



Nevada State Board of Massage Therapy

DRAFT 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/87977848022?pwd=ulkP7fVzoGLlseafe8BE5ifuemi4D0.1>

Meeting ID: 879 7784 8022

Passcode: 873579

SIP: 87977848022@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:

May 29, 2024, commenced at 9:03 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 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 9:03 a.m. on May 29,2024 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 include Deputy Attorney General Ziwei Zheng as Prosecutor, Board Counsel Colleen Platt and Executive Director Elisabeth Barnard.

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. Discussion regarding how to state a motion, what the motion must include and other aspects of making a motion during a meeting on an action item – training provided by Board Counsel Colleen Platt. (For Discussion)

Board Counsel Platt presented a training regarding possible types of motions and examples of proper wording for to the Board with a hand-out of sample language that could be used.

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 Chien Yu Chen. (For Discussion and Possible Action)

Chien Yu Chen was present, along with legal counsel Scott Holper, and interpreter Lijun Cao.

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

Board members asked Ms. Chen questions about her previous licensure. The Board inquired about her education. Ms. Chen's application reflected attendance at Royal Irvine College in CA (2010), and Fu Zu Ba in NV (2014). Ms. Chen stated she attended school online. Additional questions were raised regarding her licensure status in other states and what was disclosed on her application.

Motioned by Smith, to deny the application based on 640C.700 (1) & (4), seconded by Garvey. Motion carried.

- b. Review Application Matthew J. Benardis. (For Discussion and Possible Action)

Item continued to next available meeting.

- c. Review Application Chinda Khoeun. (For Discussion and Possible Action)

Chinda Khoeun was present. Tara Halpin, and instructor from the school Ms. Khoeun attended was also present as a character reference.

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

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

Motioned by Smith, to approve the application and immediately place the license on probation for a term of one (1) year, with the licensee's employer required to provide reports to the Board on a quarterly basis, to complete a background check at her expense after one year, to report any contact with law enforcement within 48 hours, seconded by Strunk. Motion carried.

- d. Review Application Xin Liang. (For Discussion and Possible Action)

Xin Liang was present with her husband Daniel Wenbling.

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

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

Motioned by Smith, to deny the application based on 640C.700 (4), seconded by Garvey.
Motion carried, Strunk opposed.

e. Review Application Nathan J. Trujillo. (For Discussion and Possible Action)

Nathan J. Trujillo was present.

The application of Mr. Trujillo was presented for review by the Board.

Mr. Trujillo provided testimony and Board members asked him questions.

Motioned by Smith, to approve the application and immediately place the license on probation for a term of two (2) years, with the licensee's employer required to provide reports to the Board on a quarterly basis, to complete a background check at his expense each year, to refrain from providing any outcall services, and to report any contact with law enforcement within 48 hours, seconded by Strunk. Motion carried.

f. Review Application Bernita W. Yeager. (For Discussion and Possible Action)

Bernita W. Yeager was present.

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

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

Motioned by Strunk, to approve the application, seconded by Smith. Motion carried.

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

Item continued to next available meeting.

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

Item continued to next available meeting.

8. Formal Hearing Yaqui Wu NVMT.10542 – Case Number NVMT-C-23074. (For Discussion and Possible Action)

Yaqui Wu was not present.

Deputy Attorney General Zheng presented the voluntary surrender for three (3) years of Yaqui Wu NVMT.10542 – Case Number NVMT-C-23074 to the Board.

Smith motioned to accept the voluntary surrender of NVMT.10542, seconded by Benedict. Motion carried.

9. Formal Hearing Fang Wang NVRF.0096 – Case Number NVMT-C-24016. (For Discussion and Possible Action)

Zheng presented the case regarding Fang Wang NVRF.0096 – Case Number NVMT-C-24016 to the Board. Wang was not present.

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

Platt swore in Management Analyst II Tereza VanHorn. VanHorn provided testimony that Wang was provided sufficient legal notice per NRS 622A.350 and was served notice at the last known address on file with the Board. Wang had not responded to the notice.

Motioned by Smith that Wang had been properly noticed, seconded by Tsanas. Motion carried.

Zheng presented the Complaint Notice of Hearing regarding Wang.

Motioned by Smith to accept the alleged facts as true. Seconded by Strunk. Motion carried.

