

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

March 1, 2021
Videoconference
State Office Building
333 Willoughby Ave., 9th 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/98955331719?pwd=V283ankxbndGOW1zQWxUQnNOSG93UT09>
Passcode: 545693

Draft MEETING AGENDA

Working Groups May Occur

Agenda:

1. **9:00 a.m.** March 1, 2021 Roll Call
2. **9:05 a.m.** Review Agenda
3. **9:10 a.m.** Ethics Disclosure
4. **9:30 a.m.** Division and Financial Update (Melissa Dumas)
 - Discuss legislative bills (HB15, SB15, SB68, SB86)
5. **11:05a.m.** Board Chair Meeting Review (Edwards-Smith)
6. **11:10 a.m.** Distance Accreditation Programs Discussion – Action Item
7. **12:00 p.m.** Lunch
8. **1:15 p.m.** Public Comment
9. **1:45 p.m.** COVID-19 Update – Board Guidance
10. **2:00 p.m.** Investigations
 - Investigative Report
 - Investigative Memo
 - Probation Report
 - CE Audits
11. **2:30 p.m.** CEU Courses by Health Care Providers Related to Massage Therapy - Action Item
12. **3:30 p.m.** Administrative Business
 - Review/approve January 2021 meeting minutes
 - Correspondence
 - Application Review
13. **4:30 p.m.** Adjourn

**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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Office of Governor
MIKE DUNLEAVY

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Roster

Board of Massage Therapists

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

[Board Fact Sheet](#)

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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 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 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 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

Revised 9/2013

Department of Law 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 Act¹ 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.²

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!³
- 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.⁴
- 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.⁸
- 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 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.

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.

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 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.*

From: [Chambers, Sara C. \(CED\)](#)
Subject: update on professional licensing issues
Date: Friday, February 19, 2021 5:49:19 PM
Attachments: [image001.png](#)

Dear professional licensing board members:

Thank you for an excellent and productive month. So far in February, we have held approximately 15 meetings of boards or their committees. **And, welcome to our new board members whose terms begin March 1!** Below are a few updates for you to be aware of as we head into the weekend.

Judge Rules Against Administration In Board Appointment Case

Yesterday, the legislature won their lawsuit against the governor regarding unconfirmed board appointments. “The Department of Law is disappointed in the Superior Court order granting plaintiff’s cross-motion for summary judgment in regards to the governor’s appointments,” said assistant attorney general Maria Bahr, a spokeswoman for the department. “We are reviewing the order and awaiting final declaratory judgment to determine future options, including appealing the court’s decision.”

While the Administration is likely to appeal, **we are beginning the research to determine which professional licensing board decisions may be affected.** The window of time in question is December 15, 2020 – January 18, 2021, which is typically a slower time of year for board activity. We will compile a list and work with the Department of Law on next steps. If any action is required by a board, we will let you know and schedule a meeting to address it. In the meantime, please continue your good work on behalf of the state.

Legislation You May Want to Track

We are presenting relevant legislative information to boards during the Division Update section of your meetings. It is very important that board members use the tools provided to take charge of your legislative awareness and engagement. Please visit <https://akleg.gov> to read these bills, [sign up for email alerts](#), and more. The list below reflects the bills introduced through February 18. We expect additional bills to be filed (especially for boards due to sunset), and several boards are working on their own legislative projects.

BILL #	SHORT TITLE	SPONSOR
HB 2	MINIMUM AGE TO SELL TOBACCO/NICOTINE	RAUSCHER
HB 4	BUSINESS/PROF. LICENSE IMMUNITY COVID-19	JOHNSON
HB 8	CONVERSION THERAPY PROHIBITIONS	HANNAN
HB 14	NURSING: LICENSURE; MULTISTATE COMPACT	THOMPSON
HB 15	TEMP PERMITS & LICENSES; MILITARY LICENSE	THOMPSON

HB 35	LICENSE MOBILE INTENSIVE CARE PARAMEDICS	SHAW
HB 40	NATUROPATHS: LICENSING; PRACTICE	LEBON
HB 44	PRACTICE OF ACCOUNTING; LICENSURE	THOMPSON
HB 61	REGISTER COMMERCIAL INTERIOR DESIGNERS	CLAMAN
HB 76	EXTENDING COVID 19 DISASTER EMERGENCY	HOUSE RULES/GOV
HB 83	NURSING: LICENSURE; MULTISTATE COMPACT	HOUSE RULES/GOV
HB 85	FINANCIAL INSTITUTIONS; LIABILITY	LEBON
HB 91	CONTROLLED SUB. DATA: EXEMPT VETERINARIAN	WOOL
HB 99	PHYSICAL/OCCUPATIONAL THERAPY BD/PRACTICE	CLAMAN
SB 9	ALCOHOLIC BEVERAGE CONTROL; ALCOHOL REG	MICCICHE
SB 12	MILITARY SPOUSE COURTESY LICENSE	KAWASAKI
SB 15	OPEN MEETINGS ACT; PENALTY	COSTELLO
SB 21	LICENSE MOBILE INTENSIVE CARE PARAMEDICS	REVAK
SB 24	VIRTUAL MEETINGS FOR CORPORATIONS	WILSON
SB 38	NATUROPATHS: LICENSING; PRACTICE	KAWASAKI
SB45	AGE FOR NICOTINE/E-CIG; TAX E-CIG	STEVENS
SB 56	EXTENDING COVID 19 DISASTER EMERGENCY	SENATE RULES/GOV
SB 57	ALASKA SUNSET COMMISSION	HUGHES
SB 67	NURSING: LICENSURE; MULTISTATE COMPACT	SENATE RULES/GOV
SB 78	HEALTH CARE SERVICES BY TELEHEALTH	SENATE LABOR & COMMERCE
SB 86	TEMPORARY PERMITS & LICENSES	SENATE LABOR & COMMERCE
FYI only		
HB 12	HOLD LEGISLATIVE SESSIONS IN ANCHORAGE	
HB 7	INTERACTIVE COMPUTER SVC CONTENT RESTRICT	
SB 47	VEHICLE REGISTRATION/PERSONS W/DISABILITY	
SB 49	APPROP: OPERATING BUDGET /LOANS/FUNDS	
SB 65	LIABILITY CONSULTING HEALTH CARE PROVIDER	
SB 68	APPROP: SUPPLEMENTAL ; REAPPROP; AMENDING; CBR	
SB 70	OPIOID OVERDOSE DRUGS	

	Health care programs
	All programs
	Specific programs
	BL/Corporations

Board Chairs Biweekly Meetings Resume Monday

Join us at 3:00 p.m. every other Monday for high-level discussions of COVID activity, legislation, management issues, and...well...whatever relevant regulatory topic are on your mind. Check with staff for call-in information.

Office of Administrative Hearings Training Make-Up Day

Thanks to those of you who were able to attend the very informative legal training from OAH in January. **We are scheduling another day for staff, new board members, and those who missed it in January.** If you are in one of these camps, please mark your calendars for April 8 from 10-12. Zoom information is below.

<https://zoom.us/j/98757236024?pwd=UFVaMi90NFpGdFo3VIMzYWlNODZ4Zz09>

Meeting ID: 987 5723 6024

Passcode: 157078

In addition to this OAH training, we are setting up general board training opportunities for new members whose terms begin March 1. These sessions will be helpful refreshers for veteran board members, as well. As always, I urge you to refer to the [board member resources](#) available on our web site. If you would like to request specific training on a particular issue, please let your staff know.

To all of our valued board members—especially those whose terms conclude this month—thank you for your service.

Sincerely,

Sara Chambers
Division Director

Alaska Division of Corporations, Business and Professional Licensing

Inspiring public confidence through balanced regulation of competent professional and business services

P.O. Box 110806, Juneau, AK 99811-0806

commerce.alaska.gov/web/cbpl

Phone: (907) 465-2144

FAX: (907) 465-2974



Division of Corporations, Business and Professional Licensing

2021 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.

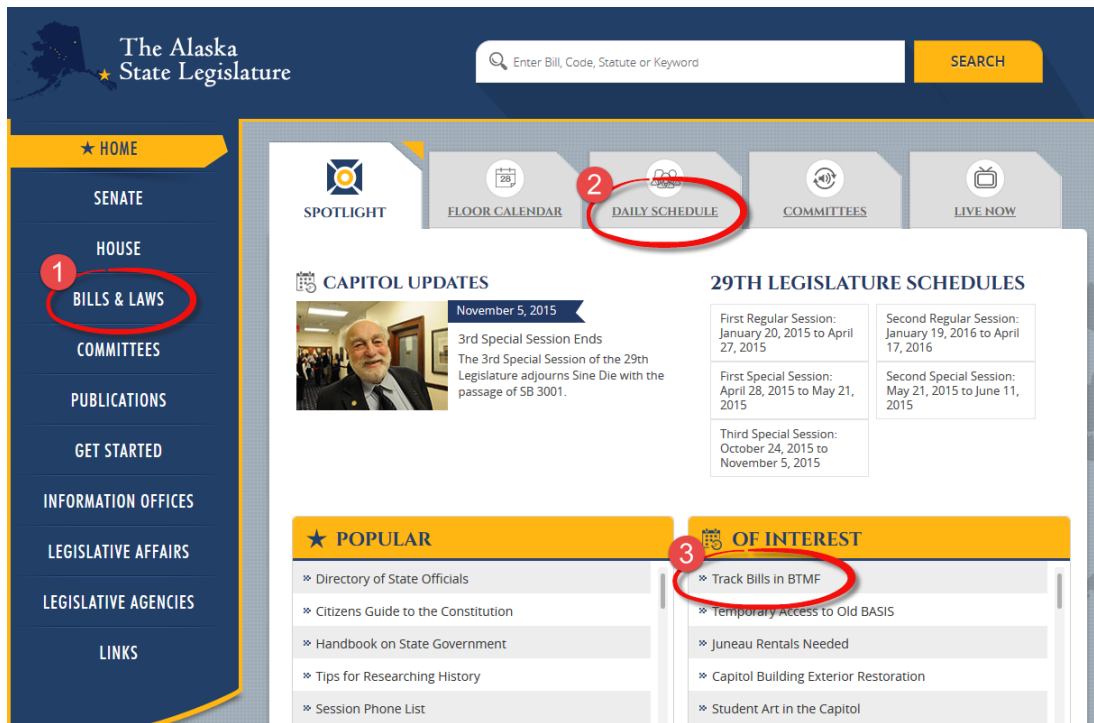
Members of boards and commissions should take care not to conduct business over email, lest the public be removed from the process. Board members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged and publicly noticed. 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/Portals/5/pub/CBPL_Board.Commission.Guide.pdf.

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, interpretation, and intervention, if a quick answer is needed. 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 your bill using the Alaska State Legislature’s web page: 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 by clarifying 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.
- 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.

- 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 - *Note that contact info may change if hearings are held via Zoom.*

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.

