



Nevada State Board of Massage Therapy

***NOTICE OF PUBLIC MEETING and TEMPORARY REGULATION ADOPTION HEARING **

MEETING MINUTES

LOCATIONS:

This meeting of the Nevada State Board of Massage Therapy took place online via Zoom, or via telephone. 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 by registering for this meeting online:

<https://us06web.zoom.us/j/81140143759?pwd=jEcqL1bdrvuauo4AaSVmeZxGjet55t.1>

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

Meeting ID: 811 4014 3759

Passcode: 140912

SIP: 81140143759@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:

January 8, 2025, commencing at 9:00 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 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 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 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 desired, 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 9:04 a.m. on January 8, 2025, by Chair Rebecca Dorangricchia. Board members in attendance included Vice Chair Paula Wilber, Secretary-Treasurer Jenn Ty, Alan Kite-Swinden, Rosemarie Mueller, Bill Schoen, John Teng, Stephanie Tsanas, and Sgt. Evan Fincher with the Las Vegas Metropolitan Police Department participated telephonically. Additional attendees included Board Counsel Colleen Platt and Executive Director Elisabeth Barnard. Lorna Benedict 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)

No public comment was offered either at the meeting or in writing.

4. Introduction of new Board members (For Discussion)
 - a. Alan Kite-Swinden – Clark County Licensee
 - b. Sergeant Evan Fincher – Nonvoting advisory member

Dorangricchia introduced the new members and welcomed them to the Board.

5. Election of Officers (For Discussion and Possible Action)
 - a. Vice Chair

Dorangricchia opened the floor for nominations. Dorangricchia nominated Wilber for Vice Chair. Wilber accepted the nomination. Dorangricchia asked if there were any other nominations. No other nominations were made. Dorangricchia moved to approve Wilber as Vice Chair. Seconded by Mueller. Motion carried.

- b. Secretary-Treasurer, if necessary

Dorangricchia opened the floor for nominations. Dorangricchia nominated Ty for Secretary-Treasurer. Ty accepted the nomination. Dorangricchia asked if there were any other nominations. No other nominations were made. Dorangricchia moved to approve Ty as Secretary-Treasurer. Seconded by Mueller. Motion carried.

6. Public Hearing to adopt Temporary Regulation making changes to NAC 640C.340. (For Discussion and Possible action)
 - a. Introduction of Regulation.

Barnard introduced the proposed temporary regulation.

- b. Public Comment on Regulation.

Sally Spurgeon asked questions about whether healthy breast tissue was included in this regulation. Kite-Swinden expressed concerns about this regulation opening the door to misbehavior and potential impacts on businesses. Tsanas clarified that reflexologists would not be allowed to work directly on the breast, only on reflex points in the feet or hands.

7. Board discussion and possible adoption of Temporary Regulation making changes to NAC 640C.340. (For Discussion and Possible Action)

Schoen motioned to adopt the temporary regulation. Seconded by Ty. Motion carried with Kite-Swinden opposed.

8. 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)

Ms. Liu was present. Charles Goodwin was present as her legal counsel. Yulin (Catherine) Li was present as interpreter.

The application of Ms. Liu was presented for review by the Board. Ms. Liu requested to go into closed session.

Motioned by Wilber to go into closed session. Seconded by Wilber. Motion carried.

Ms. Liu provided testimony and Board members asked her questions about her background.

Tsanas motioned to return to open session. Seconded by Wilber. Motion carried.

Mr. Goodwin made a statement on behalf of his client.

Schoen motioned to deny the application based on NRS 640C.700(1)(2)(4) and (9). Seconded by Tsanas. Motion carried with none opposed.

- b. Review Application Daniel A. Holly. (For Discussion and Possible Action)

Mr. Holly was not present. His application was presented for review by the Board.

Dorangricchia motioned to deny the application based on NRS 640C.700(1)(2)(4) and (9). Seconded by Tsanas. Motion passed with no opposition.

- c. Review Application Mei Xiang Yang. (For Discussion and Possible Action)

Ms. Yang was present. Kirk Kennedy was present as her legal counsel, along with Wei Mai Borgel as interpreter.

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

Ms. Yang provided testimony and Board members asked her questions about her background. Schoen questioned what assurances she could provide the Board that she would not commit prostitution again.

Motioned by Tsanas to approve the application and immediately place the license on probation for two (2) years, with the requirements to report all contact with law

enforcement within 48 hours, to submit job offers to the staff for review, that report changes to her employment, that she refrain from outcall massage, and that she submits to a background check in two years, at the licensee's expense. Seconded by Ty. Motion carried with Dorangricchia, Mueller, Tsanas, Ty, and Teng in favor. Kite-Swinden, Schoen, and Wilber opposed.