Motioned by Smith that the violations of law alleged in the Complaint and Notice of Hearing did occur, seconded by Benedict. Motion carried.

Motioned by Smith to revoke Wang's license, NVRF.0096, for ten (10) years, fine of \$5,000 per count for a total of \$5,000, reimburse the Board for costs not to exceed \$1,000 to be paid in six (6) months, seconded by Tsanas. Motion carried.

10. Citation Appeal Cheng Cheng – Citation 22089. (For Discussion and Possible Action)

Ms. Cheng was present for Midnight Rose, represented by Kirk Kennedy.

Zheng asked Board Investigator Brunner to explain the citation. Platt swore in Brunner.

Brunner testified that the citation for violation of NAC 640C.083 was issued after receiving a report of massage being offered at the establishment by Las Vegas Metro Police Department.

Mr. Kennedy presented evidence that the business is not licensed for massage. Chair Dorangriccia accepted the exhibit.

Zheng presented the police report provided from the Las Vegas Metro Police Department.

Smith motioned to uphold Citation 22089, seconded by Garvey. Motion carried.

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 April 30, 2024 (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 April 30, 2024. (For Possible Action)*
 - c. *Discussion and possible action regarding approval of the Board’s budget for Fiscal Year 2026. (For Possible Action)*
 - d. *Discuss, amend, and approve Board meeting minutes for May 9, 2024. (For Possible Action)*
 - e. *Discussion and possible action regarding approval of the updated Board policy 10.5.1 Job Description Executive Director*
 - f. *Discussion and possible action regarding approval of the Board’s compensation schedules for fiscal year 2025. (For Possible Action)*

Motioned by Smith to approve item 11 as presented., seconded by Benedict. Motion passed.

12. Board Counsel report. (For Discussion)

Board Counsel did not have a report.

13. Executive Director Report. (For Discussion)

- a. Strategic Plan Key Indicators

- i. Licensure and renewals

42 new licenses added since the Board update sent earlier in the month. This number matches last year’s number of new licenses issued in May. 159 renewals were processed since the Board update. Renewals were current through May 24th.

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

Brunner gave a shout out to Inspector Huffman for having over 71% of inspections completed for the southern part of the state. That pace will allow for additional research into unlicensed activity.

Inspector SanGregorio has completed the outcall inspections for the year.

Establishment certificate renewals are picking up.

The norther part of the state, Brunner reported about 30% of establishments have been inspected.

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

Brunner reported 31 current cases open. Good communication with Metro has resulted in an apparent increased number of cases reported.

- b. Other topics

Barnard updated the Board on the date for the Legislative Commission meeting for R017-24. She reported that the Las Vegas office has moved to the McCarran Complex south of the Harry Reid International Airport. She also informed the Board of work on the Language Access Plan that will be presented for review.

c. Financials, cash reserves, and anticipated upcoming expenditures

The approved FY 24 budget anticipated a significant deficit, Barnard highlighted that through April, with 83% of the Fiscal Year completed, incoming was showing 90% of the projected number, while expenses were holding at less than 70% of the budgeted amount. No additional funds were withdrawn from either the Money Market or CD account to get through the slower renewal period, and with revenues increasing no withdrawals are anticipated.

14. Discussion and possible action regarding selection of the delegate to represent the Board at the Federation of State Massage Therapy Boards' Annual Meeting October 3 through 5, 2024, in Washington, DC. (For Discussion and Possible Action)

Chair Dorangricchia indicated she is available to go. Strunk expressed her opinion that the Chair should go, if possible, to represent the Board.

Smith motioned to select Chair Dorangricchia as the Board's delegate to the FSMTB Annual Meeting. Seconded by Strunk. Motion carried.

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

Barnard reviewed the list of discussed changes from the last few meetings with the Board and sought clarification. The Board provided clarification and asked to move forward with a draft bill and bring it back to the Board at the August meeting.

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

Request to include possible additional attendees for the FSMTB Annual Meeting to the August agenda.

17. Public comment.

Barnard shared that the Legislature in Ohio has approved joining the Interstate Massage Compact (Impact).

Smith spoke as a licensee regarding appropriate pathways to request public records.

David Otto, NVMT.0103, shared that he's excited about Ohio joining IMPact and supports the idea of requiring proof of qualifications for instructors.

18. Adjournment

The meeting was adjourned at 2:55 p.m.

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, May 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/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 May 23, 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