



NOTICE OF MEETING and AGENDA BOARD OF MASSAGE THERAPY

This meeting will be held as a virtual meeting. The public is welcome to attend any Open Session discussion in the Lower Level, Goldenrod Room. This meeting will also be available to the public to participate by WEBEX using this link: <https://sonvideo.webex.com/sonvideo/j.php?MTID=m551832a1b304f2bacfe36da3812cd568>

or call in information is 1-408-418-9388 using meeting number of 2490 236 4605

AGENDA		Date Posted: 1.17.2024
<p>Date and Time: Friday February 2, 2024 9:00 a.m.</p> <p>Location: State Office Building 301 Centennial Mall South (14th and M Street) Lower Level, Goldenrod Room Lincoln, Nebraska</p> <p>For Information Contact: Carrie Oldehoeft 402-471-2117 or dhhs.licensure2117@nebraska.gov</p>	<ol style="list-style-type: none"> 1. Call Meeting to Order and Roll Call Announcement: There is a current copy of the Open Meetings Act on the table with staff and available on the website listed below 2. Adoption of Agenda 3. Approval of Minutes 4. CLOSED SESSION (approx 9:15 am): Investigative Reports/Other Confidential Information Purpose: To hear discussions of investigative and confidential nature, and for the prevention of needless injury to the reputation of the individuals 5. OPEN SESSION (approx 10:00 am): Review, Recommendations, and Report Out (Applications, Mail Ballot Voting Results, and Reinstatements) 6. Updates and Reports <ol style="list-style-type: none"> a. 2024 Legislation b. Nebraska Chapter of the American Massage Therapy Association (NE-AMTA) http://www.amtane.org c. Federation of State Massage Therapy Boards (FSMTB) https://www.fsmtb.org d. Statistics: Examinations, Licensing, Administrative Penalties, Renewals, Disciplinary and Non-Disciplinary Information, and School Report (attached to agenda) 7. Annual Business <ol style="list-style-type: none"> a. Schedule 2024 Meetings (2.2.2024, 4.5.2024, 6.7.2024, 8.2.2024, 10.4.2024 and 12.6.2024) b. Approval of Method of Noticing Meeting Agendas (Neb.Rev.Stat. 84-1407-1414) c. Board Member Per Diems & Compensation Recommendations (Neb.Rev.Stat. §38-171) d. Board Goals for 2024 (Review By-Laws and Conviction Guidelines, Other?) e. Elections and Appointments <ul style="list-style-type: none"> • Appointment of Investigative Consultant, Education Reviewer, FSMTB representative 8. Adjourn 	

Nebraska Open Meetings Act: 84-1407 through 84-1414 <https://ago.nebraska.gov/open-meetings>

All items known at the time of distribution of this agenda are listed. A current agenda is available at the Department of Health and Human Services, Division of Public Health, Licensure Unit and at the following website: <http://dhhs.ne.gov/Licensure/Pages/Agendas-and-Minutes.aspx> **NOTICE:** If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Licensure Unit at (402) 471-2117 (voice), or for persons with hearing impairments, please call the Nebraska Relay System at 711 (TDD), prior to the meeting date. Advance notice of 7 days is needed when requesting an interpreter.

2024 Meeting Dates:
2.2.2024
4.5.2024
6.7.2024
8.2.2024
10.4.2024
12.6.2024

Massage Therapy Board Agenda – continued
February 2, 2024

Active Licenses:

EXAMINATION STATISTICS SUMMARY REPORT			
Profession: Massage Therapy		Run Date: 01/17/2024	
Date Range: 01/01/2023 to 1/17/2024		Page No: Page 1 of 1	
Exam Battery	Exam Name	Result Status	Number of Candidates per Result Status
Jurisprudence -	Jurisprudence - Reciprocity	Pass	18
FSMTB Exam	MBLEx	Pass	42
	MBLEx	Fail	6

Examinations:

		SUMMARY COU
Profession	License Statuses: License Types	Active
Massage Therapy	EO 20-27 Prov Massage Therapist	
	Massage Therapist	1,281
	Massage Therapy Establishment	473
	Massage Therapy School	6
	Massage-Preliminary Conviction Review	2
	Mobile Massage Therapy CC Establishme	5
	Out-of-State Massage Therapy Training	
	Temporary Massage Therapist	1
	Grand Total	1,768

