

These minutes were approved at the 12.6.2019 meeting

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

October 11, 2019

### **1. ROLL CALL**

The meeting of the Board of Massage Therapy was called to order by Steven Carper, Vice-Chair, at 9:03 a.m. in Lower Level Conference Room B, 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:

Steven Carper, Vice-Chair  
Mallory Carstens, Member  
Michele Helaney, Secretary

#### Member Absent

Brian Allison, Chair

#### Others Present:

Kris Chiles, Program Manager, Licensure Unit  
Angela Andersen, Health Licensing Coordinator, Licensure Unit  
Carla Cue, Investigations

A quorum was present and the meeting convened.

### **2. ADOPTION OF AGENDA**

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

### **3. APPROVAL OF MINUTES (6-14-19)**

**MOTION:** Helaney moved, seconded by Carstens, to approve the minutes of 6-14-19. A voice vote was taken. Voting aye: Carper, Carstens, Helaney (3). Voting nay: None (0). Absent: Allison (1). Motion carried.

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

**MOTION:** Helaney moved, seconded by Carstens, to enter into closed session at 9:05 a.m. to hear discussions of an investigational/confidential nature and for the prevention of needless injury to the reputation of the individuals. Carper repeated the motion and purpose. A roll call vote was taken. Voting aye: Carper, Carstens, Helaney (3). Voting nay: None (0). Absent: Allison (1). Motion carried.

9:50 a.m. – Cue departed the meeting

**MOTION:** Helaney moved, seconded by Carstens, to enter into open session at 10:21 a.m. A roll call vote was taken. Voting aye: Carper, Carstens, Helaney (3). Voting nay: None (0). Absent: Allison (1). Motion carried.

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

Conviction Reviews:

### **Monica Macfee – Massage Therapist Applicant**

**MOTION:** Helaney moved, seconded by Carper, to recommend completion of an updated alcohol evaluation from a Licensed Alcohol and Drug Counselor, Licensed Mental Health Practitioner, Psychologist or Physician. The evaluation must include a diagnosis and treatment recommendation as appropriate. A roll call vote was taken. Voting aye: Carper, Carstens, Helaney (3). Voting nay: None (0). Absent: Allison (1). Motion carried.

### **Sara Norman – Massage Therapist**

**MOTION:** Helaney moved, seconded by Carstens, to recommend offering a probationary reinstated license with 6 month probation to include the standard terms and conditions and the following: jurisprudence within 90 days and administrative penalty. A roll call vote was taken. Voting aye: Carper, Carstens, Helaney (3). Voting nay: None (0). Absent: Allison (1). Motion carried.

10:21 a.m. – Meeting break

10:27 a.m. – 1 public person entered the meeting

10:27 a.m. – Meeting resumed

## **6. UPDATES AND REPORTS**

### **a. 172 NAC 81, 82, and 83 Public Hearing scheduled for 10.15.19 at 10 a.m., Room LLB [https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal\\_id=2075](https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2075)**

- Chiles reported the hearing would be held 10-15-19 at 10 a.m., Room LLB. She provided an overview of the process during and after the public hearings.
- Chiles reported positive comments in favor of the regulations changes, there were a number of comments relating to schools, and Carper agreed it was well worth the Board's time so the regulations would move in the right direction.

### **b. Set Meeting Date to Review Regulation Hearing Comments and Approve Regulations**

- Chiles suggested a separate meeting be scheduled to address the hearing comments (either in person or by conference call). The length of the meeting would depend on the number of comments so the Board could decide after the hearing if they would like the meeting to be a conference call or in person. Suggested date was November 8, 2019 at 9:00 a.m.

### **a. 2020 Legislation – no updates**

### **b. Nebraska Chapter of the American Massage Therapy Association (AMTA)**

<http://www.amtane.org>

1. AMTA 2019 National Convention, October 24-26 in Indianapolis, IN.
2. 2020 Spring Convention – April 5-7 at the Holiday Inn Omaha SW, Omaha NE.
3. Discussion regarding emphasis of the 2020 convention which is reflexology, pathology, and a workshop on gastroenterology. Carper questioned how they are implementing items such as gut to brain effects into Massage Therapy practice. Massage Therapist don't diagnosis issues with gastroenterology, a physician would have to, but they could help alleviate the symptoms. Chiles provided a definition of Pathology from 172 NAC 81:

Pathology: May include, but is not limited to, definition of pathology and disease, pharmacology, pathology of body systems, disease entities including cause and effect, blood pressure, pulse monitoring, injury and soft tissue dysfunction, etc. These hours must be taught by a licensed massage therapist or a person with appropriate training in the subject matter.

**c. Federation of State Massage Therapy Boards (FSMTB) <https://www.fsmtb.org>**

Carper reported he attended the FSMTB Annual Meeting October 3-5, 2019 in Atlanta, GA.

Key notes from the meeting

- FSMTB members are attending different states' board meeting usually around the time of regulation changes.
- Communicating and establishing relationships with law enforcement as a valuable resource to address human trafficking, mandatory reporting, and establishment oversight.
- FSMTB is developing a database called Massage Therapy Licensing Database (MTLD, pronounced matilda) to help combat human trafficking.
- Tennessee did a 100% audit and 87% of licensees were not complaint with the continuing education credits.
- Implementing exam security and how test questions are embedded. Lawsuits filed against a test preparation establishment in Illinois when it was found that individuals were taking the test with cameras in cuff links to record questions. 6 individuals were arrested.
- Subjects such as reflexology, cryotherapy, and CBD oil were also brought up and how other states handle these issues.
- Distance learning and how the regulations have changed to allow online learning or blending hybrid classes.
- Fees vary from state to state. Some states do not have establishment licenses and others like Florida do but the cost is \$2,000+.

The disciplinary and non-disciplinary report was distributed for review.

Chiles reported the following statistics:

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

MBLEx – 32 pass, 4 fail  
Jurisprudence (CEU) – 17 pass, 2 fail  
Jurisprudence (Probation Term) – 2 pass, 1 fail  
Jurisprudence (reciprocity) – 32 pass, 2 fail

**Active License Statistics:**

Massage Therapist – 1607  
Massage Therapy Establishment – 669  
Massage Therapy School – 11  
Mobile Massage Therapy CC Establishment – 1  
Temporary Massage Therapist – 2

**7. ADJOURNMENT**

There being no further business, Carper declared the meeting of the Board of Massage Therapy adjourned at 11:27 a.m.

Respectfully Submitted,

\_\_\_\_\_  
Michele Helaney, Secretary  
Board of Massage Therapy

Minutes completed by Angela Andersen, Health Licensing Coordinator