HOUSE BILL NO. 4

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JOHNSON

Introduced: 2/18/21

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing immunity from liability and disciplinary action for occupational**
2 **licensees for exposure of clients to COVID-19; providing immunity from liability for**
3 **persons engaging in business and their employees for exposure of customers to**
4 **COVID-19; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 08.02 is amended by adding a new section to read:

7 **Sec. 08.02.022. Licensee liability for client exposure to COVID-19.** (a) A
8 licensee is immune from disciplinary action under this title for sickness, death,
9 economic loss, and other damages suffered by a client of the licensee from exposure to
10 novel coronavirus disease (COVID-19) in the course of the licensee's practice of the
11 licensee's trade or profession.

12 (b) To qualify for immunity under this section, a licensee must have been
13 practicing the licensee's trade or profession in substantial compliance with the
14 applicable federal, state, and municipal laws and health mandates in effect at the time

1 of the client's exposure to COVID-19.

2 (c) Immunity under this section does not apply to exposure to COVID-19
3 resulting from the gross negligence, recklessness, or intentional misconduct of a
4 licensee.

5 (d) Immunity under this section is in addition to any other immunity from
6 liability provided under state or federal law.

7 (e) In this section, "licensee" has the meaning given in AS 08.01.110.

8 * **Sec. 2.** AS 45.45 is amended by adding a new section to read:

9 **Sec. 45.45.940. Business and employee liability for customer exposure to**
10 **COVID-19.** (a) A person who engages in business and an employee of that person
11 when working in the business are immune from civil liability for sickness, death,
12 economic loss, and other damages suffered by a customer from exposure to novel
13 coronavirus disease (COVID-19) while patronizing the business.

14 (b) To qualify for immunity under this section, the person engaging in
15 business must have been operating the business in substantial compliance with the
16 applicable federal, state, and municipal laws and health mandates in effect at the time
17 of the customer's exposure to COVID-19.

18 (c) Immunity under this section does not apply to exposure to COVID-19
19 resulting from the gross negligence, recklessness, or intentional misconduct of a
20 person engaging in business or an employee of that person.

21 (d) Immunity under this section is in addition to any other immunity from
22 liability provided under state or federal law.

23 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 **APPLICABILITY.** This Act applies to novel coronavirus disease (COVID-19)
26 exposure occurring on or after the effective date of this Act.

27 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL NO. 8

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HANNAN, Hopkins

Introduced: 2/18/21

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to professional and occupational licensing; and relating to protection of**
2 **children and vulnerable adults."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 08.01.077 is repealed and reenacted to read:

5 **Sec. 08.01.077. Grounds for disciplinary action.** Notwithstanding another
6 provision of this title, a department or board under this title may consider the
7 following as grounds for disciplining or sanctioning a person licensed, certified, or
8 regulated by that department or board:

9 (1) a conviction for a crime under AS 47.24.010;

10 (2) treating a vulnerable adult or an individual under the age of 18 with
11 a therapy or other regimen in violation of AS 47.17.024(c) or AS 47.24.140.

12 *** Sec. 2.** AS 47.17.024 is amended by adding a new subsection to read:

13 (c) A practitioner of the healing arts licensed under AS 08 may not, in the
14 performance of the practitioner's occupational duties, treat an individual under the age

1 of 18 with a therapy or another regimen that seeks to change the individual's sexual
 2 orientation or gender identity, including efforts to change behavior or gender
 3 expression or reduce or eliminate sexual or romantic attraction or feelings toward a
 4 person of the same gender. This subsection does not apply to counseling that provides
 5 support and assistance to an individual undergoing gender transition or counseling that
 6 provides acceptance, support, and understanding of an individual or facilitates an
 7 individual's coping, social support, and identity exploration and development,
 8 including sexual orientation-neutral interventions to prevent or address unlawful
 9 conduct or unsafe sexual practices, or counseling that does not seek to change sexual
 10 orientation or gender identity. A person required to report under AS 47.17.020 who
 11 suspects or receives a report of harm arising from a violation of this subsection shall
 12 report the harm as provided under AS 47.17.020. In this subsection,

13 (1) "gender identity" means an individual's actual or perceived gender-
 14 related identity, appearance, mannerisms, or other gender-related characteristics
 15 without regard to the person's designated sex at birth;

16 (2) "sexual orientation" means an individual's actual or perceived
 17 heterosexuality, homosexuality, asexuality, or bisexuality.

18 * **Sec. 3.** AS 47.24 is amended by adding a new section to read:

19 **Sec. 47.24.140. Treatment to change sexual orientation or gender identity.**

20 A practitioner of the healing arts licensed under AS 08 may not, in the performance of
 21 the practitioner's professional duties, treat a vulnerable adult with a therapy or another
 22 regimen that seeks to change the vulnerable adult's sexual orientation or gender
 23 identity, including efforts to change behavior or gender expression or reduce or
 24 eliminate sexual or romantic attraction or feelings toward a person of the same gender.
 25 This section does not apply to counseling that provides support and assistance to an
 26 individual undergoing gender transition or counseling that provides acceptance,
 27 support, and understanding of an individual or facilitates an individual's coping, social
 28 support, and identity exploration and development, including sexual orientation-
 29 neutral interventions to prevent or address unlawful conduct or unsafe sexual
 30 practices, or counseling that does not seek to change sexual orientation or gender
 31 identity. A person required to report under AS 47.24.010 who suspects or receives a

1 report of harm arising from a violation of this section shall report the harm as provided
2 under AS 47.24.010. In this section,

3 (1) "gender identity" has the meaning given in AS 47.17.024;

4 (2) "practitioner of the healing arts" has the meaning given in
5 AS 47.17.290;

6 (3) "sexual orientation" has the meaning given in AS 47.17.024.

7 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 **APPLICABILITY.** This Act applies to conduct that occurs on or after the effective
10 date of this Act.

HOUSE BILL NO. 11

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE RAUSCHER

Introduced: 2/18/21

Referred: Community and Regional Affairs, State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to assault in the third and fourth degrees; and relating to reckless**
2 **endangerment."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 11.41.220 is amended by adding a new subsection to read:

5 (f) The provisions of (a)(1)(A) of this section do not apply to the defensive
6 display of a firearm by a person.

7 *** Sec. 2.** AS 11.41.230 is amended by adding a new subsection to read:

8 (c) The provisions of (a)(3) of this section do not apply to the defensive
9 display of a firearm by a person.

10 *** Sec. 3.** AS 11.41.250 is amended by adding a new subsection to read:

11 (c) The provisions of (a) of this section do not apply to the defensive display
12 of a firearm by a person.

13 *** Sec. 4.** AS 11.81.900(b) is amended by adding a new paragraph to read:

14 (69) "defensive display of a firearm" includes

- 1 (A) openly wearing, carrying, or possessing a firearm;
2 (B) verbally informing another person of the possession of a
3 firearm;
4 (C) holding a firearm in a position that does not point the
5 firearm directly at another person;
6 (D) displaying a firearm to dissuade a threatening person; and
7 (E) warning another person of the availability of a firearm to
8 dissuade a threat by the other person.

9 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 **APPLICABILITY.** AS 11.41.220(f), enacted by sec. 1 of this Act, AS 11.41.230(c),
12 enacted by sec. 2 of this Act, and AS 11.41.250(c), enacted by sec. 3 of this Act, apply to
13 offenses committed on or after the effective date of this Act.

HOUSE BILL NO. 15

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES THOMPSON, Prax, Nelson

Introduced: 2/18/21

Referred: Labor and Commerce, Education

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to occupational licensing; relating to temporary licenses and permits;**
2 **relating to certification of teachers; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 08.01.062 is repealed and reenacted to read:

5 **Sec. 08.01.062. Temporary licenses and permits.** (a) The department shall
6 issue to an applicant a temporary license or permit under this section to engage in an
7 occupation regulated under this chapter if

8 (1) the applicant

9 (A) is licensed or credentialed to practice the occupation in
10 another state or territory of the United States or a foreign country, territory, or
11 province that

12 (i) has requirements for a license or permit to practice
13 the occupation that are substantially equivalent to or greater than the
14 requirements for the occupation under this title; or

1 (ii) authorizes a scope of practice substantially
2 equivalent to the scope of practice of the corresponding license or
3 permit in this state;

4 (B) meets the qualifications and requirements for a license or
5 permit to practice that occupation under this title and resides in a state or
6 territory of the United States or in a foreign country, territory, or province that
7 does not license individuals to practice that occupation;

8 (C) is awaiting the results of an examination required for
9 licensure in the occupation and meets the remaining qualifications and
10 requirements for licensure in that occupation under this title; or

11 (D) meets the qualifications and requirements for a license or
12 permit to engage in that occupation under this title through military education,
13 training, and service under AS 08.01.064(a) and does not already hold a license
14 or permit to practice that occupation in another jurisdiction as a member of one
15 of the armed forces listed in AS 08.01.064(a)(2);

16 (2) at the time of the application, the applicant is not

17 (A) subject to disciplinary action related to the occupation in
18 another jurisdiction; or

19 (B) the subject of an ongoing review or disciplinary proceeding
20 by the occupation's licensing entity in that jurisdiction;

21 (3) within the 10 years immediately preceding the date of the
22 application, the applicant has not committed an act in another jurisdiction that, at the
23 time the act was committed, would have constituted grounds for the denial or
24 revocation of a license, certificate, or permit to practice that occupation under this
25 title; and

26 (4) the applicable fees are paid.

27 (b) If the department or applicable board requires that an applicant for an
28 occupational license or permit undergo a criminal history record check, an applicant
29 for a temporary license or permit for that occupation is subject to the same
30 requirement. The department may consider an application and grant a temporary
31 license or permit before obtaining a result from the criminal history record check. If

1 the department later receives criminal record information that would authorize the
2 department or a board to take disciplinary action against a temporary license or permit
3 holder, the department or board shall exercise that authority.

4 (c) A temporary license or permit issued under this section is valid for 180
5 days. An applicant may apply for one 180-day extension, which may be approved at
6 the discretion of the department.

7 (d) A temporary license or permit issued under this section for an occupation
8 regulated under this chapter allows the temporary license or permit holder to
9 temporarily practice the occupation for which the license or permit was granted,
10 within the scope designated by the department or applicable board.

11 (e) The department may extend the 180-day temporary license or permit
12 period under (c) of this section for an applicant for a temporary license or permit under
13 (a)(1)(D) of this section if the applicant shows that the required occupational training
14 period is longer than 180 days.

15 (f) The department shall issue a license or permit under this section to an
16 active duty member of the armed forces of the United States or a spouse of an active
17 duty member of the armed forces of the United States who meets the requirements of
18 this section within 30 days after the department receives the person's complete
19 application for the license or permit.

