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Health and Human Services Committee
February 24, 2017

[LB588 CONFIRMATION]

The Committee on Health and Human Services met at 1:30 p.m. on Friday, February 24, 2017, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on a gubernatorial confirmation and LB588. Senators present: Merv Riepe, Chairperson; Sue Crawford; Sara Howard; Lou Ann Linehan; and Matt Williams. Senators absent: Steve Erdman, Vice Chairperson; Mark Kolterman.

SENATOR RIEPE: Thank you for being with us. This the Health and Human Services Committee. Spring is now past and we're back into winter. But we are glad that you're with us. And today I'm going to ask that we go back around. We are waiting until about another minute or so, and we're going to have a phone call in, so we may get interrupted here. And this is a hearing that we're going to have on a candidate for the Nebraska Child Abuse Prevention Fund Board. It's going to be Mary Beth Hanus. And so if that comes in, we will stop and go to her. But, Senator Howard, would you introduce yourself for those who are here?

SENATOR HOWARD: Sure. I am Senator Sara Howard. I represent District 9 in midtown Omaha.

KRISTEN STIFFLER: Kristen Stiffler, legal counsel.

SENATOR CRAWFORD: Good afternoon. Senator Sue Crawford, Legislative District 45, which is eastern Sarpy County, Bellevue, and Offutt.

SENATOR WILLIAMS: Matt Williams, Legislative District 36: Dawson, Custer, and the north part of Buffalo County.

SENATOR LINEHAN: Good afternoon. Lou Ann Linehan, District 39, which is western Douglas County, Elkhorn, Valley, and Waterloo.

TYLER MAHOOD: Tyler Mahood, committee clerk.

SENATOR RIEPE: Merv Riepe. I am committee Chair. And we also have our pages that I introduced before. But I want to again because they're very helpful for us: Brianne Hellstrom, who's from Simi Valley, California, and also Jordan Snader, who's from Oakland, Nebraska. And they're both students here at the University of Nebraska at Lincoln. And with that, we should be getting a call in here at any second. Some of the other provisions I will go through so that we don't have to go back to them when we down to the hearings. For those later on, when we do

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address LB588, which is reflexology. And now I am going to pause, and we're going to take the phone call. Ms. Hanus?

MARY BETH HANUS: Hello. [CONFIRMATION]

SENATOR RIEPE: Hi. This is Merv Riepe, Chairman of the Health and Human Services Committee. We appreciate your joining us. [CONFIRMATION]

MARY BETH HANUS: Oh. Well, thank you so much for accommodating me; I appreciate it, especially on a snowy day like today, so. [CONFIRMATION]

SENATOR RIEPE: Yes. Well, we're just glad to have the opportunity to finally get the chance to talk with you a little bit. Would you be kind enough to give us some background about yourself and then tell us why you have an interest in serving on this Abuse Prevention Fund Board? [CONFIRMATION]

MARY BETH HANUS: Sure. [CONFIRMATION]

SENATOR RIEPE: And then we will have some questions and we'll just dialogue back and forth here for a little bit. [CONFIRMATION]

MARY BETH HANUS: (Exhibit 1) That sounds wonderful. I am a licensed mental health provider in social work, master's level, a professional. I've worked in the arena of child abuse and neglect my whole career. So I was a medical social worker and a clinical social worker at Children's Hospital and at University Hospital, and also did some work with...at Project Harmony and was a forensic interviewer. The last 13 years--so this tells you how old I am--the last 13 years I worked for the Archdiocese of Omaha. And I have done the Victim Outreach and Prevention, and then I am in charge of all our safe environments, so providing training for adults and for children and youth on how to be safe, basically providing safe environments and what to do if...if somebody approaches you or you feel uncomfortable. And...and I love it, so. [CONFIRMATION]

SENATOR RIEPE: Very good. [CONFIRMATION]

MARY BETH HANUS: Oh, and you want to know why I was...why I want to be on my...on the committee, or on the board. I actually...this is my second term, and I was happy that they were interested in me providing a second term. It's a great board, and I think because of all my work, it's more on the end when abuse happens, just like our prevention program, it's just great to be

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involved in an effort to...to start early and to develop healthy parent/child interactions and relationships and to start providing those kinds of services early on so we don't see the quite strong negative effects that I have seen in my professional career. [CONFIRMATION]

SENATOR RIEPE: Very good. I understand that you're from my wonderful legislative district, District 12, as well. [CONFIRMATION]

MARY BETH HANUS: That is true. [CONFIRMATION]

SENATOR RIEPE: That's a bonus point. [CONFIRMATION]

MARY BETH HANUS: There we go. [CONFIRMATION]

SENATOR RIEPE: Are there any questions from the committee? Obviously you've done a great job and, hearing no other questions, I...we will...we'll take that under advisement, the fact that you have already... [CONFIRMATION]

MARY BETH HANUS: Okay. [CONFIRMATION]

SENATOR RIEPE: ...served. We know a lot about you, and so it's not quite as if you are a brand new person coming on. [CONFIRMATION]

MARY BETH HANUS: And it is an honor to serve. It really...it is an honor, so I don't take it lightly and...but I think it is important to be able to be part of that effort. [CONFIRMATION]

SENATOR RIEPE: Well, we thank you for your...your service to the adults and all of the citizens of the state of Nebraska. It's very kind on your part, and we're most appreciative. [CONFIRMATION]

MARY BETH HANUS: Thank you. [CONFIRMATION]

SENATOR RIEPE: So unless there are any other questions, I think that we are finished. So thank you so very much. [CONFIRMATION]

MARY BETH HANUS: All right. [CONFIRMATION]

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SENATOR RIEPE: Okay, thank you. [CONFIRMATION]

SENATOR RIEPE: Okay. I would like to go ahead and then finish as we go into moving right along. It's Friday. We might get out of here. Regarding the hearing on LB588, which is Senator Crawford's, if you will not be testifying at the microphone but want to go on record as having a position on a bill being heard today, that being reflexology, there are white sign-in sheets at each entrance where you may leave your name and other pertinent information. These sign-in sheets will become exhibits in the permanent record at the end of today's hearing. Also, any written material may be distributed to committee members as exhibits only while testimony is being offered. Hand them to a page for distribution to the committee and staff when you come up to testify. We ask, or we need, ten copies of that so for our distribution. If you don't happen to have those ten copies, please notify one of the pages and we will see that the copies get made. With that, Senator Crawford, we would love to have you do the introduction. I might add, before she arrives, that we'd ask anyone to turn off any cell phones. We would also...the process here: Senator Crawford will be making the introduction; we will then go to the proponents; followed by the opponents; and then anyone testifying in a neutral capacity; Tyler will then read any letters that we may have received, positive, negative, or neutral; and then Senator Crawford will be afforded an opportunity to come back and do closing comments if she so chooses. We're ask anyone that's got the...Senator Crawford will be allowed the time that she chooses to make her introduction. What we do when we get down to those that are testifying as proponents or opponents or neutral, we go to a five-minute clock: four minutes on the green, one on the amber, and then the red. We ask you, when the red appears, to try to make an attempt--we won't cut you off abruptly--but please try to wrap up your comments in the interest of other people that will want to be coming forward. With all of that said, Senator Crawford, you are in the spotlight. [LB588]

SENATOR CRAWFORD: (Exhibits 1 and 5) Excellent. Thank you, Chairman Riepe. And good afternoon, Chairman Riepe and members of the Health and Human Services Committee. My name is Sue Crawford, S-u-e C-r-a-w-f-o-r-d, and I represent the 45th Legislative District of Bellevue, Offutt, and eastern Sarpy County. I am honored to be here today to introduce LB588 for your consideration. And we have an amendment that we are also presenting for our conversation here today, as well, and that was distributed to you earlier. But we're giving you a paper copy in case you didn't see it earlier. And it also was posted online on the Legislative Web site so other people would be able to see that amendment, as well as the contents of the bill. LB588, as amended, provides that individuals engaged in the practice of reflexology, and whose services are not designated or implied to be massage or massage therapy, are not required to hold a license under the Massage Therapy Practice Act. Reflexology and massage therapy are two different practices. Reflexology limit their services to the application of specific pressure, by the use of the practitioner's hands, thumbs, and fingers, to the soft tissue exclusively in the hands, feet, and outer ears of the client. There are 32 states that recognize this difference and have

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exempted reflexology from their massage therapy licensure laws, including Iowa, South Dakota, Missouri, and Colorado. In these states, reflexologists must abide by local rules and regulations of the city or county, such as having a license to do business and meeting zoning requirements when practicing out of their homes. But they do not have state licensure or certification or registration requirements. In Nebraska, we have rigorous requirements to obtain a massage therapy license, including a continuous course of study and training of not less than 1,000 hours distributed over a term of not less than 9 months. Although reflexologists are currently required to be licensed massage therapists in order to practice, there is no requirement that reflexology be covered in massage therapy training. And if it is covered, it is my understanding that as little as a few hours could be used to cover the basics of reflexology during clinical practice. Under the definition of reflexology in the amendment, a reflexologist's services cannot be designated or implied to be massage or massage therapy. And so that's important in terms of the definition of the bill. It's also important to recognize how this works with our truth-in-advertising bill that we passed recently, which ensures that no one can put themselves out to have credentials that they don't have. So this definition...in the definition we say that you can't say that you're a massage therapist or imply you're doing massage if you are only doing reflexology. Combined with our truth-in-advertising law it's an important protection to make sure consumers know what they're getting into, what they're choosing. Requiring a massage therapy license for individuals who are not performing massage, or holding themselves out as massage therapists, creates an expensive and timely barrier for reflexologists looking to provide only that service to their clients in Nebraska. As a result, individuals looking to offer reflexology services in a local chiropractor office, a spa, or their homes, may choose to work in, or move to, another state in order to pursue a career in reflexology. This results in the state losing individuals looking to enter the workforce, as well as tax revenue and possible jobs created by reflexologists that would choose to start their own business. Workforce shortages are a continuous problem in our state, and lifting licensing requirements that are overly burdensome will reduce barriers to entering the workforce and expanding job opportunities. Following my testimony, you will hear more about the history and practice of reflexology, as well as the barriers that it created by including reflexology in with the massage therapy licensure and scope of practice. I appreciate your attention to this issue, and I am happy to try to answer any questions that you may have. Now I have another bill, so I don't know for sure if I'll be here for closing. But I will do my best to be here for closing, to answer questions then, as well. [LB588]

SENATOR RIEPE: Okay, thank you very much. Are there questions? Senator Williams. [LB588]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And, Senator Crawford, I am not expecting you to answer these questions yourself... [LB588]

SENATOR CRAWFORD: Okay. [LB588]

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SENATOR WILLIAMS: ...but will there be somebody that will be able to explain what training a reflexologist receives if they do not go through massage therapy training and what that is? [LB588]

SENATOR CRAWFORD: Yes, we have someone with a national organization who can talk about what someone would do if they would choose to get a...get certified. There's a national certification that one could choose to qualify for so that you could, in your advertising, indicate you have that certification. And again, the...we would not have a Nebraska state certification or licensure, but sort of like... [LB588]

SENATOR WILLIAMS: That's what I understand... [LB588]

SENATOR CRAWFORD: ...yoga instruction, you could... [LB588]

SENATOR WILLIAMS: ...that you could... [LB588]

SENATOR CRAWFORD: ...you could... [LB588]

SENATOR WILLIAMS: ...you could then, in... [LB588]

SENATOR CRAWFORD: ...you could go get certifications... [LB588]

SENATOR WILLIAMS: Um-hum. [LB588]

SENATOR CRAWFORD: ...from the national body, so you could use that in putting your...in explaining your qualifications to someone who is coming to you for service. [LB588]

SENATOR WILLIAMS: If they were not...had not gone through that and, again, for somebody else to answer... [LB588]

SENATOR CRAWFORD: Right. [LB588]

SENATOR WILLIAMS: ...if they have not gone through that national certification, as I understand your bill, they could still practice reflexology, if this were passed... [LB588]

SENATOR CRAWFORD: Right. [LB588]

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SENATOR WILLIAMS: ...in Nebraska. And would there be any form of training then? [LB588]

SENATOR CRAWFORD: So reflexology would be like yoga instruction in the sense of there are certifications you can get to be competitive and to provide a product, but the state would no... [LB588]

SENATOR WILLIAMS: Okay. [LB588]

SENATOR CRAWFORD: The state of Nebraska would no longer be engaged in...in quality in terms of reflexology training. There would still be, also, your local requirements and our business standards in terms of owning a business. But it would be more like yoga instruction in that way. [LB588]

SENATOR WILLIAMS: Okay. [LB588]

SENATOR CRAWFORD: It would something that people get trained to do, and...and the consumer would be identifying what kind of training they have in choosing to access that product. [LB588]

SENATOR WILLIAMS: Thank you. [LB588]

SENATOR CRAWFORD: That service. [LB588]

SENATOR RIEPE: Senator Linehan, go ahead. [LB588]

SENATOR LINEHAN: Thank you, Mr. Chairman. Thank you for bringing this. It's...and I understand the reasons. Is there any other practice, though, where we have people who actually are touching, as a doctor touches a patient, nurses, where they're touching people, and they're not licensed or certified in some way? Is there any other industry or profession? [LB588]

SENATOR CRAWFORD: Well, the one example we were thinking about, that is like that, was the yoga example, because that's some...where somebody is coming, and there are national, you know, national trainings and certifications one can get. But it's not license certified or registered in the state of Nebraska. But someone comes and...and you know, somebody might be helping you with a pose or... [LB588]

SENATOR LINEHAN: Right. [LB588]

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SENATOR CRAWFORD: ...in that way. Maybe we...that's a good question, also, for... [LB588]

SENATOR LINEHAN: Okay. [LB588]

SENATOR CRAWFORD: ...someone behind me, if there are other examples... [LB588]

SENATOR LINEHAN: Okay. [LB588]

SENATOR CRAWFORD: ...that are analogous to that. We did...last year we had a hair braiding bill... [LB588]

SENATOR LINEHAN: Right. [LB588]

SENATOR CRAWFORD: ...which is, you know...what are those kinds of services that involve interaction between the provider... [LB588]

SENATOR LINEHAN: Right. [LB588]

SENATOR CRAWFORD: ...and the client or patient, and...but that we think are...are less intrusive, less of a public safety issue, so that they could be regulated just by our standard business practices instead of our standard business practices plus an additional layer of state health licensure or certification or registration. [LB588]

SENATOR LINEHAN: Okay, thank you very much. Thank you, appreciate it. [LB588]

SENATOR CRAWFORD: Yes; um-hum. [LB588]

SENATOR LINEHAN: Thank you, Mr. Chairman. [LB588]

SENATOR RIEPE: I know you talked a little bit about certification. Is there any need for registration, or is that just...is that certification by another name? [LB588]

SENATOR CRAWFORD: Well, I think that's a part of the conversation this committee will have. [LB588]

SENATOR RIEPE: Um-hum. [LB588]

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SENATOR CRAWFORD: The philosophy of our credentialing registration process is, as we've just discussed in our briefing... [LB588]

SENATOR RIEPE: Yes, that'd be a question. [LB588]

SENATOR CRAWFORD: you know, it has been a philosophy of having the lowest level of regulation needed. And so the argument behind the bill is that our standard business practices and our truth-in-advertising law are...are all that is required to ensure the safety that would need to be required, given the nature of this service. And so that...that is the argument behind LB588. And it would be incumbent on the people behind me to make arguments for and against that argument and for us, as a committee, to deliberate on that argument. [LB588]

SENATOR RIEPE: Okay. Are there other questions? Hearing none, thank you very much. [LB588]

SENATOR CRAWFORD: Thank you. [LB588]

SENATOR RIEPE: And we will now go to proponents, and we may see you at closing. [LB588]

SENATOR CRAWFORD: Yes. [LB588]

SENATOR RIEPE: Are there proponents that would like to...please, if you would just give us your name and spell it, and then proceed on for us. [LB588]

SARAH CURRY: (Exhibit 2) Yes, um-hum. Good afternoon. My name is Sarah Curry, S-a-r-a-h C-u-r-r-y. I am the policy director for the Platte Institute for Economic Research. Nicole Fox was going to provide this testimony but we had another bill, and scheduling did not allow her. So I get to talk with you today. The Platte Institute has been looking at occupational licensing laws. And originally they were created to protect the public from negligent people performing services and causing a public health problem. We have found that reflexology, unfortunately, fell underneath one of those laws, and there's really not a need for the licensing to occur. Because of this bill, I've actually befriended a woman who is a reflexologist. And she has called me many, many times, and I've spoken with many of her clients. And she had a situation where she had a medical condition, the doctor prescribed her many medications and said: I'm sorry, we just can cure you; I can try to manage your pain with medicine. And she looked for other options. She just didn't accept that. And so she found reflexology and started going to a reflexologist, and she got better. And she felt more healthy. And so she felt, through this experience, that she wanted to share this with other people. And she went and got trained and certified through this national

