

## **Board of Massage Therapy Practice Meeting Minutes**

**August 2, 2024**

### **1. Call to Order and Roll Call**

Steven Carper, Chairperson, called the meeting of the Board of Massage to order at 9:03 AM on August 2, 2024, in the Lower Level Goldenrod Conference Room, at the Nebraska State Office Building located at 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 website at July 18, 2024 <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on July 18, 2024, 2024.

Carper announced that this is an open meeting, and the Open Meetings Act is posted.

**Members Present:** The following members answered roll call:

Steven Carper, Chair  
Holly Doring, Vice Chair  
Elizabeth Bailey, Public Member

### **Staff Present:**

Claire Covert-ByBee, Program Manager  
Kim Hitzel, Licensure Board Coordinator  
T.J. O'Neill, Assistant Attorney General  
Abby Hoy-Nissen, Assistant Attorney General  
Mark Myerson, Investigations  
Anna Harrison, DHHS Compliance Monitor  
Teresa Hampton, DHHS Legal Attorney

### **Members Absent:**

Michele Helaney, Secretary

### **2. Adoption of Agenda**

Motion: Moved by Doring, seconded by Bailey to adopt the agenda. Voting aye, Doring, Bailey, and Carper. Voting Nay, none. Motion carried.

### **3. Approval of Meeting Minutes**

#### **Motion:**

Bailey moved, seconded by Doring to approve the minutes from the June 14, 2024 meeting with the following correction: Vincent Schiffiano should be listed as Law Clerk. Voting aye: Doring, Bailey, and Carper. Voting nay: none. Motion Carried.

### **Reaffirmation of Mail Ballot**

Letter of Opposition to Governor's Tax Proposal which includes taxing Massage Therapy Services. Voting to approve: Bailey, Carper, and Doring. Letter approved July 22, 2024.

### **4. Closed Session**

#### **Motion:**

Doring moved, seconded by Bailey to move into closed session at 9:07 am to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye, Carper, Doring, and Bailey. Voting nay: none. Motion carried.

Break from 10:28 to 10:34 am  
Returned to Open Session at 10:34 am.

### **5. Board recommendations on Applications**

In the matter of the application for a massage therapy license for Leah Cottner the Board recommends issuing the license. Doring moved, seconded Bailey. Voting aye: Bailey, Doring, and Carper. Voting nay: none. Motion carried.

In the matter of the application for a massage therapy establishment license for 5 Elements Massage LLC, the Board recommends offering a Massage Therapy Establishment license with the requirement that the owner successfully complete the jurisprudence exam within 90 days and pay a civil penalty in the amount of \$5000 (five thousand dollars) based on operating a Massage Therapy establishment without an active license for an extended period of time. Doring moved, seconded by Bailey. Voting aye: Bailey, Doring, and Carper. Voting nay: none. Motion carried.

In the matter of the application for a massage therapy school license for the Nebraska College of Massage Therapy the board recommends to issue a license. Doring moved, Bailey seconded. Voting aye: Doring, Bailey, and Carper. Voting nay: none. Motion passed.

### **6. Nebraska Chapter of the American Massage Therapy Association Report Out**

*These minutes have been approved by the Board of Massage Therapy Practice*

Clarification was made of the chapter name as the American Massage Therapy Association, Nebraska Chapter (AMTA NE).

The national convention will be held in Tampa Bay, Florida in September

### **7. Federation of State Massage Therapy Boards Report Out**

Carper and Covert-Bybee were on a call for the Federation of State Massage Therapy Boards (FSMTB) in August. The annual meeting for the Federation will be held October 3-5, 2024, in Washington DC.

This conflicts with the next meeting for the Nebraska Board of Massage Therapy originally scheduled for October 4, 2024. The October 4, 2024 meeting was rescheduled for October 18, 2024.

MBLEX scores will now be available online as soon as the exam has been taken and the printout will only be available if they did not pass the exam. This change took effect in August 2024.

### **8. Massage Therapy as a Healthcare Correspondence to Governor**

A letter approved by the Board in opposition to the taxation of massage therapy services was sent to all state senators and provided as testimony at the public hearing for LB 1 by Chair Carper.

### **9. Legislative Update**

LB 1 was introduced in July and is being opposed by the Board of Massage Therapy.

The LB16 bill passed this year. One section of the law impacts the convictions that may be considered if the Board wishes to disqualify (deny) an applicant an initial license based on convictions. It essentially defines "disqualifying convictions". This does not impact the Board's ability to consider all convictions in matters where a license is issued with probation or limitations.

### **10. Licensure Application Processing Report**

The Application Processing Report is offered for informational purposes only.

### **11. Update of New Licensure Database**

The Department is continuing to work with the contractor, and it is planned to be in operation by late December 2024 or January 2025.

### **12. Public Comment**

Leah Cottner: leahcottner@gmail.com

Requested information about the licensing process. She appreciated the clear information and communication she was given by Covert-ByBee during the review.

*These minutes have been approved by the Board of Massage Therapy Practice*

Covert-Bybee shared information that impacts the licensure processes and that applications must be filled out completely. It is recommended that applicants apply 30 days before graduation to help streamline the application process. August, April, and December are common time for graduations and the department will anticipate those timeframes.

### **13. Topics for Next Meeting**

Topics identified for the next meeting include Legislative Update, FSMTB update, New Licensure Database Update, AMTA NE update, License Application Processing Report, and Public Comments. The upcoming meetings are set for October 18, 2024, and December 6, 2024

### **14. Adjournment**

Meeting adjourned 11:16 am.

Respectfully submitted,

Holly Doring, Vice Chair