



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/81343970844?pwd=cfae4rZh4nwlx8fh2B1EdL151Xq1zu.1>

Meeting ID: 813 4397 0844

Passcode: 242530

SIP: 81343970844@zoomcrc.com

Telephonic access to this meeting was 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:

October 23, 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 9:00 a.m. on October 23,2024 by Chair Rebecca Dorangricchia. Board members in attendance included, Secretary-Treasurer Paula Wilber, Lorna Benedict, Rosemarie Mueller, Bill Schoen, Stephanie Tsanas, John Teng, and Jenn Ty. Additional attendees included Board Counsel Colleen Platt and Executive Director Elisabeth Barnard. Vice Chair Deirdre Strunk was 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.

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)

Sandra Anderson, former Executive Director of the Board, spoke regarding item 23 and shared that in a hospital setting in Detroit that the nipple is covered, if present, while doing breast massage.

Angel Hammering, owner of In Balance Medical Massage in Las Vegas. Spoke in support of item 23 and the need for breast massage. She has two therapists at her business that offer the work taught by Ms. Spurgeon.

Additional written public comments were available to the Board prior to the meeting and on the website for public review. Those comments are attached to these minutes.

4. Election of Officers (For Discussion and Possible Action)
 - a. Vice Chair
 - b. Secretary-Treasurer, if necessary

Item tabled to next regular meeting.

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 Zhiying Liu. (For Discussion and Possible Action)

This item has been continued to the next regular meeting.

- b. Review Application Yingfeng Hsu. (For Discussion and Possible Action)

Ms. Hsu was present along with legal representative Kirk Kennedy.

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

Mr. Kennedy summarized her prior licensure and work history in Nevada and noted that she does have a current license in other states. The Board questioned Ms. Hsu about her history. Schoen noted that while he understands she has a current Utah license and certification in California, he is dubious about whether she self-reported the discipline of her Nevada Massage license in 2016 and 2020 to either of those jurisdictions.

Tsanas motioned to deny the application. Seconded by Wilber. Motion carried with no opposition.

6. Background Review Request per NRS 622.085 – Angel Segura (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)

Angel Segura was present.

The Board reviewed the background presented for Segura. Segura made a statement regarding his background and answered questions posed by the Board.

Schoen motioned that Segura's background does not disqualify him from obtaining a license. Seconded by Tsanas. Motion carried.

7. Probation Review Usamat Hadfield NVMT. 7062. (For Discussion Only)

Item continued to next regular meeting.

8. Formal Hearing David Trecha NVMT.12027 – Case Number NVMT-C-24014. (For Discussion and Possible Action)

Deputy Attorney General Lee presented the case regarding David Trecha NVMT.12027 – Case Number NVMT-C-24014 to the Board. Trecha was not present.

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

Platt swore in Christine Brunner. Ms. Brunner provided testimony that Trecha was provided sufficient legal notice per NRS 622A.350 and was served notice at the last known address on file with the Board. Trecha had not responded to the notice.

Motioned by Dorangricchia that Trecha had been properly noticed, seconded by Benedict. Motion carried.

Lee presented the Complaint Notice of Hearing regarding Trecha.

Motioned by Tsanas to accept the alleged facts as true and violations of law did occur as set forth in the Complaint, seconded by Schoen. Motion carried.

Motioned by Wilber to revoke Trecha's license, NVMT.12027, for ten (10) years, fine of \$5,000 per count for a total of \$35,000, and reimburse the Board for costs not to exceed \$2,000 to be paid in one year, seconded by Mueller. Motion carried.

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

Item continued to the next regular meeting.

10. Formal Hearing Baoshu Xie NVMT.12483 – Case Number NVMT-C-24027 (For Discussion and Possible Action)

Baoshu Xie was present along with friend Brian Highlander. Mandarin interpreter Shannen was present.

Xie stipulated that notice was proper.

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

Xie made her opening statement.

