

# MINUTES OF THE MEETING OF THE BOARD OF MASSAGE THERAPY

February 2, 2018

These minutes were  
approved by the Board on  
April 6, 2018

## **1. ROLL CALL**

The meeting of the Board of Massage Therapy was called to order by Kim Adams Johnson, Chair, at 9:00 a.m. in Lower Level Conference Room A, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered roll call:

### Members Present:

Kim Adams Johnson - Chair  
Brian Allison - Vice-Chair  
Steven Carper - Member

### Member Absent

Michelle Helaney - Secretary

### Others Present:

Ami Huff, Assistant Attorney General  
Kris Chiles, Program Manager, Licensure Unit  
Nancy Herdman, Health Licensing Coordinator, Licensure Unit  
Mark Meyerson, Investigations

## **2. ADOPTION OF AGENDA**

**MOTION:** Carper moved, seconded by Allison, to adopt the agenda. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Absent: Helaney (1). Motion carried.

## **3. APPROVAL OF MINUTES (12-1-17)**

**MOTION:** Carper moved, seconded by Adams Johnson, to approve the minutes of 12-1-17. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

## **4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION CLOSED SESSION**

**MOTION:** Allison moved, seconded by Carper, to enter into closed session at 9:01 a.m. to hear discussions of an investigational/confidential nature and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

9:02 a.m. - Alex Belcher, inspector, entered meeting  
9:07 a.m. - Meyerson departed the meeting  
9:11 a.m. - Belcher departed meeting  
9:12 a.m. - Carper departed meeting  
9:19 a.m. - Carper departed meeting

**MOTION:** Carper moved, seconded by Adams Johnson, to enter into open session at 9:27 a.m. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

9:27 a.m. - 1 public person entered meeting

## **5. REVIEW AND RECOMMENDATIONS – OPEN SESSION**

### **Taylor Branigan – Massage Therapist Applicant**

**MOTION:** Allison moved, seconded by Adams Johnson, to recommend issuance of the license with a 2 year probation to include the standard terms and conditions and successful completion of the jurisprudence examination within 90 days, random body fluid screens, abstain from alcohol/drugs and employer quarterly reports. The basis is convictions, failure to report 5 of 8 convictions and multiple diagnoses. A roll call vote was taken. Voting aye: Adams Johnson, Allison (2). Voting nay: None (0). Abstain: Carper (1). Absent: Helaney (1). Motion carried.

### **Courtney Gerdes – Massage Therapist Applicant**

**MOTION:** Allison moved, seconded by Carper, to issue with no terms and conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

### **Katherine Dowdy – Massage Therapist Applicant**

**MOTION:** Carper moved, seconded by Allison, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

## **6. NEW BUSINESS, UPDATES AND REPORTS**

### **a. Float Therapy – Review for Board Position Regarding Massage Therapy**

Chiles stated she had received questions about whether float therapy fell under massage therapy. The Board's position was that it did not fall under massage therapy.

### **b. 2018 Legislative Session Bill Introductions and Resolution (LR 228)**

Chiles reported the session began 1-3-18, the 10 days to introduce bills was over, now hearings were being held and the session will end 4-18-18.

LB 1084 – A bill to tax personal services which would include taxing for massage therapy services.

LB 958 – A bill related to mobile massage. Adams Johnson stated she talked with the senator and he is willing to amend the bill to provide more detail/clarity. For example, there is no definition of a vehicle. The current regulations require a set location with certain standards. Adams Johnson testified as a proponent of the bill.

A public person stated she testified against the proposal as written. She would like to see items added such as permanent signage and accountability in terms of knowing where the vehicle is located. She wants to know it is a real place of business.

LB 596 – Relates to equine massage. There was an amendment introduced to create an equine massage practitioner registry.

LB 299 – This bill was introduced last session. It proposes a commission to review all regulations and to allow a person to petition a board to look at their convictions prior to applying for a license.

LB 834 – A bill proposing to waive licensing fees for certain conditions. The bill proposes waiving fees for:

- Low-income individual means an individual enrolled in a state or federal public assistance program, including, but not limited to, the medical assistance program established pursuant to the Medical Assistance Act, the federal Supplemental Nutrition Assistance Program, or the federal Temporary Assistance for Needy Families program or whose household adjusted gross income is below one

hundred thirty percent of the federal income poverty guidelines, or a higher threshold to be set by the Licensure Unit of the Division of Public Health of the Department of Health and Human Services;

- (4) Military families means active duty service members, honorably discharged veterans, spouses of active duty service members or honorably discharged veterans, and unremarried surviving spouses of deceased service members; or
- (6) Young worker means an applicant under section 2 of this act who is between the ages of eighteen and twenty-five years.