20 * **Sec. 2.** AS 08.13.175 is amended to read:

21 **Sec. 08.13.175. Temporary license.** After [A PERSON WHO MEETS THE
22 REQUIREMENTS OF AS 08.13.080(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO
23 BE TEMPORARILY LICENSED AFTER] applying for examination under this
24 chapter, an [IF THE] applicant who receives a temporary license under
25 AS 08.01.062 may work only [WORKS] under the direct supervision, and within the
26 physical presence, of a person who is licensed in the area of practice for which the
27 applicant has applied for examination. [A TEMPORARY LICENSE ISSUED
28 UNDER THIS SECTION IS VALID FOR 120 DAYS AND IS NONRENEWABLE.
29 A PERSON MAY NOT RECEIVE MORE THAN ONE TEMPORARY LICENSE
30 FOR EACH AREA OF PRACTICE LICENSED UNDER THIS CHAPTER. AN
31 APPLICATION FOR A TEMPORARY LICENSE MUST BE SIGNED BY THE

1 SUPERVISING LICENSEE AND ACCOMPANIED BY THE TEMPORARY
2 LICENSE FEE REQUIRED UNDER AS 08.13.185.]

3 * **Sec. 3.** AS 08.13.190(a) is amended to read:

4 (a) A person who practices barbering, hairdressing, hair braiding, esthetics,
5 tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or
6 operates a school of barbering, hairdressing, or esthetics, or teaches in a school of
7 barbering, hairdressing, or esthetics, without a license, [TEMPORARY PERMIT,]
8 temporary license under AS 08.01.062, or student permit and who is not exempt
9 under AS 08.13.120 or 08.13.160(d) [UNDER AS 08.13.160(d)] is guilty of a class B
10 misdemeanor.

11 * **Sec. 4.** AS 08.20.180(a) is amended to read:

12 (a) An applicant for an examination, reexamination, [ISSUANCE OF A
13 TEMPORARY PERMIT UNDER AS 08.20.160, ISSUANCE OF A LOCUM
14 TENENS PERMIT UNDER AS 08.20.163,] issuance of a license by credentials under
15 AS 08.20.141, one-time issuance of a retired status license, or initial issuance or
16 renewal of an active or inactive license shall pay a fee established under
17 AS 08.01.065.

18 * **Sec. 5.** AS 08.36.100 is amended to read:

19 **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238 [AND
20 08.36.254], a person may not practice, or attempt to practice, dentistry without a
21 license.

22 * **Sec. 6.** AS 08.64.279 is amended to read:

23 **Sec. 08.64.279. Interview for permits.** An applicant for an intern permit or [,]
24 a resident permit [, OR A TEMPORARY PERMIT FOR LOCUM TENENS
25 PRACTICE] may be interviewed in person by the board, a member of the board, the
26 executive secretary of the board, or a person designated for that purpose by the board.

27 * **Sec. 7.** AS 08.84.010(b) is amended to read:

28 (b) The board shall control all matters pertaining to the licensing of physical
29 therapists, physical therapy assistants, occupational therapists, and occupational
30 therapy assistants and the practice of physical therapy and the practice of occupational
31 therapy. The board shall

- 1 (1) pass upon the qualifications of applicants;
- 2 (2) provide for the examination of applicants;
- 3 (3) issue [TEMPORARY PERMITS AND] licenses to persons
- 4 qualified under this chapter;
- 5 (4) suspend, revoke, or refuse to issue or renew a license under
- 6 AS 08.84.120;
- 7 (5) keep a current register listing the name, business address, date, and
- 8 number of the license of each person who is licensed to practice under this chapter;
- 9 (6) adopt regulations under AS 44.62 (Administrative Procedure Act)
- 10 necessary to carry out the purposes of this chapter including regulations establishing
- 11 qualifications for licensure and renewal of licensure under this chapter.

12 * **Sec. 8.** AS 08.84.150 is amended to read:

13 **Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person

14 to practice physical therapy without being licensed under this chapter unless the

15 person is

- 16 (1) a student in an accredited physical therapy program;
- 17 (2) a graduate of a foreign school of physical therapy fulfilling the
- 18 internship requirement of AS 08.84.032, and then only unless under the continuous
- 19 direction and immediate supervision of a physical therapist; or
- 20 (3) issued a **temporary** [LIMITED] permit under **AS 08.01.062**
- 21 [AS 08.84.075].

22 (b) A person may not provide services that the person describes as

23 occupational therapy without being licensed under this chapter unless the person is

- 24 (1) a student in an accredited occupational therapy program or in a
- 25 supervised field work program;
- 26 (2) a graduate of a foreign school of occupational therapy fulfilling the
- 27 internship requirement of AS 08.84.032, and then only unless under the continuous
- 28 direction and immediate supervision of an occupational therapist;
- 29 (3) an occupational therapist or occupational therapy assistant
- 30 employed by the United States government while in the discharge of official duties;
- 31 (4) granted a **temporary** [LIMITED] permit under **AS 08.01.062**

1 [AS 08.84.075];

2 (5) licensed under this title and uses occupational therapy skills in the
3 practice of the profession for which the license is issued; or

4 (6) employed as a teacher or teacher's aide by an educational
5 institution and is required to use occupational therapy skills during the course of
6 employment, if

7 (A) the occupational therapy skills are used under a program
8 implemented by the employer and developed by a licensed occupational
9 therapist;

10 (B) the employer maintains direct supervision of the person's
11 use of occupational therapy skills; and

12 (C) the person does not represent to

13 (i) be an occupational therapist or occupational therapy
14 assistant; and

15 (ii) practice occupational therapy.

16 * **Sec. 9.** AS 08.98.120(a) is amended to read:

17 (a) A person may not practice veterinary medicine, surgery, or dentistry unless
18 the person is licensed as a veterinarian under this chapter or has a temporary permit
19 issued under **AS 08.01.062** [AS 08.98.186], except that a person may perform
20 functions authorized by

21 (1) regulation of the board if the person is licensed as a veterinary
22 technician; or

23 (2) a permit issued under AS 08.02.050 if the person is employed by
24 an agency that has a permit issued under AS 08.02.050.

25 * **Sec. 10.** AS 08.98.180 is amended to read:

26 **Sec. 08.98.180. Temporary license.** A person who **is granted a temporary**
27 **license by the department under AS 08.01.062 may work only** [MEETS THE
28 REQUIREMENTS OF AS 08.98.165(a)(1), (4), AND (5) IS ENTITLED TO BE
29 TEMPORARILY LICENSED AFTER APPLYING FOR EXAMINATION IF THE
30 PERSON WORKS] under the supervision of a licensed veterinarian. [A LICENSE
31 ISSUED UNDER THIS SECTION IS VALID UNTIL THE RESULTS OF THE

1 EXAMINATIONS ARE PUBLISHED. A PERSON MAY NOT RECEIVE MORE
 2 THAN ONE TEMPORARY LICENSE. AN APPLICATION FOR A TEMPORARY
 3 LICENSE MUST BE SIGNED BY THE SUPERVISING VETERINARIAN AND
 4 ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER
 5 AS 08.98.190.]

6 * **Sec. 11.** AS 14.20.015 is amended by adding a new subsection to read:

7 (g) The department shall issue a preliminary teacher certificate under this
 8 section to an active duty member of the armed forces of the United States or a spouse
 9 of an active duty member of the armed forces of the United States who meets the
 10 requirements of this section within 30 days after the department receives the person's
 11 complete application for the preliminary teacher certificate.

12 * **Sec. 12.** AS 08.01.063, 08.01.064(b), 08.01.064(c), 08.01.064(d); AS 08.11.020,
 13 08.11.025; AS 08.13.170; AS 08.15.030; AS 08.20.160, 08.20.163; AS 08.26.050;
 14 AS 08.36.254; AS 08.45.035; AS 08.63.130; AS 08.64.101(b)(2), 08.64.270, 08.64.275;
 15 AS 08.68.210; AS 08.70.130; AS 08.80.150, 08.80.155; AS 08.84.065, 08.84.075;
 16 AS 08.86.135, 08.86.166; AS 08.95.125; AS 08.98.186, 08.98.190(6), and 08.98.190(7) are
 17 repealed.

18 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
 19 read:

20 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
 21 Economic Development may adopt regulations necessary to implement the changes made by
 22 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
 23 before the effective date of the law implemented by the regulation.

24 * **Sec. 14.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

25 * **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect January 1, 2022.

SENATE BILL NO. 15

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR COSTELLO

Introduced: 1/22/21

Referred: Community & Regional Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Open Meetings Act; and establishing a civil penalty for**
2 **violations of the open meeting requirements by members of governmental bodies."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 44.62.310(h) is amended by adding new paragraphs to read:

5 (4) "knowingly" has the meaning given in AS 11.81.900(a);

6 (5) "public official" has the meaning given in AS 39.50.200.

7 *** Sec. 2.** AS 44.62.310 is amended by adding a new subsection to read:

8 (i) A member of a governmental body who is an elected or appointed public
9 official and who knowingly attends a meeting of the governmental body that violates
10 this section is liable to the state for a civil penalty not to exceed \$1,000.

11 *** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **APPLICABILITY.** AS 44.62.310(h)(4) and (5), added by sec. 1 of this Act, and
14 AS 44.62.310(i), added by sec. 2 of this Act, apply to conduct occurring on or after the

1 effective date of this Act.

SENATE BILL NO. 27

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR HUGHES

Introduced: 1/22/21

Referred: Labor & Commerce, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to industrial hemp; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 03.05.010(a) is amended to read:

4 (a) The commissioner of natural resources shall

5 (1) direct, administer, and supervise promotional and experimental
6 work, extension services, and agricultural projects for the purpose of promoting and
7 developing commercial and noncommercial agricultural industry in the state,
8 including horticulture, dairying, cattle raising, fur farming, grain production, vegetable
9 production, and agricultural products;

10 (2) procure and preserve all information pertaining to developing the
11 agricultural industry in the state and disseminate that information to the public;

12 (3) assist prospective settlers and others to engage in the agricultural
13 industry in the state by providing information about activities and programs essential
14 to developing the agricultural industry and areas in the state that are suitable for
15 agriculture;

1 (4) review the marketing, financing, transportation, and development
2 of agricultural products in the state, with special emphasis on local production, and
3 negotiate for the marketing of agricultural products of the state with federal and state
4 agencies operating in the state;

5 (5) regulate and control the entry in the state and the transportation,
6 sale, or use in the state of plants, seeds, vegetables, shell eggs, fruits and berries,
7 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and
8 agricultural chemicals to prevent the spread of pests, diseases, or toxic substances
9 injurious to the public interest and protect the agricultural industry against fraud,
10 deception, and misrepresentation; for purposes of this paragraph, the commissioner
11 may require registration, inspection, and testing [,] and may establish procedures and
12 fees;

13 (6) regulate the farming of elk in a manner similar to the manner in
14 which the commissioner regulates domestic animals and livestock, to the extent that is
15 appropriate;

16 (7) adopt regulations relating to industrial hemp, including regulations
17 that

18 (A) specify approved sources or varieties of hemp seed to be
19 grown, sold, or offered for sale by an individual registered to produce
20 industrial hemp;

21 (B) require testing, paid for by the registrant, for delta-9-
22 tetrahydrocannabinol concentration following harvest of the industrial hemp;

23 (C) provide for general production practices to avoid the
24 unintended distribution of industrial hemp seeds by registrants into
25 nonagricultural land;

26 (D) establish isolation distances for the production of industrial
27 hemp; in this subparagraph, "isolation distance" means the minimum
28 separation required between two or more varieties of the plant (genus)
29 Cannabis for the purpose of keeping the seed pure;

30 **(E) permit manufacturing and retail sale of industrial hemp**
31 **and products made from industrial hemp;**

1 **(F) establish a registration and renewal procedure for a**
 2 **participant in the industrial hemp program developed under**
 3 **AS 03.05.076;**

4 (8) submit a list of individuals registered to produce industrial hemp
 5 under AS 03.05.076 and the expiration dates of the registrations to the Marijuana
 6 Control Board and the Department of Public Safety;

7 (9) regulate the labeling of seed that does not comply with the
 8 requirements of AS 03.20.130.

