

**Board of Massage Therapists  
Goals and Objectives 2021**

**Establishment Registration Program and Compliance Checks**

In FY 2020 the Board will process the first applications of massage establishment registrations. This registration will provide an opportunity to investigative teams to address complaint driven concerns as compliance checks. The Board will work with Division's Investigations team to develop compliance check lists consistent with regulation to assist in on site establishment compliance checks.

# STATE OF ALASKA 2021

## State Holidays

Date	Holiday
01/01	New Year's Day
01/18	MLK Jr.'s Birthday
02/15	Presidents' Day
03/29	Seward's Day
05/31	Memorial Day
07/04	Independence Day (observed 7/5)
09/06	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/25	Thanksgiving Day
12/25	Christmas Day (observed 12/24)
01/01/22	New Year's Day (observed 12/31/21)

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



State calendar maintained by the  
Division of Finance,  
Department of Administration  
<http://doa.alaska.gov/calendars.html>  
Revised 12/16/2019

# HOLIDAY CALENDAR

## JANUARY

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## NOVEMBER

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## DECEMBER

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Office of Governor  
MIKE DUNLEAVYYou are here: [Home](#) / [Services](#) / [Boards and Commissions](#) / Roster

## Roster

## Board of Massage Therapists

NAME	APPOINTED	REAPPOINTED	EXPIRES
<b>Edwards-Smith, David</b> (Soldotna) Licensed Massage Therapist — Chair	11/25/2014	03/01/2018	03/01/2022
<b>Endle, Julie</b> (Palmer) Public	01/22/2019		03/01/2021
<b>Gilmour, Traci</b> (Juneau) Licensed Massage Therapist	11/25/2014	03/01/2017	03/01/2021
<b>Motz, Jill</b> (Wasilla) Licensed Massage Therapist	01/23/2017	03/01/2018	03/01/2022
<b>Tri, Kristin</b> (Eagle River) Licensed Massage Therapist	03/02/2020		03/01/2024

[Board Fact Sheet](#)

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**STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
BOARD OF MASSAGE THERAPISTS**

**January 25 - 26, 2021  
Videoconference  
State Office Building  
333 Willoughby Ave., 9<sup>th</sup> Fl, Conference Room B  
Juneau, AK**

In light of the current COVID-19 situation, no physical attendance will be accepted

**ZOOM Meeting Info:** <https://zoom.us/j/97117084823?pwd=NG4vUi9uNEVxbVBZU3ltRnp6TzQ4QT09>

**TENTATIVE MEETING AGENDA**

*Working Groups May Occur*

**Agenda:**

1. **9:00 a.m.** January 25, 2021 Roll Call
2. **9:05 a.m.** Review Agenda
3. **9:10 a.m.** Ethics Disclosure
4. **9:30 a.m.** Megyn Weigand, Attorney Dept Law. Executive session training.
5. **10:30 a.m.** Investigations
  - Investigative Report
  - Investigative Memo
  - Probation Report
  - CE Audits
6. **12:00 p.m.** Lunch
7. **1:00 p.m.** Division and Financial Update
  - FY21 1<sup>st</sup> Quarter Budget Report
  - Fingerprint fee breakdown
8. **2:00 p.m.** New Business
  - Board chair meeting review (Edwards-Smith)
  - Discussion and final decision of the definition of acupressure vs massage therapy.
  - Legislative Guidance 2020

- COVID-19 Update – Review board guidance
- Discuss Tier One A vaccine

9. **4:00 p.m.** Recess until October 6, 2020

### **January 26, 2021**

**ZOOM Meeting Info:** <https://zoom.us/j/97117084823?pwd=NG4vUi9uNEVxbVBZU3ltRnp6TzQ4QT09>

- 10. **9:00 a.m.** Roll Call
- 11. **9:05 a.m.** Correspondence
- 12. **9:30 a.m.** Administrative Business
  - A. Meeting minutes, signature
    - September 2020
    - October 2020
    - November 2020
- 13. **10:00 a.m.** Application Review
- 14. **11:00 a.m.** Regulation Projects (Jun)
- 15. **12:00 p.m.** Lunch
- 16. **1:00 p.m.** Public Comment
- 17. **2:00 p.m.** Miscellaneous (open)
- 18. **4:00 p.m.** Adjourn

## State of Alaska Department of Law

# Ethics Information for Members of Boards & Commissions (AS 39.52)

## Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

## Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

## Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
  - accept compensation from anyone other than the State for performing official duties;
  - use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
  - take or withhold official action on a matter in which they have a personal or financial interest; or
  - coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

## Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

## Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

## Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

## Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

## Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

## Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

## Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

## Disclosure Procedures

### **DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)**

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

### **ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)**

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

### **REPORTS BY THIRD PARTIES (AS 39.52.230)**

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

## Complaints, Hearings, and Enforcement

### **COMPLAINTS (AS 39.52.310-330)**

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.



After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

### **CONFIDENTIALITY (AS 39.52.340)**

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

### **HEARINGS (AS 39.52.350-360)**

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

### **PERSONNEL BOARD ACTION (AS 39.52.370)**

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

### **PENALTIES (AS 39.52.410-460)**

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

### **DEFINITIONS (AS 39.52.960)**

Please keep the following definitions in mind:

**Benefit** - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

**Board or Commission** - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

**Designated Ethics Supervisor** - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

**Financial Interest** - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

**Immediate Family** - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

**Official Action** - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney  
Alaska Department of Law  
1031 West 4th Avenue, Suite 200  
Anchorage, Alaska 99501-5903  
(907) 269-5100  
[attorney.general@alaska.gov](mailto:attorney.general@alaska.gov)

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Department of Law [attorney.general@alaska.gov](mailto:attorney.general@alaska.gov) P.O. Box 110300, Juneau, AK 99811-0300  
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161  
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## State of Alaska Department of Law Ethics Act Procedures for Boards & Commissions

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

### Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act<sup>1</sup> has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.<sup>2</sup>

### What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.
- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *"Ethics Information for Public Employees."* Both guides and disclosure forms may be found on the Department of Law's ethics website.

### How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!<sup>3</sup>
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

### What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

#### Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair.**

*Disclosure on the public record.* Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.<sup>4</sup>
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

*Disclosure in writing at a public meeting.* In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

*Confidential disclosure in advance of public meeting.* Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter. 5
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.6

*Determinations at the public meeting.* When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.7

*If the chair identifies a potential conflict,* the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

## Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website.

## What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

*Notices of Potential Violations.* Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

*Other Disclosures.* The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

## How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.

- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.<sup>8</sup>
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

## What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at [ethicsreporting@alaska.gov](mailto:ethicsreporting@alaska.gov) and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

## How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

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It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

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1 The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

2 The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

3 You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

4 In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

5 The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

6 In this manner, a member's detailed personal and financial information may be protected from public disclosure.

7 When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

8 The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

Department of Law [attorney.general@alaska.gov](mailto:attorney.general@alaska.gov) P.O. Box 110300, Juneau, AK 99811-0300  
 Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161  
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## Ethics Disclosure Form

### CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION

TO: \_\_\_\_\_, Designated Ethics Supervisor

\_\_\_\_\_  
*(Identify Your Department, Agency, Public Corporation, Board, Commission)*

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

**I understand that I should refrain from taking any official action relating to this matter until I receive your advice.** If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Division, Board, Commission)*

\_\_\_\_\_  
*(Position Title)*

\_\_\_\_\_  
*(Location)*

*Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

**Ethics Disclosure Form**

**Receipt of Gift**

TO: \_\_\_\_\_, Designated Ethics Supervisor, \_\_\_\_\_  
*(Agency, Public Corporation, Board, Commission or Council)*

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?  
 Yes  No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?  
 Yes  No

*(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)*

The gift is \_\_\_\_\_

Identify gift giver by full name, title, and organization or relationship, if any:

\_\_\_\_\_

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

\_\_\_\_\_

My estimate of its value is \$ \_\_\_\_\_ The date of receipt was \_\_\_\_\_

The gift was received by a member of my family. Who? \_\_\_\_\_

*If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):*

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Division)*

\_\_\_\_\_  
*(Position Title)*

\_\_\_\_\_  
*(Location)*

Ethics Supervisor Determination:  Approve  Disapproved

\_\_\_\_\_  
Designated Ethics Supervisor\*

\_\_\_\_\_  
*(Date)*

*\*Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

**EXECUTIVE SESSION MOTION**

I, \_\_\_\_\_, move that the Alaska State Board of Massage Therapists enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing \_\_\_\_\_

---

Board staff to remain during the session.

Off record: \_\_\_\_\_

On record: \_\_\_\_\_

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- 1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;**
- 2. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- 3. matters which by law, municipal charter, or ordinance are required to be confidential;**
- 4. matters involving consideration of government records that by law are not subject to public disclosure.**



Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing

Summary of All Professional Licensing  
Schedule of Revenues and Expenditures

Board of Massage Therapists	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20	FY 21 1st QTR
	<b>Revenue</b>										
Revenue from License Fees	\$ -	\$ 660	\$ 660	\$ 586,230	\$ 228,015	\$ 814,245	\$ 346,505	\$ 89,770	\$ 436,275	\$ 350,267	\$ 12,650
Allowable Third Party Reimbursements	-	-	-	-	-	-	1,161	1,791	2,952	860	-
<b>TOTAL REVENUE</b>	<b>\$ -</b>	<b>\$ 660</b>	<b>\$ 660</b>	<b>\$ 586,230</b>	<b>\$ 228,015</b>	<b>\$ 814,245</b>	<b>\$ 347,666</b>	<b>\$ 91,561</b>	<b>\$ 439,227</b>	<b>\$ 351,127</b>	<b>\$ 12,650</b>
<b>Expenditures</b>											
Non Investigation Expenditures											
1000 - Personal Services	-	33,797	33,797	105,007	39,319	144,326	57,585	84,174	141,759	97,519	17,419
2000 - Travel	-	6,585	6,585	17,726	10,216	27,942	9,646	10,277	19,923	5,437	-
3000 - Services	-	12,627	12,627	52,528	34,055	86,583	96,155	60,787	156,942	14,143	1,006
4000 - Commodities	-	274	274	13	155	168	70	25	95	-	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	-	53,283	53,283	175,274	83,745	259,019	163,456	155,263	318,719	117,099	18,425
Investigation Expenditures											
1000-Personal Services	-	879	879	11,039	36,787	47,826	93,529	63,771	157,300	66,128	26,438
2000 - Travel	-	-	-	-	-	-	-	-	-	(707)	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	-	-	-	-	14,761	14,761	1,679	845	2,524	-	-
3094 - Inter-Agency Hearing/Mediation	-	-	-	-	18,192	18,192	16,632	2,013	18,645	-	-
3000 - Services other	-	-	-	-	-	-	-	555	555	237	-
4000 - Commodities	-	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	-	879	879	11,039	69,740	80,779	111,840	67,184	179,024	65,658	26,438
<b>Total Direct Expenditures</b>	<b>-</b>	<b>54,162</b>	<b>54,162</b>	<b>186,313</b>	<b>153,485</b>	<b>339,798</b>	<b>275,296</b>	<b>222,447</b>	<b>497,743</b>	<b>182,757</b>	<b>44,863</b>
Indirect Expenditures											
Internal Administrative Costs	-	3,689	3,689	33,476	37,540	71,016	53,488	43,601	97,089	48,628	12,157
Departmental Costs	-	7,130	7,130	25,405	24,679	50,084	35,578	32,777	68,355	26,239	6,560
Statewide Costs	-	5,605	5,605	9,698	8,596	18,294	16,888	15,627	32,515	21,559	5,390
<b>Total Indirect Expenditures</b>	<b>-</b>	<b>16,424</b>	<b>16,424</b>	<b>68,579</b>	<b>70,815</b>	<b>139,394</b>	<b>105,954</b>	<b>92,005</b>	<b>197,959</b>	<b>96,426</b>	<b>24,107</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ 70,586</b>	<b>\$ 70,586</b>	<b>\$ 254,892</b>	<b>\$ 224,300</b>	<b>\$ 479,192</b>	<b>\$ 381,250</b>	<b>\$ 314,452</b>	<b>\$ 695,702</b>	<b>\$ 279,183</b>	<b>\$ 68,970</b>
<b>Cumulative Surplus (Deficit)</b>											
Beginning Cumulative Surplus (Deficit)	\$ -	\$ -		\$ (69,926)	\$ 261,412		\$ 265,127	\$ 231,543		\$ 8,652	\$ 80,596
Annual Increase/(Decrease)	-	(69,926)		331,338	3,715		(33,584)	(222,891)		71,944	(56,320)
Ending Cumulative Surplus (Deficit)	\$ -	\$ (69,926)		\$ 261,412	\$ 265,127		\$ 231,543	8,652		80,596	24,276
<b>Statistical Information</b>											
Number of Licenses for Indirect calculation				756	1,482		1,498	1,277		1,382	
<b>Additional information:</b>	<ul style="list-style-type: none"> <li>• Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses *</li> <li>• Most recent fee change: Fee change FY20</li> <li>• Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.</li> </ul>										

Appropriation Name (Ex)	(All)
Sub Unit	(All)
PL Task Code	MAS1

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)		Grand Total
	1000 - Personal Services	3000 - Services	
1011 - Regular Compensation	24,817.71		24,817.71
1023 - Leave Taken	2,548.42		2,548.42
1028 - Alaska Supplemental Benefit	1,626.84		1,626.84
1029 - Public Employee's Retirement System Defined Benefits	746.65		746.65
1030 - Public Employee's Retirement System Defined Contribution	1,323.54		1,323.54
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,011.35		1,011.35
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	343.90		343.90
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	2,914.97		2,914.97
1039 - Unemployment Insurance	92.90		92.90
1040 - Group Health Insurance	6,758.95		6,758.95
1041 - Basic Life and Travel	9.10		9.10
1042 - Worker's Compensation Insurance	265.32		265.32
1047 - Leave Cash In Employer Charge	559.38		559.38
1048 - Terminal Leave Employer Charge	370.82		370.82
1053 - Medicare Tax	399.83		399.83
1063 - GGU Business Leave Bank Usage	-		-
1069 - SU Business Leave Bank Contributions	5.36		5.36
1077 - ASEA Legal Trust	43.45		43.45
1079 - ASEA Injury Leave Usage	15.85		15.85
1080 - SU Legal Trst	2.46		2.46
3002 - Memberships		951.20	951.20
3035 - Long Distance		3.46	3.46
3036 - Local/Equipment Charges		3.30	3.30
3046 - Advertising		47.94	47.94
<b>Grand Total</b>	<b>43,856.80</b>	<b>1,005.90</b>	<b>44,862.70</b>

# Division of Corporations, Business and Professional Licensing

## 2020 Legislative Guidance for Professional Licensing Board & Commission Members

As a member of a professional licensing board or commission, you have considerable latitude—as well as responsibility—to recommend changes to your licensing program’s enabling statutes. Members of the public, consumers, other professionals, and your industry’s association confidently approach members of the legislature to affect the change they wish to see in your practice. Whether taking the initiative or reacting to an active bill, board members also need to be prepared to champion their cause.

### **THE OPEN MEETINGS ACT ALWAYS APPLIES**

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject on which the body is authorized to act and set policy and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact in any location, including the office of a legislator or an industry gathering.

