

**MINUTES OF THE MEETING OF THE  
BOARD OF MASSAGE THERAPY**

April 5, 2019

These minutes were approved  
by the Board on June 14, 2019

**1. ROLL CALL**

The meeting of the Board of Massage Therapy was called to order by Brian Allison, Chair, at 9:01 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:

Brian Allison, Chair  
Steven Carper, Vice-Chair  
Mallory Carstens, Member

Member Absent

Michele Helaney, Secretary

Others Present:

Ami Huff, Assistant Attorney General  
Kris Chiles, Program Manager, Licensure Unit  
Nancy Herdman, Health Licensing Coordinator, Licensure Unit  
1 public person

**2. ADOPTION OF AGENDA**

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

**3. APPROVAL OF MINUTES (2-1-19)**

**MOTION:** Carstens moved, seconded by Carper, to approve the minutes of 2-1-19. A roll call vote was taken. Voting aye: Allison, Carper, Carstens (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

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

**MOTION:** Carper moved, seconded by Carstens, to enter into closed session at 9:03 a.m. to hear discussions of an investigational/confidential nature and for the prevention of needless injury to the reputation of the individuals. Allison repeated the motion and purpose. A roll call vote was taken. Voting aye: Allison, Carper, Carstens (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

9:03 a.m. - Public person departed meeting

**MOTION:** Carper moved, seconded by Carstens, to enter into open session at 9:10 a.m. A roll call vote was taken. Voting aye: Allison, Carper, Carstens (3). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

9:10 a.m. - 1 public person entered meeting

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

Conviction Review:

### **Katie Watkins – Massage Therapist Applicant**

**MOTION:** Carper moved, seconded by Carstens, to recommend issuing the license with 6 month probation to include the standard terms and conditions and complete the jurisprudence examination within the first 90 days of license issuance. Motion basis is did not disclose convictions. A roll call vote was taken. Voting aye: Allison, Carper, Carstens (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

Chiles reported she would be inspecting the new massage therapy school (located in Lincoln) next week.

## **6. NEW BUSINESS**

9:24 a.m. - 1 public person entered meeting

### **a. 2019 Legislative Session**

LB 112 – This bill waiving initial licensing fees for young workers, military and low income, was signed by the Governor on 3-29-19 and goes into effect 90 days after the session ends.

LB 347 – Proposes that individuals engaged in the practice of reflexology, and whose services are not designated or implied to be massage or massage therapy, are not required to hold a license under the Massage Therapy Practice Act. The hearing on the bill was 3-21-19. The public person commented she attended the hearing and only 2 persons spoke in opposition. She commented some Senators noted that no one from the Board appeared at the hearing. The Board discussed at their last meeting their position of opposition. There was to have been a letter in opposition submitted but that did not happen. Carper agreed to write a letter from the Board opposing the bill. The Senator had indicated he would not forward the bill but it is now on General File which means it could move forward.

LB 244 – Proposes to license mobile massage therapy establishments. The hearing was held 3-27-19 and Carper testified. Carper was asked why the Board did not support the bill last year and he responded the bill at that time did not contain any standards.

A public person (AMTA representative) commented that there were several bills regarding taxing services such as massage therapy.

### **b. Regulation Status**

Chiles reported that Chapters 81, 82 and 83 had been forwarded to legal. Chapters 82 and 83 will be combined into one Chapter. Chiles reported there is a new proposed Chapter 10 which includes standards that apply for all professions regulated by the Uniform Credentialing Act and the hearing was 3-20-19. She stated there was also discussion of creating a Chapter 9 that would include standards that apply to all businesses under the Uniform Credentialing Act. Legal has not yet reviewed the establishment regulations.

### **Chapter 81 Further Discussion After Initial Legal Review**

Massage therapy definition – Board recommended using the term remedial therapy and including Reiki.

Reciprocity for temporary license – There is no statutory authority for a temporary license as written in the draft. Per statute, a temporary license is only for those who need to complete the examination.

License reciprocity – Reviewed hour equivalents for reciprocity and the Board supported the options, including an increase from 100 to 200 hours per year for practice hours in another state under licensure, that can be used towards the 1,000 hours as a massage therapist.

Unprofessional conduct – Reviewed and remove some items that were already addressed in statute.

**c. Nebraska Chapter of AMTA**

The public person (AMTA representative) presented:

- At the AMTA conference this weekend, the new board members will be announced along with an award presentation.
- Will be sponsoring CE at the Lincoln Marathon.
- Membership numbers are over 500.
- New school in Kearney that may join as an AMTA school.
- There is training on 4-5-19 and in June.

**d. Federation of State Massage Therapy Boards**

It was reported:

- The annual meeting will be October 3-5, 2019 in Atlanta.
- Nebraska's membership invoice has been received.
- Will be launching the online MBLEx practice exam.
- Continuing to roll-out the database.
- Will be launching the CE Registry.
- Will be working on model law language.

**e. Statistics: Examination / Licensing / Administrative Penalties / Renewals / Disciplinary and Non-Disciplinary Information / School Report**

The following disciplinary and non-disciplinary information was provided:

Ethan Hatcher – petition for disciplinary action filed on 3-7-19  
Anay Hobson – probation from 2-14-19 to 8-14-19  
Carly Pfeiffer – probation from 1-2-19 to 7-2-19  
Christopher Sampson – Revocation on 3-3-19  
Jeffrey Vesly – Nondisciplinary assurance of compliance on 1-24-19  
Xiangju Zhao – Revocation on 1-27-19

Chiles reported the following statistics:

**Examination results since 1-1-19:**

MBLEx – 7 pass, 2 fail  
Jurisprudence (CEU) – 2 pass, 2 fail  
Jurisprudence (reciprocity) – 11 pass

**Active License Statistics:**

Massage Therapist – 1550  
Massage Therapy Establishment – 635  
Massage Therapy School – 9  
Temporary Massage Therapist – 2

10:30 a.m. - Break  
10:40 a.m. - Meeting resumed

**Investigation Discussion Deferred.** The Department investigators were attending another Board meeting across town and on their way to this meeting; however, one of the members needed to leave and thus there would not be a quorum to continue the meeting. It was decided there would be a conference call meeting to address investigations.

Allison presented a crystal award to Kim Adams Johnson, honoring her for 10 years of dedication to the Board as a previous member.

## **7. ADJOURNMENT**

There being no further business, Allison declared the meeting of the Board of Massage Therapy adjourned at 10:43 a.m.

Respectfully Submitted,

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Michele Helaney, Secretary  
Board of Massage Therapy

Minutes completed by Nancy Herdman, Health Licensing Coordinator