9 * **Sec. 2.** AS 03.05.076(a) is amended to read:

10 (a) Industrial hemp is an agricultural crop in the state. An individual who
 11 produces industrial hemp shall apply to the department for registration under this
 12 section. Registration is valid for one year but may be renewed. An application for
 13 registration or renewal must be on a form prescribed by the department that includes

14 (1) the name and address of the applicant;

15 (2) the address and global positioning system coordinates of the area to
 16 be used for the production of industrial hemp; **and**

17 **(3) a signed statement by the applicant, made under the penalty of**
 18 **perjury, affirming that the applicant**

19 **(A) has not been convicted of a felony related to a**
 20 **controlled substance in this or another jurisdiction within the 10 years**
 21 **immediately preceding the date of application; or**

22 **(B) was lawfully growing hemp before December 20, 2018,**
 23 **and was not convicted of a felony related to a controlled substance in this**
 24 **or another jurisdiction before that date.**

25 * **Sec. 3.** AS 03.05.076 is amended by adding a new subsection to read:

26 (i) The department may develop an industrial hemp program that complies
 27 with federal requirements and submit a program plan to the United States Department
 28 of Agriculture for approval.

29 * **Sec. 4.** AS 03.05.079 is amended to read:

30 **Sec. 03.05.079. Production in violation of delta-9-tetrahydrocannabinol**
 31 **limit.** Notwithstanding AS 11.71.040 - 11.71.060, an individual registered under

1 AS 03.05.076 to produce industrial hemp whose product has a delta-9-
 2 tetrahydrocannabinol content between 0.3 percent and one percent **may retain and**
 3 **recondition the product as provided in AS 03.05.076(b)(4)** [IS GUILTY OF A
 4 VIOLATION].

5 * **Sec. 5.** AS 03.05.079 is amended by adding a new subsection to read:

6 (b) An individual who retains but fails to recondition an industrial hemp
 7 product described in (a) of this section is guilty of a violation.

8 * **Sec. 6.** AS 03.05.100(5) is amended to read:

9 (5) "industrial hemp" means [ALL PARTS AND VARIETIES OF] the
 10 plant Cannabis sativa L. **and any part of that plant, including its seeds and all**
 11 **derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,**
 12 **whether growing or not, with a delta-9-tetrahydrocannabinol concentration of**
 13 [CONTAINING] not more than 0.3 percent **on a dry weight basis** [DELTA-9-
 14 TETRAHYDROCANNABINOL].

15 * **Sec. 7.** AS 03.05.077 is repealed.

16 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
 17 read:

18 **CONDITIONAL EFFECT; NOTIFICATION TO REVISOR OF STATUTES.** (a)
 19 Section 7 of this Act takes effect only if the United States Department of Agriculture approves
 20 an industrial hemp program plan submitted by the Department of Natural Resources under
 21 AS 03.05.076(i) before January 1, 2030.

22 (b) If the United States Department of Agriculture approves an industrial hemp
 23 program submitted under AS 03.05.076(i), the commissioner of natural resources shall notify
 24 the revisor of statutes not later than 30 days after receiving notice of the approval.

25 * **Sec. 9.** If, under sec. 8 of this Act, sec. 7 of this Act takes effect, it takes effect on the day
 26 after the date on which the revisor of statutes receives notice from the commissioner of
 27 natural resources under sec. 8 of this Act.

SENATE BILL NO. 30

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR BEGICH

Introduced: 1/25/21

Referred: Health & Social Services, Labor & Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring that a policy of group health insurance covering certain public**
2 **employee and teacher retirees include coverage for colorectal cancer screening."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 39.30.090(a) is amended to read:

5 (a) The Department of Administration may obtain a policy or policies of group
6 insurance covering state employees, persons entitled to coverage under AS 14.25.168,
7 14.25.480, AS 22.25.090, AS 39.35.535, 39.35.880, or former AS 39.37.145,
8 employees of other participating governmental units, or persons entitled to coverage
9 under AS 23.15.136, subject to the following conditions:

10 (1) a group insurance policy shall provide one or more of the following
11 benefits: life insurance, accidental death and dismemberment insurance, weekly
12 indemnity insurance, hospital expense insurance, surgical expense insurance, dental
13 expense insurance, audiovisual insurance, or other medical care insurance;

14 (2) each eligible employee of the state, the spouse and the unmarried

1 children chiefly dependent on the eligible employee for support, and each eligible
2 employee of another participating governmental unit shall be covered by the group
3 policy, unless exempt under regulations adopted by the commissioner of
4 administration;

5 (3) a governmental unit may participate under a group policy if

6 (A) its governing body adopts a resolution authorizing
7 participation and payment of required premiums;

8 (B) a certified copy of the resolution is filed with the
9 Department of Administration; and

10 (C) the commissioner of administration approves the
11 participation in writing;

12 (4) in procuring a policy of group health or group life insurance as
13 provided under this section or excess loss insurance as provided in AS 39.30.091, the
14 Department of Administration shall comply with the dual choice requirements of
15 AS 21.86.310, and shall obtain the insurance policy from an insurer authorized to
16 transact business in the state under AS 21.09, a hospital or medical service corporation
17 authorized to transact business in this state under AS 21.87, or a health maintenance
18 organization authorized to operate in this state under AS 21.86; an excess loss
19 insurance policy may be obtained from a life or health insurer authorized to transact
20 business in this state under AS 21.09 or from a hospital or medical service corporation
21 authorized to transact business in this state under AS 21.87;

22 (5) the Department of Administration shall make available bid
23 specifications for desired insurance benefits or for administration of benefit claims and
24 payments to (A) all insurance carriers authorized to transact business in this state
25 under AS 21.09 and all hospital or medical service corporations authorized to transact
26 business under AS 21.87 who are qualified to provide the desired benefits; and (B)
27 insurance carriers authorized to transact business in this state under AS 21.09, hospital
28 or medical service corporations authorized to transact business under AS 21.87, and
29 third-party administrators licensed to transact business in this state and qualified to
30 provide administrative services; the specifications shall be made available at least once
31 every five years; the lowest responsible bid submitted by an insurance carrier, hospital

1 or medical service corporation, or third-party administrator with adequate servicing
2 facilities shall govern selection of a carrier, hospital or medical service corporation, or
3 third-party administrator under this section or the selection of an insurance carrier or a
4 hospital or medical service corporation to provide excess loss insurance as provided in
5 AS 39.30.091;

6 (6) if the aggregate of dividends payable under the group insurance
7 policy exceeds the governmental unit's share of the premium, the excess shall be
8 applied by the governmental unit for the sole benefit of the employees;

9 (7) a person receiving benefits under AS 14.25.110, AS 22.25,
10 AS 39.35, or former AS 39.37 may continue the life insurance coverage that was in
11 effect under this section at the time of termination of employment with the state or
12 participating governmental unit;

13 (8) a person electing to have insurance under (7) of this subsection
14 shall pay the cost of this insurance;

15 (9) for each permanent part-time employee electing coverage under
16 this section, the state shall contribute one-half the state contribution rate for permanent
17 full-time state employees, and the permanent part-time employee shall contribute the
18 other one-half;

19 (10) a person receiving benefits under AS 14.25, AS 22.25, AS 39.35,
20 or former AS 39.37 may obtain auditory, visual, and dental insurance for that person
21 and eligible dependents under this section; the level of coverage for persons over 65
22 shall be the same as that available before reaching age 65 except that the benefits
23 payable shall be supplemental to any benefits provided under the federal old age,
24 survivors, and disability insurance program; a person electing to have insurance under
25 this paragraph shall pay the cost of the insurance; the commissioner of administration
26 shall adopt regulations implementing this paragraph;

27 (11) a person receiving benefits under AS 14.25, AS 22.25, AS 39.35,
28 or former AS 39.37 may obtain long-term care insurance for that person and eligible
29 dependents under this section; a person who elects insurance under this paragraph
30 shall pay the cost of the insurance premium; the commissioner of administration shall
31 adopt regulations to implement this paragraph;

1 (12) each licensee holding a current operating agreement for a vending
2 facility under AS 23.15.010 - 23.15.210 shall be covered by the group policy that
3 applies to governmental units other than the state;

4 **(13) medical care insurance coverage obtained under this section**
5 **or provided under AS 39.30.091, for persons who receive benefits under**
6 **AS 14.25, AS 22.25, AS 39.35, or former AS 39.37 after termination of**
7 **employment with the state or a participating governmental unit, must include**
8 **coverage for colorectal cancer screening as required under AS 21.42.377.**

SENATE BILL NO. 86

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Introduced: 2/15/21

Referred: Labor & Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to occupational licensing; relating to temporary licenses, permits, and**
2 **certificates; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 08.01.062 is repealed and reenacted to read:

5 **Sec. 08.01.062. Temporary licenses, permits, and certificates.** (a) The
6 department may on an expedited basis issue a temporary license, permit, or certificate
7 under this section to engage in an occupation regulated under this chapter to an
8 individual who holds a corresponding license, permit, or certificate in good standing in
9 another jurisdiction and pays the required fee for a temporary license, permit, or
10 certificate established by the department.

11 (b) A temporary license or permit issued under this section is valid for one
12 year. A temporary license, permit, or certificate issued under this section allows the
13 temporary license, permit, or certificate holder to temporarily practice the occupation
14 for which the license, permit, or certificate was granted, within the scope designated

1 by the department or applicable board.

2 * **Sec. 2.** AS 08.11.050 is amended to read:

3 **Sec. 08.11.050. Fees.** The department shall set fees under AS 08.01.065 for
4 each of the following:

5 (1) application;

6 (2) credential review;

7 (3) audiologist license and speech-language pathologist license;

8 (4) [TEMPORARY LICENSE;

9 (5)] renewal of license;

10 **(5)** [(6)] delinquency;

11 **(6)** [(7)] reinstatement;

12 **(7)** [(8)] duplicate license;

13 **(8)** [(9)] speech-language pathologist assistant registration application

14 and renewal.