Massage Therapy Board Agenda – continued
 February 2, 2024

Disciplinary and Non-Disciplinary Actions:

COMPLIANCE LISTING REPORT						
Profession: Massage Therapy				Run Date: 01/17/2024		
Action Start Date Range: 01/01/2023 to 01/17/2024				Page No: Page 1 of 1		
Licensee Name	License No	License Type	License Status	Disciplinary Action	Action Start	Action End
Beachler, Carrie Ann	2958	Massage Therapist	Active	Nondisciplinary Assurance of Compliance	02/27/2023	
Bergmann, Kalah Margaret	3774	Massage Therapist	Active	Petition for Disciplinary Action Filed	08/15/2023	10/24/2023
Bergmann, Kalah Margaret	3774	Massage Therapist	Active	Probation	10/24/2023	10/24/2026
Frederick, Krista	01	EO 20-27 Prov Massag	Revocation	Revocation	02/25/2023	
Hand and Stone Massage and Facial Spa	3480	Massage Therapy Est	Active	Civil Penalty	09/27/2023	06/27/2024
Hand and Stone Massage and Facial Spa	3480	Massage Therapy Est	Active	Probation	09/27/2023	09/27/2024
Henry, Alexandra Helen		Massage Therapist	Denied	Other	03/06/2023	04/05/2023
Massage Envy O Street	3477	Massage Therapy Est	Active	Probation	09/22/2023	03/22/2024

Renewals:

No report

These minutes have not been approved by the Board

MINUTES OF THE MEETING
BOARD OF MASSAGE THERAPY
October 20, 2023

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 9:02 a.m. in the 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 10.13.2023

The following members answered roll call:

Members Present (3):

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

Members Absent (1):

Michele Helaney, Secretary

Others Present (5):

TJ O'Neill, Assistant Attorney General (in room)
Danielle Sund, DHHS Attorney (in room)
Trevor Klaassen, Investigator (in room)
Public (in room)

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, Helaney, Roberts (3). Voting nay: None (0). Absent: Carstens (1). Abstained: (0) Motion carried.

4. UPDATES AND REPORTS

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

Public (NE-AMTA) SAVE the Date April 12 to 14, 2024 at the Graduate in Lincoln for their annual conference.

Call to action for LB16 going to floor asking to exclude Massage Therapy.
Massage Compact discussion
Tax changes
- b. Federation of State Massage Therapy Boards (FSMTB) <https://www.fsmtb.org>

[Carper reported that he attending the Annual meeting in September and handed out notes\(as attached\).](#)
- c. Statistics: Examinations, Licensing, Administrative Penalties, Renewals, Disciplinary and Non-Disciplinary Information, and School Report (attached to agenda)

5. CLOSED SESSION Investigative Reports and Other Confidential Information

MOTION: Roberts moved, seconded by Carstens, to enter into closed session at 9:33 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. A voice vote was taken. Voting aye: Carper, Carstens, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: (0) Motion carried.

Public phone line closed

10:18 am Carper exited the room

10:20 am Carper entered the room

Members agreed to return to open session at 10:43 a.m. and public phone line opened

10:44 am public entered room

6. OPEN SESSION Review, Recommendations, and Report Out

(Applications, Mail Ballot Voting Results, and Reinstatements)

Anita Ochoa- Massage Therapist

MOTION: Roberts moved, seconded by Carstens, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Carstens, Roberts (2). Voting nay: None (0). Absent: Helaney (1). Abstained: Carper (1) Motion carried

Alicia Bruce- Massage Therapist

MOTION: Roberts moved, seconded by Carstens, to recommend issuing the license with no terms or

conditions. A voice vote was taken. Voting aye: Carstens, Carper, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: None (0) Motion carried

Wenjie Hocog – Massage Therapist

MOTION: Roberts moved, seconded by Carstens, to recommend deferring for more information. A voice vote was taken. Voting aye: Carstens, Carper, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: None (0) Motion carried

Nicholas Huggins – Massage Therapist

MOTION: Carstens moved, seconded by Roberts, to recommend deferring for more information. A voice vote was taken. Voting aye: Carstens, Carper, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: None (0) Motion carried

8. ADJOURN

The next meeting is scheduled for December 15, 2023 and will be set as a virtual meeting. There was no further business and Carper declared the meeting of the Board of Massage Therapy adjourned at 10:46 a.m.

