



NOTICE OF MEETING and AGENDA BOARD OF MASSAGE THERAPY

This meeting will be held as an in person meeting. The public is welcome to attend any Open Session discussion in the Lower Level, Goldenrod Room. This meeting will also be available to the public to participate by WEBEX using this link: <https://sonvideo.webex.com/sonvideo/j.php?MTID=ma674e5199f5b876e4058c017f04de063>

or call in information is 1-408-418-9388 using meeting number of 2482 292 6806

AGENDA	*revision	Date Posted: 3.25.2024, 3.26.2024
<p>Date and Time: Friday April 19, 2024 9:00 a.m.</p> <p>Location: State Office Building 301 Centennial Mall South (14th and M Street) Lower Level, Morrill Room Lincoln, Nebraska</p> <p>For Information Contact: Carrie Oldehoeft 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. Introduction new Board Member (Elizabeth Bailey) and selection for Mentor 3. Adoption of Agenda 4. Approval of Minutes 5. CLOSED SESSION (approx 9:15 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 10:00 am): Review, Recommendations, and Report Out (Applications, Mail Ballot Voting Results, and Reinstatements) 7. Updates and Reports <ol style="list-style-type: none"> a. 2024 Legislation 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) 8. Public comment 9. 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: https://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>2024 Meeting Dates:</p> <ul style="list-style-type: none"> 2.2.2024 4.19.2024 6.14.2024 8.2.2024 10.4.2024 12.6.2024
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Massage Therapy Board Agenda – continued
 April 5, 2024

Active Licenses:

		SUMMARY COUNT
Profession	License Statuses: License Types	Active
Massage Therapy	EO 20-27 Prov Massage Therapist	
	Massage Therapist	1,321
	Massage Therapy Establishment	510
	Massage Therapy School	8
	Massage-Preliminary Conviction Review	2
	Mobile Massage Therapy CC Establishment	5
	Out-of-State Massage Therapy Training	
	Temporary Massage Therapist	1
	Grand Total	1,847

Examinations:

DIVISION OF PUBLIC HEALTH, LICENSURE UNIT EXAMINATION STATISTICS SUMMARY REPORT			
Profession: Massage Therapy		Run Date: 03/25/2024	
Date Range: 01/01/2024 to 3/25/2024		Page No: Page 1 of 1	
Exam Battery	Exam Name	Result Status	Number of Candidates per Result Status
Jurisprudence -	Jurisprudence - Reciprocity	Pass	1
FSMTB Exam	MBLEx	Pass	5

Disciplinary and Non-Disciplinary Actions:

DIVISION OF PUBLIC HEALTH, LICENSURE UNIT COMPLIANCE LISTING REPORT						
Profession: Massage Therapy			Run Date: 03/25/2024			
Action Start Date Range: 01/01/2024 to 03/25/2024			Page No: Page 1 of 1			
Licensee Name	License No	License Type	License Status	Disciplinary Action	Action Start	Action End
Kounovsky, Morgan Ray	3721	Massage Therapist	Active	Petition for Disciplinary Action Filed	02/20/2024	

Renewals:
 No report

These minutes have not been approved by the Board

MINUTES OF THE MEETING
BOARD OF MASSAGE THERAPY
February 2, 2024

1. CALL MEETING TO ORDER AND ROLL CALL

The virtual meeting of the Board of Massage Therapy was called to order by Steven Carper, Chair, at 9:00 a.m. in the State Office Building, 301 Centennial Mall South, Lower Level Goldenrod Room, 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 1.17.2024

The following members answered roll call:

Members Present (3):

Steven Carper, Chair
Holly Doring, Member
Michele Helaney, Secretary

Members Absent (0):

Others Present (5):

TJ O'Neill, Assistant Attorney General (in room)
CJ Roberts, DHHS Attorney (in room)
Claire Covert-ByBee, DHHS Program Manager, Licensure Unit
Carrie Oldehoeft, DHHS Health Licensing Coordinator
Mark Meyerson, Investigator (in room)
Public (WebEx)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION: Helaney moved, seconded by Carper, to adopt the agenda. A voice vote was taken. Voting aye: Carper, Helaney (2). Voting nay: None (0). Absent: None (0). Abstained: Doring (1) Motion carried.