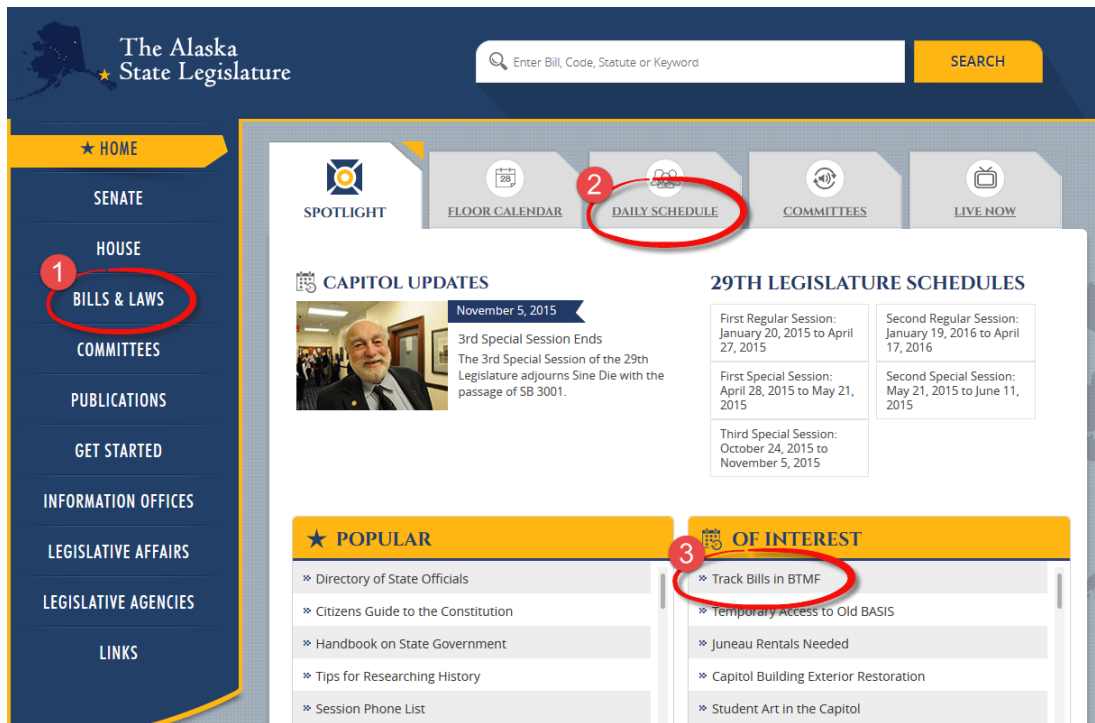
Members of boards and commissions should take care not to conduct business over email, lest the public be removed from the process. Board members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged and publicly noticed. Remember, all board member email correspondence is discoverable, and your board business is also the public’s business.

This information is contained in the *CBPL Guide to Excellence in Regulation*. Board members are provided a bound copy of this guidance manual; however, if you need another copy, you may download it here:  
<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardMemberResources.aspx>.

### **BE INFORMED: IF NOT YOU, THEN WHO?**

- Ahead of the legislative season, select on the record a member who will serve as the point person for legislative activity. In the absence of this person, the division will look to the chair of the board for input and interpretation. If the board is championing a piece of legislation, a history of the meeting minutes reflecting the issues and board’s perspective should be compiled by this leader and made available to board members and division management, who will be at every hearing. This research and history will be especially helpful to new board members who are appointed.
- When a bill is filed, division management will alert program staff. The examiner or executive should ensure that their board members are made aware of legislation that is filed that will affect them. With sometimes more than 50 bills to track, analyze, and testify on, division management may not be able to keep the board apprised of every late-breaking detail. Division management will periodically send updates to staff regarding legislation or request discussion with the board.
- That said, know where to find any bill using the Alaska State Legislature’s web page: [akleg.gov](http://akleg.gov). (See graphic below.)
  1. The **BILLS & LAWS** section on the sidebar links to a searchable list of documents. If you know the bill number, you can search using the bar at the top of the screen.
  2. The **DAILY SCHEDULE** shows all committee activity for the day you choose. It is subject to change, but it is a good starting place to see what is happening where.

3. The **BTMF**—or Bill Tracking Management Facility is your best friend when trying to keep up with a bill. Take the time to set up your profile and register the bill you want to track, then you will receive email updates when its status changes or is scheduled for a hearing.



## GUIDELINES FOR BOARD MEMBER TESTIMONY

- Encourage the board to become engaged: Track the bill online, participate in hearings, write a letter supporting the board’s official position, and discuss the legislation in a public meeting. It is a best practice for organizations to speak with “one voice.” Any testimony or correspondence by a board member on behalf of a board must represent deliberation and action taken on the record in a public meeting.
- Staff may not express opinions on behalf of the board or discuss legislation with elected officials without prior arrangements with division management and clearance from the Governor’s Legislative Office. If the board has published a resolution or letter regarding the legislation as a result of a vote at a public meeting, staff may provide that document to legislators per department procedures.
- Individual board members may offer their personal or professional opinions on the legislation. They must clearly state that while they are appointed to a board, they do not speak on behalf of the board.
- Boards must provide a member to testify telephonically (or in person, if in Juneau) at every hearing when being considered for reauthorization per AS 08.03. Without member interest and advocacy for the board or commission’s continuation, it is possible that the sponsor could withdraw the bill and the board could sunset.
- The chair or elected board spokesperson should be prepared to answer questions posed by staff or legislators, testify telephonically (or in person, if in Juneau) on bills that require subject matter expertise or upon request, and otherwise be available on short notice to engage in this process or assign another board member to do so.
- Be sure to differentiate the state licensing board from the industry association. Sometimes, they share the same goals. Sometimes, they do not. Legislators must keep track of a lot of names and organizations, so be sure that you are clear that you represent the State of Alaska licensing board.

- Nervous? Don't worry! Please email or call the division director or deputy director to discuss tips or even run through some potential questions/roleplay.

## LEGISLATIVE TESTIMONY CALL-IN DO'S AND DON'TS

\* Additional guidance will be provided if participation procedures change for 2021 due to COVID-19.

**Do** remember this “off-net” system is designed to serve those who do not have any other way to testify or have a legitimate reason for using the system.

**Do** remember that off-net calls to the committee must be authorized prior to the meeting by the chairman. A minimum of 24 hours in advance is appreciated. Please work through the Director, Division Operations Manager, or the committee chairman's office for authorization.

**Do** use the streaming video available at <http://akl.tv/> to watch for your bill to come up. The chairman will announce the order of bills at the beginning of the meeting. Callers may be disconnected from the meeting if they call in prior to their bill being taken up. If video streaming is not an option for you, please contact the committee aide to make arrangements to call in early. Once the bill is before the committee, call 844-586-9085, give your name, bill number and ask to be connected to the \_\_\_\_\_ Committee.

**Do Not** call in before the bill you are testifying on comes before the committee.

**Do** remember the off net call-in lines are for testifiers only. If you wish to listen in, please use the live streaming at <http://akl.tv/>.

**Do** use the “mute” function of your phone until called on to testify. If this function is not available on your phone, ask the Legislative Information Office (LIO) moderator to mute your call.

**Do Not** use the “hold” function.

**Do** try to be in a quiet room without distractions or interruptions. Car noise, open windows, and barking dogs can all be heard by the legislative committee and guests at the hearing. These avoidable disturbances will detract from the credibility of your message. Please treat the important responsibility of testifying with utmost respect and professionalism.

**Do** remember that everything transmitted over your phone will be broadcast directly into the meeting room and recorded to become part of the permanent record.

**Do** remember to be in a location with good reception if using a cell phone. Disruptions coming into the meeting via the phone lines will result in all callers being disconnected from the system. This will require testifiers to call back to be reconnected. Turn off your computer or TV speakers if listening online so you do not create an audio “loop.”

**Do** try to adhere to time limits imposed by the chairman.

**Remember:** There are a limited number of phone lines coming into the Capitol. These lines are also used by LIOs around the state. When all the phone lines are used up, an LIO may not be able to call in with a room full of people.



**COVID-19 Practice Guidance for Licensees and Facilities**  
Alaska Board of Massage Therapists

**I. Applicability:** This Appendix applies to licensees of the Board of Massage Therapists (“LMTs”) and locations where they practice (hereafter, “business”).

**II. Pre-Screening:** Clients must be screened for symptoms consistent with COVID-19, recent out-of-state travel, and exposure to people with suspected or confirmed COVID-19 within the last 14 days to qualify for massage therapy services. Therapists should also be able to answer “no” to all the following questions in order to safely treat clients.

Standard questions include:

- a. Do you have a current COVID-19 test pending?
- b. Have you been confirmed positive for COVID-19?
  - If yes, have you received two (2) negative tests since recovering or diagnosis?
- c. Are you currently experiencing, or have you recently experienced, any acute respiratory illness symptoms such as fever, cough, or shortness of breath?
- d. Have you knowingly been in close contact with anyone who has been confirmed positive for COVID-19?  
**NOTE: CDC defines “close contact” as less than 6’ feet for 15 minutes or more.**
  - If YES, have you received two (2) negative tests or self isolated for 14-days?
- e. Have you traveled out of state in the last 14 days?
  - If YES, have you received two (2) negative tests or self isolated for 14-days?
- f. Have you knowingly been in close contact with anyone who has traveled to or from Alaska? **NOTE: CDC defines “close contact” as less than 6’ feet for 15 minutes or more.**
  - If YES, have you received two (2) negative tests or self isolated for 14-days?

If the answer to any of the questions are yes and/or unresolved, the LMT or business owner shall decline to schedule an appointment for a massage session with a client.

Clients must wear face coverings and LMTs must wear surgical masks for the duration of services.

**III. Procedures Upon Arrival:**

- a. Only clients, guardians, caregivers, staff, and clinicians may be present in clinical areas.
- b. Clients shall wash or sanitize hands upon entry into the business and are encouraged not to touch their face.
- c. Upon arrival, the client will call/text/knock for entry into the massage establishment. This allows smaller businesses to follow hygiene protocols and ensures adequate cleaning and disinfecting between all appointments.

- d. Prior to any session, the business owner, service provider, or LMT **must**:
  1. Verify client has, at a minimum, a cloth face covering.
  2. Take client temperature, sanitize thermometer, and document in chart.
  3. Assure social distancing and hygiene guidelines are adhered to as much as possible (if pen and paper is required for use upon entry, pens, clip boards, and other commonly touched items must be cleaned and disinfected).
  4. Conduct an additional round of pre-screening questions upon client/guardian/caregiver arrival prior to beginning session.

#### **IV. Hygiene Protocols:**

- a. **Per board regulation (12 AAC 79.900, Code of Ethics, Standards of Practice), massage therapists must adhere to CDC safety and sanitation guidelines for health care providers.** Currently, these guidelines include COVID-19 mitigation. Full details can be found online at <https://www.cdc.gov/coronavirus/2019ncov/hcp/infection-control-recommendations.html>.
- b. Additional infection control guidelines for general practice are available at <https://www.cdc.gov/infectioncontrol/index.html>.
- c. The highlights below are not exhaustive and are provided for clarification.
  - **Personal Protective Equipment**
    - i. LMTs must wear a surgical mask and follow CDC Guidelines. <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/face-masks.html>
    - ii. All personal protective equipment (PPE) must be properly removed and disposed of or cleaned and disinfected in accordance with CDC recommendations.
    - iii. If LMT is an employee of, or works as part of a larger business operation, the employer/business owner is responsible for supplying PPE and sanitation supplies to its employees.
    - iv. IF the LMT is self-employed, the LMT must provide their own equipment and maintain all safety and sanitation requirements in the business space during work hours.
  - **Personal and Environmental Mitigation**
    - i. LMT must wash hands, arms, and elbows before and after each client.
    - ii. LMT or business owner must schedule clients to allow appropriate time for cleaning and disinfecting between each client according to manufacturer recommendations.
    - iii. LMT or business owner must assure that all surfaces that have been in contact with a client must be disinfected according to CDC guidelines.
    - iv. LMT or business owner must safely handle linens according to CDC guidelines.
    - v. LMT or business owner must ensure that all soiled linens are washed at the warmest appropriate water setting.
    - vi. LMT or business owner must keep records so they can contact clients who received services within two weeks of a client testing positive for COVID-19.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

**Board of Massage Therapists**  
P.O. Box 110806  
Juneau, Alaska 99811-0806  
Main: 907.465.2588  
Fax: 907.465.2974

November 13, 2020

Dear licensees:

As 2020 draws to a close, COVID-19 numbers in Alaska are not waning along with it. In fact, the number of COVID confirmed hospitalizations has increased by 40% in the past week (Oct. 26 – Nov 1) and by 176% in the past month (Oct. 1 – Nov 1). This trend is expected to continue into the foreseeable future.

Alaska practitioners can turn the tide on this virus in two ways: treating those whose lives have been affected, as well as taking proactive measures to stop further spread. Now, more than ever, it's critically important that licensees and their workplaces follow the COVID guidance issued by the board on our [COVID-19 information web page](#) regarding:

- Prescreening and waiting room protocols
- Environmental Mitigation
- Universal masking

All licensed massage therapists and employees are advised to follow the entirety of the board guidance to ensure public safety and compliance with state law. If you do not have the equipment and ability to follow the COVID-19 board guidance you may not practice. Please refer to the revised COVID-19 Practice Guidance for Licensees and Facilities, which is available on the web. <https://www.commerce.alaska.gov/web/cbpl/CBPLCOVID-19Information.aspx>

License/disciplinary action may occur for violations for mandates, board guidelines, and/or CDC guidance.

As health care providers, we have a direct legal obligation to practice our profession in a manner that does not knowingly expose others through our contact. Do not allow deliberate or reckless practice decisions to result in illness, impairment, or death of others.

As professionals, we are considered examples and leaders in our communities. Let's ensure we fully live up to this expectation by continuing to actively and conscientiously follow the latest guidance on management of COVID-19.

Respectfully,  
Alaska Board of Massage Therapists



**From:** [Dulebohn, Dawn L \(CED\)](#)  
**To:** [Angelique Rc](#)  
**Subject:** RE: Suggestions for the Massage Board  
**Date:** Monday, July 27, 2020 9:00:00 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)

---

Good Morning Angelique,

Thank you for the thoughtful correspondence. As with anything that is asked to be presented to the board, this will go to them at the next scheduled meeting which is September 10-11, 2020. Please allow me to provide clarity to some of your questions.

Audits are required of any program that has a continuing education requirement. It is not a requirement of the board but of the state of Alaska. The stipulations for the audit are laid out in Centralized Regulations 12 AAC 02.960 and 12 AAC 02.965 and can be found on the board's website. The board's role is to enforce these regulations and evaluate CE certificates for content.

