

AMENDMENTS TO LB211

Introduced by Health and Human Services.

1 1. Strike original sections 7 and 10 and insert the following new
2 sections:

3 Sec. 7. For purposes of the Reflexologist Registration Act, practice
4 of reflexology means services which are limited to the application of
5 specific pressure, by the use of the practitioner's hands, thumbs, and
6 fingers, to the soft tissue of the hands, feet, and outer ears and which
7 are not designated or implied to be massage or massage therapy.

8 Sec. 10. (1) To register as a reflexologist, an individual shall
9 file an application with the department and pay the applicable fee
10 determined by the department. The department shall charge a fee which
11 reasonably covers but does not exceed the department's cost of
12 maintaining the reflexologist registry. In lieu of the requirements of
13 sections 38-123 and 38-130, the application shall include:

14 (a) The name, address, and telephone number of the reflexologist;

15 (b) If applicable, the reflexologist's business name, address, and
16 telephone number;

17 (c) The social security number of the applicant or the resident
18 identification number of the applicant if the applicant is not a citizen
19 of the United States. Such number shall not be a public record and may
20 only be used by the department for administrative purposes;

21 (d) Whether the applicant has been convicted of a crime other than
22 speeding and if so, the date, location, and type of conviction; and

23 (e) Documentation of certification based on successful completion by
24 the reflexologist of the examination given by the American Reflexology
25 Certification Board or the Reflexology Certification Board and the
26 expiration date of such certification.

27 (2) In lieu of the requirements of section 38-145, to remain on the

1 reflexologist registry, the reflexologist shall maintain such
2 certification with the applicable board in good standing and annually
3 provide evidence of such certification to the department.

4 (3) A massage therapist holding a current license and in good
5 standing under the Massage Therapy Practice Act may make a written
6 request to the department for such individual to be included on the
7 reflexologist registry. The department shall include such individual on
8 the reflexologist registry without requiring an application, a fee, or
9 any additional documentation. Such individual shall remain on the
10 reflexologist registry as long as such individual retains a license to
11 practice massage therapy issued by the department under the Massage
12 Therapy Practice Act which is current and in good standing.

13 (4) Inclusion on the reflexologist registry may be denied or an
14 individual removed for:

15 (a) Misrepresentation of material facts in procuring or attempting
16 to procure registration on the reflexologist registry; or

17 (b) Conviction of (i) a crime which is a misdemeanor or felony under
18 Nebraska law or federal law and which has a rational connection with the
19 fitness or capacity of the applicant or registrant to practice
20 reflexology or (ii) a crime in any jurisdiction which, if committed
21 within this state, would have constituted a misdemeanor or felony under
22 Nebraska law and which has a rational connection with the fitness or
23 capacity of the applicant or registrant to practice reflexology.

24 (5) If the department determines to deny or remove an individual
25 from the reflexologist registry, the department shall send to the
26 applicant or registrant a notice to the last address of record. The
27 notice shall state the determination of the department, the reasons for
28 the determination, a description of the nature of the violation and the
29 statute, rule, or regulation violated, and the nature of the action being
30 taken. The denial or removal shall become final thirty days after the
31 mailing of the notice unless the applicant or registrant, during such

1 thirty-day period, makes a written request for a hearing. The hearing
2 shall be held according to rules and regulations of the department for
3 administrative hearings in contested cases. On the basis of such hearing,
4 the director shall affirm, modify, or rescind the determination of the
5 department. The director's decision may be appealed by any party to the
6 decision. The appeal shall be in accordance with the Administrative
7 Procedure Act.

8 2. On page 5, line 14, strike "October 1, 2021" and insert "January
9 1, 2022".

10 3. On page 7, line 23, strike "October 1, 2021" and insert "January
11 1, 2022"; in line 28 strike "September 16" and insert "December 15"; and
12 in line 29 strike "board" and insert "department".