

These minutes have been approved by the Board on 10.07.2022

**MINUTES OF THE MEETING**  
**BOARD OF MASSAGE THERAPY**  
**August 12, 2022**

**1. CALL MEETING TO ORDER AND ROLL CALL**

The meeting of the Board of Massage Therapy was called to order by Steven Carper, Chair, at 9:08 a.m. in the Licensure Unit, 3<sup>rd</sup> Floor, Conference Room H, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on 08.02.2022

The following members answered roll call:

**Members Present (3):**

Steven Carper, Chair  
Kristine Roberts, Member  
Mallory Carstens, Member Vice-Chair

**Members Absent (1):**

Michele Helaney, Secretary

**Others Present (5):**

Kris Chiles, Program Manager, Licensure Unit  
Carrie Oldehoeft, Board Coordinator  
Mindy Lester, Assistant Attorney General  
TJ O'Neill, Assistant Attorney General  
Teresa Hampton, DHHS Attorney (on web-x)  
Anna Harrison, DHHS Compliance Monitor  
Taylor Branigan, Reinstatement Applicant  
Public Individual  
General Reporting Representative

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Roberts moved, seconded by Carstens, to adopt the agenda. A voice vote was taken. Voting aye: Carper, Carstens, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: (0) Motion carried.

**3. APPROVAL OF MINUTES**

**MOTION:** Carstens moved, seconded by Roberts, to approve the minutes. A voice vote was taken. Voting aye: Carper, Carstens, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: (0) Motion carried.

**4. REINSTATEMENT APPEAL HEARING**

**Taylor D Branigan**

The hearing on reinstatement (early release from probation) to practice as a Massage Therapist was convened at 9:10 a.m.; Teresa Hampton, Department attorney, served as the hearing officer. The Department was represented by Mindy Lester, Assistant Attorney General; Kris Chiles, Program Manager with the Licensure Unit, and Taylor Branigan (applicant) were witnesses. Exhibits were entered and accepted. Evidence was presented and testimonies were provided.

9:38 a.m.      Public hearing ended

9:39 am Chiles, Lester, Branigan, and Public exited call

**MOTION:** Roberts moved, seconded by Carstens, to enter into closed session at 9:45 a.m. for the purpose of deliberation of the reinstatement appeal hearing. A voice vote was taken. Voting aye: Carper, Carstens, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: (0) Motion carried.

9:58 am Members agreed to return to Open Session

## **5. OPEN SESSION**

Reinstatement Recommendations/Decisions

Taylor D Branigan – Reinstatement

**MOTION:** Roberts moved, seconded by Carstens to recommend reinstatement with no terms and conditions. A voice vote was taken. Voting aye: Carper, Carstens, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: (0) Motion carried.

9:59 am Klaassen, Meyerson with investigations entered room

9:59 am Branigan exited room

10:00 am Break

10:13 am Meeting resumed

## **6. CLOSED SESSION (approx. 10:45 pm) Confidential Information**

**MOTION:** Roberts moved, seconded by Carstens, to enter into closed session at 10:14 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Carper repeated the motion and purpose. A voice vote was taken. Voting aye: Carper, Carstens, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: (0) Motion carried.

10:22 am Meyerson, investigations exited room

10:32 am Klaassen, investigations exited room

10:33 am Members agreed to return to Open Session

## **7. OPEN SESSION (approx. 11:30 pm) Application Reviews, Recommendations, and Report Out (mail ballots)**

There were no applications presented for review.

10:33 am Harrison exited room

10:33am Public entered room

## **8. UPDATES AND REPORTS**

a. Nebraska Chapter of the American Massage Therapy Association (NAMTA) <http://www.amtane.org>

The following was reported:

- It was reported that the Chapter would like the name on the agenda to be accurately named as: AMTA-NE rather than 'NAMTA'.
- Membership is up; over half the licensed massage therapists are now members
- The national conference is scheduled for 8-22-2022
- No new legislation at this time, they are discussing updating the definition of massage.
- Compact conversation.

b. Federation of State Massage Therapy Boards (FSMTB) <https://www.fmtb.org>

Carper announced the annual conference is Oct 18-20 in Charlotte, NC.

