



Nevada State Board of Massage Therapy

NOTICE OF PUBLIC MEETING

MEETING MINUTES

LOCATIONS:

This meeting of the Nevada State Board of Massage Therapy took place online via Zoom, or via telephone or by visiting 1755 E. Plumb Ln. Ste 254, Reno, NV 89502. Persons wishing to participate in the meeting were able connect to the meeting through the link below or telephone numbers below. Persons wishing to provide public comment during the meeting could use the links below and at the appropriate time, the Board Chair called on persons wishing to make public comment.

Virtual access was available for this meeting online:

<https://us06web.zoom.us/j/87910447853?pwd=B8PbS0eOO8NBSdiVIBkcPaVSL3g4sV.1>

Meeting ID: 879 1044 7853

Passcode: 071458

SIP: 87910447853@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 (Germantown)

+1 312 626 6799 US (Chicago)

DATES AND TIMES:

September 11, 2024, commenced 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 were made to assist and accommodate individuals with disabilities who wish to attend the meeting by contacting Elisabeth Barnard at 775.687.9951 (ebarnard@lmt.nv.gov), in advance, so that arrangements may 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 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 was 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 desired, the matters may be placed on a future Agenda for action. In consideration of others who may also wish 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 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 9:10 a.m. on September 11, 2024 by Chair Rebecca Dorangricchia. Board members in attendance included Vice Chair Deirdre Strunk, Secretary-Treasurer Paula Wilber, Rosemarie Mueller, Bill Schoen, Stephanie Tsanas, and Jenn Ty. Additional attendees included Board Counsel Colleen Platt and Executive Director Elisabeth Barnard. Lorna Benedict, John Teng, and Sergeant Antonio Scott with the Las Vegas Metropolitan Police Department were all 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 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)

No general public comment was received in advance of the meeting, no meeting participants offered any public comment.

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 Victoria Yang. (For Discussion and Possible Action)

Victoria Yang was present. Kirk Kennedy was present as Ms. Yang's legal counsel. Wei Mei Borgel was present as interpreter.

The application of Ms. Yang was presented for review by the Board.

Ms. Yang provided testimony and Board members asked her questions.

Motioned by Wilber, to approve the application and immediately place the license on probation for a term of four (4) years, Yang will be restricted to chair massage only for the first year; restricted from providing outcall massage for the term of probation; she is present all job offers to Board staff to review; licensee's employer required to provide reports to the Board every six months basis; licensee to complete a background check at her expense at her renewals, to report any contact with law enforcement withing 48 hours, seconded by Tsanas. Motion carried with Schoen opposed.

5. Background Review Request per NRS 622.085 - Obdulio Recinos-Mejia (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)

Mr. Recinos-Mejia was not present.

The Board reviewed the background of the petitioner.

Schoen motioned to the background disqualifies the petitioner from obtaining a license. Seconded by Mueller. Motion carried.

6. Background Review Request per NRS 622.085 – Yanzhen Jiang (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)

Yanzhen Jiang was present. Interpreter Catherine Li was present.

The Board reviewed the background presented for Jiang.

Strunk motioned that Jiang's background does not disqualify her from obtaining a license. Seconded by Wilber. Motion carried with Mueller, Schoen, and Tsanas opposed.

7. Discussion and possible action regarding reconsideration of the Board's action taken at its meeting November 9, 2023, regarding Li Hui He NVMT.10915 – Case Number NVMT-C-23085. (For Discussion and Possible Action)

Li Hui He was present with legal counsel Michael Gowdey. Wei Mei Borgel was present as interpreter.

The Board discussed Ms. He's request for reconsideration.

Strunk motioned to rescind the action taken by the Board on November 9, 2023, regarding Ms. He's license. Seconded by Mueller. Motion carried with Dorangricchia opposed.

8. Consideration of settlement agreement Li Hui He NVMT.10915 – Case Number NVMT-C-23085. (For Discussion and Possible Action)

Li Hui He was present with legal counsel Michael Gowdey. Wei Mei Borgel was present as interpreter.

Deputy Attorney General Lee presented the Voluntary Surrender and Settlement Agreement re Discipline for He for review by the Board.

Strunk motioned to accept the agreement as presented. Seconded by Wilber. Motion carried.

9. Formal Hearing Qiaofen Wei NVMT.11681 – Case Number NVMT-C-23020. (For Discussion and Possible Action)

Qiaofen Wei was present with legal counsel Scott Holper. Xiaohui Wang was present as interpreter.

Holper contested that proper notice was served to his client. Lee offered that in a pre-hearing email with Holper she had asked if he would stipulate to proper notice being served, he replied in that exchange he would not stipulate to proper notice having been served. Ms. Lee asserted that the notice requirements set in NRS 241 and 233B were met.

Platt advised the Board to move ahead with determining if proper notice has been given, even though Holper had not articulated what there was a failure in.