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certification board, to become a reflexologist. So she's now open to business and she's practicing in Nebraska. Unfortunately, she won't come before you to talk to you today because she's afraid of losing her business because she's not a licensed massage therapist. And she's the sole provider for her family. So she has asked me to share her story with you today because she's afraid for her family and her family's well-being. Currently Nebraska law does require reflexologists, like I said, to become a massage therapist, so that requires 1,000 clock hours of training to become a massage therapist. The cost for that is between \$7,000 to \$16,000 and can last anywhere between 9-20 months. During this time, I've spoken with this woman, and she said if a large portion of the massage therapy training was reflexology, she would have no opposition to becoming a licensed massage therapist. But she said there's not a lot of it that deals with what she does. Only 2 percent of that 1,000 hours is actually targeted towards reflexology. And in some courses of study, it's optional. So her concern is: do I close my business, go back to school, spend all this money, forgo this income that my family needs desperately, to be licensed? Or do I keep operating my business in the shadows, if you will, because she's trying to do something but she's, unfortunately, breaking the law? I've spoken with many of her clients and patients, and they have said the same thing to me: I've been to massage therapists. They make you feel good, but it really doesn't fix anything. And they said after going to a reflexologist and experiencing what they provide, they feel better. One gentleman said he had horrible posture, and now he's able to stand more upright. And he's a farmer, and he can do his job better. So I can't tell you specifically about the details of the reflexology training. We do have someone here that can talk to you about that. I wanted to tell you a little bit about how other states handle this issue. So there's about 33-34 states and the District of Columbia that have exempt reflexology from massage. They still have the massage law on their books, but they've exempted the reflexology portion. There are four states that have no massage law whatsoever so, because of that, reflexology is not licensed or regulated. Colorado, Iowa, Missouri, and South Dakota all exempt massage law. Kansas and Wyoming don't have massage laws. So for that, we feel, at the Platte Institute, that it's uncompetitive and that Nebraska needs to take a look at this to keep these reflexologists here. So in closing, I just want to ask the committee to think about some things. If you were in this woman's position and you had a business, would you want to close your business to go back and get a massage law? And the other thing is, do you think it's really necessary to get training for something that you don't want to do, to practice, when you've already had over 300 hours in training to do what it is that you've opened your business to do. So I would just like to thank Senator Crawford and the committee for hearing this bill. I am happy to answer any questions that you have. And we do have some people here that are more specific in the study and the practice of reflexology here, if you need to talk to them. [LB588]

SENATOR RIEPE: Okay, thank you very much. Are there questions? Seeing none, thank you very much. [LB588]

SARAH CURRY: Thank you for your time. [LB588]

SENATOR RIEPE: Additional proponents, please. [LB588]

CHRISTINE ISSEL: (Exhibits 3 and 4) Committee, thank you. My name is Christine Issel; that's C-h-r-i-s-t-i-n-e, last name I-s-s-e-l, from the American Reflexology Certification Board. And I am here to testify in favor of LB588, only to say that, conventionally, people use the term "massage" very loosely to indicate other touch therapies that have nothing to do with standard massage techniques. And reflexology and massage are two different practices, each with its own strengths. And both, like many different manual therapies, such as chiropractic or osteopathy, involve the use of the hands to apply their unique skills. Reflexology has its own history, vocabulary, theories, and techniques, separate from any other profession. And it works primarily with reflexes through the nervous system versus the musculature. Reflexology is acting...the field of reflexology is acting in a responsible manner by having its own schools and educational programs with hours of reflexology training that surpassed what is taught in massage schools as reflexology. It has its own national, state, and international reflexology organizations. I represent the American Reflexology Certification Board, which is an independent, nonprofit testing agency with a psychometrically valid exam designed to protect the public through the recognition of competent practitioners meeting certain national standards. It is a voluntary program. Separate research studies from around the globe have been conducted to prove the efficacy and safety of reflexology. It is accepted by the World Health Organization in China for meeting its five-point standards for being easy and simple to learn, easy to receive. It is effective, it's safe, and it's economical. Other states, as Sarah mentioned, recognize reflexology's legitimate claim of difference and, I will say, through exemption. And reflexologists in North Dakota, Tennessee, New Hampshire, and Washington have their own state reflexology laws. And to give you a profile or let you know what a typical reflexologist is, based on a 2014 job analysis survey conducted by ARCB, a typical reflexologist is a 56-year-old Caucasian female who is self-employed in reflexology and practices in a suburban area of New York. She has been practicing for about ten years, sees less than ten clients per week, and carries practice liability insurance. She conducts the majority of her sessions in a private office or in a private practice in her home. Many are also employed under chiropractors. She conducts the majority of...oh, I said that. And reflexology is often...sorry, I misspelled that. Reflexology is most often a midlife career change. In addition to her formal education from which she has a 4-year degree, her initial reflexology training consists of a 200-hour program. To date, she has more than 300 hours of training in reflexology. And that was...the survey was done with both those that had been certified by ARCB and those that were members of the national membership organization, two totally separate vehicles. Regarding public safety, reflexology does not involve disrobing. Only footwear is removed. It uses no invasive techniques, pharmaceutical substances, or is used as a diagnostic technique. Furthermore, studies at the National Institutes of Health have found that those who seek out complimentary therapies to be well educated, and the decision to seek reflexology is controlled by the client. This, in and of itself, lends an element of public safety. In addition, public harm due to an incompetent reflexology...reflexologist has never been reported.

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A 2007 survey of the four largest insurance companies in the massage and bodywork field discovered that none have ever received a claim of malpractice against a reflexologist. In addition, a study conducted by the Iowa Department of Health in 2004 also supported this assertion, that it could not find a liability claim related to reflexology. Therefore, the risk to the public is virtually nonexistent. The study also confirmed reflexology is not massage. For these reasons, it's requested the committee amend the massage law to exempt reflexology by passing LB588. Thank you. [LB588]

SENATOR RIEPE: Okay, thank you. A quick question I would have is... [LB588]

CHRISTINE ISSEL: Uh-huh? [LB588]

SENATOR RIEPE: Are you from California? [LB588]

CHRISTINE ISSEL: I am from California, yes. [LB588]

SENATOR RIEPE: Well, welcome to Nebraska. [LB588]

CHRISTINE ISSEL: I understand you guys had 74-degree weather just the other day (laughter). What happened? [LB588]

SENATOR RIEPE: And the cold weather came in from the west, and you came in from the west. So... [LB588]

CHRISTINE ISSEL: I know. [LB588]

SENATOR RIEPE: We're seeing if there's a correlation here. One of the questions that I have, do you have...is it a noninvasive type of procedure? [LB588]

CHRISTINE ISSEL: Correct. [LB588]

SENATOR RIEPE: And then my question is...is do you have continuing educational requirements within your group? And do you have any peer reviews so that you have someone looking at the work of others to make sure that everyone is...everything is kosher? [LB588]

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CHRISTINE ISSEL: Well, anyone who is certified or...by ARCB or is involved with a national organization, of course, has to abide by a code of ethics. And...but as far as over...the kind of oversight you're talking about, no. [LB588]

SENATOR RIEPE: Has there anyone been either reprimanded... [LB588]

CHRISTINE ISSEL: Yeah. [LB588]

SENATOR RIEPE: ...or not allowed to use the ARCB's... [LB588]

CHRISTINE ISSEL: Correct. [LB588]

SENATOR RIEPE: ..."dah-dah-dah?" [LB588]

CHRISTINE ISSEL: Yes. [LB588]

SENATOR RIEPE: Is that this thing you look for if you're looking for a reflexologist? [LB588]

CHRISTINE ISSEL: Um-hum, um-hum. Yeah. [LB588]

SENATOR RIEPE: And is that true in Nebraska, as well, or because of our limitations here, no one puts that shingle out? [LB588]

CHRISTINE ISSEL: Well, they're afraid to. [LB588]

SENATOR RIEPE: Okay. [LB588]

CHRISTINE ISSEL: Whether they will? I know we've had several reflexologists nationally certified, practicing, but not in...they live in Nebraska, but on the borders. And so they elect to go to the states where they can practice without being a massage therapist. [LB588]

SENATOR RIEPE: I know we...we had a speaker here earlier, maybe you heard. Dr. Williams...we talked about our...in Nebraska it's called a 407 process. [LB588]

CHRISTINE ISSEL: I am not familiar with that. [LB588]

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SENATOR RIEPE: It...well, it...that's Nebraska specific. But it's a process of making sure that the providers provide safe and healthy... [LB588]