Audits are done to ensure everyone is meeting the requirements of licensure. They are done randomly as selected by a computer program. Licensees are notified when they are first licensed that they are required to complete continuing education every licensing period, a renewal notice is sent out in the beginning of every renewal year reminding them of the continuing education requirement, there is an FAQ on the board's website reminding licensees of the continuing education requirements, and lastly, licensees checked a box on their renewal applications stating that they completed 16 hours, none of those hours were on the unapproved list, and it was during the licensing period. The following screenshot is from your renewal application and the FAQ on the board's website (the dates on #18 have been updated to reflect the upcoming license period):

SELECT ONE (1) OF THE FOLLOWING OPTIONS.

**Yes**      **Renewal for licenses first issued on or before September 30, 2018**

**Licenses initially issued before September 30, 2018 are required to complete 16 hours of continuing education during the concluding licensing period of October 1, 2017, through September 30, 2019.**

**Please do not send in your CE documentation – only do so if you are selected for random audit.**

I certify that I have successfully completed the required 16 hours of continuing education during the concluding licensing period of October 1, 2017, through September 30, 2019, and none of the course topics are on the Board's List of Unacceptable Continuing Education (see below).

I understand that the courses outlined under #'s 1-23 (see list below) are considered UNACCEPTABLE continuing education and will not be accepted as meeting the requirements for license renewal.

I understand that my license cannot be renewed unless I have met the continuing education requirements in 12 AAC 79.210, and that I may not claim hours for education not yet successfully completed as of the date of submitting this application. Per 12 AAC 02.960(j) successfully completed means C.E. credit has been awarded.

▼ 15. What do I need to do to renew my license?

All massage therapy licenses expire on September 30 of **odd** number years. It is not determined by when you were issued your license.

Renewal Application can be found on the [Board of Massage Therapists Applications and Forms Webpage](#).

**To renew your license:**

- Fill out the current renewal application and pay the licensing fee (if your license was issued on or before September 30th of **even** numbered years you will pay \$290. If your license was issued on or after October 1st of **even** numbered years then your fee is \$145).
- Attest on your application that you have a current CPR Certificate.
- Attest on your application that you have completed the required amount of continuing education for the previous licensing period - 16 continuing education credits.
- Submit a set of fingerprints if indicated on the application (DPS is not allowed to keep your fingerprints on file, therefore a new set is required at chosen renewal) with the \$60.00 processing fee

## ▼ 18. What are the continuing education (CE) requirements?

### Continuing Education (2019-2021):

- All continuing education must be completed **prior** to the submission of renewal application.
- All licensed massage therapists must complete 16 hours\* of continuing education for the 2019-2021 licensing period between October 1, 2019 and September 30, 2021. 2 of the 16 hours must be in Ethics.
- Please review the "Unacceptable Continuing Education List" available on the [Board of Massage Therapists Website](#) prior to taking courses.
- Continuing education must be completed through a:
  - Regionally or nationally accredited institution of higher education... approved by the board as directly related to the skills and knowledge required for the practice of massage therapy (and includes a bloodborne pathogens/universal precautions course).
  - Local, state, or national professional organization that serves the massage therapy profession such as ABMP, AMTA, FSMTB, NCBTMB)
- CE Certificates must have:
  - Name of the licensee.
  - Amount of continuing education credit awarded.
  - Description of the continuing education.
  - Dates of actual participation or successful completion.
  - Name, mailing address, and signature of the instructor, sponsor, or other verifier.
- There will be a random audit of licensees after the renewal period has ended on September 30, 2021. If the continuing education requirement has not been met, the board could impose disciplinary sanctions such as remedial classes, fines, consent agreements and letters of disciplinary action.
- Records must be kept for 4 years from the date hours were obtained.

\*According to 12 AAC 79.210(h), applicants for renewal who have been licensed less than 12 months are not required to submit proof of continuing education.

**\*Continuing education used to satisfy a consent agreement stemming from an audit or renewal will not count towards the 2021-2023 licensing period requirement\***

It is the responsibility of the licensee to ensure they are always in compliance with statutes and regulations and it would be a waste of resources for the State and the Board to check every one of the 1300 licensees continuing education which is why the audit is in place.

In terms of the hours you took out of range of the licensing period being a "waste of time", you would have always been required to make up any deficit hours so the fact that you had already done them was not a waste of time and money but helped you fast track the process. The disciplinary action for anyone who does not fulfill the audit is a consent agreement stipulating that the hours are completed in full, the fine, and a mandatory audit for the next two licensing periods. As for the delayed replies regarding your audit, this is another reason why it would not be prudent to make everyone submit their CE as it takes many resources to review and verify continuing education. There is only 1 paralegal for all 43 licensing programs that processes failed audits and she, like many others, had a delay due to COVID-19. Since audits to not keep licensees from working, they are not seen as a time priority from the state and sometimes take months to complete the process fully.

Lastly, to address your suggestion that any hours over the requirements be carried over into the next licensing period, that unfortunately would defeat the purpose of continuing education. The 16 hours is the minimum that need to be completed for licensure. There are hundreds of classes available at any given time and for varied amounts of hour credit. Someone who wants to learn a certain topic or increase their knowledge above and beyond the minimum is welcome to do so but the reason hours are required within the licensing period is to make sure that therapists are always continuing their education. If you would like to call and discuss this, you are welcome to call me. Additionally, you are welcome to call into the board's next public comment period and make a statement on the record.

If you have any further questions, please don't hesitate to contact me.

Best Regards,

*Dawn Dulebohn*

Licensing Examiner  
Board of Massage Therapists  
Corporations, Business, and Professional Licensing  
P.O. Box 110806  
Juneau, AK 99811-0806  
PH: 907-465-3811  
Fax: 907-465-2974  
[Board of Massage Therapists](#) webpage  
Dawn.Dulebohn@alaska.gov

-----Original Message-----

From: Angelique Rc [  
Sent: Tuesday, July 21, 2020 8:07 PM  
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>  
Subject: Suggestions for the Massage Board

Hi Dawn!

I hope you are doing well and family is good.

I'm going through this whole audit process and I'm seeing some things in it that I can understand why many therapists are unhappy and consistently on the attack with the board. I have some suggestions that I think will help and if it had been in place I don't think I would have missed my CE requirement which I am now paying a fine - at this point it feels like the system is designed to catch people out rather than helping everyone and lifting them up - which in my humble opinion should be what the board and the licensing does/is doing.

For instance- I think the board should just make it so everyone needs to turn in their CEs. This was a normal thing in Fla and HI that they immediately got reported to the state through any class that you

take - the teacher would just get your license number at the start of the class and it's recorded and then you can send / upload it to your account- just like the NCBTMB does. If everyone were in the habit of checking it frequently they wouldn't miss if they needed CEs which is what happened to me - I genuinely thought I had enough and didn't realize it until too late when I was asked to provide the CEs after the fact . I'm not blaming I know regardless that it's my responsibility however I know if I were in the habit of automatically uploading my CEs instead of waiting to be asked for them I wouldn't have made such a dumb mistake.

Second- I hadn't heard anything email or snail mail about my status and thought I was fine in regards to the audit so in June - 6 months later I was sent a snail mail letter- I just saw a follow up email today July 21- and that's how I know only half of the 16 CE I sent in were accepted and it was a waste of my time and money to take the other 8. Why not just send a fine to begin with? Also because it took so long I'm thinking maybe I didn't get it in my mailbox which is happening more frequently things are not getting delivered properly because of Covid- the mail and delivery systems are overwhelmed.

I fully intend on paying the fine and have no problem with submitting my CEs for the next two renewal period so that I may continue to work, But it just seems like it's been drawn out far too long and gives the impression that I am stuck in a bunch of red tape - I was laid off for 6 weeks like many other therapists I'm sure and only just now got my mortgage back on track - also I am glad that I check my email regularly and was surprised to see anything else about the audit at this late date - So expedited reply's might be better if that is at all possible, with time to make payments if I can not pay the fine all at once.

3. And this one doesn't apply to me because the bigger certifications I have taken were a while ago - but I feel strongly that if a therapist goes through the financial strain and time and energy to become a certified orthopedic Lmt or do a MLD certificate course or CST certification Therapist than all those CEs which are way more than what is required biannually should carry over and they should really get credit for that. Obviously still do their CPR and BBP etc but it just seems like if you don't accept the carry over it is just encouraging the therapist to do the bare minimum to get by and makes it that much harder for them to get ahead. This is actually something that did trip me up as well - I did take a lot of CEs but the classes were not in the correct time frame so I don't get credit for doing them. I realize this was initially done to encourage therapists that maybe had never taken any to get used to the frequency of regular Con Ed classes but this also can hold back a Therapist who may want to be more but won't because they can't afford to pay for a certification taking time away from work ( pay) AND then turn around and pay and yet again. So they wind up instead doing only what they need and can afford for a specific time frame. This could encourage disappointment and discouragement in the profession and make Therapists with potential leave.

Thanks for reading, please pass the suggestions onto the board members, I'm hoping that they can see that these suggestions if implemented may take away a lot of the animosity they experience from the general public ( LMTS) because it would stop many problems before they happen. Thank you so much for taking the time to read this. Have a blessed day.

Sincerely,

1 State of Alaska  
2 Department of Commerce, Community and Economic Development  
3 Division of Corporations, Business and Professional Licensing  
4

5 BOARD OF MASSAGE THERAPISTS  
6

7 MINUTES OF THE MEETING  
8 September 10-11, 2020  
9

10 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62  
11 Article 6, a scheduled meeting of the Board of Massage Therapists was held via videoconference and at  
12 State Office Bldg., 9<sup>th</sup> Floor, Conference Room B, September 10 - 11, 2020.  
13

14 **These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and**  
15 **Professional Licensing. These minutes have not been reviewed or approved by the board.**  
16

17 **Agenda Item 1 Call to Order/Roll Call:**  
18

19 *On the record at 9:09 a.m.*  
20

21 **Board Members present, constituting a quorum:**  
22

23 David Edwards-Smith- Board Chair, Licensed Massage Therapist  
24 Traci Gilmour- Vice Chair, Licensed Massage Therapist  
25 Jill Motz, Licensed Massage Therapist  
26 Kristin Tri, Licensed Massage Therapist  
27 Julie Endle, Public Member  
28

29 **Division Staff present:**  
30

31 Dawn Dulebohn, Licensing Examiner  
32 Cynthia Spencer, Records and Licensing Supervisor  
33 Sher Zinn, Regulations Specialist  
34

35 **Division Staff Joining Telephonically:**  
36

37 Carl Jacobs, Investigator III  
38 Melissa Dumas, Administrative Officer II  
39 Sonia Lipker, Senior Investigator III  
40 Greg Francois, Chief Investigator  
41 Amber Whaley, Senior Investigator III  
42 Michael Bowles, Investigator  
43 Marilyn Zimmerman, Paralegal  
44 Sara Chambers, Director, Corporations, Business, and Professional Licensing  
45

46 **Public Joining Telephonically**  
47

48 Lorena Haynes, Federation of State Massage Therapy Boards  
49 Christina Hooper, Alaska Massage Therapy Association

50 Laura Embleton, Associated Bodywork & Massage Professionals  
51 Nanette Greer, Applicant for Massage Therapist Licensure (in at 9:27 a.m.)  
52 Shannon Goolsby, Applicant for Massage Therapist Licensure (in at 9:23 a.m.)  
53

54 **Agenda Item 2 Ethics Reporting**

55  
56 The board chair opened the floor to any board member that may have an ethics violation or inquiry.  
57 None were presented.  
58

59 **Agenda Item 3 Review/Approve Agenda**

60  
61 The board reviewed the agenda and added items for continuing education credit for board meeting  
62 attendance to #7, acceptable content for continuing education to #13, conditions under which non-  
63 licensed individuals may work as a massage therapist without compensation (graduated students  
64 pending licensure) to #18, and acupressure as an exempt modality to #18.  
65

66 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a roll call  
67 vote, it was RESOLVED to APPROVE the agenda as amended.**  
68

69 **Agenda Item 4 Task List from Previous Meetings**

70  
71 ➤ **Tasks from June 18-19, 2020**

72  
73 Chair Edwards-Smith asked OLE Dulebohn to present the task list assigned at the June 18-19, 2020  
74 meeting.  
75

- 76 1. Prorating Massage Establishment Registration Fees: OLE Dulebohn confirmed that, after  
77 consultation with Supervisor Spencer, massage establishments will be able to enjoy  
78 prorated fees for renewal under 12 AAC 02.020 & 12 AAC 02.030.  
79
- 80 2. Confirmation of Board Members from Boards and Commissions: OLE Dulebohn reported  
81 that the legislature did not confirm new board member Kristin Tri due to the current  
82 pandemic. Boards and Commissions will notify Ms. Tri when hearings will resume.  
83
- 84 3. Henrikson Correspondence: Chair Edwards-Smith submitted a reply to Ms. Henrikson via  
85 OLE Dulebohn stating that blood clotting is a known condition for persons diagnosed with  
86 COVID-19 and will recommend medical clearance prior to booking a massage appointment.  
87

88 *Supervisor Spencer joined the meeting at 9:21 a.m.*  
89

- 90 4. MER Application Amendment: OLE Dulebohn amended the application to replace  
91 "Therapist in Charge" with "Point of Contact" as suggested by the board.  
92

93 *Shannon Goolsby and Nanette Greer joined the meeting at 9:23 a.m.*  
94

- 95 5. MTLD: OLE Dulebohn has been in contact with Lorena Haynes of FSMTB and the updated  
96 MTLD packet is still being created by FSMTB. Once the packet is created, it will be  
97 presented to Program Coordinator Kautz for consideration.

98 6. Department of Law Referral: OLE Dulebohn submitted a Department of Law referral from  
99 the board to Deputy Director Sharon Walsh in August 2020. There has been no word if  
100 Ms. Walsh has submitted that referral to the Department of Law and if an attorney has  
101 been assigned.  
102

103 ➤ **Tasks from March 2, 2020**  
104

- 105 1. Fee Analysis: Chair Edwards-Smith submitted a fee analysis statement agreeing with the  
106 division's need to increase initial licensing fees for the board's review.  
107
- 108 2. FAQ Update: OLE Dulebohn updated the FAQ's according to board direction and division  
109 assessment. Those changes were posted on the board's website. The board identified  
110 several more FAQ's that need to be created and FAQ updates that should be made. OLE  
111 Dulebohn informed the board that there had previously been a more detailed  
112 Investigations FAQ, but the division had asked it to be removed as investigative details are  
113 considered confidential per state law.  
114

115 **TASK: Traci Gilmour will send a FAQ typo list to OLE Dulebohn for corrections.**  
116

117 **TASK: OLE will add to FAQs a MyLicense information link, a statutes and regulations link, a more  
118 informative Investigations complaint link including common complaints, how to file a complaint, and  
119 amendments to Code of Ethics regarding advertising of a sexual nature.**  
120

- 121 3. State Educational Archives: Chair Edwards-Smith disclosed that with the state  
122 implementation of MTLT, FSMTB will be exploring a database for all state educational  
123 resources. OLE Dulebohn has been working with FSMTB to create a spreadsheet with  
124 historical education and licensing requirements by state. OLE Dulebohn anticipates this  
125 resource being complete within 6 months.  
126
- 127 4. Accepted State School Approvals/National Accreditation: OLE Dulebohn believes that this  
128 will be included in the spreadsheet she and Ms. Haynes have been working on.  
129
- 130 5. New Regulations Cheat Sheet: OLE Dulebohn has created an updated cheat sheet to  
131 reflect regulations changed that went into effect in March 2020.  
132

133 **TASK: OLE will place the updated regulations cheat sheet in the OnBoard Resources folder and on  
134 the board's website.**  
135

136 *Melissa Dumas and Sonia Lipker joined the meeting at 9:53 a.m.*  
137

- 138 6. Non-Discrimination Statute: Chair Edwards-Smith relayed that AS 21.36.090 was included  
139 in the board's annual report as suggested legislation to be brought forth by division. The  
140 chair asked if the board wanted to pursue this task and if so, what the course of action  
141 may be. Ms. Motz reminded the board that 12 professions are not included in this statute  
142 that should be included. Ms. Motz believes this should be an issue that is addressed by  
143 division and adopted by reference. OLE Dulebohn updated the board that a request for  
144 referral was sent to LAW and that the board had agreed to await a reply from LAW and  
145 division before contacting the other professional programs that were left out of statute.



146 The board designated Ms. Motz to contact Director Chambers regarding this matter and  
147 Supervisor Spencer agreed on this course of action.  
148

149 **TASK: Ms. Motz will contact Director Chambers directly regarding AS 21.36.090.**

150

151 *Recess The board recessed at 9:57a.m. for a break; reconvened at 10:03a.m.*

152

153 *All board members present.*

154

155 *Greg Francois, Carl Jacobs, Amber Whaley, Shannon Goolsby, Melissa Dumas, Lorena Haynes, Nanette*  
156 *Greer, Laura Embleton, Christine Hooper, Cynthia Spencer, and Sonia Lipker joined the meeting.*

157

### 158 **Agenda Item 5 Division/Financial Update**

159

160 Chair Edwards-Smith welcomed Melissa Dumas, Administrative Officer, to present the Division/Financial  
161 Update to the board. As there was no 4<sup>th</sup> Quarter numbers available at the time of the meeting, Ms.  
162 Dumas presented the division's fee analysis for board consideration.

163

164 *Investigators Bowles and Medina joined the meeting at 10:05 and 10:13 a.m., respectively.*

165

166 Ms. Dumas presented the fee schedule and division's proposed increases for the Board of Massage  
167 Therapists. Ms. Dumas reported the Division is projecting a \$412,000 deficit for 2026 if fees are not  
168 increased; the Division proposed increasing application fee to \$250, initial licensure fee to \$450, renewal  
169 licensure fee to \$450, and fingerprint processing fee to \$75.00. Ms. Dumas stated that, with these  
170 changes, the board would have a \$239,000 surplus in 2026 which is less than half of one year's  
171 expenditures.

172

173 Ms. Gilmour stated that the board has been diligently cutting costs and that most of the expenditures  
174 that are causing the fee increases are beyond the board's control. Ms. Gilmour reminded the division  
175 that they have decreased their costs significantly and that she does not want to burden the licensees  
176 with any increased fees. Ms. Gilmour also asked division what they could do to amend the statute  
177 stating that all recouped fines go directly to the General Fund without first covering the costs that were  
178 incurred by the board for investigations, court fees, attorney's fees, and staff time.

179

180 OLE Dulebohn conveyed to Ms. Dumas the board's wish to not burden existing massage therapists as  
181 much as possible and instead to put the bulk of increased fees on initial applications. Ms. Dumas stated  
182 that the board did not see enough new applications to cover the finances that needed to be obtained to  
183 keep the board out of debt, but they could increase the non-refundable application fee a bit more.

184

185 **TASK: OLE will add a FAQ to for fees/cost increases and that division sets those fees and not the**  
186 **board.**

187

188 Ms. Motz stated for the record that she believes that the divisions financial assessment of future deficits  
189 may be incorrect based on the unusual legal fees accrued in FY2018. Ms. Motz continued that the legal  
190 fees that year were unusually high based on some very expensive appeals and investigative costs, and  
191 she does not believe that will re-occur as the board has taken action by revamping regulations. Ms.  
192 Dumas stated that she has taken the 2018 year into consideration and that is why she is not suggesting a  
193 larger increase. Ms. Dumas also stated that establishment registration may not be able to cover their  
194 own costs and therefore the costs will spill over to be carried by massage therapists. Ms. Dumas

195 reminds the board that in order to cover the cost of establishment investigation and inspection, the  
196 board should be charging all establishments a registration fee and not making so many exemptions.  
197

198 Ms. Motz stated that she believes division needs to make a better effort to notify the public that  
199 massage establishment registration is in effect. OLE Dulebohn informed the board that a keyword  
200 search was done in business licensing database to pinpoint massage, spa, lodges, hotels, AirBnb, and  
201 other establishments that may house massage therapists. They were notified by e-mail and postal mail.  
202 The division could brainstorm how to do another e-mail campaign to reach the masses. Ms. Spencer  
203 confirmed that approximately half the licensees from Barbers and Hairdressers received that notice due  
204 to their business license.  
205

206 *Director Sara Chambers joined the meeting at 10:33 a.m.*  
207

### 208 **Agenda Item 6 Investigative Case Review and Probation Reports**

209

210 Investigator Medina began with the Probation Report from May 27, 2020, to August 27, 2020. Ms.  
211 Medina stated there are nine active licensees on probation and they are in compliance. There are  
212 currently no questions from the board.  
213

214 *Melissa Dumas and Inv. Medina left the board meeting at 10:35 a.m.*  
215

216 Investigator Jacobs began the Investigative Case Review for the period of June 12, 2020, through August  
217 31, 2020. Inv. Jacobs stated that Division currently has 27 cases open and closed six. Inv. Jacobs  
218 disclosed that there is one matter that Investigations has to present to the board at this time and would  
219 suggest that the board enter into Executive Session if they would like to review the case file.  
220

221 Inv. Jacobs also wanted to report on the board task assigned in the June 2020 meeting regarding  
222 complaint-driven inspections. Mr. Jacobs stated that Investigations has only received between 3-5  
223 complaints at this time. There has been no influx related to massage establishments or unlicensed  
224 practices. Inv. Jacobs also disclosed that due to restrictions imposed due to COVID-19, investigative staff  
225 have not been completing onsite inspections. Chair Edwards-Smith asked Inv. Jacobs if the cases that  
226 were still pending from November-December 2019 were due to an inability to inspect due to COVID-19,  
227 and Inv. Jacobs replied that that was not necessarily the case and that Investigations was working to  
228 finalize the older cases as time permits.  
229

230 Chair Edwards-Smith asked if Investigation has found that there have been any complaints as to the  
231 ease in which to file a complaint with Investigations. Inv. Jacobs replied that he was not aware of any  
232 dissatisfaction on the part of the public but any concerns on the matter should be addressed to a senior  
233 investigator or Chief Francois.  
234

235 Chair Edwards-Smith asked the board if they felt an executive session was needed or if a motion to  
236 accept the consent agreement was prepared. OLE Dulebohn also reminded the board that they needed  
237 to review the invalidated exam results that were provided by FSMTB, and if they wished to discuss the  
238 content, it would need to be in executive session as it involved a current licensee. Supervisor Spencer  
239 also advised the board that she had a presentation to make to the board during executive session that  
240 did not involve a licensee or applicant. Chair Edwards-Smith stated that he was not aware that Ms.  
241 Spencer was presenting anything in executive session today and agreed to go into executive session only  
242 to discuss the FSMTB correspondence.

243 Consent Agreement

244

245 H.K.

246

247 The board reviewed the case file presented by Investigations. Chair Edwards-Smith asked if there was a  
248 motion for the consent agreement for H.K.

249

250 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed with a roll call vote of “yes”**  
251 **with the exception of a no vote by Jill Motz, it was RESOLVED to APPROVE the consent agreement for**  
252 **Han Mee Kim, Case # 2020-000525.**

253

254 Before the board headed into executive session, Investigator Jacobs informed the board that this would  
255 be his last meeting of the Board of Massage Therapists as he will be replaced by Inv. Michael Bowles.  
256 Inv. Bowles introduced himself to the board and stated his prior work experience.

257

258 **In a motion duly made by Julie Endle, seconded by Jill Motz, it was RESOLVED to ENTER into Executive**  
259 **Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for**  
260 **the purpose of discussing “matters which by law, municipal charter, or ordinance are required to be**  
261 **confidential.” All division staff to remain during Executive Session.**

262

263 The Board entered executive session at 10:48 a.m., and returned from executive session at 11:28 a.m.  
264 *All board members present.*

265

266 *Sher Zinn, Inv. Bowles, Christine Hooper, Laura Embleton, Lorena Haynes, and Nanette Greer were*  
267 *present.*

268

269 **Agenda Item 7 Regulations Projects**

270

271 Update from June Meeting

272

273 Ms. Zinn informed the board that none of the regulations projects from the June meeting have gone out  
274 for public comment due to SB 241’s restrictions and the board’s instruction that they want all the  
275 regulations projects to go out for public comment in one batch as to save money. Ms. Zinn proposed a  
276 few changes for the board’s review and approval:

277

- 278 1. Amend 12 AAC 79.930(c) to remove “business” to make the timeframe 30 days instead of 30  
279 business days.
- 280 2. To amend 12 AAC 79.930(d)(2) to remove the change of location fee.

281

282 **In a motion made by Kristin Tri, seconded by Julie Endle, and passed unanimously with a roll call vote,**  
283 **it was RESOLVED to AMEND the regulations projects set to go out to public comment to remove the**  
284 **word “business” from 12 AAC 79.930 (c) and remove a change of location fee for massage**  
285 **establishments from 12 AAC 79.930 (d)(2).**

286

287 Chair Edwards-Smith asked Ms. Zinn if she had a time frame in mind to submit these regulations for  
288 public comment. Ms. Zinn replied that it would be dependent on SB 241 and whether session is  
289 reconvened prior to the December meeting. Chair Edwards-Smith asked Ms. Zinn to hold off sending  
290 any regulations projects for public comment until after the board’s December 2020 meeting in case  
291 there are any additional regulations projects stemming from their December meeting.

292 Continuing Education Credit for Board Meeting Attendance

293 Ms. Endle proposed the board amend 12 AAC 79.210 that pertains to continuing education for board  
294 meeting attendance from 1 to 3 credit hours. Ms. Endle states this will increase awareness for licensees,  
295 require that licensees are attending the bulk of a (normally) two-day meeting, and offset costs of  
296 continuing education.

297  
298 Ms. Tri suggested a media campaign to remind licensees that they can obtain CE credit for board  
299 meeting attendance via social media or mass e-mailing.

300  
301 **In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll call vote, it**  
302 **was RESOLVED to AMEND 12 AAC 79.210(h) to change 1 hour to 3 hours for attending at least 75%**  
303 **instead of 80% of a regularly scheduled board meeting.**

304  
305 **TASK: Julie Endle will complete regulations questionnaire for 12 AAC 79.210(h).**

306  
307 Distance Education Accrediting Commission

308  
309 The board discussed the possibility of adding the Distance Education Accrediting Commission to 12 AAC  
310 79.100. After discussion with Ms. Zinn, the board decided that they will not name any specific online  
311 distance monitoring programs by name to regulation. Ms. Zinn suggested instead that the board put  
312 their criteria for approving the online distance monitoring program into regulation and keep a running  
313 list of those approved programs in their FAQ's.

314  
315 **TASK: OLE to create FAQ for approved Online Distance Monitoring Programs approved by the board.**

316  
317 **TASK: Board members to complete research on criteria for online distance monitoring programs for**  
318 **online schools to be made into a regulations project on or before the December 2020 meeting.**

319  
320 *Recess The Board recessed at 11:58a.m. for lunch; reconvened at 1:15p.m*

321  
322 *Board members present: Jill Motz, David Edwards-Smith, Julie Endle, Traci Gilmour*  
323 *Nanette Greer, Anetta Atwell, and Laura Embleton were also present.*

324  
325 Agenda Item 10 Public Comment

326  
327 The board prepared to hear public comment. OLE Dulebohn gave statement about what Public  
328 Comment consists of and Laura Embleton, National Government Relations Director for ABMP and  
329 Nanette Greer voiced that they would like to speak during Public Comment.

330  
331 Ms. Embleton stated that she would like to address division's desire to increase fees. Alaska is the most  
332 expensive state to obtain licensure and she wanted to offer ABMP's assistance to keep costs down  
333 without having to raise fees.

334  
335 **TASK: OLE will send Ms. Embleton's contact information to Melissa Dumas.**

336  
337 Ms. Greer stated that she has applied to become a massage therapist in Alaska but she is concerned  
338 with inconsistencies in determination of her licensure and she would like information about online  
339 courses. Ms. Greer stated that a classmate of hers was granted a license but she was not. Ms. Greer  
340 would not give the classmate's name. Ms. Greer summarized the board's decision to approve her

341 application pending additional hours. Ms. Greer requested the board to state their approved online  
342 programs and requested the board address her concerns during this meeting.

343  
344 **TASK: Chair Edwards-Smith will develop a response to Ms. Greer and forward it to the OLE for**  
345 **distribution.**

346  
347 Chair Edwards-Smith closed public comment

348  
349 **Agenda Item 8 Review Tabled Applications**

350  
351 Chair Edwards-Smith asked for a motion to go into executive session to discuss agenda items 8 (Tabled  
352 Applications) and 11 (Tabled Continuing Education Audits)

353  
354 **In a motion duly made by Julie Endle, seconded by Jill Motz, it was RESOLVED to ENTER into Executive**  
355 **Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for**  
356 **the purpose of discussing “matters which by law, municipal charter, or ordinance are required to be**  
357 **confidential”. All division staff to remain during Executive Session.**

358  
359 *The board entered executive session at 1:28 p.m., and returned from executive session at 2:04 p.m. All*  
360 *board members present.*

361  
362 *Marilyn Zimmerman, Greg Francois, Corinne Bullick joined the meeting*

363  
364 **Agenda Item 12 Continuing Education & CPR Consent Agreements**

365  
366 Ms. Corinne Bullick has, at the recommendation of Paralegal Zimmerman, requested that she be  
367 allowed to address the board regarding her continuing education audit. Also at the recommendation of  
368 Ms. Zimmerman, Ms. Bullick would like the conversation to be held in executive session. Chair Edwards-  
369 Smith asked for a motion to go into executive session for the sole purpose of hearing from Ms. Bullick.  
370 The chair stated that any other subjects that would be discussed will be heard out of executive session  
371 and on the record.

372  
373 **In a motion duly made by Julie Endle, seconded by Jill Motz, it was RESOLVED to ENTER into Executive**  
374 **Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for**  
375 **the purpose of discussing “matters which by law, municipal charter, or ordinance are required to be**  
376 **confidential”. All division staff to remain during Executive Session.**

377  
378 *The board entered executive session at 2:07 p.m., and returned from executive session at 3:05 p.m. All*  
379 *board members present.*

380  
381 *Laura Embleton, Nanette Greer, Sara Chambers, Sonia Lipker, Marilyn Zimmerman joined the meeting.*

382  
383 The board made the following motions regarding the files they had reviewed in executive session:

384  
385 C.B.