Lee called Christine Brunner to testify. Platt swore in Brunner. Brunner testified that the Complaint and Notice of Hearing was sent to Wei's address on file more than fourteen days prior to the hearing. Lee requested admission of the Complaint and Notice of Hearing with Certificate of Service as Exhibit 1. Lee requested admission of the electronic return receipt of mailing as Exhibit 2.

Holper cross-examined Brunner.

Holper stated he is assisting Lin Law Group with this case.

Exhibits 1 and 2 admitted by Dorangricchia.

Schoen motioned that proper notice had been provided to Wei in compliance with Nevada Revised Statutes. Tsanas seconded. Motion carried.

Lee requested Dorangricchia ask if there were any witnesses to exclude. Holper requested to exclude Brunner.

Lee presented the Complaint and Notice of Hearing and stated her opening arguments.

Holper presented his opening arguments.

Lee called Detective Aliyev to testify. Platt swore Aliyev in. Aliyev testified that on or about February 15, 2023, he issued a citation to Wei for soliciting an undercover police office during the course of practicing massage. He confirmed that the narrative included on the police report and was included on the back of the citation issued to Wei was written by him.

Lee requested admission of the police report for the incident as Exhibit 3.

Exhibit 3 was admitted by Dorangricchia.

Holper questioned Detective Aliyev.

Board members asked Detective Aliyev clarifying questions.

Wei was called as a witness. Platt swore Wei in.

Lee questioned Wei.

Wei testified that she did not enter the massage room, instead she stood in the doorway of the room and was trying to leave.

Board members asked Wei clarifying questions.

Lee made her closing arguments.

Holper made his closing arguments.

Barnard requested clarification whether Wei felt she received an accurate interpretation of Holper's closing arguments. Wei confirmed that she understood and is okay with the interpretation provided.

The Board discussed the case.

Strunk motioned to find that the alleged facts are true as presented in the complaint. Seconded by Schoen. Motion carried.

Strunk motioned to find that the violations of law contained in the Complaint and Notice of Hearing did occur. Mueller seconded. Motion carried.

Strunk motioned to suspend NVMT.11681 for six months. During the suspension Wei is to complete 24 hours of ethics and professional development training. After the suspension the license will be put on probation for four (4) years. During the probationary period licensee is to refrain from outcall massage, report all contact with law enforcement within 24 hours, licensee will provide the Board with any job offers to review, licensee will report who her employer is and have them provide quarterly check-ins, licensee will submit to annual background checks at her cost. Wei is ordered to pay a fine of \$5,000 and costs not to exceed \$4,000 payable in twelve (12) months. Ty seconded. Motion carried with Schoen opposed.

10. Formal Hearing Joshua R. T. Jurinek NVMT.7945 – Case Number NVMT-C-23052. (For Discussion and Possible Action)

Lee presented the case regarding Joshua R. T. Jurinek NVMT.7945 – Case Number NVMT-C-23052 to the Board. Jurinek was not present.

Lee advised the board regarding NRS 622A.350 and the requirements for notification.

Platt swore in Administrative Assistant IV Kimberly Buckingham. Buckingham provided testimony that Jurinek was provided sufficient legal notice per NRS 622A.350 and was served notice at the last known address on file with the Board. Jurinek had not responded to the notice.

Motioned by Dorangricchia that Jurinek had been properly noticed, seconded by Schoen. Motion carried.

Lee presented the Complaint Notice of Hearing regarding Jurinek.

Motioned by Tsanas to accept the alleged facts as true and that the four violations of law did occur. Seconded by Mueller. Motion carried.

Motioned by Dorangricchia to revoke Jurinek's license, NVMT.7945, for ten (10) years, fine of \$5,000 per count for a total of \$20,000, reimburse the Board for costs not to exceed \$1,000 to be paid in six (6) months, seconded by Schoen. Motion carried.

11. Formal Hearing Yangyang Li NVMT.12017 – Case Number NVMT-C-24022. (For Discussion and Possible Action)

Item continued to next available meeting.

12. Formal Hearing Chunfang Zhang NVMT.11613 – Case Number NVMT-C-24028 (For Discussion and Possible Action)

Chunfang Zhang was not present. Kirk Kennedy, legal counsel for Ms. Zhang, was present.

Deputy Attorney General Lee presented the Voluntary Surrender and Settlement Agreement re Discipline for Zhang for review by the Board.

Strunk motioned to accept the agreement as presented. Seconded by Mueller. Motion carried.

13. Formal Hearing Xuemi Zhang NVMT.8892 – Case Number NVMT-C-24036. (For Discussion and Possible Action)

Item continued to next available meeting.

14. Formal Hearing Yufeng Jin NVMT.10545 – Case Number NVMT-C-24037. (For Discussion and Possible Action)

Item continued to next available meeting.

15. Formal Hearing Xiaofang Yan NVMT.11306 – Case Number NVMT-C-24044. (For Discussion and Possible Action)

Item continued to next available meeting.