CHRISTINE ISSEL: Um-hum. [LB588]

SENATOR RIEPE: ...you know, and meet certain standards. If reflexology has been in the closet... [LB588]

CHRISTINE ISSEL: Correct. [LB588]

SENATOR RIEPE: Would it something that they need to go through some process that we need some initial oversight from, as a profession, quote unquote, going forward? [LB588]

CHRISTINE ISSEL: That...and that's a possibility. If you were to require national certification, that would be one way to do it. [LB588]

SENATOR RIEPE: That could be. [LB588]

CHRISTINE ISSEL: But at this point, you know, we have a voluntary program. [LB588]

SENATOR RIEPE: Is it terribly burdensome to get the national certification? [LB588]

CHRISTINE ISSEL: It's a lengthy process, yes. It takes about 18 months. You have... [LB588]

SENATOR RIEPE: And expensive? [LB588]

CHRISTINE ISSEL: No. [LB588]

SENATOR RIEPE: Oh. [LB588]

CHRISTINE ISSEL: It's about \$300 to take the initial exam, which is 300 questions, written. And then you have to work on the proctor to make sure that your technique is standard. And then you have to supply 90 client documentations that you have seen people progress and seen the effect of reflexology... [LB588]

SENATOR RIEPE: Um-hum. [LB588]

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CHRISTINE ISSEL: ...and the efficacy. [LB588]

SENATOR RIEPE: Okay, I'm going to ask other committee members. Senator Linehan. [LB588]

SENATOR LINEHAN: Thank you very much. Thank you, Mr. Chairman. Thanks for being here. So if we did this, I mean, we removed it from the massage therapist... [LB588]

CHRISTINE ISSEL: Um-hum. [LB588]

SENATOR LINEHAN: What would keep anybody from hanging a shingle and saying that they are... [LB588]

CHRISTINE ISSEL: Well, yeah. [LB588]

SENATOR LINEHAN: Yeah. [LB588]

CHRISTINE ISSEL: I understand what you're saying, and it could be a problem. But we find that people...the public has to know about reflexology, and they actually have to seek it out. And that ensures that they know what it is, they know what they're looking for, and that they know that that's what they receive. Now if it's under massage, even though in some massage schools they may have 8 hours of training, rather than 200 or 300, their application is really foot massage versus reflexology. And the public knows the difference. [LB588]

SENATOR LINEHAN: But if I wanted to... [LB588]

CHRISTINE ISSEL: Um-hum. [LB588]

SENATOR LINEHAN: ...and I could...and I advertised... [LB588]

CHRISTINE ISSEL: Um-hum. [LB588]

SENATOR LINEHAN: ...and there's no oversight. I mean I just...it's one thing not to be under massage therapist, but to have no kind of like certification or check... [LB588]

CHRISTINE ISSEL: Um-hum. [LB588]

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SENATOR LINEHAN: ...or this...I don't...I don't know how you would keep people who aren't really trained from getting into the industry and advertising that they could do the industry. It would seem that your industry would even maybe have some concerns about that. You don't have any problem with that in any other states? [LB588]

CHRISTINE ISSEL: Nope. Uh-uh. [LB588]

SENATOR LINEHAN: Nobody has ever pretended that isn't? [LB588]

CHRISTINE ISSEL: Uh-uh, no. I mean, it's amazing, but yes, no. [LB588]

SENATOR LINEHAN: Okay. All right, that's it. Thank you. [LB588]

SENATOR RIEPE: Any other...Senator Williams. [LB588]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you for being here. You mentioned the states that have exempted this. [LB588]

CHRISTINE ISSEL: Um-hum. [LB588]

SENATOR WILLIAMS: And you also listed then four states, it looks like, that have reflexology laws. [LB588]

CHRISTINE ISSEL: Correct. [LB588]

SENATOR WILLIAMS: Can you describe what those laws are? [LB588]

CHRISTINE ISSEL: Well, it's interesting because in North Dakota it's a straight reflexology law. That's all it covers. And Tennessee--you were speaking about registration--it's a registration law that all they have to do is register with the Department of Health and that's it...pay a small fee. In New Hampshire, they do have the legislature there or the Health and Human Services did examine reflexology and decided that it and structural integrators, or "rolfers," who have all of the same vehicles that we have, that they're not massage. And so they created a special exemption for them, along with shiatsu practitioners. And so the law is very, very specific. They also would not look at adding, they said at the time, and they haven't added any other disciplines to that exemption. And in Washington it's...they've separated reflexology from massage. So then all the laws are a little bit different, but... [LB588]

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SENATOR WILLIAMS: So I guess what I was asking, partially, with that, and it sounds like maybe none of those states have gone quite this way, that they would define reflexology and then set a standard that this is the amount of training, this is what that training, and at the end of that training you would be... [LB588]

CHRISTINE ISSEL: No. [LB588]

SENATOR WILLIAMS: ...certified. [LB588]

CHRISTINE ISSEL: No. [LB588]

SENATOR WILLIAMS: And you would be licensed. And they haven't gone that...that direction, you think. What...what... [LB588]

CHRISTINE ISSEL: Washington State, yes. Off the top of my head, I don't believe that's the case in New Hampshire. [LB588]

SENATOR WILLIAMS: Okay. And let me just ask this final question. [LB588]

CHRISTINE ISSEL: Um-hum. [LB588]

SENATOR WILLIAMS: From your experience with this, and you mentioned a little bit with the public safety issue, do you think that kind of structure, where you would have a definition followed by what the training would be, is necessary to protect public safety? [LB588]

CHRISTINE ISSEL: Me personally? No. I don't believe it's necessary because, you know, people don't disrobe, so there's not a problem with that. And there's never been a reflexologist...we have a code of ethics. And ARCB has been involved in some--2--investigations I think, over its 25 years regarding complaints about practitioners not following the code of ethics, but never coming from a client. It has always been in house, so. [LB588]

SENATOR RIEPE: Senator Howard. Oh. [LB588]

SENATOR WILLIAMS: I have a little bit of problem with people breaking the law though,... [LB588]

CHRISTINE ISSEL: What? [LB588]

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SENATOR WILLIAMS: ...which they currently are doing, so. [LB588]

CHRISTINE ISSEL: Yes, yes. [LB588]

SENATOR WILLIAMS: Thank you. [LB588]

CHRISTINE ISSEL: And it's really unfair that they should have to not be in the public because they're afraid of being turned in and then... [LB588]

SENATOR RIEPE: Senator Howard. [LB588]

SENATOR HOWARD: Thank you for visiting with us today. I am glad you traveled such a long way to speak with us. I'm curious about the liability insurance... [LB588]

CHRISTINE ISSEL: Um-hum. [LB588]

SENATOR HOWARD: ...that reflexologists carry, or at least your profile indicated that they do. And then I guess in Nebraska, do you believe that reflexologists are currently carrying that liability insurance if they're not allowed to practice? [LB588]

CHRISTINE ISSEL: That I wouldn't know. I don't know the answer to that. [LB588]

SENATOR HOWARD: So you've indicated that there's no harm involved in reflexology. [LB588]

CHRISTINE ISSEL: Um-hum. [LB588]

SENATOR HOWARD: Why carry liability insurance then? [LB588]

CHRISTINE ISSEL: That's because that's standard in the industry, massage industry especially. So it's kind of gone over into the reflexology area. But it is a personal choice whether or not you want to protect yourself in that manner or whether you even feel that you need to protect yourself in that manner. [LB588]

SENATOR HOWARD: But what are we being protected from? [LB588]

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CHRISTINE ISSEL: In theory from people who are not well educated in reflexology, doing it wrong, and harming somebody. It's possible that you could bruise somebody if you used too much pressure. But, you know, the actual harm is very miniscule and, like I say, there's never been a case of that. But... [LB588]

SENATOR HOWARD: So other states require reflexologists to carry the liability insurance? [LB588]

CHRISTINE ISSEL: No. [LB588]

SENATOR HOWARD: Do massage therapists usually have to carry it? [LB588]

CHRISTINE ISSEL: That I am not familiar. I...I can't answer that. [LB588]

SENATOR HOWARD: Okay, thank you. [LB588]

CHRISTINE ISSEL: Um-hum. [LB588]

SENATOR RIEPE: I have a question in terms of reflexology and in terms of the advantages. It's my understanding that sometimes, in working with the foot, you can relieve pain in the back. I mean there are certain moves, procedures, techniques that apply to other parts of the body. Is that true or not true? [LB588]

CHRISTINE ISSEL: It's true that we can reach the internal body through the feet but, as far as...because it has a lot to do with a relaxation response and...but we can't claim that, you know, if somebody has a backache, if they do reflexology it's going to help them. That's...that would certainly be practicing medicine without a license. [LB588]

