

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

December 6, 2019

**1. ROLL CALL**

The meeting of the Board of Massage Therapy was called to order by Brian Allison, Chair, at 9:00 a.m. in Lower Level Conference Room C, 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 (4):

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

Member Absent: (0)

None

Others Present:

Kris Chiles, Program Manager, Licensure Unit  
Heidi Weiland, Health Licensing Specialist, Licensure Unit  
Juan Ramirez, Independent Consultant for Center of Nursing  
Matt Gelvin, Program Manager, Licensure Unit  
Anna Harrison, Compliance Monitor  
2 Members of the Public

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Carper moved, seconded by Helaney, to adopt the agenda. A voice vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

**3. APPROVAL OF MINUTES (10-11-19)**

**MOTION:** Helaney moved, seconded by Carstens, to approve the minutes of 10-11-19. A voice vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

**4. HEALTH CARE PROFESSIONALS DISCIPLINARY ACTIONS 2012 TO 2017.**

Gelvin, Ramirez and Harrison provided an overview of health care professional's disciplinary actions from 2012 and 2017. Notes of interest were:

- 1355 Health Care Professionals currently being monitored based on disciplinary action (285 cosmetologists, 61 body artists, and 29 nail technicians)
- 41.7% of the 1355 are on probation, (59% Massage therapists) 15.1% suspended (5% massage therapists)
- 240 professionals disciplined for 3 or more years; most common violation for all professions is substance use disorder (41.6%)
- 145 professionals disciplined for 5 or more years (11 were cosmetologists)
- Average of 290 days (approximate 10 months) to first lapse (2012 to 2017 all professions)
- Number of days of 2<sup>nd</sup> lapse 368
- Massage specific Demographics relating to discipline: 20% male and 80% female
- Massage specific Age at time of discipline: Millennials: 65%, Generation X: 29%, Baby Boomers: 6%

9:25 a.m. - Galvin and Harrison departed the meeting  
9:27 a.m. - Ramirez departed the meeting

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

**MOTION:** Carper moved, seconded by Carstens, to enter into closed session at 9:29 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: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

**MOTION:** Carper moved, seconded by Carstens, to enter into open session at 9:40 a.m. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

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

9:40 a.m. - Break  
9:51 a.m. - Return to open session

Amber Siekman, temporary license applicant stated she is attending the meeting today to provide information regarding her convictions, work history, family life, alcohol evaluation and recent counseling. She was accompanied by an instructor from Myotherapy School of Massage Therapy and presented letters of recommendation.

9:59 a.m. – Siekman and a member of the public departed the meeting

**MOTION:** Carper moved, seconded by Carstens, to enter into closed session at 10:05 a.m. to hear discussions of a confidential nature and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

**MOTION:** Carper moved, seconded by Carstens, to enter into open session at 10:29 a.m. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

10:31 a.m. – Siekman and a member of the public entered the meeting

### **Conviction Reviews:**

#### **Amber Siekman – Temporary Massage Therapist Applicant**

**MOTION:** Helaney moved, seconded by Carper, to recommend a 2-year probation with the following terms and conditions: follow the recommendation of the evaluation, abstain from alcohol, random body fluid screens for alcohol, quarterly employer reports, and the standard terms and conditions. Basis: convictions and diagnosis. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

#### **Clare Gertsch – Massage Therapist - Reinstatement**

**MOTION:** Helaney moved, seconded by Carstens, to recommend offering a 6-month probationary reinstated license with the following terms and conditions: pass the jurisprudence examination within 90 days and the standard terms and conditions. Basis: convictions and failure to disclose. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

**Allison Ellicott – Massage Therapist – Education Review**

**MOTION:** Helaney moved, seconded by Allison, to deny the request for physical therapy assistant practice to count towards massage therapy practice. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

10:36 a.m. – Siekman and a member of the public departed the meeting

**7. Regulations Review, Discussion, and Recommendation Following Public Hearing: 172 NAC 81, 82 and 83**

The board reviewed the testimony and provided recommendations.

11:16 a.m. – Huff departed the meeting

**8. UPDATES, REPORTS and ANNUAL BUSINESS**

- a. 2020 Legislation: No new bills introduced regarding massage therapy; LB 347 is a carry-over bill from 2019 that proposes to exempt reflexology from the practice of massage therapy
- b. Nebraska Chapter of the American Massage Therapy Association (AMTA): No updates
- c. Federation of State Massage Therapy Boards (FSMTB): No updates
- d. Statistics: Examinations, Licensing, Administrative Penalties, Renewals, Disciplinary and Non-Disciplinary Information, and School Report

Chiles reported the following statistics:

**Online Renewal Count:**

Massage Therapist – 1206 out of 1500 renewal sent out

Massage Therapy Establishment – 406 out of 666 renewals sent out

**Examination results since 1-1-19 to 12/5/2019:**

MBLEx – 32 pass, 4 fail

Jurisprudence (CEU) – 26 pass, 2 fail

Jurisprudence (Probation Term) – 3 pass, 1 fail

Jurisprudence (reciprocity) – 38 pass, 2 fail

**Active License Statistics:**

Massage Therapist – 1362

Massage Therapy Establishment – 516

Massage Therapy School – 7

Mobile Massage Therapy CC Establishment – 1

Temporary Massage Therapist – 2

- e. Board member Per Diems and Compensation Recommendations (Neb. Rev. Stat. §38-171)

**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.

Discussion related to a per diem for time spent on reviewing application, investigative prep work, travel, regulation hearings and/or meeting with an organization on behalf of the Board of Massage Therapy Board. Carper stated there is not much time devoted to reviewing applications, so a per diem in his opinion is not necessary, but should apply to attending a hearing to represent the Board. Chiles stated if there was any event outside of the board meeting, whereby the member would be representing the Board, then the member should request approval to attend at the meeting prior to attending.

**MOTION:** Carper moved, seconded by Carstens, to continue with a per diem in the amount of \$50 for attending meetings as a representative of the Board. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

f. Approval of Method of Noticing Meeting Agendas:

**MOTION:** Helaney moved, seconded by Carper to continue with the current method of noticing meeting agendas (posted on the DHHS website, Licensure Unit Lobby, and sent to interested parties if requested). A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

g. Set meeting dates for 2020

- 2.7.2020 - ok
- 4.3.2020 - changed to 4.17.2020
- 6.7.2020 - changed to 6.12.2020
- 8.7.2020 - changed to 8.14.2020
- 10.9.2020 - changed to 10.23.2020
- 12.4.2020 - ok

**9. ELECTIONS AND APPOINTMENTS**

a. Election of Officers

**MOTION:** Helaney moved, seconded by Carper to retain the current slate of officers. There were no other motions or nominations. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

- Allison – Chair
- Carper – Vice Chair
- Carstens – Secretary

b. Appointment of Investigative Consultant

- Helaney, Education Review
- Carper, FSMTB Representative

**7. ADJOURNMENT**

There being no further business, Carper declared the meeting of the Board of Massage Therapy adjourned at 11:29 a.m.

Respectfully Submitted,

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Michele Helaney, Secretary  
Board of Massage Therapy