9. Background Review Request per NRS 622.085 – Oriann Vilsaint (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)

Oriann Vilsaint was not present.

The Board reviewed the background presented for Vilsaint.

Wilber motioned that Vilsaint's background does disqualify her from obtaining a license. Seconded by Tsanas. Motion carried.

10. Background Review Request per NRS 622.085 – Mahgum Thorson (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. Thorson was present.

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

Dorangricchia motioned that Thorson's background does disqualify him from obtaining a license. Seconded by Tsanas. Motion carried.

11. Discussion and Possible Action regarding request to adjust probation terms of Ping Zhang, NVMT.12455. (For Discussion and Possible Action)

Ms. Zhang was present. Kirk Kennedy was present as her legal counsel, along with Wei Mai Borgel as interpreter.

Mueller motioned to remove item 6, regarding chair massage, on the probation order. Seconded by Wilber. Motion carried, with Schoen opposed.

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

Ms. Hadfield was not present. The probation review was not conducted.

13. Probation Review Liqing Huang NVMT. 1883. (For Discussion Only)

Ms. Huang was present. Yulin (Catherine) Li was present as interpreter. No action was taken. Ms. Huang met the requirement to appear before the Board as set forth in the terms of her probation.

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

Li was present with Legal Counsel Lawrence Hill.

Senior Deputy Attorney General Weiss advised the Board that a settlement agreement had been reached in this case.

Dorangricchia motioned to accept the settlement agreement. Seconded by Ty. Motion carries with no opposition.

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

Deputy Attorney General Ostunio presented a Voluntary Settlement Agreement in lieu of other discipline for Xiaofang Yan NVMT.11306 – Case Number NVMT-C-24044. Yan was not present.

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

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

Ostunio presented a Voluntary Settlement Agreement in lieu of other discipline for Sisi Waugh NVMT.11826 – Case Number NVMT-C-24045. Waugh was not present.

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

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

Ostunio presented a Voluntary Settlement Agreement in lieu of other discipline for Xiuzhen Xu NVMT.11389 – Case Number NVMT-C-24056. Xu was not present.

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

18. Formal Hearing Brian K. Blanchard NVMT.9226 – Case Number NVMT-C-23012. (For Discussion and Possible Action)

Blanchard was present.

Weiss advised the Board that Blanchard had verbally agreed to a voluntary surrender of his license in lieu of other discipline. Mueller requested the terms of the voluntary surrender include that Blanchard would not reapply for licensure until ten (10) years had passed. Blanchard agreed to that clarification.

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

Blanchard stated that he has not been working as a massage therapist since the incident. He also made a statement that he was still under the effects of Propofol from a medical procedure several days prior to the incident. He cautioned others to be aware of the possibility that Propofol could have lingering effects and may cause them to act in uncharacteristic ways.

19. Formal Hearing Suhua Sun NVMT.11726 – Case Number NVMT-C-24081. (For Discussion and Possible Action)

Ostunio presented a Voluntary Settlement Agreement in lieu of other discipline for Suhua Sun NVMT.11726 – Case Number NVMT-C-24081. Sun was not present.

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

20. Formal Hearing Erica Bai NVMT.11263 – Case Number NVMT-C-24092. (For Discussion and Possible Action)

Item continued to the next regular meeting.

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.

21. *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 November 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 November 30, 2024. (For Possible Action)*

- c. *Discuss, amend, and approve Board meeting minutes for October 23, 2024. (For Possible Action)*
- d. *Discuss, amend, and approve Board meeting minutes for November 19, 2024. (For Possible Action)*
- e. *Discussion and possible action regarding approval of the updated Board policy 11.2.1 Inspection Policy. (For Possible Action)*

Motioned by Tsanas to approve item 21 as presented., seconded by Mueller. Motion carried.

22. Board Counsel report. (For Discussion)

Nothing to report.

23. Discussion and possible action regarding review of investigative process upon receipt of complaints or notification from local law enforcement. (For Discussion and Possible Action)

Barnard and Platt reviewed the complaint and investigation process. The thresholds required to bring a case before the Board were highlighted. Including requirements for evidence. Different types of evidence were discussed. The requirements for due process, including the property right a licensee has in their license were discussed. The provisions under NRS 640C.720 were discussed, including the requirement to temporarily suspend the license based on unproven allegations.

The Board requested that Barnard include the number of temporary suspensions issued to be included in the monthly Board update.

24. 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 provided a review of the current key indicators. As of the beginning of the month there were 5,566 licensed massage therapists, 28 licensed reflexologists, 17 licensed structural integration practitioners, for a total of 5,611 licensees.