16. Formal Hearing Sisi Waugh NVMT.11826 – Case Number NVMT-C-24045. (For Discussion and Possible Action)

Item continued to next available meeting.

17. Formal Hearing Wanpen Statom NVMT.4811 – Case Number NVMT-C-24050.
(For Discussion and Possible Action)

Wanpen Statom was not present. Kirk Kennedy, legal counsel for Ms. Statom, was present.

Deputy Attorney General Lee presented the Voluntary Surrender and Settlement Agreement re Discipline for NVMT.4811 for review by the Board.

Strunk motioned to accept the agreement as presented. Seconded by Mueller. Motion carried.

18. Formal Hearing Xiuzhen Xu NVMT.11389 – Case Number NVMT-C-24056. (For Discussion and Possible Action)

Item continued to next available meeting.

19. Formal Hearing Bijun Chen NVMT.12247 – Case Number NVMT-C-24059. (For Discussion and Possible Action)

Bijun Chen was not present.

Deputy Attorney General Lee presented the Voluntary Surrender and Settlement Agreement re Discipline for NVMT.12247 for review by the Board.

Strunk motioned to accept the agreement as presented. Seconded by Mueller. Motion carried.

20. Formal Hearing Shu Jia Fan NVMT.7728 – Case Number NVMT-C-24062. (For Discussion and Possible Action)

Item continued to next available meeting.

21. Formal Hearing Yanan Liu NVMT.12457 – Case Number NVMT-C-24064. (For Discussion and Possible Action)

Yanan Liu was not present. Kirk Kennedy, legal counsel for Ms. Liu, was present.

Deputy Attorney General Lee presented the Voluntary Surrender and Settlement Agreement re Discipline for NVMT.12457 for review by the Board.

Strunk motioned to accept the agreement as presented. Seconded by Mueller. Motion carried.

22. Formal Hearing Wen Juan Zhang NVMT.785 – Case Number NVMT-C-24066.
(For Discussion and Possible Action)

Wen Juan Zhang was not present. Kirk Kennedy, legal counsel for Ms. Zhang, was present.

Deputy Attorney General Lee presented the Voluntary Surrender and Settlement Agreement re Discipline for NVMT.785 for review by the Board.

Tsanas motioned to accept the agreement as presented. Seconded by Mueller. Motion carried.

23. Discuss, amend, and approve Board meeting minutes for August 14, 2024. (For Discussion and Possible Action)

Stunk motioned to approve the minutes of the August 14, 2024, meeting as presented. Seconded by Wilber. Motion carried.

24. Discussion and possible action regarding sending additional attendees to the Federation of State Massage Therapy Boards Annual Meeting October 3 through 5, 2024, in Washington, DC. (For Discussion and Possible Action)

Barnard noted that the budget included funds for two possible additional attendees. However, due to the prices of the location, that budget will cover one additional attendee.

Dorangricchia motioned to approve one additional attendee for the FSMTB Annual Meeting, October 3 through 5, 2024, in Washington, DC. Seconded by Strunk. Motion carried.

25. Discussion and possible action regarding response to the Department of Veterans Affairs national standards of practice for Massage Therapists. (For Discussion and Possible Action)

The Board reviewed the proposed national standards of practice for Massage Therapists put forth by the Department of Veterans Affairs. They support the concept of increasing access to massage therapy for veterans. They expressed concern about the possibility of the current wording endorsing unlicensed activity.

Dorangricchia motioned to have Barnard draft a response to the Department of Veterans Affairs noting the Board's support, and expressing their concerns, including suggesting that the Interstate Massage Compact may address a large portion of the portability concerns. Seconded by Strunk. Motion carried.

26. Discussion and possible action regarding granting authority to the Executive Director to defend the Board against the EEOC Charge of Discrimination #487-2024-02858. (For Discussion and Possible Action)

Strunk motioned to authorize Barnard to defend the Board against the EEOC Charge of Discrimination. Seconded by Mueller. Motion carried.

27. Board Counsel report. (For Discussion)

Platt had nothing to report.

28. Executive Director Report. (For Discussion)

Barnard had nothing to report.

29. Discussion and Possible Action regarding future changes to NRS 640C for a bill draft request for the 2025 Legislative Session. (For Discussion and Possible Action)

The Board reviewed the proposed changes and discussed possible options to allow for oversight of schools that would be fair, reasonable, and not put an undue burden on schools or staff.

Dorangricchia moved to approve the bill draft with the removal of language concerning oversight of schools. Strunk seconded. Motion carried.

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

There were no recommended future agenda items.

31. Public comment.

No general public comment was received during the course of the meeting, no meeting participants offered any public comment.

32. Adjournment

Meeting adjourned at 8:15 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 **Tuesday, September 10, 2024**, to the following address: **Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite**

In accordance with NRS 241.020, this public notice and agenda was posted on or before September 6, 2024, at the following locations:
