

These minutes have not been approved by the Board

MINUTES OF THE MEETING
BOARD OF MASSAGE THERAPY
October 20, 2023

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 9:02 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 10.13.2023

The following members answered roll call:

Members Present (3):

Steven Carper, Chair
Kristine Roberts, Member
Mallory Carstens, Vice-Chair

Members Absent (1):

Michele Helaney, Secretary

Others Present (5):

TJ O'Neill, Assistant Attorney General (in room)
Danielle Sund, DHHS Attorney (in room)
Trevor Klaassen, Investigator (in room)
Public (in room)

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

3. APPROVAL OF MINUTES

MOTION: Carstens moved, seconded by Roberts, 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. Nebraska Chapter of the American Massage Therapy Association (NE-AMTA)
<http://www.amtane.org>

Public (NE-AMTA) SAVE the Date April 12 to 14, 2024 at the Graduate in Lincoln for their annual conference.

Call to action for LB16 going to floor asking to exclude Massage Therapy.
Massage Compact discussion
Tax changes

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

Carper reported that he attending the Annual meeting in September and handed out notes(as attached).

- c. Statistics: Examinations, Licensing, Administrative Penalties, Renewals, Disciplinary and Non-Disciplinary Information, and School Report (attached to agenda)

5. CLOSED SESSION Investigative Reports and Other Confidential Information

MOTION: Roberts moved, seconded by Carstens, to enter into closed session at 9:33 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, Carstens, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: (0) Motion carried.

Public phone line closed

10:18 am Carper exited the room
10:20 am Carper entered the room

Members agreed to return to open session at 10:43 a.m. and public phone line opened
10:44 am public entered room

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

Anita Ochoa- Massage Therapist

MOTION: Roberts moved, seconded by Carstens, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Carstens, Roberts (2). Voting nay: None (0). Absent: Helaney (1). Abstained: Carper (1) Motion carried

Alicia Bruce- Massage Therapist

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

Wenjie Hocog – Massage Therapist

MOTION: Roberts moved, seconded by Carstens, to recommend deferring for more information. A voice vote was taken. Voting aye: Carstens, Carper, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: None (0) Motion carried

Nicholas Huggins – Massage Therapist

MOTION: Carstens moved, seconded by Roberts, to recommend deferring for more information. A voice vote was taken. Voting aye: Carstens, Carper, Roberts (3). Voting nay: None (0). Absent: Helaney (1). Abstained: None (0) Motion carried

8. ADJOURN

The next meeting is scheduled for December 15, 2023 and will be set as a virtual meeting. There was no further business and Carper declared the meeting of the Board of Massage Therapy adjourned at 10:46 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

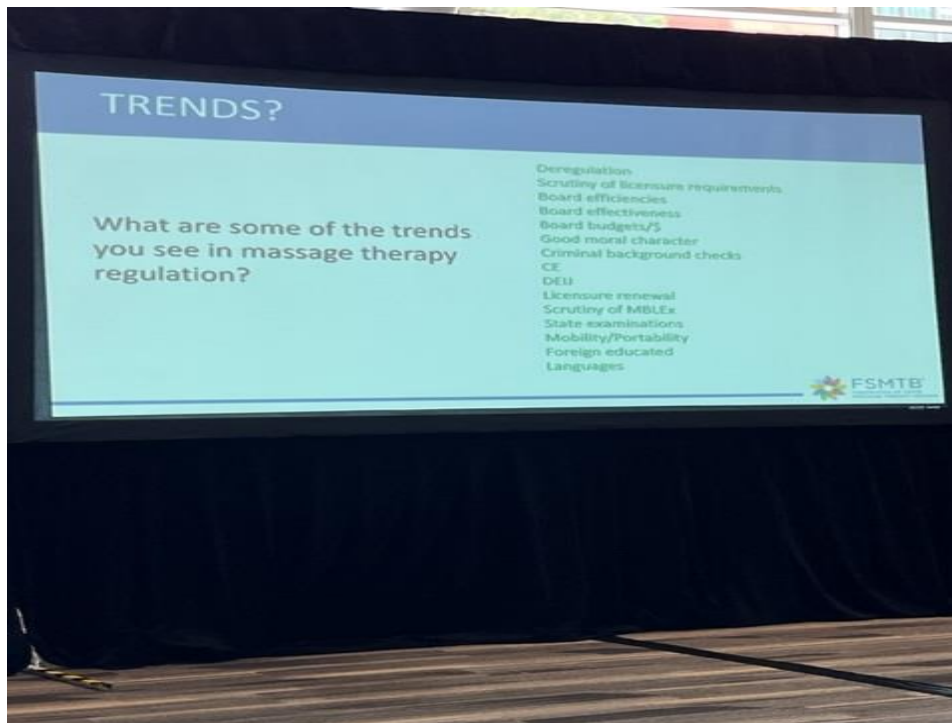
Friday September 29th:

- 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.

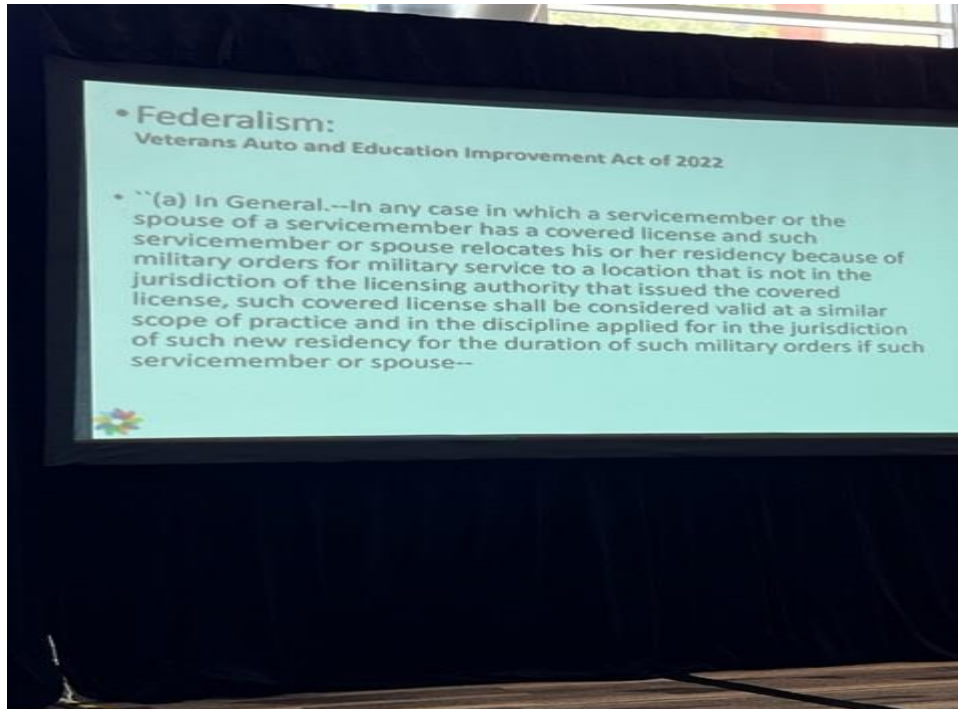
Saturday September 30th:

- Election of new Board members
 - Karen Frazier, KY and Liz Barnard, NV

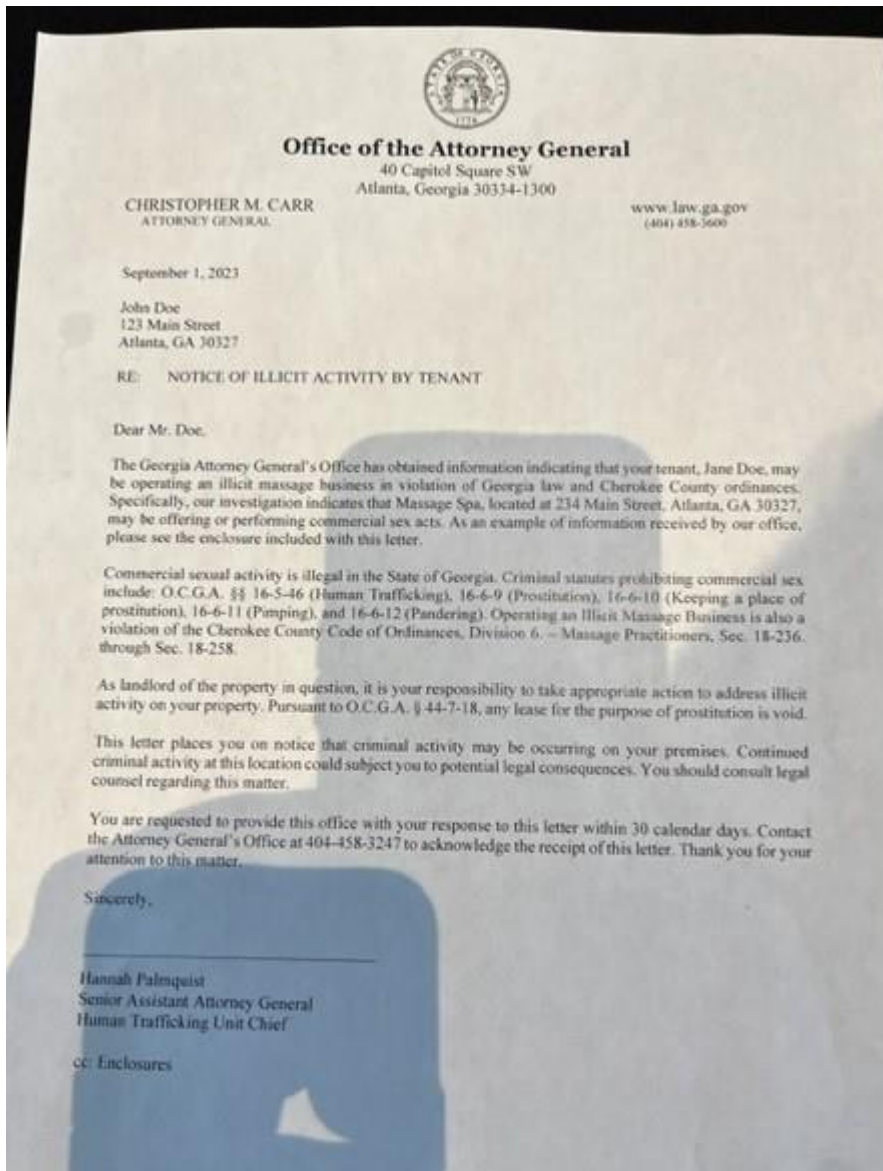
- MBLEx
 - Changed to Palm in Palm out protect the integrity of the exam.
 - 46 jurisdictions require the MBLEx.
 - July 2022-June 2023 17,400 MBLEx candidates tested with a 72% first-time pass rate.
 - FSMTB has partnered with The Network to coauthor an article examining massage licensing fraud in education.
- 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.



Office of the Attorney General

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September 1, 2023

John Doe
123 Main Street
Atlanta, GA 30327

RE: NOTICE OF ILLICIT ACTIVITY BY TENANT

Dear Mr. Doe,

The Georgia Attorney General's Office has obtained information indicating that your tenant, Jane Doe, may be operating an illicit massage business in violation of Georgia law and Cherokee County ordinances. Specifically, our investigation indicates that Massage Spa, located at 234 Main Street, Atlanta, GA 30327, may be offering or performing commercial sex acts. As an example of information received by our office, please see the enclosure included with this letter.

Commercial sexual activity is illegal in the State of Georgia. Criminal statutes prohibiting commercial sex include: O.C.G.A. §§ 16-5-46 (Human Trafficking), 16-6-9 (Prostitution), 16-6-10 (Keeping a place of prostitution), 16-6-11 (Pimping), and 16-6-12 (Pandering). Operating an Illicit Massage Business is also a violation of the Cherokee County Code of Ordinances, Division 6 - Massage Practitioners, Sec. 18-236 through Sec. 18-258.

As landlord of the property in question, it is your responsibility to take appropriate action to address illicit activity on your property. Pursuant to O.C.G.A. § 44-7-18, any lease for the purpose of prostitution is void.

This letter places you on notice that criminal activity may be occurring on your premises. Continued criminal activity at this location could subject you to potential legal consequences. You should consult legal counsel regarding this matter.

You are requested to provide this office with your response to this letter within 30 calendar days. Contact the Attorney General's Office at 404-458-3247 to acknowledge the receipt of this letter. Thank you for your attention to this matter.

Sincerely,

Hannah Palmquist
Senior Assistant Attorney General
Human Trafficking Unit Chief

cc: Enclosures