15 * **Sec. 3.** AS 08.13.070 is amended to read:

16 **Sec. 08.13.070. License required.** A person may not

17 (1) practice barbering, hairdressing, hair braiding, manicuring,
18 esthetics, body piercing, tattooing, or permanent cosmetic coloring without a license,
19 [TEMPORARY PERMIT,] temporary license **issued under AS 08.01.062,**
20 **temporary supervised practice license**, or student permit unless exempted under
21 AS 08.13.160(d);

22 (2) practice barbering, hairdressing, hair braiding, manicuring,
23 esthetics, body piercing, tattooing, or permanent cosmetic coloring except in a shop or
24 school licensed under this chapter unless exempted under AS 08.13.160(d) or
25 permitted under AS 08.13.160(e);

26 (3) open or conduct a school of barbering, hairdressing, manicuring, or
27 esthetics without a license;

28 (4) teach in a school of barbering, hairdressing, manicuring, or
29 esthetics, or supervise an apprentice in barbering, hairdressing, manicuring, or
30 esthetics without an instructor's license;

31 (5) operate a shop in violation of AS 08.13.120;

1 (6) permit an employee or other person being supervised who is not
 2 exempted under AS 08.13.160(d) to practice barbering, hairdressing, hair braiding,
 3 manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring
 4 without a license, [TEMPORARY PERMIT,] temporary license **issued under**
 5 **AS 08.01.062, temporary supervised practice license**, or student permit;

6 (7) permit the use of the person's license, [TEMPORARY PERMIT,]
 7 temporary license **issued under AS 08.01.062, temporary supervised practice**
 8 **license**, or student permit by another person;

9 (8) obtain or attempt to obtain a license, [TEMPORARY PERMIT,]
 10 temporary license **issued under AS 08.01.062, temporary supervised practice**
 11 **license**, or student permit by fraudulent means.

12 * **Sec. 4.** AS 08.13.130(a) is amended to read:

13 (a) A practitioner shall display the practitioner's license in a conspicuous
 14 location in the practitioner's place of business. Each shop owner is responsible for the
 15 conspicuous display of the shop's license and the licenses of employees and
 16 individuals renting booths in the shop. A person holding a student permit, temporary
 17 license **issued under AS 08.01.062, or temporary supervised practice license** [, OR
 18 TEMPORARY PERMIT] shall display the permit or license in a conspicuous location
 19 in the school in which the person is enrolled or the shop in which the person works.
 20 The school or shop owner is responsible for the display of a permit or license for each
 21 enrolled student, apprentice, or temporary license holder.

22 * **Sec. 5.** AS 08.13.150 is amended to read:

23 **Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license**
 24 **or permit.** The board may, in addition to the actions authorized under AS 08.01.075,
 25 refuse, suspend, or revoke a license, student permit, temporary license **issued under**
 26 **AS 08.01.062, or temporary supervised practice license** [, OR TEMPORARY
 27 PERMIT] for failure to comply with this chapter, with a regulation adopted under this
 28 chapter, with a regulation adopted by the Department of Environmental Conservation
 29 under AS 44.46.020, or with an order of the board.

30 * **Sec. 6.** AS 08.13.175 is amended to read:

31 **Sec. 08.13.175. Temporary supervised practice license.** A person who meets

1 the requirements of AS 08.13.080(a)(1), (2), (3), (4), or (6) is entitled to **receive a**
 2 **temporary supervised practice license** [BE TEMPORARILY LICENSED] after
 3 applying for examination under this chapter if the applicant works under the direct
 4 supervision, and within the physical presence, of a person who is licensed in the area
 5 of practice for which the applicant has applied for examination. A temporary
 6 **supervised practice** license issued under this section is valid for 120 days and is
 7 nonrenewable. A person may not receive more than one temporary **supervised**
 8 **practice** license for each area of practice licensed under this chapter. An application
 9 for a temporary **supervised practice** license must be signed by the supervising
 10 licensee and accompanied by the temporary **supervised practice** license fee required
 11 under AS 08.13.185.

12 * **Sec. 7.** AS 08.13.185(a) is amended to read:

13 (a) The Department of Commerce, Community, and Economic Development
 14 shall set fees under AS 08.01.065 for initial licenses and renewals for the following:

- 15 (1) schools;
- 16 (2) school owners;
- 17 (3) instructor;
- 18 (4) shop owner;
- 19 (5) practitioner of barbering;
- 20 (6) practitioner of hairdressing;
- 21 (7) practitioner of manicuring;
- 22 (8) practitioner of esthetics;
- 23 (9) practitioner of tattooing;
- 24 (10) practitioner of body piercing;
- 25 (11) temporary shop license;
- 26 (12) [TEMPORARY PERMIT;
- 27 (13)] temporary **supervised practice** license;
- 28 **(13)** [(14)] student permit;
- 29 **(14)** [(15)] endorsement for advanced manicuring;
- 30 **(15)** [(16)] practitioner of hair braiding;
- 31 **(16)** [(17)] practitioner of permanent cosmetic coloring;

1 **(17)** [(18)] practitioner of non-chemical barbering.

2 * **Sec. 8.** AS 08.13.190 is amended to read:

3 **Sec. 08.13.190. Failure to possess a license or permit.** (a) A person who
4 practices barbering, hairdressing, hair braiding, esthetics, tattooing, permanent
5 cosmetic coloring, or body piercing, or operates a shop, or operates a school of
6 barbering, hairdressing, or esthetics, or teaches in a school of barbering, hairdressing,
7 or esthetics, without a license, [TEMPORARY PERMIT,] temporary license **issued**
8 **under AS 08.01.062, temporary supervised practice license**, or student permit and
9 who is not exempt under AS 08.13.120 or **08.13.160(d)** [UNDER AS 08.13.160(d)] is
10 guilty of a class B misdemeanor.

11 (b) A person who practices manicuring, operates a shop for manicuring,
12 operates a school of manicuring, or teaches in a school of manicuring without the
13 appropriate license, [TEMPORARY PERMIT,] temporary license **issued under**
14 **AS 08.01.062, temporary supervised practice license**, or student permit and who is
15 not exempt under AS 08.13.120 or 08.13.160(d) is guilty of a violation.

16 * **Sec. 9.** AS 08.20.180(a) is amended to read:

17 (a) An applicant for an examination, reexamination, [ISSUANCE OF A
18 TEMPORARY PERMIT UNDER AS 08.20.160, ISSUANCE OF A LOCUM
19 TENENS PERMIT UNDER AS 08.20.163,] issuance of a license by credentials under
20 AS 08.20.141, one-time issuance of a retired status license, or initial issuance or
21 renewal of an active or inactive license shall pay a fee established under
22 AS 08.01.065.

23 * **Sec. 10.** AS 08.36.100 is amended to read:

24 **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238 [AND
25 08.36.254], a person may not practice, or attempt to practice, dentistry without a
26 license.

27 * **Sec. 11.** AS 08.63.130 is amended to read:

28 **Sec. 08.63.130. Temporary practice license for the practice of marital and**
29 **family therapy.** (a) The board shall issue a temporary **practice** license for the practice
30 of marital and family therapy to an applicant who satisfies the requirements of
31 AS 08.63.100(a)(1), (2), and (3)(A), (B), and (C) and has been approved by the board

1 to take the marital and family therapy examination.

2 (b) A person may practice under a temporary **practice** license until the board
3 issues the results of the first marital and family therapy examination given after
4 issuance of the person's temporary **practice** license and either issues or denies a
5 license under AS 08.63.100 to the person.

6 (c) If a licensee under this section fails the marital and family therapy
7 examination, the board may not renew the person's temporary **practice** license.

8 * **Sec. 12.** AS 08.64.279 is amended to read:

9 **Sec. 08.64.279. Interview for permits.** An applicant for an intern permit **or** [,]
10 a resident permit [, OR A TEMPORARY PERMIT FOR LOCUM TENENS
11 PRACTICE] may be interviewed in person by the board, a member of the board, the
12 executive secretary of the board, or a person designated for that purpose by the board.

13 * **Sec. 13.** AS 08.64.315 is amended to read:

14 **Sec. 08.64.315. Fees.** The department shall set fees under AS 08.01.065 for
15 each of the following:

- 16 (1) application;
- 17 (2) license by examination;
- 18 (3) license by endorsement or waiver of examination;
- 19 (4) [TEMPORARY PERMIT;
- 20 (5) LOCUM TENENS PERMIT;
- 21 (6)] license renewal, active;
- 22 **(5)** [(7)] license renewal, inactive;
- 23 **(6)** [(8)] license by reexamination.

24 * **Sec. 14.** AS 08.68.220 is amended to read:

25 **Sec. 08.68.220. Fees.** The Department of Commerce, Community, and
26 Economic Development shall set fees under AS 08.01.065 for each of the following:

- 27 (1) registered nursing:
 - 28 (A) application;
 - 29 (B) license by examination;
 - 30 (C) license by endorsement;
 - 31 (D) license renewal;

1 [(E) TEMPORARY PERMIT;]

2 (2) practical nursing:

3 (A) application;

4 (B) license by examination;

5 (C) license by endorsement;

6 (D) license renewal;

7 [(E) TEMPORARY PERMIT;]

8 (3) advanced practice registered nursing:

9 (A) application;

10 (B) license by certification examination;

11 (C) license by endorsement;

12 (D) license renewal [;

13 (E) TEMPORARY PERMIT].

14 * **Sec. 15.** AS 08.80.160 is amended to read:

15 **Sec. 08.80.160. Fees.** The Department of Commerce, Community, and
16 Economic Development shall set fees under AS 08.01.065 for the following:

17 (1) examination;

18 (2) reexamination;

19 (3) investigation for licensing by license transfer;

20 (4) pharmacist license;

21 (5) [TEMPORARY LICENSE;

22 (6)] pharmacy technician license;

23 (6) [(7)] pharmacy intern license;

24 [(8) EMERGENCY PERMIT;]

25 (7) [(9)] license amendment or replacement;

26 (8) [(10)] registration or licensure of a facility classified under
27 AS 08.80.157(b).

28 * **Sec. 16.** AS 08.84.010(b) is amended to read:

29 (b) The board shall control all matters pertaining to the licensing of physical
30 therapists, physical therapy assistants, occupational therapists, and occupational
31 therapy assistants and the practice of physical therapy and the practice of occupational

1 therapy. The board shall

- 2 (1) pass upon the qualifications of applicants;
- 3 (2) provide for the examination of applicants;
- 4 (3) issue [TEMPORARY PERMITS AND] licenses to persons
5 qualified under this chapter;
- 6 (4) suspend, revoke, or refuse to issue or renew a license under
7 AS 08.84.120;
- 8 (5) keep a current register listing the name, business address, date, and
9 number of the license of each person who is licensed to practice under this chapter;
- 10 (6) adopt regulations under AS 44.62 (Administrative Procedure Act)
11 necessary to carry out the purposes of this chapter including regulations establishing
12 qualifications for licensure and renewal of licensure under this chapter.