386  
387 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call**  
388 **vote, it was RESOLVED to DENY request for reconsideration for Corinne Bullick per 12 AAC 79.210 as**  
389 **the NASM is not an approved sponsor and to ACCEPT the 14 hours of remedial continuing education**  
390 **outlined in Table 3.**

391 S.E.

392

393 Supervisor Spencer requested the board make their motions in the affirmative and then vote to approve  
394 or deny the content of the motion. Vice Chair Gilmour stated that she is not happy with being told how  
395 to vote and would like to have a future conversation with the division on this topic.

396

397 OLE Dulebohn asked for clarification from Parlegal Zimmerman on the language that she has required  
398 the board to include in their motion to “deny request for reconsideration” as the board has, in fact,  
399 reconsidered and has still decided to deny the request? Ms. Zimmerman said that the board has to  
400 state that they are denying the request for reconsideration.

401

402 *Recess The Board recessed at 3:14 p.m. for a break; reconvened at 3:21 p.m. All board*  
403 *members present.*

404

405 *Cynthia Spencer, Sara Chambers, Nanette Greer, Rob Carter, and Laura Embleton were also present.*

406

407 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call vote, it**  
408 **was RESOLVED to DENY request for reconsideration for Susan Endsley per 12 AAC 79.210 as Central**  
409 **Peninsula Hospital is not an approved sponsor and to DENY the 6 hours of continuing education credit**  
410 **completed on May 4, 2019.**

411

412 J.C.

413

414 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call**  
415 **vote, it was RESOLVED to APPROVE consent agreement for Joyce Cornell which includes 16 remedial**  
416 **continuing education hours, \$800 fine, and 2 mandatory audits.**

417

418 S.K.

419

420 **In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll call vote, it**  
421 **was RESOLVED to APPROVE consent agreement for Sarah King which includes \$700 fine and 2**  
422 **mandatory audits.**

423

424 L.T.

425

426 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**  
427 **was RESOLVED to APPROVE consent agreement for Lukas Tucker.**

428

429 A.C.

430

431 **In a motion made by Kristin Tri, seconded by Julie Endle, and passed with a majority roll call vote that**  
432 **did not include Jill Motz, who abstained, it was RESOLVED to APPROVE consent agreement for**  
433 **Angelique Conrad.**

434

435 A.W.

436

437 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**  
438 **was RESOLVED to APPROVE consent agreement for Amber Wedman.**

439 J.G.

440

441 In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call vote, it  
442 was RESOLVED to DENY request for reconsideration for Joanne Gates per 12 AAC 79.210 as  
443 acupuncture continuing education is an unapproved course and DENY the acupuncture content.

444

445 W.H.

446

447 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
448 was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Wendy Hansen-Newby.

449

450 T.H.

451

452 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
453 was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Tahnee Hoy.

454

455 N.K.

456

457 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
458 was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Nicole Keane.

459

460 H.R.

461

462 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
463 was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Heather Rasmussen.

464

465 K.P.

466

467 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
468 was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Karen Pierce.

469

470 H.W.

471

472 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
473 was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Holly Wood.

474

475 **Agenda Item 14            CBD Regulations Update**

476

477 OLE Dulebohn introduced Rob Carter of the Department of Natural Resources who was invited to attend  
478 to update the board on Alaska's CBD regulations that went into effect on April 4, 2020. Mr. Carter  
479 stated the timeline of events since he last presented to the board in March 2018 and that people will  
480 need to register to produce, process, and market industrial hemp and industrial hemp products (CBD).  
481 Mr. Carter explained the difference between recreational cannabis and industrial hemp and its relation  
482 to CBD. Mr. Carter went over 11 AAC 40 with the board taking and answering questions from board and  
483 staff. The board interpreted 11 AAC 40 with the help of Mr. Carter to deduce that massage therapists  
484 that are charging money above what a basic service would cost because of its inclusion of a CBD product  
485 are required to register with the Department of Natural Resources. The board also deduced that any  
486 massage therapist selling CBD products must also register with the Department of Natural Resources.  
487 Director Chambers stated that she would be working with Mr. Carter to formulate a blanket statement  
488 for all applicable boards and would appreciate the board's patience in developing policies at this time.

489 Mr. Carter concluded his presentation with a PowerPoint. The board thanked Mr. Carter for his time  
490 and all the knowledge that he imparted.

491  
492 *Ms. Greer left the meeting at 4:00 p.m.*

493  
494 **Agenda Item 15 Recess or Adjourn Until Following Day**

495  
496 Chair Edwards-Smith briefly reviewed the items that were pushed from Day 1 to Day 2. The chair  
497 reminded the board to review all the applications scheduled for Day 2 tonight so they can discuss prior  
498 to making motions on the files tomorrow.

499  
500 *Recess The Board recessed at 4:39 p.m. until September 11, 2020 at 9:00 a.m.*

501 **Agenda Item 16 September 11, 2020 Call to Order/Roll Call**

502  
503 *On the record at 9:00 a.m.*

504  
505 **Board Members present, constituting a quorum:**

506  
507 David Edwards-Smith- Board Chair, Licensed Massage Therapist  
508 Traci Gilmour- Vice Chair, Licensed Massage Therapist  
509 Jill Motz, Licensed Massage Therapist  
510 Kristin Tri, Licensed Massage Therapist  
511 Julie Endle, Public Member

512  
513 **Division Staff present:**

514  
515 Dawn Dulebohn, Licensing Examiner  
516 Cynthia Spencer, Records and Licensing Supervisor

517  
518 **Public Joining Telephonically**

519  
520 Nanette Greer, Applicant for Massage Therapist Licensure (in at 11:21 a.m.)  
521 Patricia Nickel-Zimmerman, Alaska Commission on Post-Secondary Education  
522 Laura Embleton, Associated Bodywork & Massage Professionals

523  
524 **Agenda Item 17 Review Agenda**

525  
526 The board reviewed the agenda and proposed changes to include from yesterday the fee analysis, all of  
527 agenda item 13 (New Business), all of agenda item 8 (Review Tabled Applications), and all of agenda  
528 item 11 (Tabled Continuing Education).

529  
530 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a roll call  
531 vote, it was RESOLVED to AMEND the agenda as stated.**

532  
533 **Agenda Item 5 Division/Financial Update**

534  
535 As requested by the division, the board discussed the fee increases proposed by division yesterday. The  
536 board made the following motion regarding fee increases to massage therapists in Alaska:

537  
538 *Supervisor Spencer joined the meeting at 9:21 a.m.*



539 **In a motion made by Traci Gilmour, seconded by Kristin Tri, and passed unanimously with a roll call**  
540 **vote, it was RESOLVED to APPROVE division to review the following increase of fees:**  
541 **\$350 application processing fee**  
542 **\$400 license fee**  
543 **\$100 fingerprint processing fee**  
544

545 Chair Edwards-Smith stated that the board has previously voted to decrease fees twice from division.  
546 The Chair stated that, since the board is facing a deficit, the board has no choice but to accept the reality  
547 of fee increases in their future. Ms. Motz confirmed with OLE Dulebohn that the bulk of staff time  
548 would fall on processing initial applications and not renewal applications. OLE Dulebohn reminded the  
549 board that all fees are the purview of division.  
550

551 **Agenda Item 8 Review Tabled Applications (continued)**

552  
553 The board rendered the following motions on applicants M.C. and S.P.:

554  
555 M.C.

556  
557 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**  
558 **was RESOLVED to DENY the application for Mi Sun Cho per AS 08.61.040(9)(a).**  
559

560 S.P.

561  
562 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**  
563 **was RESOLVED to APPROVE the reinstatement application for Sheena Pitts PENDING the acceptance**  
564 **of a consent agreement as her submitted continuing education has approved content but was out of**  
565 **correct date range per 12 AAC 79.210.**  
566

567 **Agenda Item 11 Tabled Continuing Education Audits (continued)**

568  
569 **In a motion duly made by Julie Endle, seconded by Jill Motz, it was RESOLVED to ENTER into Executive**  
570 **Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for**  
571 **the purpose of discussing “matters which by law, municipal charter, or ordinance are required to be**  
572 **confidential.” All Division staff to remain during Executive Session.**  
573

574 *The Board entered executive session at 9:29 a.m., and returned from executive session at 10:01 a.m. All*  
575 *board members present.*

576 *Laura Embleton and Patricia Nickel-Zimmerman joined the meeting.*

577  
578 The board made the following motions regarding the files they reviewed in executive session:  
579

580 M.C.

581 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**  
582 **was RESOLVED to APPROVE the audit for Maria Cardoza PENDING the acceptance of a consent**  
583 **agreement as her submitted continuing education has approved content but was out of correct date**  
584 **range and she is deficient two continuing education hours per 12 AAC 79.210.**

585 K.D.

586

587 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
588 was RESOLVED to FAIL the audit for Krystal Dube per 12 AAC 79.210 as the none of her sponsoring  
589 organizations are approved by the board.

590

591 Jo. H.

592

593 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
594 was RESOLVED to APPROVE the audit for Jonathan Hayden PENDING an instructor's signature on  
595 continuing education certificate.

596

597 Je. H.

598

599 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
600 was RESOLVED to APPROVE the audit for Jennifer Hoffman PENDING the acceptance of a consent  
601 agreement as her submitted continuing education content is unapproved and she is deficient 16  
602 continuing education hours per 12 AAC 79.210.

603

604 W.K.

605

606 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
607 was RESOLVED to APPROVE the audit for Wendy Keller PENDING the acceptance of a consent  
608 agreement as the board approves the 4 hours completed on May 6, 2019 but the courses taken on or  
609 after September 23, 2019 due to submission after renewal application are out of range but content is  
610 approved for remedial continuing education.

611

612 E.K.

613

614 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
615 was RESOLVED to APPROVE the audit for Elizabeth Kendall PENDING the acceptance of a consent  
616 agreement as the magazine articles submitted for 4 credit hours are unapproved by the board.

617

618 H.N.

619

620 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
621 was RESOLVED to APPROVE the audit for Hannah Nusbaum PENDING an instructor's signature on  
622 continuing education certificate.

623

624 B.P.

625 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
626 was RESOLVED to APPROVE the audit for Bonnie Paddock.

627

628 C.R.

629

630 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
631 was RESOLVED to APPROVE the audit for Catherine Reynolds PENDING an instructor's signature on  
632 continuing education certificate.

633 T.S.

634

635 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
636 was RESOLVED to APPROVE the audit for Terin Simington.

637

638 C.S.

639

640 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
641 was RESOLVED to APPROVE the audit for Caitlyn Sparks PENDING an instructor's signature on  
642 continuing education certificate.

643

644 J.V.

645

646 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
647 was RESOLVED to APPROVE the audit for Jennifer Vey PENDING the acceptance of a consent  
648 agreement for 10 deficient hours as Reiki is unacceptable content and Advanced Anatomy and  
649 Physiology is approved content but out of range as it was submitted after renewal application.

650

651 L.W.

652

653 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
654 was RESOLVED to APPROVE the audit for Lorinda Wahrer PENDING the acceptance of a consent  
655 agreement for 6.5 deficient hours as Ayurvedic Holistic and magazine articles are unacceptable  
656 content and Maintaining Sexual Ethics Part 3 & 4 are approved content but out of range per 12 AAC  
657 79.210.

658 A.W.

659

660 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
661 was RESOLVED to APPROVE the audit for Andrea Wilt-Duncan PENDING the acceptance of a consent  
662 agreement for 8 deficient hours as 4 hour course of Taxes for LMT's has no sponsor per 12 AAC  
663 79.210.

664

665 D.N.

666

667 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it  
668 was RESOLVED to APPROVE the audit for Darlene Naluai PENDING the acceptance of a consent  
669 agreement for a 1.5 hour deficit as Advanced Deep Tissue is approved for content but out of range  
670 and magazine article is unapproved content 12 AAC 79.210.

671

672 **TASK:** OLE will contact ABMP to ask that a notice be attached to their magazine articles that they will  
673 not be accepted for licensing continuing education credit without proof on the certificate that an  
674 exam relating to the course has been passed.

675

676 **TASK:** OLE will ask the division to present the financial fingerprint breakdown at the December 2020  
677 meeting.

678

679 **TASK:** OLE will include in the December 2020 agenda an item pertaining to continuing education  
680 providers and content as requested by Vice Chair Gilmour.

681

682 *Recess The Board recessed at 10:16 a.m. for a break; reconvened at 10:26 a.m. All board*  
683 *members present.*

684 *Cynthia Spencer, Patricia Nickel-Zimmerman, and Laura Embleton were also present.*

685

686 OLE Dulebohn informed the board that Ms. Embleton acknowledges the board's request regarding the  
687 magazine article provided by ABMP and will forward that request on to the individual in charge of  
688 continuing education. OLE Dulebohn expanded the conversation to state that the board has yet to see a  
689 CE certificate for a magazine article that shows proof that an exam has been passed so the board has  
690 stayed true to its mission and its Unacceptable Continuing Education list.

691

692 **Agenda Item 13** **New Business**

693

694 **Summary of Board Chair Weekly Meeting**

695

696 Chair Edwards-Smith gave an update to the board about who attends the weekly chair meeting and  
697 what they discuss. The chair stated that the workgroup was currently working on the task of revamping  
698 Mandate 15 into board guidance. Chair Edwards-Smith relays that there has been no contact tracing  
699 data available showing that massage therapists are spreading COVID-19 through contact with clients.

700

701 **Summary of Complimentary Medicine Work Group**

702

703 Chair Edwards-Smith presents the purpose of the Complimentary Medicine Work Group (CMWG). He  
704 discloses that it is comprised of the boards of massage, chiropractors, and physical and occupational  
705 therapists. Chair Edwards-Smith states that the CMWG has met 3 times and that he and Ms. Motz were  
706 in attendance.

707

708 *Ms. Gilmour stepped away from the meeting at 10:33 a.m. and returned at 10:48 a.m.*

709

710 Due to the board's regulation requiring compliance with CDC guidance, Chair Edwards-Smith stated that  
711 their recommended guidance would look very similar to the current Mandate 15, Appendix 01. The  
712 board discussed changed to the amount of time to disinfect between clients, the requirement of  
713 massage therapists to wear surgical masks, travel and contact with travelers, therapist requirements to  
714 adhere to the same standards for travel and contact that the public follows, mask maintenance and  
715 replacement, and the removal of a designated bin for client's personal effects.

716

717 OLE Dulebohn confirms with the board that the COVID sheet for patients be kept in their file in  
718 accordance with HIPAA requirements for record retention.

719

720 **TASK: Ms. Motz will send a "clean" copy of the board's Mandate 15 guidance to OLE for distribution**  
721 **to the rest of the board.**

722

723 **Agenda Item 18** **Old Business**

724

725 **Approval of Online Distance Monitoring Programs**

726

727 The board discussed the research on Blackboard and Moodle. Chair Edwards-Smith asked for a motion  
728 to approve these two online distance monitoring programs.