5. CLOSED SESSION Investigative Reports and Other Confidential Information

MOTION: Doring moved, seconded by Helaney, to enter into closed session at 9:12 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 voice vote was taken. Voting aye: Carper, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried
Public phone line closed

9:12 am Public moved to lobby of WebEx
9:29 am Meyerson exited room

Members agreed to return to open session at 10:26 a.m. and WebEx opened
10:26 am public entered WebEx

6. OPEN SESSION Review, Recommendations, and Report Out
(Applications, Mail Ballot Voting Results, and Reinstatements)

Hui Zhang – Massage Therapist

Oldehoeft updated the board that the Department reviewed the application file for Hui Zhang and has determined to deny the application. Based on additional information received from the testing agency.

Wonderful Massage of Omaha -Massage Establishment

MOTION: Helaney moved, seconded by Carper, to recommend issuing the license with a Censure, \$1000 Civil Money Penalty and Successfully complete the jurisprudence examination within 90 days by the owner. Basis operating a salon without a license. A voice vote was taken. Voting aye: Carper, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried

Cuiyun Li- Massage Therapist

MOTION: Helaney moved, seconded by Doring, to recommend issuing the license with a Censure, \$1000 Civil Money Penalty and Successfully complete the jurisprudence examination within 90 days .Basis practicing without a license A voice vote was taken. Voting aye: Carper, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried

Omaha Massage & Healing Arts -Massage Establishment

MOTION: Helaney moved, seconded by Carper, to recommend issuing the license with a Censure, \$1000 Civil Money Penalty and Successfully complete the jurisprudence examination within 90 days by the owner. Basis operating a salon without a license. A voice vote was taken. Voting aye: Carper, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried

Massage one -Massage Establishment

MOTION: Helaney moved, seconded by Carper, to recommend issuing the license with a Censure and Successfully complete the jurisprudence examination within 90 days by the owner. Basis operating a salon without a license. A voice vote was taken. Voting aye: Carper, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried

Candice Backer- Massage Therapist Reinstatement

MOTION: Helaney moved, seconded by Doring, to recommend reinstating the license with a Censure and Successfully complete the jurisprudence examination within 90 days .Basis practicing without a license. A voice vote was taken. Voting aye: Carper, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried

Wenjie Hocog – Massage Therapist

MOTION: Helaney moved, seconded by Doring, to recommend to issue without any terms. A voice vote was taken. Voting aye: Carper, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried

Nicholas Huggins – Massage Therapist

MOTION: Helaney moved, seconded by Carper, to recommend to issue with a 2-year probation with the following terms and conditions: No solo practice, Quarterly employer reports, Random body fluid screens, Abstain from Alcohol/Drug, Report prescribed medication, and the Standard Terms and Conditions of probation. Basis: Conviction history and diagnosis. A voice vote was taken. Voting aye: Carper, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried

4. UPDATES AND REPORTS

- a. Nebraska Chapter of the American Massage Therapy Association (NE-AMTA) <http://www.amtane.org>
Public (Briana Cudly gr@amtane.org) (NE-AMTA) The Date April 12 to 14, 2024 at the Graduate in Lincoln for their annual conference.
Call to action for LB16, was successful when asking to exclude Massage Therapy.
Tax changes-massage was removed
- b. Federation of State Massage Therapy Boards (FSMTB) <https://www.fsmtb.org>
The 2024 Massage Board Executive Summit will be held April 3-5, 2024, in Savannah, Georgia. [No additional updates](#)
- c. Statistics: Examinations, Licensing, Administrative Penalties, Renewals, Disciplinary and Non-Disciplinary Information, and School Report (attached to agenda)

7. Annual Business

- a. Board agreed to the following 2024 Meetings (2.2.2024, 4.19.2024, 6.14.2024, 8.2.2024, 10.4.2024 and 12.6.2024)
- b. Approval of Method of Noticing Meeting Agendas (Neb.Rev.Stat. 84-1407-1414)

MOTION: Helaney moved, seconded by Carper, 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, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried

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

Prior Board Recommendations

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

- d. Board Goals for 2024 (Review By-Laws and Conviction Guidelines, Other?)

Members suggested reviewing By-Laws at the next meeting and Conviction Guidelines at the following meeting.