13 * **Sec. 17.** AS 08.84.050 is amended to read:

14 **Sec. 08.84.050. Fees.** The Department of Commerce, Community, and
15 Economic Development shall set fees under AS 08.01.065 for the following:

- 16 (1) application;
- 17 (2) license by examination;
- 18 (3) license by acceptance of credentials;
- 19 (4) renewal [;
- 20 (5) TEMPORARY PERMIT;
- 21 (6) LIMITED PERMIT].

22 * **Sec. 18.** AS 08.84.150 is amended to read:

23 **Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person
24 to practice physical therapy without being licensed under this chapter unless the
25 person is

- 26 (1) a student in an accredited physical therapy program;
- 27 (2) a graduate of a foreign school of physical therapy fulfilling the
28 internship requirement of AS 08.84.032, and then only unless under the continuous
29 direction and immediate supervision of a physical therapist; or
- 30 (3) issued a **temporary** [LIMITED] permit under **AS 08.01.062**
31 [AS 08.84.075].

1 (b) A person may not provide services that the person describes as
2 occupational therapy without being licensed under this chapter unless the person is

3 (1) a student in an accredited occupational therapy program or in a
4 supervised field work program;

5 (2) a graduate of a foreign school of occupational therapy fulfilling the
6 internship requirement of AS 08.84.032, and then only unless under the continuous
7 direction and immediate supervision of an occupational therapist;

8 (3) an occupational therapist or occupational therapy assistant
9 employed by the United States government while in the discharge of official duties;

10 (4) granted a **temporary** [LIMITED] permit under **AS 08.01.062**
11 [AS 08.84.075];

12 (5) licensed under this title and uses occupational therapy skills in the
13 practice of the profession for which the license is issued; or

14 (6) employed as a teacher or teacher's aide by an educational
15 institution and is required to use occupational therapy skills during the course of
16 employment, if

17 (A) the occupational therapy skills are used under a program
18 implemented by the employer and developed by a licensed occupational
19 therapist;

20 (B) the employer maintains direct supervision of the person's
21 use of occupational therapy skills; and

22 (C) the person does not represent to

23 (i) be an occupational therapist or occupational therapy
24 assistant; and

25 (ii) practice occupational therapy.

26 * **Sec. 19.** AS 08.98.120(a) is amended to read:

27 (a) A person may not practice veterinary medicine, surgery, or dentistry unless
28 the person is licensed as a veterinarian under this chapter or has a temporary permit
29 issued under **AS 08.01.062** [AS 08.98.186], except that a person may perform
30 functions authorized by

31 (1) regulation of the board if the person is licensed as a veterinary

1 technician; or

2 (2) a permit issued under AS 08.02.050 if the person is employed by
3 an agency that has a permit issued under AS 08.02.050.

4 * **Sec. 20.** AS 08.98.180 is amended to read:

5 **Sec. 08.98.180. Temporary supervised practice license.** A person who meets
6 the requirements of AS 08.98.165(a)(1), (4), and (5) is entitled to **receive a**
7 **temporary supervised practice license** [BE TEMPORARILY LICENSED] after
8 applying for examination if the person works under the supervision of a licensed
9 veterinarian. A license issued under this section is valid until the results of the
10 examinations are published. A person may not receive more than one temporary
11 license. An application for a temporary **supervised practice** license must be signed by
12 the supervising veterinarian and accompanied by the temporary license fee required
13 under AS 08.98.190.

14 * **Sec. 21.** AS 08.98.190 is amended to read:

15 **Sec. 08.98.190. Fees.** The department shall set fees under AS 08.01.065 for the
16 following:

- 17 (1) application;
18 (2) examination;
19 (3) investigation of credentials;
20 (4) license;
21 (5) license renewal;
22 (6) temporary **supervised practice** license [;
23 (7) TEMPORARY PERMIT].

24 * **Sec. 22.** AS 08.01.063, 08.01.064(b), 08.01.064(c), 08.01.064(d); AS 08.11.020,
25 08.11.025; AS 08.13.170; AS 08.15.030; AS 08.20.160, 08.20.163; AS 08.26.050;
26 AS 08.36.254; AS 08.45.035; AS 08.64.101(b)(2), 08.64.270, 08.64.275; AS 08.68.210;
27 AS 08.70.130; AS 08.80.150, 08.80.155; AS 08.84.065, 08.84.075; AS 08.86.135, 08.86.166;
28 AS 08.95.125; and AS 08.98.186 are repealed.

29 * **Sec. 23.** This Act takes effect January 1, 2022.

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.**



THE STATE
of **ALASKA**

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500
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Main: 907.269.8160
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MEMORANDUM

DATE: February 23, 2021
TO: Board of Massage Therapists
THRU: Greg Francois, Chief Investigator
FROM: Amber Whaley, Investigator
RE: Investigative Report for the March 01, 2021 Meeting

The following information was compiled as an investigative report to the Board for the period of January 11, 2021 thru February 23, 2021; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegal in Juneau, regarding continuing education audits and license action resulting from those matters are not covered in this report.

OPEN - 17

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
MASSAGE THERAPIST			
2019-001328	Unlicensed practice or activity	Complaint	11/21/2019
2020-000060	Unlicensed practice or activity	Complaint	01/17/2020
2020-000170	Unlicensed practice or activity	Complaint	02/11/2020
2020-000254	Unlicensed practice or activity	Complaint	04/17/2020
2020-001022	Unethical conduct	Complaint	12/16/2020
2020-001132	Unlicensed practice or activity	Complaint	01/19/2021
2021-000009	License application problem	Complaint	01/11/2021
2020-001038	Continuing education	Monitor	
2019-000887	Unlicensed practice or activity	Investigation	02/17/2021
2019-001067	Unlicensed practice or activity	Investigation	06/23/2020
2019-001101	Continuing education	Investigation	09/25/2020
2019-001329	Sexual misconduct	Investigation	11/21/2019
2020-000696	Continuing education	Investigation	07/20/2020
2020-000697	Continuing education	Investigation	07/20/2020
2020-000764	Fraud or misrepresentation	Investigation	11/19/2020
2020-001030	Continuing education	Investigation	10/27/2020
2020-001031	Continuing education	Investigation	10/27/2020

Closed - 22

Case #	Violation Type	Case Status	Closed	Closure
MASSAGE THERAPIST				
2021-000001	Unlicensed practice or activity	Closed-Intake	02/23/2021	Incomplete Complaint
2019-000437	Unlicensed practice or activity	Closed-Complaint	02/03/2021	No Action - Insufficient Evidence
2020-001029	Continuing education	Closed-Complaint	02/02/2021	No Action - No Violation
2020-001036	Continuing education	Closed-Complaint	01/19/2021	No Action - No Violation
2020-001048	Continuing education	Closed-Complaint	02/10/2021	No Action - No Violation
2019-000989	Violation of board order	Closed-Investigation	02/01/2021	License Action
2019-001166	Falsified application	Closed-Investigation	02/01/2021	License Action
2020-000252	Unlicensed practice or activity	Closed-Investigation	02/01/2021	License Action
2020-000549	Continuing education	Closed-Investigation	01/28/2021	License Action
2020-000552	Continuing education	Closed-Investigation	02/01/2021	License Action
2020-000556	Continuing education	Closed-Investigation	02/01/2021	License Action
2020-000557	Continuing education	Closed-Investigation	02/01/2021	License Action
2020-000558	Continuing education	Closed-Investigation	02/01/2021	License Action
2020-000560	Continuing education	Closed-Investigation	02/11/2021	No Action - No Violation
2020-000656	Continuing education	Closed-Investigation	02/01/2021	License Action
2020-000683	Continuing education	Closed-Investigation	02/01/2021	License Action
2020-000685	Continuing education	Closed-Investigation	02/01/2021	License Action
2020-000801	Sexual misconduct	Closed-Investigation	02/01/2021	License Action
2020-000803	Unlicensed practice or activity	Closed-Investigation	02/01/2021	License Action
2020-000805	Sexual misconduct	Closed-Investigation	02/01/2021	License Action
2020-000837	Continuing education	Closed-Investigation	02/01/2021	License Action
2020-000855	Sexual misconduct	Closed-Investigation	02/01/2021	License Action

END OF REPORT

FOR DISCUSSION

CEU Courses by Health Care Providers Related to Massage Therapy

Completed CE courses are substantially applicable to the definition of scope of practice of massage and is an acceptable CE to a nationally recognized professional certification body or a professional licensing program that is recognized in Alaska Statute 08.... Applicant will need to provide a written explanation of the applicability to the practice of massage therapy as per 08.61.100.

What will the regulation do?

This regulation will expand the variety of courses that licenses massage therapists can complete to fulfill CE obligations for license renewal.

I AM RECOMMENDING EDITS TO THE CURRENT CE APPLICATION – BOX #4 IS A CONCEPT BASED ON THE DISCUSSION OF EXPANDING ACCEPTED CEU COURSES.

Draft Application

Renewal for licenses first issued on or before September 30, 2021.

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 Oct. 1, 2019, through September 30, 2021.

None of the course topics are on the Board's List of Unacceptable Continuing Education.

Completed CE courses are approved by one or more of the following:

(A) Associated Bodywork and Massage Professionals; (B) the American Massage Therapy Association; (C) the Federation of State Massage Therapy Boards; and (D) the National Certification Board for Therapeutic Massage and Bodywork.

CE courses that you wish to submit that are not recognized by the above criteria must meet the following requirement and be accompanied by a written explanation of its applicability to the practice of massage therapy as per. 08.

Completed CE courses meet the following criteria:

Completed CE courses are substantially applicable to the definition of scope of practice of massage and is an acceptable CE to a nationally recognized professional certification body or a professional licensing program that is recognized in Alaska Statute 08. (ie;. Board of nursing, Board of Physical Therapy, Board of Chiropractic Examiners...)