729

730 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call vote, it**  
731 **was RESOLVED to APPROVE Blackboard and Moodle to be online distance monitoring programs for**  
732 **online education per 12 AAC 79.100 and must also meet approved school requirements.**

733 Research on Milady

734

735 Ms. Motz presented her research on Milady for board review. The board agreed that Milady, in context  
736 as a textbook in a classroom, does not need board approval. Mindtap, through Milady, is an enhanced  
737 digital textbook and not an online distance monitoring program. Ms. Motz stated that Mindtap's  
738 website describes itself as "online homework platform."  
739

740 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**  
741 **was RESOLVED to DENY Milady to be an online distance monitoring program for online education per**  
742 **12 AAC 79.100.**

743

744 Agenda Item 19      Administrative Business

745

746 Administrative Statistics

747

748 OLE Dulebohn created the administrative statistics with historical information as requested by the board  
749 and has included information for all of 2019 and 2020 through September 9, 2020, for the board's  
750 review. OLE Dulebohn noted that the board has received six applications for establishment registration  
751 with two registrations being issued. The board discussed registration for massage establishments and  
752 improvements to the verbiage and distribution of notices.  
753

754 **TASK: Division to cast a wider net for establishment registration notifications.**

755

756 Meeting Calendar Review

757

758 The board reviewed the meeting calendar for the remainder of 2020 and the dates set for 2021. The  
759 board discussed changing their December 2020 meeting to an in-person meeting. The board was  
760 advised by division that it was not realistic to meet in person in December. OLE Dulebohn reviewed the  
761 meeting dates set for 2021 are March 1 & 2, June 14 & 15, September 9 & 10, and December 2 & 3. Ms.  
762 Motz suggested forgoing a December in person for a March in person and request the board address the  
763 legislature in March in Juneau.  
764

765 **TASK: OLE will request that the board's March and September 2021 meetings be held in person in**  
766 **Juneau and Anchorage, respectively.**

767

768 Review and Approve Past Meeting Minutes

769

770 Chair Edwards-Smith directed the board to review and approve the meeting minutes from June 18-19,  
771 2020. Chair states that he prefers the meeting minutes being in Administrative Business. Chair  
772 compliments OLE Dulebohn on "phenomenal job" creating the meeting minutes. Chair states that the  
773 minutes are just as the board directed and really appreciates the time and attention to detail  
774 demonstrated by the OLE.  
775

776 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a roll call**  
777 **vote, it was RESOLVED to APPROVE the minutes from June 18-19, 2020 as written.**

778

779 Document Signing

780

781 OLE Dulebohn discussed with Chair Edwards-Smith a batch of signature pages for minutes, consent  
782 agreements, and investigations that would be e-mailed to him for digital signature and return by the end  
783 of the business day.

784 Correspondence

785

786 The board reviewed correspondence from Conrad, Irwin, Neill, and Nickell-Zimmerman. Chair Edwards-  
787 Smith directed the board to review the correspondence and replies sent by OLE Dulebohn. Ms. Motz  
788 noted that some of the correspondence is to request the board allow “un-used” continuing education to  
789 carry onto the next licensing period but doesn’t feel like that would fall in line with the goal of the  
790 board.

791

792 Conrad

793

794 The board stated that OLE Dulebohn’s reply was adequate and in keeping with the board’s historical  
795 decisions.

796

797 Irwin

798

799 The board appreciates unique situations but felt that OLE Dulebohn’s reply was above and beyond and  
800 in keeping with the board’s historical decisions on this matter.

801

802 Neill

803

804 The board stated that OLE Dulebohn’s reply was adequate and in keeping with the board’s historical  
805 decisions.

806

807 Nickel-Zimmerman

808

809 The board already addressed Milady in agenda item #18 and decided that in person school text books,  
810 either online or in hand, were not the purview of the board.

811

812 The board would like to thank all the people that submitted correspondence. The board appreciated  
813 the time and effort it takes to engage and try to make a difference in the process. Ms. Motz wants to  
814 ensure that everyone knows their letters were listened to and considered by the board.

815

816 **TASK: OLE will add Ms. Conrad’s correspondence to the December 2020 meeting in the agenda item**  
817 **pertaining to continuing education review and content as requested by Vice Chair Gilmour.**

818

819 Agenda Item 18 Old Business

820

821 Ms. Motz addressed the board with some concerns over AS 08.61.080 regarding applicants practicing  
822 massage between the time they graduate and the time they are licensed and acupuncture.

823 Ms. Motz stated acupuncture is a massage modality and anyone who practices it should be licensed as a  
824 massage therapist in Alaska. Ms. Gilmour disagreed and stated that acupuncture is energy work and  
825 does not need to be included in scope.

826

827 Ms. Motz expanded that Investigations has contacted her regarding a potential case regarding an  
828 acupuncture practitioner who stated they did not need a massage license and Investigations had case  
829 precedent that the board exempts acupuncture as a massage modality under AS 08.61.080 (13). Ms.  
830 Gilmour stated that she believed acupuncture is mostly pertaining under AS 08.61.080(11). OLE  
831 Dulebohn stated that the board may want to delay this conversation to the December meeting to allow  
832 for more research and the involvement of Investigations.

833 **TASK: OLE will include an agenda item in the December 2020 meeting to discuss acupuncture. An**  
834 **invitation should be extended to Investigations and the Chair of the Board of Acupuncture.**

835  
836 Ms. Motz stated that there is a provision in AS 08.61.080(4) for students to practice massage without  
837 compensation but she feels that people who have applied for licensure and are awaiting the board  
838 decision should also be allowed to practice massage without compensation. OLE Dulebohn stated that  
839 the statute says that it must be a student and someone who is graduated is no longer a student.  
840 Additionally, OLE Dulebohn relayed that tips would be considered a form of compensation.

841  
842 **TASK: Board research for a regulations project to allow work without compensation for those who**  
843 **are in the application process due on or before the December 2020 meeting.**

844  
845 Supervisor Spencer suggested to the board that they create a new license type to allow for a student  
846 permit similarly to what the Board of Barbers and Hairdressers has available. This license type would  
847 allow graduated students to work in a licensed establishment, under supervision, while they are waiting  
848 for licensure.

849  
850 **Agenda Item 20                      Adjourn**

851  
852 At this time, the board concluded all scheduled board business. OLE Dulebohn asked the board to be  
853 back online for the virtual Town Hall at 1:55 p.m.

854  
855 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**  
856 **was RESOLVED to ADJOURN.**

857  
858 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended at  
859 12:04 p.m.

860  
861 Respectfully submitted:

862  
863 \_\_\_\_\_  
864 Dawn Dulebohn, Licensing Examiner

865  
866 Approved:

867  
868 \_\_\_\_\_  
869 David Edwards-Smith, Chairperson  
870 Board of Massage Therapists

871  
872 Date: \_\_\_\_\_  
873

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
4 BOARD OF MASSAGE THERAPISTS

5  
6 MINUTES OF MEETING  
7 October 23, 2020  
8

9 By the authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62 Article 6, a scheduled  
10 meeting of the Board of Massage Therapists was held via videoconference and at State Office Bldg., 9<sup>th</sup> Floor,  
11 Conference Room B, October 23, 2020.

12  
13 **These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional**  
14 **Licensing. These minutes have not been reviewed or approved by the board.**

15  
16 **Item 1. Call to Order/Roll Call**

17  
18 The meeting of the Board of Massage Therapists was called to order by Chair David Edwards-Smith, at 9:08 a.m.  
19 Members present were:

20  
21 **Item 1. Roll call**

22  
23 **Board Members Present, constituting a Quorum:**

24  
25 David Edwards-Smith, Massage Therapist, Chairperson  
26 Julie Endle, Public Member  
27 Jill Motz, Massage Therapist  
28 Kristin Tri, Massage Therapist  
29

30 **Excused from attending**

31  
32 Traci Gilmour, Massage Therapist  
33

34 **Present from the Division of Corporations, Business and Professional Licensing were:**

35  
36 Cynthia Spencer, Records & Licensing Supervisor  
37 Greg Francois, Chief Investigator  
38 Michael Bowles, Investigator  
39

40 **Members of the Public Present:**

41  
42 None in attendance  
43

44 **Item 2. Review/amend agenda**

45  
46 Board Chair, David Edwards-Smith asked the board if there were any amendments to the agenda. Hearing no  
47 requests for amendments; the agenda was approved.  
48

49 **Item 3. Ethics Disclosure**

50  
51 The Board reviewed the provided ethics information. There were no ethics violations reported.



52 Cynthia Spencer reported that she had informed Jill Motz that she could choose to recuse herself from the  
53 investigative discussion due to her limited involvement in the case as advised by Greg Francois, Chief  
54 Investigator. Ms. Motz elected to remain and participate.  
55

56 **Item 4. Investigative Report – Summary Suspension**  
57

58 **On a motion duly made by Julie Endle, seconded by Jill Motz, and approved unanimously, it was**  
59

60 **RESOLVED to enter Executive Session under the authority of AS 44.62.310(C) for the purpose of**  
61 **discussing (2) subjects that tend to prejudice the reputation and character or any person,**  
62 **provided the person may request a public discussion.**  
63

64 Chair Edwards-Smith polled the Board. Hearing no disagreements, all attending board members and staff  
65 entered executive session.  
66

67 *The Board entered executive session at 9:11 a.m., and returned from executive session at 9:26 a.m.*  
68

69 **On a motion duly made by Julie Endle, seconded by Kristin Tri, and approved by roll call vote, it was**  
70

71 **RESOLVED to adopt the Summary Suspension for case 2020-000252, 000801, 000803, 000805,**  
72 **000855, Jason Allan Karpinski.**  
73

74 **Roll Call Vote**  
75

76 NAME	77 YES	78 NO	79 ABSTAIN	80 Not in attendance
76 David Edwards-Smith	77 X			
78 Julie Endle	79 X			
80 Traci Gilmour				81 X
82 Jill Motz	83 X			
84 Kristin Tri	85 X			

86 **THE MOTION PASSED BY A MAJORITY VOTE.**  
87

88 Greg Francois thanked the board for pulling together a meeting on such short notice. Chief Francois reminded  
89 the board that this is still an ongoing investigative matter and that board members should not discuss any aspect  
90 of this case.  
91

92 Jill Motz stated Investigator Bowles should be recognized for how well he has handled such a large case. The  
93 board agreed with Ms. Motz. Investigator Bowles thanked the board and stated he has a great supervisor,  
94 Investigator Amber Whaley, training him.  
95

96 *The Board adjourned at 9:26 a.m.*  
97

98 Respectfully submitted:  
99

100 \_\_\_\_\_  
101 Cynthia Spencer, Records and Licensing Supervisor  
102

103 Approved:  
104

105 \_\_\_\_\_  
106 David Edwards-Smith, Chairperson  
107 Board of Massage Therapists  
108

DRAFT

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
4 BOARD OF MASSAGE THERAPISTS

5  
6 MINUTES OF MEETING  
7 November 5, 2020  
8

9 By the authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62 Article 6, a scheduled  
10 meeting of the Board of Massage Therapists was held via videoconference and at State Office Bldg., 9<sup>th</sup> Floor,  
11 Conference Room B, November 5, 2020.

12  
13 **These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional**  
14 **Licensing. These minutes have not been reviewed or approved by the board.**

15  
16 **Item 1. Call to Order/Roll Call**

17  
18 The meeting of the Board of Massage Therapists was called to order by Chair David Edwards-Smith, at 9:00 a.m.  
19 Members present were:

20  
21 **Item 1. Roll call**

22  
23 **Board Members Present, constituting a Quorum:**

24  
25 David Edwards-Smith, Massage Therapist, Chairperson  
26 Julie Endle, Public Member  
27 Jill Motz, Massage Therapist  
28 Kristin Tri, Massage Therapist  
29 Traci Gilmour, Massage Therapist  
30

31 **Present from the Division of Corporations, Business and Professional Licensing were:**

32  
33 Cynthia Spencer, Records & Licensing Supervisor  
34

35 **Members of the Public Present:**

36  
37 None in attendance  
38

39 **Item 2. Review/amend agenda**

40  
41 Board Chair, David Edwards-Smith asked the board if there were any amendments to the agenda. Hearing no  
42 requests for amendments; the agenda was approved.  
43

44 **Item 3. Ethics Disclosure**

45  
46 The Board reviewed the provided ethics information. There were no ethics violations reported.  
47

48 **Item 4. Expiration of Mandate 015 - Discussion**

49  
50 Chair David Edwards-Smith informed the board that he felt this would be a brief meeting which would  
51 specifically cover the repeal/expiration of Mandate 15 on November 15, 2020.

52 Chair Edwards-Smith stated the board would review the current mandate and discuss transition from mandate  
53 to board issued guidance and strategize this process. Chair Edwards-Smith also informed the board that per  
54 discussions from the Board Chair meetings, Dr. Anne Zink had stated the Governor would accept feedback and  
55 input from boards.

56  
57 Traci Gilmour stated that no special session of the legislative body had been called to discuss continuing  
58 mandates, so at this time it does seem Mandate 15 would expire.

59  
60 Chair Edwards-Smith responded that based on his last meeting with the Board Chair it seems like an inevitable  
61 reality that Mandate 15 would be expired/repealed and asked if the board had read his email that was send out  
62 prior to this meeting. The board responded they had read the email.

63  
64 Chair Edwards-Smith requested the board review their current guidelines line by line, discuss, and make  
65 changes. Chair Edwards-Smith continued that his goal was to get ahead of the November 15 expiration date in  
66 order to avoid any lag time or confusion for licensees who may think that as the Mandate expired there would  
67 no longer be any need to maintain a heightened safety/sanitization protocols.

68  
69 Ms. Gilmour stated that there has been a lot of confusion and disconnect with travel mandates (Mandate 10)  
70 and Mandate 15, and she felt travel is an important item to include with guidance both for service providers and  
71 clients. Ms. Gilmour went onto to state that the confusion is causing problems for clients who don't quite  
72 understand the requirements which is also causing problems for service providers and office staff. Ms. Gilmour  
73 asked Chair Edwards-Smith if the complementary medicine work group had made any recommendations. Ms.  
74 Gilmour stated that she would like to update prescreening questions to help alleviate confusion by addressing  
75 travel, negative test results, dissenting, and quarantine/self isolation.

76  
77 Jill Motz stated she agreed with Ms. Gilmour's statement and went on to state that she feels this advanced  
78 action to the expiration of Mandate 15 is positive movement. Ms. Motz also stated she has the same problems  
79 with the travel mandate that Ms. Gilmour is experiencing.

80  
81 The board discussed negative tests, 14-day quarantine, self-isolating, use and replacement of face masks,  
82 responsible party to provide PPE gear, and sanitation practices while reviewing their current "COVID-19 Practice  
83 Guidance for Licensees and Facilities" dated September 11, 2020.

84

85 **Item 5. Update of Board Guidance Regarding Travel and Testing**

86

87 **A. "Have you received a COVID-19 test related to travel?"**

88

89 **Section I:** No changes

90

91 **Section II:** change title from "social distancing" to "pre-screening". Move second sentence to be the first, first  
92 sentence to be first with minor verbiage changes. Rearrange lettered subsections with additional subsection  
93 bullet point information addressing CDC definition of social distancing and possible "yes" answers; last two  
94 paragraphs of section also amended.

95 **II. Pre-Screening:** Clients must be screened for symptoms consistent with COVID-19, recent out-of-state  
96 travel, and exposure to people with suspected or confirmed COVID-19 within the last 14 days to qualify  
97 for massage therapy services. Therapists should also be able to answer "no" to all the following  
98 questions in order to safely treat clients.