SENATOR RIEPE: Okay. I wasn't trying to lead you into that. I just...I had heard that, and I was trying to get some clarification on that, so... [LB588]

CHRISTINE ISSEL: Yeah, it depends on who you heard it from, too, because sometimes... [LB588]

SENATOR RIEPE: That I can't remember. But are there other questions from the committee? [LB588]

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CHRISTINE ISSEL: Thank you. [LB588]

SENATOR RIEPE: Thank you very much. [LB588]

CHRISTINE ISSEL: Thank you. [LB588]

SENATOR RIEPE: Thank you for coming and being with us. [LB588]

CHRISTINE ISSEL: Um-hum. [LB588]

SENATOR RIEPE: We appreciate your knowledge. Are there other proponents, please? [LB588]

MARY ANN SOLTIS: Hi. [LB588]

SENATOR RIEPE: Hi. [LB588]

MARY ANN SOLTIS: (Exhibit 6) Thank you for letting me speak. I am Mary Ann Soltis; that's M-a-r-y A-n-n S-o-l-t-i-s. I've lived in Omaha, Nebraska, for 55 years, which is most of my life. And I am here in support of Senator Crawford's bill, LB588, to exempt reflexologists from the state massage law. Reflexology and massage are not the same. Reflexology is a technique of applying pressure to the feet, hands, and ears to help relaxation that, in turn, reduces stress and improves mood. It has been found to positively impact pain reduction, recovery from surgery, symptoms of physical and mental health concerns, cancer care, and medical care. Reflexology brings the person back into balance so the body can repair itself. It is not invasive and does not cause injuries or harm. In March 2015, I was diagnosed with amyloidosis and began a series of chemo shots and pills. Amyloidosis is a rare disease. It is related to multiple myeloma and is not considered a cancer. However it acts like cancer, and they treat it like cancer. Within the first two weeks of treatments, I began experiencing multiple stomach issues. After two months of distress, a friend who is familiar with reflexology recommended I see a reflexologist. I began treatments on a regular basis. In the first week my stomach ailments improved and, within a couple weeks, were completely gone. The chemo also caused neuropathy in my feet. I believe the reflexology treatments kept it from being as severe as it could have been. After five months of chemo, it was determined the disease was in remission, and I began preparations for an autolog (sic: autologous)--I never can pronounce that--stem cell transplant. In October 2015, my stem cells were harvested and were used for transplant. I believe the continuous sessions with the reflexologist were the reason the transplant was so successful and why I had so few side effects during the process. I feel my recovery and sense of well-being during the chemo treatments, through the transplant process, and today are due to continued reflexology treatments. The

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positive effects reflexology has had on my health led me to begin training to be a reflexologist. With your support and the passage of this law, I hope to start a business and offer the same kind of help to others in Nebraska legally and without concern of prosecution. Thanks so much, Senator Crawford, for sponsoring this bill. [LB588]

SENATOR RIEPE: Thank you very much. And, Senator Williams, I think you have a question. [LB588]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you for being here today. [LB588]

MARY ANN SOLTIS: Um-hum. [LB588]

SENATOR WILLIAMS: Since you have been involved with this at this level, can you tell me what you are doing right now? Describe to me the training that you're taking. [LB588]

MARY ANN SOLTIS: I started taking classes from my reflexologist, who had 15 or 20 years of experience. She had even trained in China, as well as in the States. And I've...there's three levels. I finished the first level and now I am working on the second level. And it amounts to a lot of reading and then hands-on practice with her and on a friend's daughter's feet and then on another friend's feet, doing real practice. And then there's a few of us...well, I am...they're reflexologists and we're just kind of a little community, and we practice on each other. And they are teaching me and checking how well I am doing with my pressure and the coverage so I am getting...doing a complete treatment. [LB588]

SENATOR WILLIAMS: Would you plan, if this continues this way, to become certified? Would there be any advantage that you would see in being certified through the organization that we just heard about? [LB588]

MARY ANN SOLTIS: Oh, absolutely, yes. I would want to be certified because I would want that to be a part of my advertising and credentials. [LB588]

SENATOR WILLIAMS: In your practicing, have you ever hurt anybody, or have you ever been hurt by your reflexologist? [LB588]

MARY ANN SOLTIS: No, I have not. [LB588]

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SENATOR WILLIAMS: When you have your practice group, can you tell a difference from one reflexologist to the others that are there? Or are they all the same? [LB588]

MARY ANN SOLTIS: There's just three of us. And I can tell...I can tell that they are all very good because they're...they've been doing it longer than I have been. And so it's hard to tell from one gal to the next because they're all really good. But they're, you know, they're guiding me and making sure my pressure is good and that I am giving a full treatment that will help people. [LB588]

SENATOR WILLIAMS: What does it cost to get a reflexology treatment? [LB588]

MARY ANN SOLTIS: About \$40-\$50. [LB588]

SENATOR WILLIAMS: And how long does it take? [LB588]

MARY ANN SOLTIS: Usually an hour to an hour and a half, depending on health issues and what's going on. [LB588]

SENATOR WILLIAMS: Okay, thank you. [LB588]

MARY ANN SOLTIS: Um-hum. [LB588]

SENATOR RIEPE: Okay, thank you. Senator Linehan, please. [LB588]

SENATOR LINEHAN: Thank you, Mr. Chairman. And thank you for being here; this is very helpful. Would you have concerns if...okay, this bill passed, say the legislation passed, but if you were going to be a reflexologist, which I am having trouble with that word, in Nebraska we had you register, and we requested that you were certified by RCB (sic--ARBC), would that be problematic with you? [LB588]

MARY ANN SOLTIS: No, no. [LB588]

SENATOR LINEHAN: Okay. [LB588]

MARY ANN SOLTIS: I wouldn't mind being certified through the reflexology group. [LB588]

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SENATOR LINEHAN: And then just register so we would have some idea. [LB588]

MARY ANN SOLTIS: Right, right. Uh-huh. [LB588]

SENATOR LINEHAN: Okay, thank you very much. Appreciate that. [LB588]

MARY ANN SOLTIS: Um-hum. [LB588]

SENATOR RIEPE: Thank you. I have a question. Are you trained in any way, or are other reflexologists trained to identify what might be some other medical problems? I mean people that work in healthcare are often very much attuned to identifying someone who might be having circulatory problems and/or signs of prediabetic or strokes and, you know... [LB588]

MARY ANN SOLTIS: We don't... [LB588]

SENATOR RIEPE: ...just sometimes there's a sense that they can...they pick up on some of the symptoms and say, you know, you really should go check this out. [LB588]

MARY ANN SOLTIS: It depends on what the client or the patient would say. [LB588]

SENATOR RIEPE: Right. [LB588]

MARY ANN SOLTIS: If they happened to list off a list of symptoms, then, you know, after being in the business a while, I know the reflexologist I was going to, she would say: well, that might be something you need to see your doctor about. She was very supportive because all the whole time I was going through all my medical issues, they were always very supportive of everything with the medical doctors. This is just...this just enhances your body's ability to heal and to relieve the stress and the...and to help relaxation. But, you know, we don't have that ability. [LB588]

SENATOR RIEPE: Do you ever take blood pressures or...prior to any treatment or have an understanding of any of their medicines that they might be taking, too, that might... [LB588]

MARY ANN SOLTIS: I am aware of medical...or of medicines...people being on blood pressure medicines. And while I was going to my reflexologist, she never took my blood pressure or anything. She had told me she had been to a hospital one time when one of her clients was in the hospital. And this person had very high blood pressure. And while she was doing a treatment on

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her feet, she could see the blood pressure going down. So it...it has always been a positive effect. But we don't...we don't deal with that. [LB588]

SENATOR RIEPE: Going down, not going up? [LB588]

MARY ANN SOLTIS: Right, it's not going up. It makes it go down. [LB588]

SENATOR RIEPE: Oh, okay. [LB588]

MARY ANN SOLTIS: Right. Yeah. [LB588]

SENATOR RIEPE: Okay. I was just thinking can you get some baseline so that you know...you know, you don't want someone to turn bad on you while you're giving any kind of a treatment. [LB588]

MARY ANN SOLTIS: No, no. [LB588]

SENATOR RIEPE: Okay. Senator Williams, please. [LB588]

SENATOR WILLIAMS: I am sorry to come back. [LB588]

SENATOR RIEPE: That's okay. [LB588]

SENATOR WILLIAMS: I was just reviewing the brochure that was handed out. [LB588]