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 THE MEETING
7 January 25-26, 2021
8

9 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62
10 Article 6, a scheduled meeting of the Board of Massage Therapists was held via videoconference and at
11 State Office Bldg., 9th Floor, Conference Room B, January 25-26, 2021
12

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

16 **Agenda Item 1 Call to Order/Roll Call:**

17
18 The meeting of the Board of Massage Therapists was called to order by David Edwards-Smith, Chair at
19 9:17 a.m. Members present were:
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 Emily Sullivan, Licensing Examiner
32 Cynthia Spencer, Records and Licensing Supervisor
33 Megyn Weigand, Attorney, Department of Law
34 Sara Chambers, Division Director
35 Melissa Dumas, Administration Officer
36

37 **Public Joining Telephonically**

38
39 Christina Hooper, Alaska Massage Therapy Association
40 Laura Embleton, Associated Bodywork & Massage Professionals
41 Nanette Greer, Applicant for Massage Therapist Licensure
42

43 **Agenda Item 2 Review/Approve Agenda**

44
45 The board reviewed the agenda and added items for unacceptable continuing education courses to
46 agenda item 5, distance learning accreditation programs to agenda item 5, and apprenticeship program
47 information to agenda item 8.
48

49 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a**
50 **roll call vote, it was RESOLVED to APPROVE the agenda as amended.**
51

52 **Agenda Item 3 Ethics Reporting**

53
54 The Board reviewed the provided ethics information. There were no ethics violations reported.

55
56 *Director Sara Chambers and Megyn Weigand Department of Law attorney joined the meeting.*

57
58 **Agenda Item 4 Executive Session Training with Megyn Weigand, DOL**

59
60 Ms. Megyn Weigand introduced herself to the board as an attorney from the Attorney General's Office.
61 Ms. Weigand informed the board she was there for guidance and questions regarding the use of
62 executive session. Ms. Weigand discussed with the board the five areas that they need guidance on.

63
64 Ms. Weigand stated that the board should not use executive session to review every application, as it is
65 not in line with the Alaska statutes governing the use of executive session for professional regulating
66 boards. The board can consider an application on the public record and if there is a narrow issue putting
67 the applicant at risk of prejudicing their professional reputation or character, then that can be discussed
68 in Executive Session.

69
70 Chair David Edwards-Smith asked Ms. Weigand if the board has a group of applicants with a need to go
71 into executive session is that done all at one time or does the board need to go into a separate executive
72 session for each applicant. Ms. Weigand clarified the board must go into executive session then back on
73 public record for each applicant. Ms. Weigand suggested that the OLE send an email to applicants
74 before the meeting providing meeting details and inform them they have the opportunity to request
75 executive session for a part of their application that meets one the four executive session requirements;
76 If the applicant wishes to have their application discussed completely on public record, the board should
77 abide by that and conduct the application review on public record. If an applicant requests their
78 application be reviewed completely in executive session, the OLE must explain that only parts of the
79 application that match the statutory authority can be discussed in executive session. Ms. Weigand also
80 informed the board that holding entire discussions in executive session leaves them vulnerable to their
81 actions being reversed.

82
83 Ms. Weigand stated she couldn't think of any factors that would substantiate the board discussing CE
84 audits in executive session. Ms. Weigand went on to state that General CE discussions should be held on
85 public record for the benefit of the public and licensees, however, if the application goes down the
86 disciplinary track, then the use of executive session becomes more supportable under the statute's
87 authority; discussing CE units in executive session prevents the public and prevents licensees from
88 knowing which programs and courses the board deems satisfactory to meet the CE unit requirements.
89 Ms. Weigand stated this can easily create a situation in which subsequent renewals are plagued by the
90 same deficiencies and lead licensees to spend their money and their time completing programs that the
91 board does not accept but they were not able to get that knowledge.

92
93 Ms. Weigand reminded the board that an applicant's educational background is not required by law to
94 be kept confidential; if the board interviews an applicant, a majority of it should be held on public
95 record, if an applicant's requests that a portion of the interview that may prejudice the reputation or
96 character be held on in executive session, it still needs to be recorded; the portion of the interview
97 recorded in executive session shall not be on public record or transcribed in the meeting minutes.

98
99 Ms. Gilmour asked Ms. Weigand if a board member files a complaint, do they need to recuse themselves
100 for that portion of the meeting or can they stay in the meeting but not participate in the discussion and
101 abstain voting. Ms. Weigand informed the board judges do not like the appearance of a complainant or

103 witness involved in the discussion and voting; in this type of event, the complainant should not be
104 present in the executive session in this situation.

105
106 Ms. Weigand presented the board the policies and motivations behind the State's intent of limitations
107 on the use of executive session. Ms. Weigand thanked the board for their time and suggested they
108 contact her with questions by emailing through the division.

109
110 **TASK: OLE will email applicants with applications that are to be considered by the board the**
111 **time and date of the meeting and give the applicant the opportunity to request executive**
112 **session be held for part of their application).**

113
114 *Recess The board recessed at 10:06a.m. for a break; reconvened at 10:15a.m. Emily Sullivan*
115 *conducted a roll call vote – all board members present.*

116
117 *Nanette Greer, Laura Embleton, and Christine Hooper joined the meeting.*

118
119 **Agenda Item 5 Miscellaneous**

120
121 **Continuing Education Discussion**

122
123 Ms. Gilmour read her statement regarding Continuing Education courses that are related to massage
124 therapy, provided by similar professions for example, chiropractors or physical therapists; classes that
125 pertain to massage therapy but allow to work in similar professional settings with chiropractors or
126 physical therapists, that promote a higher level of care. Content considered on merit and applicability as
127 opposed to only providers. Any education that compliments massage therapy and helps promote the
128 safety and healthy living of a client should be considered whether it be from a registered massage
129 therapy institute or another. Ms. Gilmour added that she would like to find a way to reduce the costs
130 from legal conducting CE audits while keeping licensees informed on approved CE courses.

131
132 Ms. Motz believes that this should become a regulations project if they are to change the way they
133 review continuing education courses. Ms. Motz stated CE reviews are not based on individual board
134 members' personal feelings and decisions are made based on statutes, regulations, and the
135 Unacceptable Continuing Education list taken directly from NCBTMB with a few additions to the list
136 made by the board. Ms. Motz stated she believes it is the board's due diligence to keep CE for massage
137 therapy centered in massage therapy. Ms. Motz reminded the board that animal massage is not under a
138 massage therapists' scope of practice in Alaska, as this must be conducted by a veterinary technician or
139 directly supervised by a veterinarian. Ms. Motz stated she would also like to better educate licensees on
140 acceptable CE courses and the correlation between licensees not completing their required CEU's and
141 licensing fees.

142
143 Ms. Gilmour responded that she would like a regulation project to amend regulation 12 AAC 79.210.
144 Chair Edwards-Smith stated he agrees with Ms. Gilmour and supports educational content that elevates
145 the competency of a massage therapist to work in relationships with other healthcare providers. Chair
146 Edwards-Smith informed the board the Regulation 79.210(e)(3) states approval is not exclusive to the
147 listed board approved schools/organizations and asked for board input on whether they felt a regulation
148 project was needed.

149
150 Ms. Endle agreed with Ms. Gilmour on expanding the approved CE courses and agreed with Chair
151 Edwards-Smith that regulation verbiage states approval of courses are not exclusive to the list of board
152 approved schools/organizations.

153

154 **TASK: Board to research and determine what entities of accreditation that are used by peer**
155 **licensing boards (Chiropractic or physical therapy, athletic trainers).**

156
157 **TASK: Consult with Jun on whether regulation 79.210(e)(3) needs to be amended to include**
158 **schools or organizations that are not listed.**

159
160 Distance Education Accreditation Research Discussion

161
162 Chair Edwards-Smith reminded the board of the previous task of researching distance education
163 accreditation criteria, Chair Edwards-Smith stated he does not think the board is prepared to provide a
164 regulation project. Chair Edwards-Smith stated he would like an update if anyone has researched the
165 key topics of criteria that are necessary in order to be accepted by this board as an accreditation body
166 and he would like the board to research on the Distance Education Accrediting Commission (DEAC)
167 website.

168
169 Ms. Endle requested clarification on what they were researching and where they are researching for this
170 information.

171
172 Chair Edwards-Smith restated that he would like the board members to go to the DEAC website and
173 research distance education accreditation programs to find the fundamental requirements in the
174 programs that makes an accredited program credible; find different programs have the same
175 requirements and present to the board at the next meeting.

176
177 **Task: Board members to conduct research on criteria for online distance accreditation**
178 **programs.**

179
180 Applications Approved Via OnBoard

181
182 Emily Sullivan read list of applicants approved via OnBoard since the September 10 - 11, 2020 board
183 meeting.

184
185 Legislative Bills Discussion

186
187 Chair Edwards-Smith asked the board if there were any agenda items they would like moved up, as they
188 were ahead of schedule. Chair Edwards-Smith suggests discussing HB4, HB8, HB11, and SB15.

189
190 Ms. Gilmour supported moving the discussion of the house bills to earlier in the day. Ms. Gilmour stated
191 she would like to discuss the legislative bills in the event the board would like to write letters of support.
192 Ms. Gilmour explained HB4 pertains to the board as it protects licensees from liability and disciplinary
193 action in the event a licensee transmits COVID-19 to a client unknowingly.

194
195 Chair Edwards-Smith stated he is in favor of HB4, emphasizing that to qualify the professional is required
196 to be in substantial compliance with the health mandates in effect at the time of exposure. Chair
197 Edwards-Smith agreed to writing a letter of support.

198
199 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously without a**
200 **roll call vote, it was RESOLVED to have Chair David Edwards-Smith write a letter of support to**
201 **the sponsor of HB4.**
202

203 Ms. Gilmour stated she would like to suggest the board monitor SB15 as it addresses the open meetings
204 acts to ensure the board does not make any violations and obtain a better understanding of the open
205 meetings act.

206
207 Chair Edwards-Smith agreed that this is a good bill to review and monitor going forward.

208
209 Ms. Gilmour suggested the board monitor SB27 for information purposes.

210
211 Ms. Gilmour stated she would like to discuss SB30; if this bill passes, the board can request an
212 amendment to add that licensees will have the ability to bill retirees for preventative medicine added.
213 Ms. Gilmour proposed that the board reach out to the sponsor of SB30 to request adding-massage
214 therapists as payees.

215
216 Ms. Motz stated she supports reaching out to Senator Begich and would like to find others who are in
217 support of the bill.

218
219 Chair Edwards-Smith stated he would like to wait on proposing a motion and would rather have a Ms.
220 Motz draft a letter, present it to the board, and possibly write a motion, tomorrow January 26, 2021.

221
222 *Recess The Board recessed at 11:19 a.m. for lunch; reconvened at 1:00 pm. Emily Sullivan*
223 *conducted a roll call vote – all board members present.*

224
225 **Agenda Item 7 Division & Financial Update**

226
227 Chair Edwards-Smith welcomed Melissa Dumas, Administrative Officer, to present the Division/Financial
228 Update to the board. Ms. Dumas presented the division's 1st and 2nd Quarter budget reports to the
229 board.

230
231 Ms. Dumas presented the budget report showing how last past three biennium periods compare to the
232 current 4th biennium. Ms. Dumas reported that the massage therapy program has produced \$37,860.00
233 in revenue thus far in the fourth biennium period. Ms. Dumas presented the next section of the budget
234 report, breaking down the program's expenditures. Ms. Dumas reported a total of \$131,566 in
235 expenditures and reported the massage therapy program has a total deficit of \$13,110 after adding last
236 year's carry forward surplus.