99

100 Standard questions include:

101 a. Do you have a current COVID-19 test pending?

102 b. Have you been confirmed positive for COVID-19?

103

- If yes, have you received two (2) negative tests since recovering or diagnosis?
- c. Are you currently experiencing, or have you recently experienced, any acute respiratory illness symptoms such as fever, cough, or shortness of breath?
- d. Have you knowingly been in close contact with anyone who has been confirmed positive for COVID-19? **NOTE: CDC defines “close contact” as less than 6’ feet for 15 minutes or more.**
  - If YES, have you received two (2) negative tests or self-isolated for 14-days?
- e. Have you traveled out of state in the last 14 days?
  - If YES, have you received two (2) negative tests or self isolated for 14-days?
- f. Have you knowingly been in close contact with anyone who has traveled to or from Alaska? **NOTE: CDC defines “close contact” as less than 6’ feet for 15 minutes or more.**
  - If YES, have you received two (2) negative tests or self isolated for 14-days?

If the answer to any of the questions are yes and/or unresolved, the LMT or business owner shall decline to schedule an appointment for a massage session with a client.

Clients and LMTs must wear face coverings for the duration of services.

**Section III:** Amend subsection a by adding guardians, caregivers, sanitation; add new subsection c, re-letter subsections, amend new subsection d, AND CHANGE “facility” to “clinical areas”.

**III. Procedures Upon Arrival:**

- a. Only clients, guardians, caregivers, staff, and clinicians may be present in clinical areas.
- b. Clients shall wash or sanitize hands upon entry into the business and are encouraged not to touch their face.

Upon arrival, the client will call/text/knock for entry into the massage establishment. This allows smaller businesses to follow hygiene protocols and ensures adequate cleaning and disinfecting between all appointments.

- c. Prior to any session, the business owner, service provider, or LMT **must:**
  1. Verify client has, at a minimum, a cloth face covering.
  2. Take client temperature, sanitize thermometer, and document in chart.
  3. Assure social distancing and hygiene guidelines are adhered to as much as possible (if pen and paper is required for use upon entry, pens, clip boards, and other commonly touched items must be cleaned and disinfected).
  4. Conduct an additional round of pre-screening questions upon client/guardian/caregiver arrival prior to beginning session.

*Recess The board recessed at 10:08 a.m. for a break; reconvened at 10:12a.m. All board members in attendance via roll call.*

Section IV: Add board regulatory reference number, add CDC link regarding mask use for subsection (c)(1), remove subsection (c)(iv), re number subsections.

155 IV. Hygiene Protocols:  
156

- 157 a. **Per board regulation (12 AAC 79.900, Code of Ethics, Standards of Practice), massage therapists**  
158 **must adhere to CDC safety and sanitation guidelines for health care providers.** Currently, these  
159 guidelines include COVID-19 mitigation. Full details can be found online at  
160 <https://www.cdc.gov/coronavirus/2019ncov/hcp/infection-control-recommendations.html>.  
161
- 162 b. Additional infection control guidelines for general practice are available at  
163 <https://www.cdc.gov/infectioncontrol/index.html>.  
164
- 165 c. The highlights below are not exhaustive and are provided for clarification.  
166 ➤ Personal Protective Equipment  
167
- 168 i. LMTs must wear a surgical mask and follow CED Guidelines.  
169 <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/face-masks.html>  
170
  - 171 ii. All personal protective equipment (PPE) must be properly removed and disposed of or  
172 cleaned and disinfected in accordance with CDC recommendations.  
173
  - 174 iii. If LMT is an employee of, or works as part of a larger business operation, the  
175 employer/business owner is responsible for supplying PPE and sanitation supplies to its  
176 employees.  
177
  - 178 iv. IF the LMT is self-employed, the LMT must provide their own equipment and maintain  
179 all safety and sanitation requirements in the business space during work hours.  
180
- 181 ➤ Personal and Environmental Mitigation  
182
- 183 i. LMT must wash hands, arms, and elbows before and after each client.  
184
  - 185 ii. LMT or business owner must schedule clients to allow appropriate time for cleaning and  
186 disinfecting between each client according to manufacturer recommendations.  
187
  - 188 iii. LMT or business owner must assure that all surfaces that have been in contact with a  
189 client must be disinfected according to CDC guidelines.  
190
  - 191 iv. LMT or business owner must safely handle linens according to CDC guidelines.  
192
  - 193 v. LMT or business owner must ensure that all soiled linens are washed at the warmest  
194 appropriate water setting.  
195
  - 196 vi. LMT or business owner must keep records so they can contact clients who received  
197 services within two weeks of a client testing positive for COVID-19.  
198

199 Chair Edwards-Smith asked the board if there was any further discussion needed for this section; hearing none,  
200 Chair Edwards-Smith requested a motion to approve the changes and a roll call vote.

201  
202 **On a motion duly made by Jill Motz, seconded by Traci Gilmour, and approved by unanimously,**  
203 **it was**

204  
205 **RESOLVED to adopt the changes to the “COVID-19 Practice Guidance for Licensees and**  
206 **Facilities” dated September 11, 2020.**

207 **Roll Call Vote**

208

209	NAME	YES	NO	ABSTAIN	Not in attendance
210	David Edwards-Smith	X			
211	Julie Endle	X			
212	Traci Gilmour	X			
213	Jill Motz	X			
214	Kristin Tri	X			

215

216 **THE MOTION PASSED UNANIMOUSLY.**

217

218 **Item 6. Discussion of Draft Letter Related to Transition from Mandate 15 to Board Guidance**

219

220 The board reviewed and discussed the provided draft sample letter from Director Sara Chambers and the draft  
221 letter from Chair Edwards-Smith.

222

223 The board made the following changes to the letter drafted by Director Chambers. Change bullet points after  
224 the second paragraph to be:

- 225
- 226 • Prescreening and waiting room protocols
  - 227 • Environmental Mitigation
  - 228 • Universal masking

229 Following bullet points, add the second (2<sup>nd</sup>) paragraph from Chair Edwards-Smith’s letter to follow  
230 bullet points.

231 “All licensed massage therapists, employees, and employers are advised to follow the entirety of the  
232 board guidance to ensure public safety and compliance with state law. If you do not have the equipment  
233 and ability to follow the COVID-19 board guidance you may not practice. Please refer to the revised  
234 COVID-19 Practice Guidance for Licensees and Facilities, which is available on the web.

235 <https://www.commerce.alaska.gov/web/cbpl/CBPLCOVID-19Information.aspx>”

236

237 Add following license/disciplinary verbiage to follow Chair Edwards-Smith’s paragraph.

238 “License/disciplinary action may occur for violations for mandates, board guidelines, and/or CDC  
239 guidance.”

240

241 Remove “your” from fourth (4<sup>th</sup>) paragraph, last sentence so it reads:

242 “As health care providers, we have a direct legal obligation to practice our profession in a  
243 manner that does not knowingly expose others through our contact. Do not allow deliberate or  
244 reckless practice decisions to result in illness, impairment, or death of others.”

245

246 The board continued to discuss the letter specifically the data and use of “trend” provided in the first (1<sup>st</sup>)  
247 paragraph of the letter.

248

249 Chair Edwards-Smith requested a motion to accept the guidance letter with changes; Chair Edwards-Smith also  
250 requested this letter and board guidance be sent to licensees as soon as possible.

251

252 **On a motion duly made by Jill Motz, seconded by Traci Gilmour, and approved by a majority roll  
253 call vote, it was**

254

255 **RESOLVED to accept the drafted letter with amendments.**

256

257 Chair Edwards-Smith asked for discussion.

259 Julie Endle asked that the board remove the last sentence in the first (1<sup>st</sup>) paragraph which reads “This  
260 trend is expected to continue into the foreseeable future.” Ms. Endle elaborated that the information  
261 provided was an assumption and stated she felt uncomfortable making or using information that was  
262 assumptive based on the provided statistics and what actual doctors have said.

263  
264 Ms. Gilmour stated that she understood Ms. Endle’s concerns. Ms. Gilmour went on to state that she wouldn’t  
265 mind keeping the first sentence of that paragraph, replace the last sentence with “please refer to the State of  
266 Alaska’s COVID-19 page and include a link to that website and the Department of Health and Social Services  
267 (HSS) website.

268  
269 The board briefly discussed the HSS website where the provided data was pulled from, and sources of the data  
270 being used and provided statistical information.

271  
272 Ms. Motz stated that she felt it is very important to remind people that this pandemic is happening and that  
273 provided data is received via the Governor’s office. Ms. Motz also stated that she felt the board should be  
274 reminding people that they should not be slacking off and that the board will also continue to track the ongoing  
275 pandemic.

276  
277 Ms. Gilmour and Chair Edwards-Smith agreed with Ms. Motz.

278  
279 The board continued to discuss the letters first paragraph.

280  
281 **On a motion duly made by Julie Endle, seconded by Traci Gilmour, and approved by a majority**  
282 **roll call vote, it was**

283  
284 **RESOLVED to accept the drafted letter with amendments and remove the verbiage**  
285 **“This trend is expected to continue into the foreseeable future.” in the first**  
286 **paragraph.**

287  
288 Cynthia Spencer reminded the board that a “yes” vote will remove the verbiage “This trend is expected to  
289 continue into the foreseeable future.” and a “no” vote will keep the verbiage in the letter.

290  
291 **Roll Call Vote**

292	NAME	YES	NO	ABSTAIN	Not in attendance
293	Jill Motz		X		
294	David Edwards-Smith		X		
295	Kristin Tri		X		
296	Traci Gilmour	X			
297	Julie Endle	X			

298  
299  
300 **THE MOTION FAILED BY A MAJORITY.**

301  
302 Ms. Spencer stated she would make the amendments to the board’s COVID-19 guidance and the informational  
303 letter; the amended documents would be sent to the board for review before being submitted to Director  
304 Chambers for review before being posted to the web and sent to licensees.

305  
306 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it was**  
307 **RESOLVED to ADJOURN.**

308  
309 *The Board adjourned at 11:04 a.m.*

310



311  
312  
313  
314  
315  
316  
317  
318  
319  
320

Respectfully submitted:

\_\_\_\_\_  
Cynthia Spencer, Records and Licensing Supervisor

Approved:

\_\_\_\_\_  
David Edwards-Smith, Chairperson  
Board of Massage Therapists

Date: \_\_\_\_\_

DRAFT



## Notice of Proposed Changes in the Regulations of the Division of Corporations, Business and Professional Licensing

### Proposed Regulations - FAQ

---

*December 2020*

#### 1. What are the regulations being proposed?

See each section and changes below.

#### **12 AAC 02.010. Licensing and renewal fees.**

The changes to this section include:

- Adding a provision for an applicant for initial licensure to enter into a payment plan agreement with the division.
- New language that will require an applicant to submit the full license fee within twelve months after approval for a license. If the applicant does not submit the full license fee within the twelve months after approval, the applicant will be required to reapply for the license. This requirement will not affect the applicant who enters into a payment plan agreement with the division allowed under the new subsection (f).

#### **12 AAC 02.102. Fees for a temporary license issued under AS 14.43.148 or AS 25.27.244; waivers; refunds.**

This section is regarding the issuance of a temporary license for being in arrears for a post-secondary education loan. Alaska Statute 14.43.148 authorizing the issuance of the temporary license was repealed in 2018. The regulations applying to the temporary license are being amended to remove wording pertaining to this type of temporary license. The changes do not affect the temporary license pertaining to arrears in child support payments, in accordance with AS 25.27.244. Also in this section, the citation for the boxing and wrestling licensing statutes under the Athletic Commission, which is no longer in existence, have been removed (AS 05.10).

#### **12 AAC 02.105. Administrative fees.**

New fees are being added for the application fee and temporary license fee for a license issued to a spouse of a member of the military, and a member of the military. The new regulations for the temporary licenses can be found in two new sections in this project.

**12 AAC 02.155. Board of Social Work Examiners.**

This subsection (b) is being repealed. Current language does not allow for an initial renewal of a clinical social worker license to be prorated if the applicant qualifies for one, however, the division has allowed this practice since 2004. All other programs provide for a prorated fee for the first renewal under 12 AAC 02.030. This will align the clinical social worker prorated renewal fee with current practices.

**12 AAC 02.255. Mobile home dealers.**

This section is being repealed regarding licensing fees for Mobile Home Dealers. Alaska Statute 08.67, licensing of mobile home dealers, was repealed in 1999 and no longer regulated by the department. The regulations are being amended to remove the fee requirements.

**12 AAC 02.915. Application form and verifications for licensure.**

This section is being proposed to add a time limit on applications that have been approved for licensure. The purpose is to ensure an applicant does not keep their application active for more than a year without having to resubmit certain documents verifying their personal information, or a license in another state has not been disciplined without the division knowing the current status of that license.

**12 AAC 02.930. Date of license lapse.**

This section is being amended to remove the citation for the temporary license for a person in arrears with a post-secondary education loan.

**12 AAC 02.935. Effective date of license.**

This subsection is being repealed to remove the wording for the temporary license for a person in arrears with a post-secondary education loan. This is a conforming amendment.

**12 AAC 02.955. Courtesy license.**

This subsection (c)(2) is being amended to clarify an applicant for a courtesy license must submit the application and the courtesy license fees.

**12 AAC 02.956. Temporary license for spouses of military personnel.**

This is a new section outlining the requirements for a temporary license for spouses of military personnel. The statute, AS 08.01.063 for the temporary courtesy license, was enacted in 2011. The addition of this section will allow the issuance of a temporary permit for spouses of military members for a profession regulated by the department.

**12 AAC 02.957. Temporary license for military personnel.**

This is a new section outlining the requirements for a temporary license for members of the military. The statute, AS 08.01.064 for the temporary license, was enacted in 2011. The addition of this section will allow issuance of the temporary permit for members of the military who may have received some or all of their training while in the military. This is for professions regulated by the department only.

#### **12 AAC 02.960. Audit of compliance with continuing competency requirements.**

This section is being amended to allow for internet continuing education course providers verifying attendance of the course. A new subsection is also being added in (k), giving the department authority to deny continuing education if the department cannot verify the student's attendance.

#### **12 AAC 02.965. Failure to meet the continuing education requirements for renewal and reinstatement of license.**

This section is being amended to clarify for the licensee that the continuing education (CE) required for renewal must be completed during the concluding license period, and clarify that CE may be completed after the concluding license period with the appropriate board or division approval for an applicant who is renewing or reinstating the license after the license has lapsed.

### **2. Why are the regulations being amended?**

- Two new temporary military courtesy licenses are being added for professions regulated by the division, due to a new statute that took effect in 2011. The new licenses will allow for a spouse of a military member to start work in Alaska earlier than going through the normal licensing process, and allow a military member to use training or experience obtained while in the military to apply towards licensure in Alaska.
- Certain statutes have also been repealed or amended which require regulations to be updated in conformance with the changes.
- Clarify continuing education requirements for the licensee.

### **3. How will these changes affect current licensees?**

Changes to the continuing education requirements will clarify for the licensee what is allowed and required. This may keep a licensee from inadvertently not complying with current continuing education requirements, which may save the applicant time and the division in litigation.