Submitted by Michele Helaney, Secretary
Board of Massage Therapy

Minutes drafted by Carrie Oldehoeft, Health Licensing Coordinator

Item 4B

2023 FSMTB Annual Meeting Report

Date September 28-30, 2023, in San Diego, CA

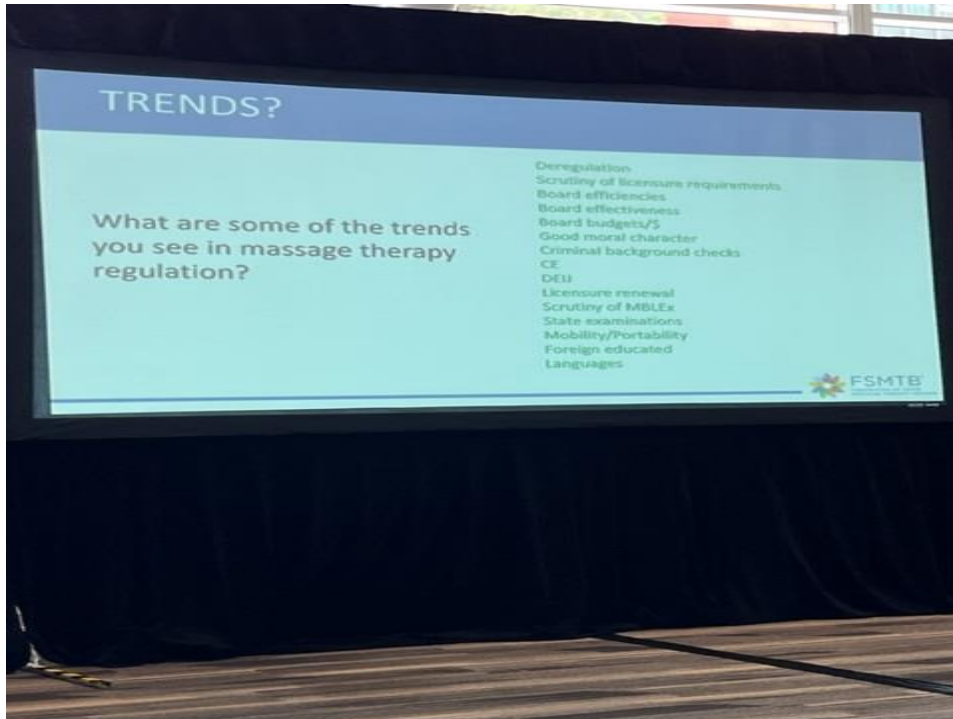
Friday September 29th:

- Officer reports
- Membership Forum
 - Many states are facing some form of deregulation.
Alabama was just notified by their Sunset Committee that their board will be eliminated as of 10/30/2024.
 - Establishment license movement
 - TX & GA schools (World of Beauty and Footy Rooty)
- Human Trafficking in Illicit Massage – Chris Muller- Tabanera, Chief Strategy Officer, The Network.
 - Looked at the victim workers.
 - 30–60-year-old women from China, South Korea, Thailand, and Vietnam.
 - Promised jobs in the US.
 - Need to create Inoperable Environment
 - Success Strategies – Landlord letters
Inform. Educate. Motivate
 - Organization – Franchise model
 - The Network can provide a list of suspected IMB.
<https://www.thenetworkteam.org>
 - Doesn't work arresting women. Need to arrest buyers.
- It Takes Everyone: A Multidisciplinary Approach to IMI – Imran Ali and Aimee Schroeder, Eckberg Lammers. Law enforcement training & Consulting.
 - Evidence based prosecution.
 - Labor crimes
 - MN – Felony with 2nd charge for the buyer
 - Types of Illicit Massage Business.
 - Local – local ties – real estate, bank accounts. Family/children locally
 - Domestic – Few local ties. Family in CA or NY
 - International – no ties to community. Family international. Connection to NY/CA.
 - Several IMB have connection to CA or NY addresses.
 - One address is 4170 Main Street Suite B3531 Flushing NY
 - NE has 8 LMTs from Flushing and one that matches this address.