Adams Johnson talked about the 407 process regarding reflexology. She said the initial application proposed exempting reflexology from massage therapy regulation but some are now talking about seeking licensure. She suggested they develop guidelines for schools, establishments and individuals if they were to pursue licensure. Adams Johns stated that this Board had previously stated they did not support exempting reflexology from licensure as a massage therapist. Chiles asked what education was required for reflexology certification and Adams Johnson responded they must complete 200 hours before they can sit for the examination.

The public person commented that if the reflexologist was manipulating soft tissue, then it would be under massage therapy.

The next meeting of the 407 committee is on 3-1-18 and Adams Johnson expects them to make a decision/recommendation at that meeting.

10:09 a.m. - Break  
10:14 a.m. - Meeting resumed

LB 343 – This is a carryover bill from last session. The bill proposes to reduce massage therapy education hours but there has been no action. Other professions included in this bill had separate bills introduced this session but massage therapy did not.

#### **c. Draft Revised Regulations – Discussion and Next Steps**

Chiles stated that with the executive order expending rulemaking expiring on 12-13-17, boards will be looking at their regulations again. Chiles will be composing a priority listing of which boards need to move forward first.

#### **d. Nebraska Chapter of AMTA**

The public person commented on-line elections for the board were starting if anyone was interested.

Becky Ohlsen, AMTA-NE President, had asked the Board to look at courses AMTA was offering this year and provide any feedback. There were Cadaver Courses which AMTA was proposing to offer for 3 hours of hands-on and this Board advised them that cadaver courses were not accepted as hands-on. The public person asked about the Sports Massage course that was being done a little differently than in the past and the Board had no concerns with the hands-on portion.

#### **e. Federation of State Massage Therapy Boards**

Adams Johnson commented they sent out a survey on record keeping. She stated they have another litigation pending regarding their examination.

**f. Statistics: Examinations / Licensing / Administrative Penalties / Renewals / Disciplinary and On-Disciplinary Information / School Report**

Chiles stated 98 renewals were audited. She reported a number of licensees did not respond to the audit request and a second notice was sent out by certified mail. The office is still working on the audits and it appears that 10 will not pass the audit. Most of the issues appeared to be too many hours in home study. These individuals will be sent a notice of expiration which advises them their license will expire in 30 days from the date of the notice. They can apply for reinstatement following expiration once they have the required continuing education hours. Adams Johnson suggested that AMTA might want to send out information on renewal and what continuing education hours can be considered.

Chiles reported for 2018 the following new licenses were issued:

109 – massage therapists  
115 – massage therapy establishments  
4 – temporary massage therapists  
2 - schools

**g. Review, Discussion and Possible Change to the Board By-Laws**

Discussion occurred relating to the officer section of the By-Laws given at the previous meeting of the Board, no other member wished to take on the role of the Chair.

**MOTION:** Allison moved, seconded by Carper, to remove the clause in the By-Laws that states ‘no member can hold the same office for 2 consecutive years’. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

Adams Johnson reminded the members that it was important that they make an effort to attend every Board meeting. She commented that for the last several meetings all members were not present.

**7. ELECTIONS AND APPOINTMENTS**

**a. Election of Officers**

**MOTION:** Allison moved, seconded by Carper, to elect Adams Johnson as Chair. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

**MOTION:** Allison moved, seconded by Carper, to elect Allison as Vice-Chair. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

**MOTION:** Carper moved, seconded by Adams Johnson, to elect Carper as Secretary. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

**b. Appointment of Investigative Consultants and Education Reviewer**

The following were appointed:

Investigative Consultant – Carper  
Education Reviewer – Carper  
FSMTB Representative – Adams Johnson

**8. ADJOURNMENT**

There being no further business, Adams Johnson declared the meeting of the Board of Massage Therapy adjourned at 10:51 a.m.

Respectfully Submitted,

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Steven Carper, Secretary  
Board of Massage Therapy

Minutes completed by Nancy Herdman, Health Licensing Coordinator