Lee called Detective Cody Gil as witness. Platt swore Gil in. Gil provided testimony regarding the event and corroborated the police report admitted by Dorangricchia as exhibit 1. Gil was questioned by Lee, Xie, and the Board.

Xie was sworn in by Platt and then provided testimony on her behalf. Xie was questioned by Lee and the Board.

Lee provided closing statements. Xie provided closing statements.

The Board discussed the case and stated they found Gil's testimony to be credible.

Motioned by Tsanas that the alleged facts are true and the violations of law did occur. Seconded by Mueller. Motion carried with no opposition.

Allison Jacobs stepped in as mandarin interpreter as Shannen had to leave for another appointment.

Schoen motioned to revoke Xie's license, NVMT.12483, for ten (10) years, to impose a fine of \$2,500, and costs to the Board not to exceed \$1,000. Seconded by Mueller. Motion carried with no opposition.

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

Lee presented a Voluntary Settlement Agreement in lieu of other discipline for Xuemi Zhang NVMT.8892 regarding Case Number NVMT-C-24036. Zhang was not present.

Motioned by Schoen to accept the Voluntary Settlement Agreement in lieu of other discipline. Seconded by Mueller. Motion carried with no opposition.

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

Yufeng Jin was present with Mandarin interpreter Allison Jacobs.

Jin stipulated that the alleged facts are true, and the violations of law did occur as stated in the complaint and notice of hearing.

Dorangricchia motioned that the alleged facts are true, and the violations of law did occur. Seconded by Schoen. Motion carried with no opposition.

Jin made a statement and answered questions from the Board regarding the event.

The Board discussed possible discipline.

Dorangricchia motioned to revoke Jin's license, NVMT.10545, for three (3) years, to impose a fine of \$1,500, and costs not to exceed \$1,000. Seconded by Wilber. Motion carried with no opposition.

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

Item continued to the next regular meeting.

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

Item continued to the next regular meeting.

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

Item continued to the next regular meeting.

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

Lee requested the Board dismiss Case Number NVMT-C-24062 against Shu Jia Fan NVMT.7728.

Motioned by Schoen to dismiss Case Number NVMT-C-24062. Seconded by Benedict. Motion carried with no opposition.

17. Citation Appeal Jessi Rose McMaster – Citation #22139. (For Discussion and Possible Action)

Jessi Rose McMaster was present.

Lee asked Board Compliance Inspector Huffman to explain the citation. Platt swore in Huffman.

Huffman testified that the citation for violation of NAC 640C.910 (1) (b) and/or (c) was issued after seeing advertisements for massage from a person not licensed as a massage therapist in Nevada.

Lee presented evidence to support the citation as exhibits 1 through 8. Chair Dorangriccia accepted the exhibits.

McMaster testified that she took steps to correct the error of advertising that she offered massage in Nevada and that she never did massage anyone in Nevada.

Mueller motioned to uphold Citation 22139, to reduce the fine to \$100, and to uphold the administrative fee of \$150, Board staff will recheck her advertising in 45 days. Seconded by Ty. 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.

18. *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 September 30, 2024 (see Exhibit A). (For Possible Action)*
 - b. *Discussion and possible action regarding review and acceptance of the Fiscal Year 2025 Budget versus Actual through September 30, 2024. (For Possible Action)*
 - c. *Discussion and possible action regarding review and acceptance of Fiscal Year 2026 Budget. (For Possible Action)*
 - d. *Discuss, amend, and approve Board meeting minutes for September 11, 2024. (For Possible Action)*
 - e. *Discussion and approval of 2025 Board Meeting Schedule. (For Possible Action)*
 - f. *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)*
 - g. *Discussion and possible action regarding approval of Massage Therapy Programs meeting the criteria of NAC 640C (see Exhibit B). (For Possible Action)*

Motioned by Mueller to approve item 9a, b, d, and e as presented., seconded by Wilber. Motion carried.