- e. Elections and Appointments
- Appointment of Investigative Consultant, Education Reviewer, FSMTB representative

MOTION: Helaney moved, seconded by Doring to nominate Steve Carper as Chair. A voice vote was taken. Voting aye: Carper, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried
Chair: Steve Carper

MOTION: Helaney moved, seconded by Doring to nominate Michele Helaney as Vice Chair. A voice vote was taken. Voting aye: Carper, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried
Vice Chair: Michele Helaney

Massage Therapy Board Agenda – continued
April 5, 2024

MOTION: Helaney moved, seconded by Doring to nominate Holly Doring as Secretary. A voice vote was taken.
Voting aye: Carper, Doring, Helaney (3). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried
Secretary: Holly Doring

The following members volunteered:

Investigative consultant:	Michele Helaney
Education Reviewer:	Holly Doring
FSMTB Representative:	Steve Carper

8. ADJOURN

The next meeting is scheduled for April 19 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 11:13 a.m.

Submitted by Michele Helaney, Secretary
Board of Massage Therapy

Minutes drafted by Carrie Oldehoeft, Health Licensing Coordinator

Item 4B

2023 FSMTB Annual Meeting Report

Date September 28-30, 2023, in San Diego, CA

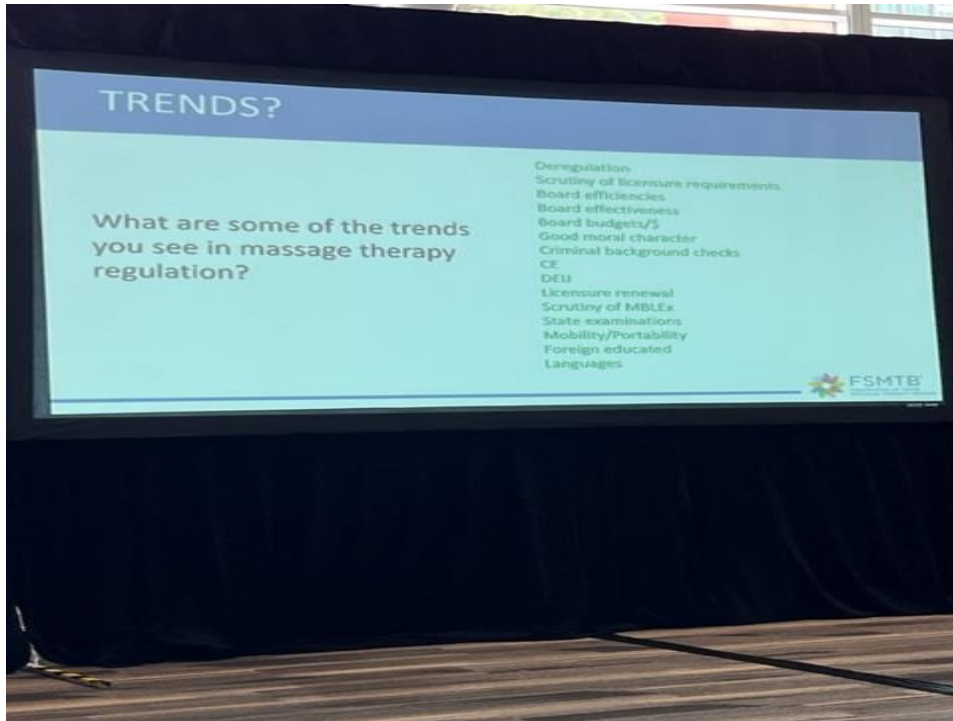
Friday September 29th:

- Officer reports
- Membership Forum
 - Many states are facing some form of deregulation.
Alabama was just notified by their Sunset Committee that their board will be eliminated as of 10/30/2024.
 - Establishment license movement
 - TX & GA schools (World of Beauty and Footy Rooty)
- Human Trafficking in Illicit Massage – Chris Muller- Tabanera, Chief Strategy Officer, The Network.
 - Looked at the victim workers.
 - 30–60-year-old women from China, South Korea, Thailand, and Vietnam.
 - Promised jobs in the US.
 - Need to create Inoperable Environment
 - Success Strategies – Landlord letters
Inform. Educate. Motivate
 - Organization – Franchise model
 - The Network can provide a list of suspected IMB.
<https://www.thenetworkteam.org>
 - Doesn't work arresting women. Need to arrest buyers.
- It Takes Everyone: A Multidisciplinary Approach to IMI – Imran Ali and Aimee Schroeder, Eckberg Lammers. Law enforcement training & Consulting.
 - Evidence based prosecution.
 - Labor crimes
 - MN – Felony with 2nd charge for the buyer
 - Types of Illicit Massage Business.
 - Local – local ties – real estate, bank accounts. Family/children locally
 - Domestic – Few local ties. Family in CA or NY
 - International – no ties to community. Family international. Connection to NY/CA.
 - Several IMB have connection to CA or NY addresses.
 - One address is 4170 Main Street Suite B3531 Flushing NY
 - NE has 8 LMTs from Flushing and one that matches this address.

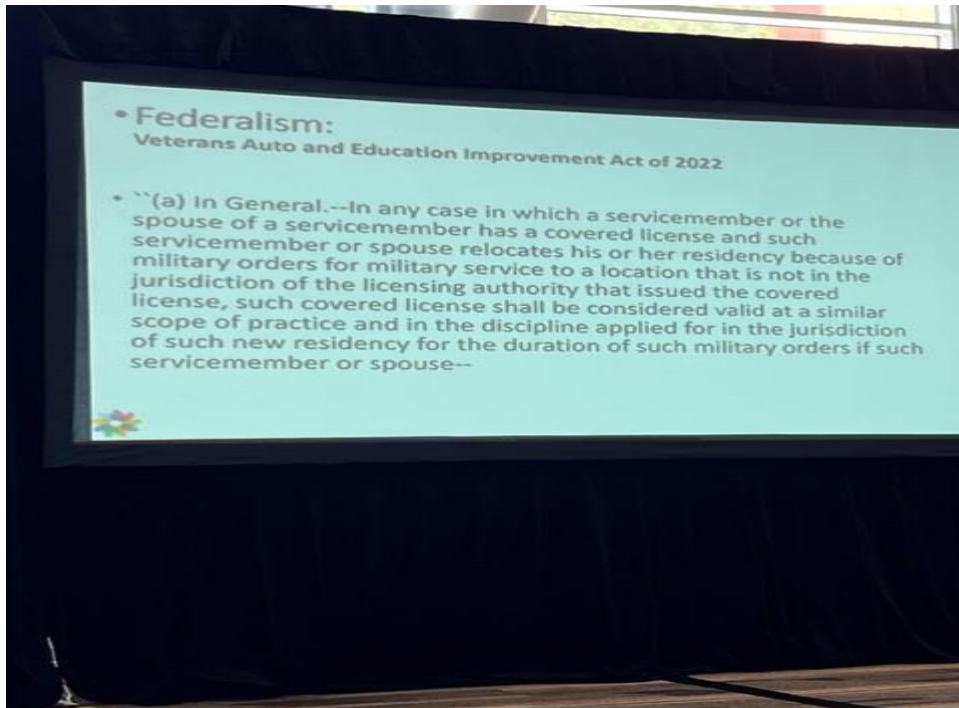
- Estimated that each state has at least 8 IMB.

Saturday September 30th:

- Election of new Board members
 - Karen Frazier, KY and Liz Barnard, NV
- MBLEx
 - Changed to Palm in Palm out protect the integrity of the exam.
 - 46 jurisdictions require the MBLEx.
 - July 2022-June 2023 17,400 MBLEx candidates tested with a 72% first-time pass rate.
 - FSMTB has partnered with The Network to coauthor an article examining massage licensing fraud in education.
- Impact
 - Nevada is the only state to approve it.
 - Missouri may be the 2nd.
 - Many states are not interested.
 - Need 7 states to start.
- Regulatory Cases and Trends



- Does our Practice Act say our board has exclusive authority to define scope?



- Discussed if the Federal Government can force this on a State.
- Illicit Massage Industry
 - Massage Therapy Licensing Database (MTLD) – Comprehensive, national databank of Licensed massage therapists that facilitates information sharing between state massage regulatory boards and agencies.
 - National Practitioner Data Bank - a web-based repository of reports containing information on medical malpractice payments and certain adverse actions related to health care practitioners, providers, and suppliers.