MARY ANN SOLTIS: Um-hum. [LB588]

SENATOR WILLIAMS: And I'm interested in the title, to start with, Identifying the Legitimate Reflexology Practice, which leads me to ask, what is the illegitimate one that we are concerned with, if there's the legitimate one? And then I read the first paragraph: An unethical, but growing trend in the US is the operation of reflexology parlors or studios that front for operations of human trafficking and prostitution. So what we are being asked to do in this bill is completely deregulate, have no oversight, of something that you could now hang the shingle and say you're a reflexologist. And in their own brochure they are concerned about the growing trend in the US. I...you can't speak from back there, but... [LB588]

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MARY ANN SOLTIS: I haven't seen that brochure. [LB588]

SENATOR WILLIAMS: I am concerned by the brochure that's coming from them. I am sorry; you can't speak from back there. [LB588]

SENATOR RIEPE: We will allow...you can...others...you can fill out the orange sleeve...slip and talk if you choose to, but are there other questions of the...and thank you very much. That's a very good question. I think we need to understand. [LB588]

MARY ANN SOLTIS: Yeah, I haven't seen that brochure, and... [LB588]

SENATOR WILLIAMS: It's their brochure. [LB588]

MARY ANN SOLTIS: Right, but I am not to the point where I need to be... [LB588]

SENATOR WILLIAMS: I am not asking you a question. [LB588]

MARY ANN SOLTIS: Yeah. Okay, okay. [LB588]

SENATOR WILLIAMS: I am making a...I am making a statement there. [LB588]

MARY ANN SOLTIS: Okay. I understand. Thank you so much for having me. [LB588]

SENATOR LINEHAN: Thank you. [LB588]

SENATOR WILLIAMS: Thank you. [LB588]

SENATOR LINEHAN: Thanks. [LB588]

MARY ANN SOLTIS: Um-hum. [LB588]

SENATOR RIEPE: I am told by legal that we aren't able to repeat witnesses. So we will either request a letter, or maybe someone else who will be coming forward can speak to the issue about...as Senator Williams expressed his concern. I apologize for that. Legal tells me we aren't able to do that. I think it's a Nebraska rule. Are there other proponents? Is there anyone that wants to speak in favor? And we'll do some follow-up on that particular issue. Are there

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anyone...is there anyone here that wants to speak in opposition? Any opponents? Okay, thank you very much. [LB588]

KIM ADAMS JOHNSON: And I apologize. I didn't know I was to have handouts. And I've changed this so much. [LB588]

SENATOR WILLIAMS: You don't have to. [LB588]

KIM ADAMS JOHNSON: Okay. [LB588]

SENATOR RIEPE: You don't have to. [LB588]

KIM ADAMS JOHNSON: It's all written all over; you can see all my notes. [LB588]

SENATOR RIEPE: We know you'll do well enough that we probably won't need them. So please, your name...spell it please, and then we'll go forward. [LB588]

KIM ADAMS JOHNSON: My name is Kim Adams Johnson, K-i-m A-d-a-m-s J-o-h-n-s-o-n, and I am here representing the Nebraska State Board of Massage Therapy (sic--Board of Massage Therapy for the State of Nebraska). The Nebraska State Board of Massage Therapy (sic) is opposed to LB588. Massage therapy is defined in Chapter 81, Section 21 (sic--Title 172, Nebraska Administrative Code, Chapter 81, Section 002, item 21), as "the physical, mechanical, or electrical manipulation of soft tissue for the therapeutic purposes of enhancing muscle relaxation, reducing stress, improving circulation, or instilling a greater sense of well-being." The Model Practice Act, MPA, from the Federation of State Massage Therapy Boards, FSMTB, defines massage as "the manual or energetic application of a system of structured touch to the soft tissues or the energetic systems of the human body." The MPA further states that it "specifically avoids the use of the term 'exemptions' to reinforce the importance of licensure." The Reflexology Association of America defines reflexology as "a protocol of manual techniques, such as thumb and finger-walking, hook and backup and rotating-on-a-point." The Washington Reflexology Association defines it as "an effective, touch-based modality in which specific thumb and finger techniques are used to stimulate 'reflexive' points. In this manner, a reflexology session can provide deep relaxation, improve circulation, and create overall stress reduction in a gentle and noninvasive way." I see several commonalities between the Nebraska definition of massage therapy and the definition of reflexology, such as physical manipulation of soft tissue, improving circulation, reducing stress, sense of well-being, and, as we've heard this morning, relaxation. The state Board of Massage Therapy saw a similar bill in 2009, which was LB621. And our misgivings are the same today. In 2009 Ms. Helen Meeks, administrator of the

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Licensure Unit, Division of Public Health, testified: This bill would amend the Massage Therapy Act so individuals that manipulate soft tissue of the hands, feet, or ears of the human body and do not hold themselves out to be massage therapists would not have to be licensed as such. This exemption, we believe, creates more ambiguity by attempting to exempt a procedure, in this case reflexology, that is not currently even defined in statute. And further, such an exemption does not mention the purpose for which reflexology would be provided. We think it confuses matters by authorizing essentially anyone to manipulate the soft tissue of only the hands, feet, or ears of the person for any purpose without regulatory oversight. Ms. Meeks went on to point out the Attorney General's Opinion from 1985 that concludes that the practice of reflexology by a person who holds him- or herself out as a skilled to practice it to affect healing, as you've heard testimony to this effect back then, is the practice of medicine and surgery. But the Attorney General's Opinion did indicate that massage therapists, chiropractors, and podiatrists could do reflexology. Ms. Meeks made a very valid point in her testimony in 2009, saying such an exemption "does not mention the purpose for which reflexology would be provided." In a number of states, including Iowa, Colorado, Massachusetts, Maryland, Oregon, and Washington, stores holding themselves out to be foot reflexology or foot rub businesses have been found to be fronts for prostitution and human trafficking. Seattle's sex economy more than doubled between 2005 and 2012. Many places focused on foot massages have prostitution occurring in them. And that was according to an article called "Unhappy Endings: Seattle's Sex Boom Economy," from February of 2015. Businesses were exploiting a legal loophole in Washington State law that did not require foot-exclusive massage places or reflexologists to be certified or licensed. Washington State changed that loophole in 2014. Georgia code, under their section called "Exemptions," (sic--Exceptions) states, "A person who restricts his or her practice to the manipulation of soft tissue of the human body to hands, feet, or ears, who does not have the client disrobe and does not hold him or herself out as a massage therapist." And that's similar to the language that we saw proposed this morning for LB588. There is a movement in Georgia to repeal this section of the code exempting foot reflexology because of increased incident of prostitution and human trafficking. Foot reflexology, because of...Craig Knowles, from the Georgia Board of Massage Therapy wrote, on June 21, 2016: Law enforcement division and offices have discovered that many businesses that offer excepted practices have become prime places to hide prostitution. Steven O'Meara, coordinator of the Nebraska Human Trafficking Task Force said, in a speech at the Nebraska State Capitol on October 2015: We are not only going after the human traffickers but also the buyers and consumers, and the reason is because that is a market-driven type of situation. Exempting the practice of foot reflexology in other states has led to the increase of sexually based offenses and, in some cases, human trafficking. We do not want to facilitate that trend here in Nebraska. The report "Nebraska's Commercial Sex Market," that was published just this month by the Women's Fund of Omaha, defines the commercial sex industry across our state. It states that "agencies will need to work together to monitor emerging venues selling individuals for sex. The only way to end sex trafficking is to address the demand which fuels the industry." Further it stated, "As long as there is a demand for

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commercial sex, there will be a market for it." We have given examples from other states that exemption for foot rubs and, unfortunately, reflexology have facilitated further criminal activity involving prostitution and human trafficking. We at the Nebraska State Board of Massage Therapy went to work with the recommendations from this report and initiatives from the Task Force on Human Trafficking to reduce the incident of those heinous crimes in our state. [LB588]

SENATOR RIEPE: We've now hit a red light. Can you kind of pull it together? [LB588]

KIM ADAMS JOHNSON: Oh. I've...yeah. [LB588]

SENATOR RIEPE: Okay. [LB588]

KIM ADAMS JOHNSON: We at the Nebraska State Board of Massage Therapy recognize the education, time, and dedication that goes into the practice of reflexology. It can be beneficial in many instances, and it's recognized as a legitimate form of complimentary therapy. But we also recognize that, without regular...regulatory oversight in place, unsavory elements have a propensity to exploit that atmosphere. [LB588]

SENATOR RIEPE: Okay, thank you very much. Are there questions from the committee? Oh, Senator Williams. [LB588]