Items 9c, f, and g were tabled.

19. Board Counsel report. (For Discussion)

Nothing to report.

20. Executive Director Report. (For Discussion)

- a. Strategic Plan Key Indicators
 - i. Licensure and renewals
 - ii. Inspection Team calendar year-to-date key indicators
 - iii. Complaints and investigations calendar year-to-date key indicators
- b. Other topics
- c. Financials, cash reserves, and anticipated upcoming expenditures.

Barnard reviewed key indicators. As of early October, there were 5,618 licensees. New applications have been steady. However, the new applications seem to be balancing the non-renewals. Inspections were almost 100% completed at the time of the meeting. Over 700 establishment certificates have been issued. 88 complaints/investigations had been opened in 2024 so far. 38 of those complaints/investigations are a mix of people who aren't willing to testify, no jurisdiction, resolved with a citation, or otherwise end up not being brought before the Board.

Barnard gave a brief overview of the FSMTB annual meeting she attended with Dorangricchia and Wilber. Dorangricchia stated that 40 states were represented, and many seem to be dealing with similar issues. Wilber concurred.

The Xerox machine in the Las Vegas office has been sent back and the contract is finished. The Board will see a savings on that expense moving forward.

21. Discussion and Possible Action regarding the Executive Director's performance evaluation and possible salary increase. (For Discussion and Possible Action)

The compiled performance evaluations were available for review. The overall evaluation was above standard. Barnard thanked the Board for their feedback. The Board discussed a merit increase ranging from 2.5 to 5%.

Mueller motioned to approve a merit salary increase of 3.5% effective on the next payroll. Seconded by Wilber. Motion carried with no opposition.

22. Discussion and Possible Action regarding attendance of Deputy Attorney General, Board Counsel, Board members, or Staff at the National Convening: Human Trafficking in Illicit Massage, Arlington, VA, January 14-15, 2025 (For Discussion and Possible Action)

Barnard explained that she will be attending on behalf of the Federation of State Massage Therapy Boards and suggested that others would benefit from the information planned for the event. There is room in the budget for out-of-state travel, with the different annual FARB conferences being combined into one event.

Dorangricchia motioned to approve sending Lee, Investigator Brunner, Inspector Huffman, and Platt as additional attendees and to authorize expanding the state travel budget if needed. Seconded by Wilber. Motion carried with no opposition.

23. Discussion and Possible Action regarding a petition to amend NAC 640C.340 as amended by LCB File R017-24, to authorize an exception to the requirement to drape a client. (For Discussion and Possible Action)

Sally Spurgeon presented her petition to the Board, highlighting the need for the work her office provides and that she trains licensees in.

The Board discussed the merits of Spurgeon's presentation and their options to make changes to the regulations.

Motioned by Ty to amend Nevada Administrative Code 640C.340 of LCB file R017-24 to allow for undraped massage of the breast under specific circumstances. Seconded by Mueller. Motion carried with no opposition.

24. 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)

Barnard stated that one of the proposed changes is covered in regulation, under NAC 640C.040.

Motioned by Dorangricchia to remove the proposed change regarding student exemption from the previously approved list of proposed statutory changes to be included in a BDR for the 2025 Legislative Session. Seconded by Teng. Motion carried with no opposition.

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

None.

26. Public comment.

David Otto, NVMT.103, thanked the Board for their dedication and service and noted that he is no longer the Government Relations contact for the Nevada Chapter of AMTA. He urged the Board to consider avenues for licensure for people who may not meet the current education requirements.

Angel Hammering thanked the Board for taking so much time to address the petition to make changes to NAC 640C.340.

Sally Spurgeon thanked the Board for the work they do.

Dorangricchia thank Board staff for their hard work as well as the Board members for their dedication and effort.

27. Adjournment

Meeting adjourned at 5:32 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, October 22, 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 October 18, 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