept the voluntary surrender of NVMT.10777, seconded by Tsanas. Motion carried unanimously.

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.

8. *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, 2023 (see Exhibit A). (For Possible Action)*
 - b. *Discussion and possible action regarding review and acceptance of the updated Fiscal Year 2024 Budget versus Actual through December 31, 2023. (For Possible Action)*
 - c. *Discussion and possible action regarding review and acceptance of updated Fiscal Year 2025 Budget. (For Possible Action)*
 - d. *Discuss, amend, and approve Board meeting minutes for November 9, 2023. (For Possible Action)*
 - e. *Discussion and possible action regarding updates to the list of substantially equivalent states listed on the website per Section 5 of LCB File No. R128-20. (For Possible Action)*

Motioned by Smith to approve items 8 a. through e. as presented, seconded by Strunk. Motion carried unanimously.

9. Board Counsel report. (For Discussion)

Board counsel had nothing to report.

10. Executive Director Report. (For Discussion)

Barnard stated that the license numbers in the most recent Board update were still current. 5462 total active licenses, 5412 Massage licenses, 33 Reflexology licenses, and 17 Structural Integration licenses. In December there were 67 new and 72 renewed licenses issued. The licensing team is current on processing.

Investigator Brunner informed the Board that the Inspection Team is anticipating similar numbers as last year, with 865 establishments in the State and 360 licensees indicating they offer outcall services for 2024.

Investigator Brunner also reviewed the investigation numbers. She compared to 2022 when there were 80 closed investigations to 2023 with 113 closed investigations with no explanation in the increase in number of complaints. As of the meeting there have been twelve new investigations for 2024.

Barnard will provide a more thorough update on other topics at the next meeting.

11. Discussion and Possible Action regarding updated and new Board policies. (For Discussion and Possible Action)
 - a. 1.5.1 Travel and Per Diem
 - b. 2.3.1 Ethical Behavior
 - c. 2.8.1 Secondary Employment
 - d. 2.9.1 Remote and Telework
 - e. 3.1.1 Compensation and Benefits
 - f. 4.2.1 Board Owned Computers and Information Technology Systems
 - g. 6.1.1 Board Responsibility for Records

Motioned by Smith to approve updated Board Policies for items 11 a., b., e., f., and g., seconded by Benedict. Motion passed unanimously.

Barnard provided an explanation to the Board of why items 11 c. and d. were being presented. The Board discussed their preference to allow the current Executive Director discretion to allow exemptions to be reflected on the new policies.

Motioned by Smith to approve with the discussed changes, seconded by Garvey. Motion passed unanimously.

12. Discussion and Possible Action regarding granting the Executive Director administrative authority to approve applications for licensure with positive criminal backgrounds that are older or do not impact the safety of the public practice of Massage Therapy, Structural Integration, or Reflexology. (For Discussion and Possible Action)

Barnard provided the Board with an explanation of the request, to help assist with decreasing the time for a new application to be approved, in cases where an older positive background that could be brought to the Board under NRS 640C.700 does not present a perceived risk to protecting the public.

Motioned by Garvey to authorize the current Executive Director to administratively approve applications with qualifying criminal history of misdemeanors or gross misdemeanors older

than ten years, with a report of the number approved each month provided to the Board in the monthly update. Seconded by Wilber. Motion carried unanimously.

13. Discussion and Possible Action regarding future changes to NRS 640C. (For Discussion and Possible Action)

Item tabled.

14. Workshop for proposed regulatory changes to NAC 640C. (For Discussion and Possible Action)

Board Counsel Platt provided an overview of the document with possible changes, reflecting prior Board discussions, as well as staff input.

Dr. Thomas Kenny of Northwest Career College provided testimony about the projected impacts of the US Department of Education Title IV changes. The massage program is currently 800 hours, if the Board does not increase the education hours required to qualify for a massage license to 600 hours or more, their program will have to gain approval as a completely new program, interrupting student's ability to get financial aid, and will no longer qualify for Pell Grants.

Kelly Wuest, Director of Commission on Postsecondary Education spoke regarding the number of massage education programs in the state and what their current hours are.

Ashley Hernandez with the Federation of Massage Therapy Boards explained the Entry Level Analysis Project (ELAP) that supports a minimum massage education requirement of 625 hours.

Teresa Brooks with Truckee Meadows Community College provided testimony on the impact of the Title IV funding changes on TMCC's Massage programs.

The Board discussed possible changes in each section presented.

Tsanas asked to have reflexologist included in the requirement for continuing education on human trafficking and ethics, as found in Section 8 of LCB File R128-20.

The Board discussed adjusting the minimum hours stated in NAC 640C.052 to obtain a massage therapy license and agreed that raising the standard to 625 hours will allow new graduates to be eligible for a Compact License once the Interstate Massage Compact is formed upon graduation, the increase will also allow schools with students reliant on Federal Education Loan and Grant programs to continue to qualify for funding. The Board further supported the increase in hours to match the evidence provided by the ELAP shown to properly prepare those new to the profession and thereby helping to ensure public safety. They further agreed to change the distribution of hours to be 345 hours of hands-on instruction in courses of massage therapy, assessment, theory and application instruction, which must include at least 80 hours in clinical instruction and 280 hours in pathology, business, ethics, anatomy, physiology, kinesiology, and any other courses the program deems necessary.

Discussion regarding proposed change to NAC 640C.340 the Board requested that in addition to equal treatment to all regarding possible exposure of a client's breast, that draping would be required even if a waiver was signed per NRS 640C.700(4)(c).

The Board agreed to add a section defining moral turpitude as meaning any conviction of a felony or gross misdemeanor within the immediately preceding 10 years.

Discussion was held about the possibility of no longer accepting the ITEC Examination administered by the International Therapy Examination Council as an approved exam due to concerns over the administration of the exam, the testing environment being at the school, and that the examination is not accepted in any other states. The Board agreed to remove acceptance of the ITEC exam to meet licensure requirements.

15. Discussion and Possible Action regarding American Massage Therapy Association's Position on the Interstate Massage Compact. (For Discussion and Possible Action)

Item tabled.

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

No future agenda items were discussed.

17. Public comment.

David Otto, NVMT.103, expressed his thanks for all the hard work of the Board that day and shared that WI, VA, KY, and NY have added potential legislation to join the Interstate Massage Compact.

18. Adjournment

The meeting was adjourned at 3:44 pm.

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, January 28, 2024**, 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/2024/2024_Board_Meetings/ or by contacting **Elisabeth Barnard at 775.687.9951 or ebarnard@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 Elisabeth Barnard at 775.687.9951 or ebarnard@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 January 15, 2024, 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
State Library and Archives
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