**MOTION:** Roberts moved, seconded by Carstens, to approve Carper to attend the 2022 Annual meeting and have the cost of registration paid by the board. A voice vote was taken. Voting aye: Carper, Carstens, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: (0) Motion carried.

The Council of State Governments (CSG) is partnering with the Department of Defense (DoD) and the Federation of State Massage Therapy Boards (FSMTB) to support the mobility of licensed massage therapists through the development of a new interstate compact. This additional licensing pathway will create reciprocity among participant states and reduce the barriers to license portability.

Additional information discussed relating to the proposed International Massage Therapy Compact (IMpact) included:

- Compact Update and on August 17 at 12:00 CST regulation boards will attend virtual meeting regarding Impact.
- Carper opened discussion regarding education hours, does like state sharing discipline easily.
- Chiles provided an overview of the draft compact specifically what is required to qualify for a Multistate License under this Compact, and to maintain eligibility for such a license:  
[https://compacts.csg.org/wp-content/uploads/2022/06/Massage-Therapy-Compact-Draft\\_.pdf](https://compacts.csg.org/wp-content/uploads/2022/06/Massage-Therapy-Compact-Draft_.pdf)
  1. Hold an active, unencumbered license to practice Massage Therapy in the applicant's Home State;
  2. Have an active and unique identifying number, as determined by the Rules of the Commission;
  3. Have completed at least six hundred and twenty-five (625) clock hours of Massage Therapy education, as approved under the laws of the applicant's Home State, or that Home State's Licensing Authority, or which the Commission may otherwise approve by Rule. Licensees holding an active and unencumbered license may be exempted from this requirement, as provided for by the Rules of the Commission;
  4. Have passed a national licensing examination developed and administered by a national Association of Massage Therapy regulatory boards or as otherwise approved by Commission Rule;
  5. Have not been convicted or found guilty, or have entered into an agreed disposition, of a felony offense under applicable State or federal criminal law, within five (5) years prior to the date of their application, where such a time period shall not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;
  6. Have not been convicted or found guilty, or have entered into an agreed disposition, of a misdemeanor offense related to the Practice of Massage Therapy under applicable State or federal criminal law, within two (2) years prior to the date of their application where such a time period shall not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;
  7. Have not previously held a Massage Therapy license which was revoked by, or surrendered to, an applicable Licensing Authority;
  8. Have no history of any Adverse Action taken by applicant's Home State Licensing Authority within two (2) years prior to the date of their application;
  9. Have not been convicted or found guilty, or have entered into an agreed disposition, of any offense, whether a misdemeanor or a felony, under state or federal law, at any time, relating to any of the following: a. Kidnapping; b. Human trafficking; c. Human smuggling; d. Sexual battery; or e. Any other category of offense which the Commission may by Rule designate.
  10. Pay all required fees related to the application and verification or certification process, and any other fees which the Commission may by Rule require; and
  11. Comply with any and all other requirements which the Commission may provide.
- Concern voiced from AMTA-NE regarding education qualifications to participate in the compact is a minimum of 625 hours and Nebraska requires 1000 hours.

c. Statistics: Examinations, Licensing, Administrative Penalties, Renewals, Disciplinary and Non

Disciplinary Information, and School Report

Attached to the 8.12.2022 agenda.

Questions asked at the meeting included the following:

Q. Where can unlicensed Reiki practice be reported?

A. Investigations

Q. If an establishment continues to operate after receiving a cease & desist, who to report to?

A. Investigations.

## **9. ADJOURNMENT**

The next meeting is scheduled for October 7, 2022 and will be set as an in person meeting. There was no further business and Carper declared the meeting of the Board of Massage Therapy adjourned at 11:06 a.m.

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Submitted by Steve Carper, Chair (Helaney Absent)  
Board of Massage Therapy

Minutes drafted by Carrie Oldehoeft, Health Licensing Coordinator