SENATOR WILLIAMS: I'm full of questions today, if that's okay. [LB588]

SENATOR RIEPE: That's okay; we like that. [LB588]

KIM ADAMS JOHNSON: Questions are good. [LB588]

SENATOR WILLIAMS: Thank you, Ms. Adams Johnson, for being here. You're involved with your massage therapy association, correct? [LB588]

KIM ADAMS JOHNSON: Um-hum. [LB588]

SENATOR WILLIAMS: So you are acquainted with the...the terms that you go through and the requirements for the education. [LB588]

KIM ADAMS JOHNSON: Um-hum. [LB588]

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SENATOR WILLIAMS: As I understand it, it's a...the initial licensing is 1,000 hours... [LB588]

KIM ADAMS JOHNSON: Um-hum. [LB588]

SENATOR WILLIAMS: ...over a minimum of nine months. [LB588]

KIM ADAMS JOHNSON: That is correct. [LB588]

SENATOR WILLIAMS: Do you have some idea how much of that training is on reflexology? [LB588]

KIM ADAMS JOHNSON: In our education, it was a small portion, but it was covered. We were told that, if we wanted to specialize, we could do that after our schooling. And that is something, actually, that I have gone into. And I practice reflexology under my massage therapy license. I took--I am trying to think--it was over 100 hours, I believe, of training in reflexology. [LB588]

SENATOR WILLIAMS: In...after your... [LB588]

KIM ADAMS JOHNSON: And that was after schooling. [LB588]

SENATOR WILLIAMS: Okay. Would you be a proponent that there is a need for reflexology then? [LB588]

KIM ADAMS JOHNSON: I can say it's beneficial. As I said, it's a beneficial alternative or complimentary service. I can't say that I get a significant amount of people in specifically for that service. Most people come in with--excuse me--prescriptions from doctors or recommendations from their physician for other forms of massage, as opposed to foot reflexology. [LB588]

SENATOR WILLIAMS: But you've seen there would be a benefit from the treatment. [LB588]

KIM ADAMS JOHNSON: I have. [LB588]

SENATOR WILLIAMS: Thank you. [LB588]

SENATOR RIEPE: Okay. Seeing no other questions, thank you very much. [LB588]

KIM ADAMS JOHNSON: Thank you. [LB588]

SENATOR RIEPE: Are there other opponents? Welcome. If you will state your name and spell it, and then just begin with your presentation. [LB588]

REBECCA OHLSON: (Exhibits 7 and 8) Okay, thank you. My name is Rebecca Ohlson, R-e-b-e-c-c-a O-h-l-s-o-n. I am the Nebraska's chapter president of the American Massage Therapy Association, AMTA, which is the largest nonprofit professional association serving massage therapists, massage students, and massage schools. I represent our 400-plus members of the Nebraska chapter. I've also been a licensed massage therapist since 2001, and a certified integrated reflexologist since 2011. Today I'd like to explain why reflexology needs to remain regulated under the profession of massage therapy. While searching for definitions of both massage and reflexology, it became clear that definitions are kind of made up to suit them best. Anyone can really have their own definition, and many states do. So Nebraska's state definition of massage, which Kim already did say, but we are physically making a difference in the soft tissue. So we're physically, mechanically, electrically manipulating soft tissue for therapeutic purposes: relaxation, reducing stress, improved circulation, and on and on. So I am going to kind of skip down to, then, the definition of reflexology. This--I found one with Wikipedia--is "an alternative medicine involving application of pressure to the feet and hands, with specific thumb, finger, and hand techniques, without the use of oil or lotion." It's based on "a system of zones and reflex areas that purportedly reflect an image of the body on the" hands..."feet and hands, with the premise that such work effects a physical change to the body." So by definition, we are manually manipulating soft tissues on the feet, hands, and ears when we apply reflexology to our clients. Since we are applying manipulation to the body, we are directly affecting the body. A full educational background of anatomy, physiology, pathology must be attained for anyone practicing as a massage therapist and a reflexologist. We are not simply giving a foot rub. Safety is a huge factor when working on the public, and our intent is always to do no harm. In the book Medical Applications of Reflexology (sic--Medical Applications of Reflexology: Findings in Research about Cancer Care) by Barbara and Kevin Kunz, they describe how reflexology works: With the systematic application of pressure to the feet, the reflexologist taps into the body's nervous system, its communication system for the position...for the body position and activity. Research findings are conclusive with how reflexology can impact a postop patient in stimulating the digestive system, easing pain, easing anxiety, and many other benefits. If we have no regulations for reflexology, this will open the door to an unregulated industry of human trafficking. Our state has strong regulations currently set in place for massage therapy, which helps control the chances of this illegal activity to go unnoticed. Our neighboring states have a hard time tracking these individuals because of their loose regulations. Along the borders of our state, many incidences of these businesses getting caught in Nebraska typically end up setting across...up across the border because they have such lax in their law. I am proud to be a massage...licensed massage therapist and a certified integrated reflexologist here in Nebraska. I

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have the ability to work on my clients through massage, which works from the outside in, and reflexology, which works from the inside out. The feet tell me a lot about the body that's lying on my table. So in conclusion, we are asking for you to keep reflexology under the Massage Therapy Practice Act. Thank you. [LB588]

SENATOR RIEPE: Thank you very much. Are there questions? I have a question. [LB588]

REBECCA OHLSON: Yes. [LB588]

SENATOR RIEPE: On those who are in training for cosmetology, there is also a subset of that that works not with hair design, but simply makeup and...I am not going to the terms just right. But... [LB588]

REBECCA OHLSON: Like manicure? [LB588]

SENATOR RIEPE: They took...they took...well, some manicuring, but... [LB588]

REBECCA OHLSON: Okay. [LB588]

SENATOR RIEPE: They take less training and stay in school for a shorter period of time. So my question is, is there a subset that would not require someone to take all of the hours that it takes for massage therapy to qualify for reflexology? [LB588]

REBECCA OHLSON: Reflexology? [LB588]

SENATOR RIEPE: Like, you know, 500 hours, 200...I don't know what the number is. [LB588]

REBECCA OHLSON: I mean, the way the law is stated now, you have to still complete the 1,000 hours of massage in order to still get your massage license. So... [LB588]

SENATOR RIEPE: We could change that. [LB588]

REBECCA OHLSON: True, you could (laughter); we'll see. [LB588]

SENATOR WILLIAMS: Come back Monday. [LB588]

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SENATOR RIEPE: Yeah. [LB588]

KRISTEN STIFFLER: Yeah. [LB588]

SENATOR WILLIAMS: Wednesday. [LB588]

KRISTEN STIFFLER: Wednesday. [LB588]

REBECCA OHLSON: Wednesday, that's coming up. So... [LB588]

SENATOR RIEPE: Okay. Are there other questions? Okay, thank you very much. [LB588]

REBECCA OHLSON: Thank you. [LB588]

SENATOR RIEPE: Are there other opponents, if you will? Hearing none, or is there anyone here to testify in a neutral capacity? Okay. Please, if you would state your name and spell it, and then proceed on, please. [LB588]

SONJA WAY: (Exhibit 9) All right, thank you. My name is Sonja Way; that's S-o-n-j-a W-a-y, and I am the government relations specialist for the Federation of State Massage Therapy Boards. Thank you for allowing me the time to come and share some information with you. The Federation of State Massage Therapy Boards is a 501(c)(3) nonprofit organization. The mission of the federation is to support our 43 member boards, including the Nebraska Board of Massage Therapists (sic--Therapy), in their work to ensure that the practice of massage therapy is provided to the public in a safe and effective manner. The federation serves the regulatory community and provides benefit from the knowledge gained by combining individual state resources into a larger federation. In the Uniform Credentialing Act, the Nebraska Legislature recognized the need for regulation of persons and businesses providing health and health-related services. Massage and bodywork therapists are often a first point of contact in the...for the consumer in prevention, identification, assessment, treatment, and rehabilitation of many pathologies and conditions. If you look at reflexology from the perspective of the education needed to safely serve the client, it is fundamentally a health practice. The federation conducted a job task analysis in 2007, and again in 2013, to assess the necessary skill and knowledge set for entry-level practitioners. The Job Task Analysis Survey was developed by content experts, with the guidance of testing and psychometric professionals, and was validated by input from more than 7,000 massage, bodywork, and somatic professionals from across the United States. The job task analysis defined a massage or bodywork or somatic therapist practitioner as "an expert who uses massage, bodywork, or somatic practices to promote, maintain, or restore health and

