

HEALTH AND HUMAN SERVICES COMMITTEE OF THE NEBRASKA LEGISLATURE

Report as required by Neb. Rev. Stat. 84-948

Committee Members

Senator Brian Hardin, Chairperson, District 48
Senator John Fredrickson, Vice-Chairperson, District 20
Senator Merv Riepe, District 12
Senator Glen Meyer, District 17
Senator Dan Quick, District 35
Senator Ben Hansen, District 16
Senator Beau Ballard, District 21

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Occupational Board Reform Act

The Legislature passed the Occupational Board Reform Act in 2018 (Neb. Rev. Stat. §§ 84-901 to 84-920) with an operative date of July 1, 2019. The act requires that:

“Beginning in 2019, each standing committee of the Legislature shall annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the Clerk of the Legislature by December 15 of each year as provided in this section. Each committee shall complete this process for all occupational regulations within its jurisdiction within five years and every five years thereafter. Each report shall include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.” (Neb. Rev. Stat. § 84-948)

Committee Findings

Neb. Rev. Stat. 84-948 requires the report to include the following with answers in bold:

(3) A committee's report shall include, but not be limited to, the following:

(a) The title of the regulated occupation and the name of the occupational board responsible for enforcement of the occupational regulations.

Massage Therapists, Board of Massage Therapy

The Board of Massage Therapy provides recommendations to the Department of Health and Human Services regarding the issuance or denial of credentials, and provides recommendations to the Department of Health and Human Services regarding rules and regulations to carry out the Uniform Credentialing Act.

(b) The statutory citation or other authorization for the creation of the occupational regulations and occupational board;

Neb. Rev. Stat. 38-1701 to 38-1725

(c) The number of members of the occupational board and how the members are appointed;

4 members

(d) The qualifications for membership on the occupational board;

The Board of Massage Therapy is made up of three professional Massage Therapists and one public member. The professional Massage Therapists shall have held and maintained an active credential and be and have been actively engaged in the practice of his or her profession for a period of five years just preceding his or her appointment and shall maintain such credential and practice while serving as a board member.

(e) The number of times the occupational board is required to meet during the year and the number of times it actually met;

• **Required FY 2025-2024:**

1

• **Held FY 2025-2024:**

10

• **Required FY 2024-2023:**

1

• **Held FY 2024-2023:**

6

• **Required FY 2023-2022:**

1

• **Held FY 2023-2022:**

5

• **Required FY 2022-2021:**

1

• **Held FY 2022-2021:**

4

• **Required FY 2021-2020:**

1

• **Held FY 2021-2020:**

6

(f) Annual budget information for the occupational board for the five most recently completed fiscal years;

The Nebraska Board of Massage Therapy does not have a separate, distinct annual budget. It is cash-funded through licensure fees, with funds pooled and expended through the Professional and Occupational Credentialing Cash Fund

According to [Nebraska Boards & Commissions Reports](#) published by the state, the specifically tracked, direct operating budget for the Board is technically listed as \$0 because shared administrative, personnel, and operational costs are distributed centrally through the Department of Health and Human Services.

Historically, direct variable costs such as board per diems and specific travel expenses are covered by the pooled fund. In a previous legislative audit, the direct allocated expenses for the Board were reported as \$92,644 for the 2014-2015 fiscal year.

(g) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoke, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, other penalties.

A total of 631 massage therapist licenses were issued in Nebraska over the most recent reporting cycle tracked by the state legislature.

This 5-year data breakdown includes:

- 564 standard Massage Therapist licenses
- 67 Temporary Massage Therapist licenses

For the most current year-by-year statistics, to check the status of a specific provider, or to apply for a credential, you can view the public registries at the [Nebraska DHHS License Search](#) or contact the licensure unit directly through the [Nebraska Massage Therapy](#) page.

State legislative records show that the Nebraska Department of Health and Human Services (DHHS) reported 8 total massage therapy-related license revocations over a recent five-year reporting period. These actions were predominantly for professional misconduct, including unprofessional conduct, sexual abuse, and aiding and abetting unlicensed practice.

For context on these disciplinary actions and the specific details of a licensee's status, you can verify official records using the following tools and resources:

- **License Lookup:** Search the [Nebraska Department of Health and Human Services License Lookup](#) database to view active credentials or access the disciplinary documents section for past and present practitioners.
- **Disciplinary Reports:** View lists of monthly revocations and penalties on the Nebraska DHHS Disciplinary Actions Reports page.
- **Attorney General Actions:** Recent significant credential actions prosecuted by the state are available in the news releases on the [Nebraska Attorney General](#) website.

(h) A review of the basic assumptions underlying the creation of the occupational regulations;

The regulations in Title 172, Chapter 81, appear to be consistent with the underlying statutory authority.

(i) A statement from the occupational board on the effectiveness of the occupational regulations

The Vice-Chair of the Board of Massage Therapy stated “In [the ViceChair’s] opinion the regulations for Massage Therapy have been and continue to be effective. These regulations safeguard the public, practitioner, and healthcare establishment. We have consistency in how applicants are awarded their license and violators of the regulations are penalized.”

(j) A comparison of whether and how other states regulate the occupation;

Currently, 48 states require licensure, 1 state requires registration and 1 state allows voluntary certification. Please see following link from the Federation of State Massage Therapy Boards:

<https://fsmtb.org/regulated-states/>

(4) Subject to subsection)5) of this section, each committee shall also analyze, and include in its report, whether the occupational regulations meet the policies stated in section 84-946 considering the following recommended courses of action for meeting such policies:

The regulations in Title 172, Chapter 81, appear to be consistent with the underlying statutory authority.

- (a) If the need is to protect consumers against fraud, the likely recommendation will be to strengthen powers under the Uniform Deceptive Trade Practices Act or require disclosures that will reduce misleading attributes of the specific goods or services:

N/A

- (b) If the need is to protect consumers unclean facilities or to promote general health and safety, the likely recommendation will be to require periodic inspections of such facilities;

N/A

- (c) If the need is protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the likely recommendation will be to require that providers be bonded:

N/A

- (d) If the need is to protect a person who is not party to a contract between the provider and consumer, the likely recommendation will be to require that the provider have insurance;

N/A

- (e) If the need is to protect consumers against potential damages by transient providers, the likely recommendation will be to require that providers register their businesses with the Secretary of State;

N/A

- (f) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the likely recommendation will be to enact government certification; and

N/A

- (g) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the likely recommendation will be to enact an occupational license.

N/A

(5) If a lawful occupation is subject to the Nebraska Regulation of Health Professions Act, the analysis under subsection (4) of this section shall be made using the least restrictive method of regulation as set out in section 71-6222.

N/A

(6) In developing recommendations under this section, the committee shall review any report issued to the Legislature pursuant to the Nebraska Regulation of Health Professions Act, if applicable, and consider any findings or recommendations of such report related to the occupational regulations under review.

N/A

(7) If the committee finds that it is necessary to change occupational regulations, the committee shall recommend the least restrictive regulation consistent with the public interest and the policies in this section and section 84-946.

NA

Conclusion

The licenses, certifications, and registrations overseen by DHHS and the Board of Massage Therapy are intended to protect the health, safety, and welfare of Nebraskans. As a whole, regulation of genetic counselors is appropriate and balanced and does not need modification at this time.