Compliance Investigator Brunner reviewed the number of planned inspections in the State for 2025. She shared that the inspection team is projecting a total of 916 establishments to inspect. That shows an increase of 5.5% over last year. There are 325 outcall inspections planned.

There were 103 investigations for 2024, which matched the total number from 2023.

Notice was received that PERS contribution rates will be increasing effective July 1, 2025. Barnard will be watching how this increase will be handled for other state employees and propose a fair solution for the Board and its employees.

Barnard let the Board know that the Board is officially late on the annual audit. She reviewed that the prior firm informed us late in June that they would no longer be offering that service. The firm recommended by the prior auditor had a minimum price of \$30,000 to perform the type of audit required. That figure is three times what was paid last year. She was able to find another firm willing and capable of doing the work, in entering the contract into the state system it was discovered that they did not meet the insurance requirements, that firm subsequently pulled their proposal. Another firm was found, the contract has been approved, and the audit has started.

Barnard gave an update on the pending update to the database and a brief review of other options.

25. Discussion and possible action regarding the 2025 Legislative Session update. (For Discussion and Possible Action)
 - a. AB51
 - b. SB78
 - c. BDR 54-221
 - d. BDR 227
 - e. BDR 40-353
 - f. BDR 40-354
 - g. Other bills and bill draft requests

Barnard presented an overview of bills that are being tracked as they may have impact to the Board. She explained that she will be sending a spreadsheet to the Board regularly throughout the session with updates.

26. Discussion and possible action to augment the fiscal year 2026 budget to include purchasing replacement computers for the office, inspection team, and Executive Director. Amount not to exceed \$15,000. (For Discussion and Possible Action)

Barnard explained that the current desktop and several laptops cannot be updated to Windows 11. Support for Windows 10 will be going away. The Board's IT support is provided by the Office of the Chief Information Officer, they have advised us to upgrade our equipment early in Fiscal Year 26 to avoid issues.

Dorangricchia motioned to approve the purchase of replacement computers for an amount not to exceed \$15,000. Wilber seconded the motion. Motion carried.

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

Schoen requested discussion regarding discipline of establishments.

28. Public comment.

“Darcy Spears from Channel 13, Hi everybody, a couple of things actually. Our reporting exposed what appeared to be a few things that you have the opportunity to update in your process that I didn't hear discussed when you were on agenda item 23 today. One of those things is the possibility of requiring updated background checks for licensees. If you only do them the one time the person applies for a license a lot of stuff can happen between then and the years and years that go by while they're still practicing and the David Peter Trecha case had there been an updated background check it appears that there might have been better information provided not only for the employer who said they rely on the board and the board only does it the one time but also to potentially protect the public. So, I was hoping to kind of put that out there for the board members to consider if you're looking at refining and reviewing and possibly strengthening your processes why not require updated background checks more frequently than just the first time. The other thing is licensees reporting who they work for. Doctors have to report to their state board who they work for, and that information is made available to the public on the Nevada State Board of Medical Examiners website. If licensees have to report to this board who they work for then that information would be available, and I can't imagine why that would be a problem that they have to report even if they're self-employed. You know then at least you know and why wouldn't you want to know I submit to you. And the other things I was taking some notes on, the Deputy Attorney General kept on saying allegations, allegations, allegations but, we have two cases here with David Trecha and with Blanchard where this went way beyond allegations, and they were still able to retain their license Mr. Trecha for example was indicted. He was convicted. He went to prison, and he still had his license months and months after that happened. I don't think that's the way to process is supposed to work especially when we have proof from Metro that they notified the board the day he was arrested. So, I wonder how that correlates with what the Deputy AG kept on saying allegations because clearly the process failed in some way and then with Mr. Blanchard, he pleaded guilty months and months went by, and he still had his license. Also, with Trecha a cease and desist letter was never even issued, and the law requires that to happen but it never happened and so that precluded the Board from having the information that they would have needed to potentially extend a temporary suspension although none was ever done and then. I'm sorry I'm jumping all around. But, that takes me back to what the NRS says that if the board has the ability to extend a temporary suspension if it believes the public needs to be protected in that way after a cease and desist letter is issued how can the board make that determination if the board doesn't even know a cease and desist letter has been issued you're talking about making sure the board is aware that there have been temporary suspensions and cease and desists but if they're the board hasn't been aware of that before now then how does that even comply with Nevada revised statute.”

No other comments were offered at the meeting or received in writing.

29. Adjournment

The meeting was adjourned at 4:29 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, January 7, 2025**, 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 https://massagetherapy.nv.gov/About/Board_Meetings/2025/2025_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 3, 2025, 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