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wellness." These job task analyses also examined the correlation between responses from massage therapists and bodywork therapists on the importance, frequency, and knowledge statements. Psychometric experts found the data from both job task analyses show massage and bodywork therapists in almost perfect alignment and how frequently they perform tasks, how important they think those tasks are, and the importance of knowledge in areas required to perform the job. Massage therapists and bodywork therapists perform the same tasks every day in their practices, hold the same goals to benefit their clients through therapeutic touch, and often use very similar hands-on methods. The most recent job task analysis found that 40.3 percent of respondents used reflexology in addition to their primary modality in their practice, so it shows that this is a very common practice in the field. The federation is confident in the psychometrically sound and legally defensible results from these job task analyses, and invites you to review the data for yourself on our Web site. We urge you to base your decision on empirical data rather than opinions. In addition to the information provided by Ms. Adams Johnson, I wanted to provide you with the example of the state of Colorado that saw over 30 cases, in 2014--or from 2014-2015--where exemptions from the massage licensure law were used as a front for human trafficking. Now licensure alone will not prevent human trafficking. But we do encourage you to consider this nationwide problem when you're considering this bill. I appreciate the opportunity to provide you this information and would be willing to answer any questions that you have. [LB588]

SENATOR RIEPE: Thank you. Thank you for being here. I am going to ask you, based on the...paragraph 3 of your letter, to reclarify and restate you're...that you're in opposition, as opposed to being neutral, because you clearly state, and I quote, "that you not adopt LB588." That's clearly in opposition, so... [LB588]

SONJA WAY: Okay, my apologies. [LB588]

SENATOR RIEPE: Okay. [LB588]

SONJA WAY: I...we were wanting to provide a recommendation while also providing education. So if...if I need to state that I am opposed, then I can do that. But if that's... [LB588]

SENATOR RIEPE: Okay, you've done it just now. [LB588]

SONJA WAY: Okay, my apologies. [LB588]

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SENATOR RIEPE: It's on the record, so. Thank you very much. Are there other questions? Hearing none, thank you. Are there any neutral testifiers? Okay. And seeing none, Tyler, do we have letters? [LB588]

TYLER MAHOOD: (Exhibits 10-23) Yes, I have the following letters of support: Amy Miller of the ACLU of Nebraska; Alice Heard, representing herself; Connie Young, representing herself; Dave Nielsen, representing himself; Dr. Mary Reeg-Dhingra, representing herself; Karen Long, representing herself; Patricia Barrance, representing herself; Sherry Kolli, representing herself; Virginia Condos, representing herself; Jane Bies, representing herself; and Lila Schafer, representing herself. I have the following letters of opposition: Claire Miller of the Claire Miller...Claire Marie Miller of the Claire Marie Miller Seminars; and Tina Sorensen-Dill, representing herself. [LB588]

SENATOR RIEPE: Okay, thank you. Senator Crawford, welcome back. And it's your opportunity to close. [LB588]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you, committee members, for good, strong questions. And I appreciate your time and attention to this issue and question about what is the appropriate level of regulation for this practice, and whether or not it should remain within the license and scope of practice of massage therapists. And we had a briefing today about those levels of regulation. And again, currently this practice is within the licensure and scope of practice of license...of massage therapists. And the bill pulls this practice out of that scope of practice in terms of saying that you have to have that license to engage in this practice. And I wanted to just respond to a few of the issues that were raised, for the record and for the education of the committee members. So it is the case that in 2009, LB621 was a similar bill in terms of identifying reflexology as a practice that would be pulled out of the massage therapy license. And it is the case that in 2009, Helen Meeks did come and testify in opposition. There was...there is an Attorney General's Opinion reference in that testimony. We went back to that bill to really comb through the testimony and see what the arguments were. And...and the...the issue, and part of our conversation and deliberation as well, is...is definition of practice of medicine and surgery. So what qualifies as a practice of medicine and surgery? And the Uniform Credentialing Act is about regulations of all of those practices that are, in some way, that practice. And...and so we went to try to find that Attorney General Opinion. And we contacted the Attorney General's Office, we contacted the Research Office. It must have been an informal opinion; there does not appear to be a record of this February 11, 1985, Attorney General Opinion that we can find to read it and be able to talk about what...what his justification was in terms of making that argument. So we thought it was worth...it was worth having the conversation again, of whether or not this is a practice that should be considered a level of a practice that would require registration credentialing or licensure. But again, the key issue here is whether or not it stays in the massage therapy licensure or whether it stays a procedure that

someone must have a massage therapy license to perform. There are, as Senator Linehan noted, those other discussions that we could have about whether or not there would be other steps that one might take in the profession. The 407 process is, as we heard about today in our briefing as well, has two kinds of reviews that are the main ones that are done. And one is a new profession trying to get their own licensure or certification or registration. And then another would be to make a change in a scope of practice. And this bill, I think, the question behind the bill, if it were to pass as it is, is whether or not this is a practice that is one that we identify, as a Legislature for our state, that does not need to have state health regulation and whether or not the existing business practice regulation and existing truth in advertising are appropriate, in terms of protecting the consumer for this kind of service. Is it...does it rise to the level that it needs health regulation in addition to other business regulation is, I think, a key question for us to face. I also want to come back to the issue in the letter from Federation of State Massage Therapy Boards. And I want to come to this question that's been raised about human trafficking. Obviously human trafficking is a serious issue that we all need to address in all the ways that we can address it and find all the ways that we can make sure that we are...are trying to protect our citizens and crack down on practices that encourage human trafficking. So the...the letter indicates that, in Colorado, there was a concern about illicit businesses opening because of exemptions in the massage law. Well, we did look into this question because, again, we take human trafficking very seriously, and studied what was going on in Colorado. And the actual problem with the exemption in massage licensure law that was happening in Colorado at this time was that someone would get a legitimate massage license, open a practice, and then they had victims of human trafficking that they had performed services in their practice. And the way the Colorado law was written, they had a loophole that wasn't allowing them to crack down on the person that got that massage therapy license. They could only prosecute the victims who were there providing the services. That is the Colorado law problem and the problem that was then fixed in Colorado in their law. It was not an issue where Colorado exempted reflexology, and that then became a pathway for human trafficking. So it is the case, I think, in all of our professions across the state, that we all have to ask: How might my profession be used, or what might be vulnerabilities of my profession? I think we've been seeing this across the state. And I've been at a meeting where there were members of the Women's Fund task force that were coming to talk to hotel owners about what are your vulnerabilities, and what do you need to do to step up and make sure that your business is not used as a place where human trafficking could be, or what are your responsibilities for making sure you're helping to stop human trafficking if it might be happening in your legitimate business? And I think that's an issue for hotel owners. It's an issue...trucking. It's an issue for the College World Series. I mean there are all kinds of business activities that we need to be attentive to in terms of how someone might use that in...in human trafficking. And so this is not my flyer but, as I see the flyer that was distributed, I would understand it to be an effort by reflexologists on their own profession to say we want to make sure that no one is using our name or our profession as an excuse for human trafficking, and so we are trying to make sure we're educating people on what you should look for if you go

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someplace that says that they are providing reflexology. And so I would see that as a part of their professional practice in terms of saying we don't want anyone to use our profession, just like we don't want anyone to use our hotels or our trucking business or anything else as a front. Or...and so we want to make sure that our profession is doing what it needs to do to educate and make people aware, and to make sure that you're setting up your professional standards and practices and educational processes to try to make sure that you're doing everything you can to educate people to prevent that from happening. So on that front, I think those were key issues that were raised, and I appreciate your good questions and attention to this question. I think it's an interesting policy question in terms of which procedures or practices are ones that are health-, medicine-, or surgery-defined, as our statute defines those practices that are regulated under our Uniform Credentialing Act. And that's our job as this committee, is to interpret the Uniform Credentialing Act in terms of how we think it needs to be carried out and to refine it and improve it with our statutes that we do through our bills. So I appreciate your attention to this bill today as we continue that conversation. Thank you. [LB588]

SENATOR RIEPE: Thank you. On behalf of the committee, we appreciate your preparation and your anticipation of this particular topic about the issues of human trafficking, and that you were prepared and able to provide some insight for us. [LB588]

SENATOR CRAWFORD: Thank you, um-hum. [LB588]

SENATOR RIEPE: So thank you very much. Are there questions from the remaining committee members? The burden is on the two of you, right now. So okay. [LB588]

SENATOR CRAWFORD: Thank you. [LB588]

SENATOR RIEPE: Hearing none, thank you very much. And that...that does conclude the Health and Human Services hearing on LB588. We are concluded for the day, thank you. [LB588]