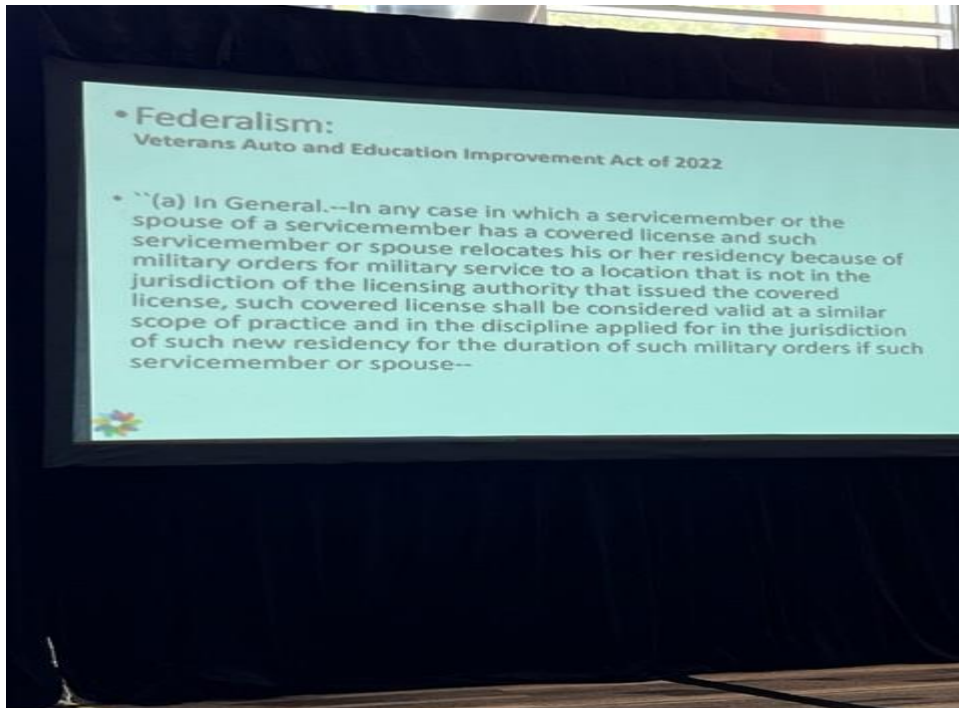
- Estimated that each state has at least 8 IMB.

Saturday September 30th:

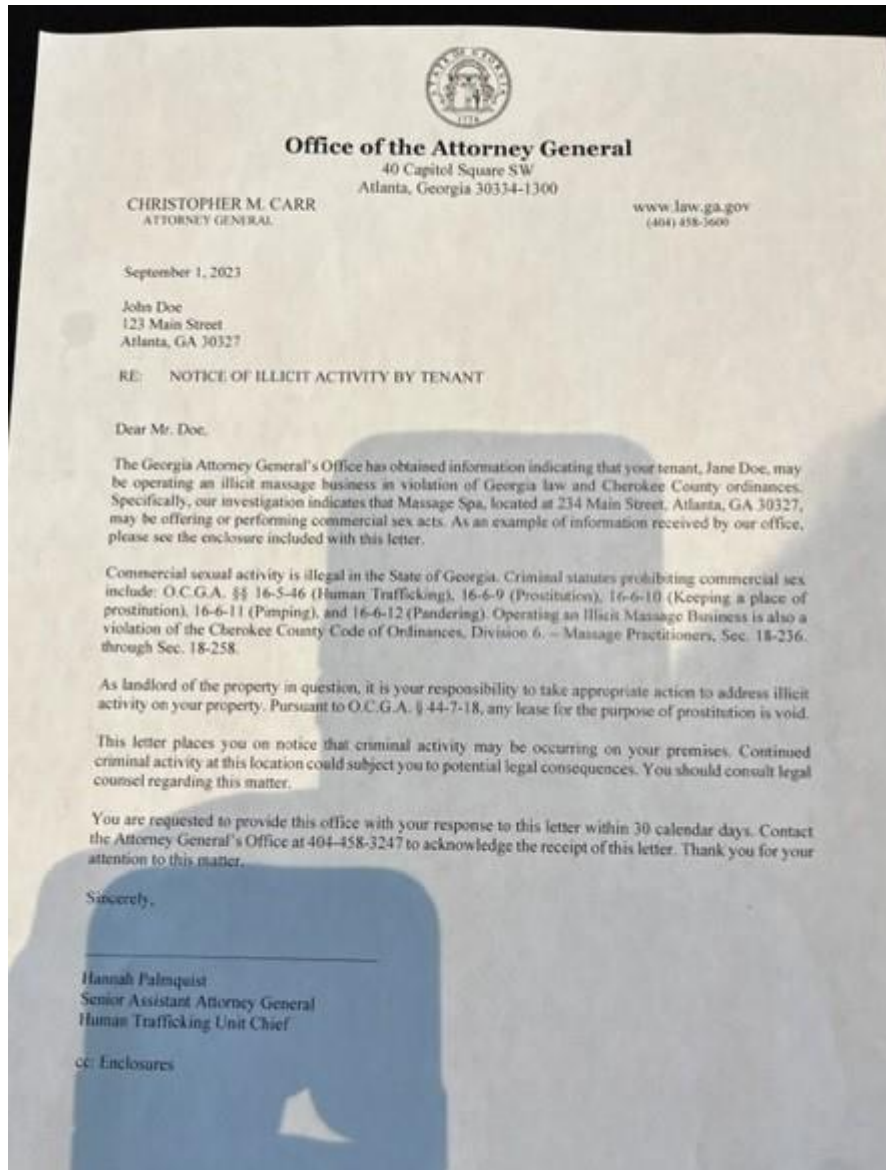
- Election of new Board members
 - Karen Frazier, KY and Liz Barnard, NV
- MBLEx
 - Changed to Palm in Palm out protect the integrity of the exam.
 - 46 jurisdictions require the MBLEx.
 - July 2022-June 2023 17,400 MBLEx candidates tested with a 72% first-time pass rate.
 - FSMTB has partnered with The Network to coauthor an article examining massage licensing fraud in education.
- Impact
 - Nevada is the only state to approve it.
 - Missouri may be the 2nd.
 - Many states are not interested.
 - Need 7 states to start.
- Regulatory Cases and Trends