### **4. What are the anticipated benefits?**

- Removing outdated regulations from the books;
- Easing and expediting licensure for members of military families, allowing them to practice in their profession sooner;
- Reducing administrative time in managing outdated licensing files;

- Improve safety to the public by reducing the possibility of unknowingly licensing someone who has been disciplined by another jurisdiction;
- Reduce the possibility of continuing education litigation, therefore saving the division and licensees money;
- Potential fiscal savings.

**5. What are the costs to comply with the proposed regulations?**

\$100 application fee and \$100 temporary license fee for temporary licenses issued to spouses of members of the military, and members of the military.

**6. When will the new regulations be effective?**

After the public comment deadline, comments received are compiled and given to the Division Director for consideration. The division may adopt the regulation as written/publicly noticed, may amend and adopt them, or choose to take no action, or may withdraw the proposed regulations in part or in its whole. After division action, the adopted regulations goes to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the lieutenant governor for filing. Regulations takes effect on the 30th day after they have been filed by the lieutenant governor.

Do you have a question that is not answered here? Please email [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov) so it can be added.

**Chapter 02. General Occupational Licensing Functions.**

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 02.010(b) is amended to read:

(b) **Except as provided in (f) of this section, the** [THE] department will not issue a license or renew a license unless the applicable fees established in AS 08 or this chapter have been collected.

12 AAC 02.010 is amended by adding new subsections to read:

(f) Except as otherwise provided in this title, and notwithstanding (b) of this section, an applicant for an initial license may enter into an agreement with the department to establish a payment plan for the total amount of the initial license fee. Failure of the applicant to submit payments required by the agreement may result in the department issuing a cease and desist order, or the licensee may be subject to disciplinary sanctions including suspension or revocation of the license.

(g) An applicant whose license application has been approved pending receipt of the license fee must submit the license fee to the department within twelve months after being notified that the license application was approved. Except as provided in (f) of this section, an applicant who does not submit the license fee to the department within twelve months after being notified that the license application was approved must reapply for licensure. (Eff. 10/2/81, Register 80; am 12/5/84, Register 92; am 3/6/86, Register 97; am 5/4/90, Register 114; am 2/13/94, Register 129; am 12/28/97, Register 144; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.01.050 AS 08.01.065 AS 08.01.100

AS 08.01.060

AS 08.01.080

12 AAC 02.102(a) is amended to read:

**12 AAC 02.102. Fees for a temporary license issued under [AS 14.43.148 OR] AS 25.27.244; waivers; refunds.** (a) When the division issues a temporary license under [AS 14.43.148 OR] AS 25.27.244, the division will collect the annual or biennial license fee for the trade or profession for which the temporary license is issued, subject to the refund and waiver provisions set out in this section. The temporary license fee is the amount paid to the division under this section from the annual or biennial license fee that is not refunded or waived under this section.

12 AAC 02.102(b) is repealed:

(b) Repealed \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_. [WHEN AN INDIVIDUAL WHO HOLDS A TEMPORARY LICENSE ISSUED UNDER AS 14.43.148 IS

(1) ISSUED A NOTICE OF RELEASE BY THE ALASKA COMMISSION ON POSTSECONDARY EDUCATION AND TAKES THE ACTION NECESSARY, ON OR BEFORE THE EXPIRATION DATE OF THE TEMPORARY LICENSE, TO CONVERT THE TEMPORARY LICENSE TO AN ANNUAL OR BIENNIAL LICENSE UNDER AS 05.10, AS 08, OR AS 46.03.375, THE DIVISION WILL WAIVE ONE-HALF OF THE ANNUAL OR BIENNIAL LICENSE FEE FOR THE TRADE OR PROFESSION FOR WHICH THE INDIVIDUAL IS RECEIVING AN ANNUAL OR BIENNIAL LICENSE;

(2) NOT ISSUED A NOTICE OF RELEASE BY THE ALASKA COMMISSION ON POSTSECONDARY EDUCATION ON OR BEFORE THE EXPIRATION

DATE OF THE TEMPORARY LICENSE, THE DEPARTMENT WILL

(A) REFUND ONE-HALF OF THE ANNUAL OR BIENNIAL  
LICENSE FEE PAID UNDER (A) OF THIS SECTION; AND

(B) NOT REFUND A BOND, CASH DEPOSIT, NEGOTIABLE  
INSTRUMENT, OR OTHER MECHANISM TO PROVIDE PROOF OF FINANCIAL  
RESPONSIBILITY THAT WAS DEPOSITED FOR CLAIMS UNDER AS 05.10.090,  
AS 08, OR THIS CHAPTER, EXCEPT AS REQUIRED BY LAW.]

12 AAC 02.102(c)(1) is amended to read:

(1) issued a release by the child support services agency and takes the action necessary, on or before the expiration date of the temporary license, to convert the temporary license to an annual or biennial license under [AS 05.10,] AS 08[,] or AS 46.03.375, the division will waive one-half of the annual or biennial license fee for the trade or profession for which the individual is receiving an annual or biennial license;

12 AAC 02.102(c)(2)(B) is amended to read:

(B) not refund a bond, cash deposit, negotiable instrument, or other mechanism to provide proof of financial responsibility that was deposited for claims under [AS 05.10.090,] AS 08[,] or this chapter, except as required by law.

12 AAC 02.102(d)(1) is amended to read:

(1) [AS 05.10.120 OR] this chapter for a licensing category included under the trades and professions listed in AS 08.01.010; and



(Eff. 11/20/96, Register 140; am 9/11/97, Register 143; am 12/2/99, Register 152; am  
\_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.01.050 [AS 14.43.148] AS 25.27.244  
AS 08.01.065

12 AAC 02.105(16) is amended to read:

(16) examination review fee, \$50; [.]

12 AAC 02.105 is amended by adding new paragraphs to read:

**(17) temporary license application fee, \$100;**

**(18) fee for a temporary license issued under AS 08.01.063 or**

**AS 08.01.064, \$100.** (Eff. 9/27/86, Register 99; am 11/20/86, Register 100; am 4/3/88, Register  
105; am 5/28/93, Register 126; am 2/13/94, Register 129; am 12/28/97, Register 144; am  
11/27/98, Register 148; am 6/13/2002, Register 162; am 3/25/2004, Register 169; am  
\_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.01.062 AS 08.01.065 AS 08.01.100

12 AAC 02.155(b) is repealed

(b) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_. [NOTWITHSTANDING 12 AAC 02.020 AND 12 AAC  
02.030, THE INITIAL LICENSE RENEWAL FEE FOR A CLINICAL SOCIAL WORKER,  
MASTER SOCIAL WORKER, OR BACCALAUREATE SOCIAL WORKER IN (a)(5) – (7)  
OF THIS SECTION WILL NOT BE PRORATED, EXCEPT AS PROVIDED IN 12 AAC  
02.030(a)(1).]

Register \_\_\_\_\_, \_\_\_\_\_ 2021 **PROFESSIONAL REGULATIONS**

(Eff. 5/4/90, Register 114; am 5/28/93, Register 126; am 4/20/96, Register 138; am 4/11/98, Register 146; am 5/5/99, Register 150; am 10/28/2000, Register 156; am 8/12/2001, Register 159; am 6/13/2002, Register 162; am 6/1/2006, Register 178; am 6/11/2010, Register 194; am 5/18/2014, Register 210; am 4/24/2016, Register 218; am 5/26/2018, Register 226; am \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.01.065                      AS 08.95.110                      AS 08.95.125  
                         AS 08.95.030                      AS 08.95.120

12 AAC 02.255 is repealed:

**12 AAC 02.255. Mobile Home Dealers.** Repealed. [(a) THE FOLLOWING FEES ARE ESTABLISHED FOR MOBILE HOME DEALERS:

(1) NONREFUNDABLE APPLICATION FEE FOR INITIAL REGISTRATION, \$50;

(2) REGISTRATION FEE FOR ALL OR PART OF THE INITIAL BIENNIAL REGISTRATION PERIOD, \$510;

(3) BIENNIAL REGISTRATION RENEWAL FEE, \$510;

(b) A REGISTRATION AS A MOBILE HOME DEALER EXPIRES ON AUGUST 31 OF ODD-NUMBERED YEARS.] (Eff. 8/2/97, Register 143; repealed \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_, Register \_\_\_\_\_)

12 AAC 02 is amended by adding a new section to read:

**12 AAC 02.915. Application form and verifications for licensure.** (a) Except as otherwise provided in this title for a board, commission, or occupation, if upon receipt by the

division of the last document required to complete an application file, the file contains an application form, authorization for release of records form, or verification that is older than twelve months from the date the document was received by the division, the document will be considered to be stale and the applicant must resubmit the document or cause the document to be resubmitted as appropriate before the application will be considered by the division or a licensing board.

(b) In this section

(1) “application form” means an application for a license as defined in 12 AAC 02.990;

(2) “verification” means a verification of licensure from an appropriate licensing authority in a state, territory, province, or other country. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.01.050 AS 08.01.080

12 AAC 02.930 is amended to read:

**12 AAC 02.930. Date of license lapse.** For the purposes of AS 08.01.100, if a person licensed by the department or by one of the boards or commissions under AS 08.01.010 was issued a temporary license under [AS 14.43.148 OR] AS 25.27.244 and the temporary license was not converted to an annual or biennial license under [AS 05.10, OR] AS 08[, ] or AS 46.03.375, the lapsed period begins from the date that the temporary license expired. (Eff. 12/2/99, Register 152; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.935(a) is repealed:

(a) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_. [WHEN THE ALASKA COMMISSION ON POSTSECONDARY EDUCATION ISSUES A NOTICE OF RELEASE, ON OR BEFORE THE EXPIRATION DATE OF THE TEMPORARY LICENSE ISSUED BY THE DIVISION UNDER AS 14.43.148, THE DIVISION WILL ISSUE THE INITIAL LICENSE OR RENEWAL UNDER AS 08 OR AS 46.03.375. THE EFFECTIVE DATE OF THE LICENSE IS THE DATE THAT THE LICENSE IS ISSUED UNDER AS 08 OR AS 46.03.375, EXCEPT AS PROVIDED IN 12 AAC 02.940(B).]

(Eff. 9/29/2005, Register 175; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.955(c)(2) is amended to read:

(2) the **applicable fees** [FEE] established in 12 AAC 02.105 for a courtesy license;

(Eff. 12/28/97, Register 144; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.02.030

12 AAC 02 is amended by adding new sections to read:

**12 AAC 02.956. Temporary license for spouses of military personnel.** (a) The department will issue a temporary license to the spouse of an active duty military member of the armed forces of the United States who meets the requirements of AS 08.01.063 and this section, authorizing the holder to practice a profession that is regulated by the department under AS 08.01.010 and this title.

(b) An applicant for a temporary license under this section must submit

(1) a completed application, on a form provided by the department;

(2) the applicable fees established in 12 AAC 02.105 for a temporary license;

(3) a copy of the applicant's military dependent identification card and a copy of the spouse's current active duty military orders showing assignment to a duty station in this state;

(4) verification of licensure from each jurisdiction where the applicant holds or has ever held a license to practice the profession for which the temporary license is requested, one of which must be a current license in good standing and meet the requirements of AS 08.01.063(a)(2); the verifications must meet the requirements of AS 08.01.063(a)(4) and (5); and

(5) if the profession for which the applicant is seeking a temporary license requires a criminal history background check, a completed fingerprint card and the fee required by the Department of Public Safety to obtain state and national criminal justice information required under AS 08.01.063(a)(3).

(c) The department will expedite the issuance of the license under this section as required by AS 08.01.063(b).

(d) A temporary license issued under this section is valid for 180 days, and may be extended for an additional 180-day period by applying on a form provided by the department, and submitting the temporary license fee established in 12 AAC 02.105. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.01.050 AS 08.01.063 AS 08.01.065

**12 AAC 02.957. Temporary license for military personnel.** (a) The department will issue a temporary license to a member of the armed forces of the United States who meets the

requirements of AS 08.01.064 and this section, authorizing the holder to practice a profession that is regulated by the department under AS 08.01.010 and this title.

(b) An applicant for a temporary license under this section must submit

(1) a completed application, on a form provided by the department;

(2) the applicable fees established in 12 AAC 02.105 for a temporary license;

(3) verification of licensure from each jurisdiction where the applicant

holds or has ever held a license to practice the profession for which the temporary license is requested; the verifications must meet the requirements of AS 08.01.063(a)(4) and (5);

(4) evidence satisfactory to the department of meeting the requirements of AS 08.01.064(b)(3) as follows:

(A) verification of a current license or certificate issued by another jurisdiction that provides proof of licensure during the time the applicant provided the practice in the area of the license or certificate while in the military, and proof that the applicant practiced the profession, as described in AS 08.01.064(b)(3)(A); or

(B) documentation of receiving education, training, or service as a member of the armed forces and was awarded a degree, diploma, or certificate by a branch of the armed forces of the United States or any state, that meets the requirements of AS 08.01.064(b)(3)(B); and

(5) if the profession for which the applicant is seeking a temporary license requires a criminal history background check, a completed fingerprint card and the fee required by the Department of Public Safety to obtain state and national criminal justice information required under AS 08.01.063(a)(3).

(e) The department will expedite the issuance of the license under this section for an

applicant who is on active duty as required by AS 08.01.064(c).

(f) A temporary license issued under this section is valid for 180 days, and may be extended for an additional 180-day period by applying on a form provided by the department, and submitting the temporary license fee established in 12 AAC 02.105. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.01.050 AS 08.01.064 AS 08.01.065

12 AAC 02.960(e)(5) is amended to read:

(5) the name and mailing address [AND SIGNATURE] of the instructor, sponsor, or other verifier; [.]

12 AAC 02.960(e) is amended by adding a new paragraph to read:

(6) the Internet address of an online provider that can verify individual student attendance.

12 AAC 02.960 is amended by adding a new subsection to read:

(k) If individual student attendance cannot be verified upon attempt by the department, the continuing education credit may be deemed as invalid and will not be awarded. (Eff. 12/28/97, Register 144; am 9/29/2005, Register 175; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.01.050 AS 08.01.087 AS 08.01.100  
AS 08.01.080

12 AAC 02.965(a) is amended to read:

(a) Except as otherwise provided in AS 08 or this title, a license issued under AS 08 will not be renewed or reinstated if the applicant for renewal or reinstatement has not earned the required number of continuing education credits **during the concluding licensing period. With the appropriate board or department approval, an** [THE] applicant **for renewal or reinstatement of a lapsed license** may earn the required number of credits after the expiration date of the license. Continuing education credits earned to reinstate or renew **a lapsed** [AN EXPIRED] license may not be used to satisfy the continuing education requirements for a future renewal or reinstatement. Credits submitted to satisfy the continuing education requirements under this section must be approved under AS 08 and this title by the department or the applicable board.

12 AAC 02.965 is amended by adding a new subsection to read:

(c) The department or applicable board will consider the licensee’s failure to comply with the continuing education audit under this section as grounds for imposition of disciplinary sanctions to the extent allowed under AS 08 and this title. (Eff. 3/14/2001, Register 157; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.100