



NOTICE OF MEETING and AGENDA BOARD OF MASSAGE THERAPY

This meeting will be held in-person. A conference call phone line has been established for the public to call in or the public is welcome to attend any Open Session discussion at the State Office Building. If calling in, please use the following to attend the Open Session items of the Board meeting:

PUBLIC CALL IN #: 888-820-1398

PARTICIPANT #: 8986450#

AGENDA		Date Posted: 03.27.2023
<p><u>Date and Time:</u> Friday April 7, 2023 9:00 a.m.</p> <p><u>Location:</u> State Office Building 301 Centennial Mall South (14th and M Street) Lower Level, Morrill Room (Room B) Lincoln, Nebraska</p> <p><u>For Information Contact:</u> Carrie Oldehoft 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 (12.2.2022) 4. Updates and Reports <ol style="list-style-type: none"> a. 2023 Legislation <ul style="list-style-type: none"> • LB 78: Redefine the definition of massage therapy (hearing 2.2.2023) https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49963 • LB 280: Adopt the Interstate Massage Compact – IMpact (hearing 2.2.2023) https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50572 IMpact https://compacts.csg.org/compact-updates/massage-therapy/ 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) 5. CLOSED SESSION (approx 10:00 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 6. OPEN SESSION (approx 11:00 am): Review, Recommendations, and Report Out (Applications, Mail Ballot Voting Results, and Reinstatements) 7. Adjourn 	

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

<p>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.</p>	<p>2023 Meeting Dates:</p> <ul style="list-style-type: none"> 2.10.2023 4.7.2023 6.2.2023 8.11.2023 10.20.2023 12.15.2023
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Massage Therapy Board Agenda – continued
 April 7, 2023

Active Licenses:

		SUMMARY CO
Profession	License Statuses: License Types	Active
Massage Therapy	EO 20-27 Prov Massage Therapist	
	Massage Therapist	1,476
	Massage Therapy Establishment	610
	Massage Therapy School	8
	Massage-Preliminary Conviction Review	2
	Mobile Massage Therapy CC Establishme	4
	Out-of-State Massage Therapy Training	
	Temporary Massage Therapist	
	Grand Total	2,100

Examinations:

EXAMINATION STATISTICS SUMMARY REPORT			
Profession: Massage Therapy		Run Date: 03/27/2023	
Date Range: 01/01/2023 to 3/27/2023		Page No: Page 1 of 1	
Exam Battery	Exam Name	Result Status	Number of Candidates per Result Status
FSMTB Exam	MBLEx	Pass	4
	MBLEx	Fail	1

Disciplinary and Non-Disciplinary Actions:

DIVISION OF PUBLIC HEALTH, LICENSURE UNIT COMPLIANCE LISTING REPORT						
Profession: Massage Therapy		Run Date: 03/27/2023				
Action Start Date Range: 01/01/2023 to 03/27/2023		Page No: Page 1 of 1				
Licensee Name	License No	License Type	License Status	Disciplinary Action	Action Start	Action End
Beachler, Carie Ann	2958	Massage Therapist	Active	Nondisciplinary Assurance of Complianc	02/27/2023	
Frederick, Krista	01	EO 20-27 Prov Massag	Revocation	Revocation	02/25/2023	

Renewals: No Report

These minutes have not been approved by the Board

MINUTES OF THE MEETING
BOARD OF MASSAGE THERAPY
December 2, 2022

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 9:01 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 09.29.2022

The following members answered roll call:

Members Present (3):

Steven Carper, Chair
Kristine Roberts, Member
Michele Helaney, Secretary

Members Absent (1):

Mallory Carstens, Vice-Chair

Others Present (5):

Kris Chiles, Program Manager, Licensure Unit
Mindy Lester, Assistant Attorney General
TJ O'Neill, Assistant Attorney General
Teresa Hampton, DHHS Attorney (on web-x)
Public Individual

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

3. APPROVAL OF MINUTES

MOTION: Roberts moved, seconded by Carstens, 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. Executive Order EO 22-05 Issued, Extends EO 20-12 and 20-15 until 12.31.2022
<http://govdocs.nebraska.gov/docs/pilot/pubs/eofiles/22-05.pdf> and <https://dhhs.ne.gov/Pages/COVID-19-Nebraska-Guidance-Documents.aspx>

Chiles provided an update regarding the Executive Order, it will expire 12.31.2022.

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

Briana Cudly, representing NE-AMTA, provided the following updates:

- The spring convention will be in April.
- Trying to find a Senator to introduce a bill to update the massage therapy definition with no scope of practice change.
- NE-AMTA is working on a campaign about what massage therapy is.

Chiles suggested that they give Matt Galvin's area a heads up about the work that's going on, Cudly said their legislative aids are working on it.

- c. Federation of State Massage Therapy Boards (FSMTB) <https://www.fmtb.org>
- [Annual Meeting in Charlotte, NC – October 18-20, 2022](#)
 - [Impact – Interstate Massage Compact](https://compacts.csg.org/compact-updates/massage-therapy/) <https://compacts.csg.org/compact-updates/massage-therapy/>

Carper provided an overview of the agenda for the annual conference Oct 18-20 in Charlotte, NC.