- Does our Practice Act say our board has exclusive authority to define scope?



- Discussed if the Federal Government can force this on a State.
- Illicit Massage Industry
 - Massage Therapy Licensing Database (MTLD) – Comprehensive, national databank of Licensed massage therapists that facilitates information sharing between state massage regulatory boards and agencies.
 - National Practitioner Data Bank - a web-based repository of reports containing information on medical malpractice payments and certain adverse actions related to health care practitioners, providers, and suppliers.



Agenda #7

38-171. Board; advisory committee or body; compensation; limitation; expenses.

Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

1. \$50 for each day in attendance at regular board meeting
2. \$50 for travel days when overnight stay with meeting attendance
3. \$50 each day of attendance at National Meeting, including travel days when overnight stay
4. \$50 for attending board related meetings/hearings (such as testifying on legislative bills, regulation hearings, etc) when approved by the Board as the Board representative for the meeting

PUBLIC MEETINGS; NOTICE AND AGENDA REQUIRED

<https://ago.nebraska.gov/open-meetings>

E. Section 84-1411 sets out several requirements for the notice which must be given for a public meeting and for the agenda which must be prepared: (1) the public body must give reasonable advance publicized notice of the time and place of each meeting, (2) that notice must be transmitted to all members of the body and to the public, (3) the notice must contain an agenda of subjects known at the time of the publicized notice, or a statement that such an agenda, which must be kept continually current, is readily available for inspection at the principal office of the public body during normal business hours.

1. **Notice.** 2020 Neb. Laws LB 148, § 3 placed restrictions on certain public bodies with respect to publication of meeting notices. Under § 84-1411(1)(b)(i)-(iii), governing bodies of political subdivisions and their advisory committees must publish notice in a newspaper of general circulation within the public body's jurisdiction and, if available, on the newspaper's web site. Governing bodies of cities of the second class or villages and their advisory committees must either publish notice in a newspaper of general circulation within the public body's jurisdiction and, if available, on the newspaper's web site, or by posting written notice in three conspicuous public places in the city or village. The posting locations shall remain the same for each meeting. **For all other public bodies, notice shall be given by a method designated by the public body.** Governing bodies of political subdivisions and their advisory committees may, in addition to the requirements set out above, provide notice of their meetings by any other appropriate method designated by the public body. Section 84-1411(1)(c). Section 84-1411(1)(d) requires each public body to record the method(s) and date(s) of such notice in its minutes. Public bodies holding meetings by videoconferencing and telephone conference call, as provided in § 84-1411(2) and (3) respectively, must follow the meeting notification requirements in § 84-1411(1).