

These minutes were approved by the Board on 4.8.2022

MINUTES OF THE CONFERENCE CALL MEETING
BOARD OF MASSAGE THERAPY

February 4, 2022

1. CALL MEETING TO ORDER AND ROLL CALL

The conference call meeting of the Board of Massage Therapy was called to order by Steven Carper, Chair, at 9:06 a.m. in the Licensure Unit, Lower Level, Conference Room B, 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 1.25.2022

The following members answered roll call:

Members Present on call (4):

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

Members Absent (0):

Others Present (5):

Kris Chiles, Program Manager, Licensure Unit (in room)
Carrie Oldehoeft, Board Coordinator (in room)
Mindy Lester, Assistant Attorney General (in room)
Teresa Hampton, DHHS Attorney (in room)
Anna Harrison, DHHS Compliance Monitor (on call)
Public, (on call)

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, Roberts (4). Voting nay: None (0). Absent: None (0). Abstained: (0)
Motion carried.

3. APPROVAL OF MINUTES

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

4. UPDATES AND REPORTS

a. 2022 Legislative Session-Reflexology (NE-AMTA and Board)

Cudly provided updates regarding LB211, and it hasn't progressed at this point, Senator Murman is not making a planning to make this a priority bill, but they are watching it. Discussion continued regarding the amendment.

LB709, Occupation Board reform, they are watching this as it is a Priority bill.

LB709, Hampton and Chiles went over what the bill consists of and opened it to the board for discussion. The hearing related to the bill was on February 3. Cudly reports that the Association didn't send anything and are remaining fairly neutral, they do have concerns regarding violent or sexual charges.

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

The following was reported:

- NE-AMTA up for elections
<https://www.amtane.org/post/amtane-nebraska-chapter-call-for-candidates-2022>
- April 1 and 2, 2022 Spring Convention will be in Omaha, NE
<https://www.amtane.org/post/2022-amta-nebraska-state-convention>

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

Carper reported the following:

- Reports that they sent out yearling test results for MBLEx
 - Nebraska 1st time testers pass at 90%
 - Nationally 1st time testers pass at 69%
 - Nebraska Retake testers pass at 30.8%
 - Nationally Retake testers pass at 39%

Chiles reports there are Virtual Events for members, scheduled below:

- | | |
|--|--|
| <ul style="list-style-type: none">• February 9• March 9• May 11• June 8• July 13• August 10• September 14• November 9• December 14 | <p>Topics may include:</p> <ul style="list-style-type: none">• MBLEx Development and Administration• Exam Security and Fraud in the Licensure Process• Massage Therapy Licensure Compact• Regulatory Board Operations• Measuring Board Effectiveness and Efficiency• Managing Illicit Massage and Human Trafficking• Good Moral Character• Continuing Competence |
|--|--|

Registration can be found at: <https://www.fsmtb.org/member-boardsagencies/member-services/member-virtual-event/>

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

Date of Reports: 1.1.2022 to 1.24.2022 attached to agenda

10:07 a.m. Cue entered room
10:07 a.m. Meyerson entered room

5. CLOSED SESSION

Investigative Reports and Other Confidential Information

MOTION: Helaney moved, seconded by Roberts, to enter into closed session at 10:10 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. Carper repeated the motion and purpose. A roll call vote was taken. : Helaney moved, seconded by Roberts, to adopt the agenda. A voice vote was taken. Voting aye: Carper, Carstens, Helaney, Roberts (4). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried.

10:10 a.m. Hampton exited the room
10:18 a.m. Cue exited the room
10:18 a.m. Meyerson exited the room

10:30 a.m. Lester exited the room
10:30 a.m. Hampton entered the room
10:44 a.m. Lester entered the room

Members agreed to return to open session at 10:44 a.m.

6. OPEN SESSION

Review, Recommendations, and Report Out (Applications, Mail Ballot Voting Results, and Reinstatements)

10:45 a.m. Harrison exited room

Jeff White - Reinstatement

MOTION: Roberts moved, seconded by Helaney, to defer the recommendation and complete review with a mail ballot. A voice vote was taken. Voting aye: Carper, Carstens, Helaney, Roberts (4). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried.

Jason Gens – Initial via Reciprocity

MOTION: Helaney moved, seconded by Carstens, that the convictions, as listed on the application, would not disqualify the applicant from obtaining a massage therapy license. This decision does not guarantee licensure as a massage therapist. A roll call vote was taken. Voting aye: Carper, Carstens, Helaney, Roberts (4). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried.

Kevin Jordan- Preliminary Conviction Review

MOTION: Roberts moved, seconded by Helaney, that the convictions, as listed on the application, would not disqualify the applicant from obtaining a massage therapy license. This decision does not guarantee licensure as a massage therapist. A voice vote was taken. Voting aye: Carper, Carstens, Helaney, Roberts (4). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried.

Taylor Branigan – Reinstatement, Early release from probation

MOTION: Helaney, seconded by Roberts, to recommend reinstatement with the same terms and conditions as identified in the letter dated February 13, 2018, to complete the remaining original 2 years of probation. Bases on insufficient evidence was provided to support Early Release. A voice vote was taken. Voting aye: Carper, Carstens, Helaney, Roberts (4). Voting nay: None (0). Absent: None (0). Abstained: (0) Motion carried.

8. ADJOURNMENT

The next meeting is scheduled for April 8, 2022 and will be set as a conference call. There was no further business and Carper declared the meeting of the Board of Massage Therapy adjourned at 10:51 a.m.

Submitted by Michele Helaney, Secretary
Board of Massage Therapy

Minutes drafted by Carrie Oldehoeft, Health Licensing Coordinator