- On-line massage education
- Compact
- Regulation of establishment

Impact (massage compact) language will be provided to states in January. There must be 7 states to move it forward and these 7 states will then serve on the commission board.

9:06 am Public entered room

Impact home state can come and go without state notice, other licenses coming into Nebraska will not have to notify Nebraska they are working if they are part of the Impact.

Chiles provided additional information relating to recently adopted compacts for other profession, and indicated that it would require legislation to move forward.

Public asked if there would be a listing of massage therapists who are participating in the compact; response: it is unknown at this time.

Carper reported additional topic areas discussed at the conference were Trauma and Sexual misconduct.

The next national meeting will be September 28-30, 2023 in San Diego, with ongoing monthly virtual meetings.

9:15 am Trevor Klaassen with the Investigations Office entered room

- d. Statistics: Examinations, Licensing, Administrative Penalties, Renewals, Disciplinary and Non Disciplinary Information, and School Report

Attached to the 12.2.2022 agenda.

Public asked about the National pass count on the MBlex, and if educational differences effects exam passing.

Carper will reach out to the National Board to see if they have any data relating to this question.

5. CLOSED SESSION Investigative Reports and Other Confidential Information

MOTION: Carstens moved, seconded by Roberts, to enter into closed session at 9:34 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 roll call vote was taken. Voting aye: Carper, Helaney, Roberts (3). Voting nay: None (0). Absent: Carstens (1). Abstained: (0) Motion carried. Carper repeated the motion and purpose.

Public phone line closed

9:40 am Klaassen exited room

Members agreed to return to open session at 9:53 a.m. and public phone line opened

9:53am public entered room

6. OPEN SESSION Review, Recommendations, and Report Out

(Applications, Mail Ballot Voting Results, and Reinstatements)

Alexandra Henry- Massage Therapist - education

MOTION: Helaney moved, seconded by Roberts, to deny the application for a massage therapy license. Basis: education does not meet the requirements of graduation from an approved massage therapy school. A voice vote was taken. Voting aye: Carper, Helaney, Roberts (3). Voting nay: None (0). Absent: Carstens (1). Abstained: (0) Motion carried.

Thrive 'N' Tranquility – Massage Establishment – unlicensed operation

MOTION: Helaney moved, seconded by Roberts, to recommend issuance of a 6-month probationary license with the following terms and conditions: Owner successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. Basis: Unlicensed operation. A voice vote was taken. Voting aye: Carper, Helaney, Roberts (3). Voting nay: None (0). Absent: Carstens (1). Abstained: (0) Motion carried.

Mack Family Chiropractic – Massage Establishment – unlicensed operation

MOTION: Helaney moved, seconded by Carstens, to recommend issuing the license with no terms or conditions and recommended the department assess the maximum administrative penalty fee. A voice vote was taken. Voting aye: Carper, Helaney, Roberts (3). Voting nay: None (0). Absent: Carstens (1). Abstained: (0) Motion carried.

7. ANNUAL BUSINESS

a. Schedule 2023 Meetings

Board agreed to the following 2023 meeting dates: February 10, April 7, June 2, August 11, October 20, December 15

b. Approval of Method of Noticing Meeting Agendas (Neb.Rev.Stat. 84-1407-1414)

MOTION: Roberts moved, seconded by Helaney, to continue with the 3 options of meeting notices through email (if requested), webpage, and bulletin board in Licensure Unit. A voice vote was taken. Voting aye: Carper, Helaney, Roberts (3). Voting nay: None (0). Absent: Carstens (1). Abstained: (0) Motion carried.

c. Board Member Per Diems & Compensation Recommendations (Neb.Rev.Stat. §38-171)

Prior Board Recommendations 12.4.2020, 12.10.21, 12.2.2022

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

MOTION: Roberts moved, seconded by Helaney, to approve \$50 as the per diem and compensation based on previous outline (as listed above). A voice vote was taken. Voting aye: Carper, Helaney, Roberts (3). Voting nay: None (0). Absent: Carstens (1). Abstained: (0) Motion carried.

d. Board Goals for 2023 (Review By-Laws and Conviction Guidelines, Other?)

Members suggested reviewing By-Laws at the February meeting and Conviction Guidelines at the April meeting.

e. Elections and Appointments

- Appointment of Investigative Consultant, Education Reviewer, FSMTB representative

MOTION: Roberts moved, seconded by Helaney to nominate the following slated of officers:

Chair: Steve Carper
Vice Chair: Mallory Carstens
Secretary: Michele Helaney

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

The following members volunteered:

Investigative consultant: Michele Helaney
Education Reviewer: Kristine Roberts
FSMTB Representative: Steve Carper

Massage Therapy Board Agenda – continued
April 7, 2023

8. ADJOURN

The next meeting is scheduled for February 10, 2023 and will be set as an in person meeting. There was no further business and Carper declared the meeting of the Board of Massage Therapy adjourned at 10:14 a.m.

Submitted by Michele Helaney, Secretary
Board of Massage Therapy

Minutes drafted by Carrie Oldehoeft, Health Licensing Coordinator