237
238 Ms. Gilmour questioned how accurate the place holder for the indirect cost was.

239
240 Ms. Dumas stated that it is not completely accurate and might be higher, however the program will
241 continue to bring in revenue over the course of the year.

242
243 Ms. Dumas informed the board that the governor has mandated fee increases cease for the time being.

244
245 Ms. Gilmour stated that she was concerned about when the fee increases would happen. Ms. Dumas
246 responded that she was not sure if fee increases would happen before the upcoming renewal and that
247 she recognized delaying fee increases is not helpful in the long run and results in larger increases in the
248 future.

249
250 Chair Edwards-Smith asked if there were any variations in costs from previous quarters. Ms. Dumas
251 reported that there was an increase in investigations compared to last year.

252

253 Ms. Endle requested a breakdown of continuing education audits. Ms. Dumas stated that the division
254 does not track expenditures at that level, however she could estimate how many hours the paralegal is
255 spending on the program as well as the licensing examiner.

256
257 Ms. Gilmour asked Ms. Dumas how much the fingerprint fee should be to make sure the program covers
258 the costs and does not lose money. Ms. Dumas stated her goal to have all programs charge \$75 for
259 fingerprints to cover costs.

260
261 Chair Edwards-Smith suggested the complete administrative business today and have a late start
262 tomorrow at 10:00am.

263
264 The board agreed to move administrative business up and start at 10:00am tomorrow, January 26, 2021.

265
266 **Agenda Item 12 Administrative Business**

267
268 Chair Edwards-Smith asked the board if they had any changes to the September meeting minutes.

269
270 Ms. Gilmour stated she did not see any changes and would like to move to approve the September 2020
271 meeting minutes.

272
273 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a poll
274 of the board, it was RESOLVED approve the September 2020 meeting minutes.**

275
276 Chair Edwards-Smith asked the board if there were amendments for the October 2020 meeting minutes.

277
278 Ms. Motz moved to approve the October 2020 meeting minutes.

279
280 **In a motion made by Jill Motz, seconded by Julie Endle, and passed by a majority roll call vote
281 with Traci Gilmour abstaining, it was RESOLVED approve the October 2020 meeting minutes.**

282
283 Chair Edwards-Smith asked the board if there were amendments for the November 2020 meeting
284 minutes.

285
286 Ms. Gilmour moved to approve the November 2020 meeting minutes.

287
288 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a poll
289 of the board, it was RESOLVED approve the November 2020 meeting minutes.**

290
291
292 **Agenda Item 11 Correspondence**

293
294 The board reviewed the response to Ms. Conrad's email regarding applying unused CE to another
295 renewal period, written by the previous OLE, Dawn Dulebohn. Ms. Gilmour stated she would like to go
296 on the record that Ms. Dulebohn did a fine job responding to Ms. Conrad's email. Ms. Gilmour stated
297 she fully empathized and understood where Ms. Conrad was coming from.

298
299 Chair Edwards-Smith stated he believes Ms. Dulebohn's response was adequate and moving unused
300 continuing education credits to the next licensing period will not work.

301

353 most important thing that we can do as far as a safety measure for therapists and for the public, to
354 ensure that it is happening in a treatment room.

355
356 The board discussed specific verbiage on their guidance letter and the to the conclusion that referencing
357 CDC requirements was sufficient.

358
359 Director Sara Chambers provided clarity and informed the board that massage therapists need to know
360 what the CDC, the National Institutes of Health, and OSHA say about massage therapy practice or things
361 that are related to their practice of massage therapy. Director Chambers reminded the board that CDC
362 guidelines and NIH guidelines, by law, must be followed by massage therapists in Alaska this board
363 adopted them in their regulations.

364
365 The board agreed to review the letter tonight, and discuss edits or additions tomorrow, January 26th,
366 2021.

367
368 Phase 1A Tier 3 Vaccine Discussion

369
370 Chair Edwards-Smith discussed the letter sent to licensees in late 2020 regarding vaccine eligibility. They
371 would like clarity on whether massage therapists are eligible for the COVID-19 vaccine.

372
373 Director Chambers informed the board that there are three requirements that need to be met for
374 healthcare workers to get the vaccine; they must have direct human patient contact or have direct
375 contact with infectious materials from patients, provide essential services in a hospital, clinic, home, or
376 community based setting that cannot be offered remotely or performed via telework, provide a service
377 in a health care setting that cannot be postponed without detrimental impact to the patient's short-
378 term or long-term health outcomes. Director Chambers advised the board that there is a quiz you can take
379 on DHSS's website to see if you are eligible for the vaccine that is very helpful.

380
381 Director Chambers stated she is going to send a mass email out to licensees regarding vaccine eligibly
382 discussed today, January 25th, 2021.

383
384 General COVID-19 Information

385
386 Chair Edwards-Smith presented a response to a list of questions regarding COVID-19 sent to him by Ms.
387 Gilmour. Ms. Gilmour stated she would like his response posted to the Board's FAQ's as soon as
388 possible.

389
390 Director Chambers suggested the board post this information on the division's COVID-19 webpage to
391 make is easier for licensees to locate. Director Chambers informed the board that all programs have
392 links to the divisions COVID-19 website as a tool for licensees to locate this type of information.

393
394 Legislation Review

395
396 Director Chambers informed the board that they should review HB15 as it gives the division an
397 opportunity to issue a temporary license to anyone hold an unencumbered license that has substantially
398 similar requirements in another state or jurisdiction; this allows licensees to work while thy are finishing
399 up state exams or state requirements for 180 days.

400
401 **TASK: Review HB15 to see if the board would like to send a letter of support.**

402

403 Discussion & Final Decision on Acupressure vs Massage Therapy

404

405 Chair Edwards-Smith stated he believes the definition of acupressure fits the statutory definition of
406 massage therapy. Ms. Motz agreed with Chair Edwards-Smith

407 Ms. Gilmour stated she believes that it is not the same curriculum as massage therapy and thought it
408 was similar to reflexology which does not fall under the massage therapist's scope of practice.

409

410 Ms. Motz-stated that reflexology is limited to the feet, while acupressure is a fully body technique.

411

412 Ms. Endle stated she looked for more information on acupressure and believes it does fall under the
413 massage therapist's scope of practice.

414

415 Ms. Motz-volunteered to draft a motion to be voted on tomorrow, January 26, 2021.

416

417 The board decided to start the board meeting tomorrow January 26, 2021, at 9:30am instead of 9:00am.

418

419 Agenda Item 9 Recess until January 26, 2021

420

421 *The Board recessed at 3:24 p.m. until January 26, 2021 at 9:41a.m.*

422

423 Agenda Item 10 Roll Call

424

425 **Board Members present, constituting a quorum:**

426

427 David Edwards-Smith- Board Chair, Licensed Massage Therapist

428 Traci Gilmour- Vice Chair, Licensed Massage Therapist

429 Jill Motz, Licensed Massage Therapist

430 Kristin Tri, Licensed Massage Therapist

431 Julie Endle, Public Member

432

433 **Division Staff present:**

434

435 Emily Sullivan, Licensing Examiner

436 Cynthia Spencer, Records and Licensing Supervisor

437 Sara Chambers, Division Director

438 Jun Maiquis, Regulations Specialist

439 Michael Bowles, Investigator

440 Amber Whaley, Senior Investigator

441 Marilyn Zimmerman, Paralegal

442

443 **Public Joining Telephonically**

444

445 Nanette Greer, Applicant for Massage Therapist Licensure (in at 11:21 a.m.)

446 Laura Embleton, Associated Bodywork & Massage Professionals

447 Anthony Phillips, Applicant for Massage Therapist Licensure

448 Dawn Dulebohn, Public

449

Agenda Item 8 New Business Continued

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Discussion & Final Decision on Acupressure vs Massage Therapy

The board discussed that acupressure is a manual technique that uses hands to touch and manipulate soft tissues which falls under 12 AAC 08.61.100(5).

In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call vote, it was RESOLVED to include acupressure in the definition of massage therapy per 12 AAC 08.61.100(5)(A).

In a motion made by Jill Motz, and seconded by Kristin Tri, it was RESOLVED to amend the previous motion to correct the cited statute to 12 AAC 08.61.100(5).

Legislative Review

The board discussed if they should support HB15. Ms. Gilmour stated section 4B pertains to the board but had some concerns whether the division reviews the applications, or the board reviews the applications. Chair Edwards-Smith suggested a subcommittee or board member correspond with the sponsors of the bill to get a better understanding of the bill and discuss the board's concerns. Chair Edwards-Smith volunteered for the task to correspond with the HB15's sponsors.

Task: Chair-Edwards-Smith will correspond with the bill sponsors for House Bill 15.

COVID-19 Board Guidance

Ms. Motz read her COVID-19 guidance letter to the board for discussion. The board discussed verbiage on addressing noncompliance and legal obligations. The board compromised to add links to the document including the disciplinary matrix. Chair Edwards-Smith did not see the need for a motion, as the board came to a consensus in approval of Ms. Motz's COVID-19 letter.

Task: OLE will send Ms. Motz's letter to Record & Licensing Supervisor Cynthia Spencer to be reviewed by Director Sara Chamber once a greeting, closing and links have been added to the letter.

Legislative Review

Ms. Motz read her letter to Senator Begich to the board for comments or concerns. The board approved of Ms. Motz's letter and would like to move forward with contacting Senator Begich.

In a motion made by Traci Gilmour, and seconded by Julie Endle, with unanimous consent, it was RESOLVED to appoint Jill Motz as designee to contact Senator Begich regarding Senate Bill 30.

Recess The board recessed at 10:09a.m. for a break; reconvened at 10:15a.m. Emily Sullivan conducted a roll call vote – all board members present.

Agenda Item 13 Application Review

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T.W.

The board discussed the additional transcript received from Bushnell University and found that it was hard to comprehend as it was difficult to discern from transcript-to-transcript analysis form how some of the courses applied to the massage therapy curriculum requirements of regulation 12 AAC 79.100(b)(2)(B). After reviewing the transcript analysis form filled out by the applicant, the board concluded that it was filled out incorrectly. The board would like applicant T.W. to break down the massage program in the correct areas on new transcript analysis forms and send it back to the board for review.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to send T.W.'s application back for further clarification of the Transcript Analysis Form per 12 AAC 79.100(b)(2)(B).

K.T.

The board reviewed and discussed the reinstatement of K.T. and found they met the requirements per 12 AAC 79.200(c).

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the application for reinstatement for Keith Thompson per 12 AAC 79.200(c).

N.G.

The board discussed amending the required education hours upon review of the September 23, 2019 transcript. The board reviewed the September 23, 2019 transcript and found it difficult to analyze without a transcript analysis form completed. The board briefly discussed stale documentation.

Ms. Greer informed the board that she has completed remedial education courses since the board last reviewed her application and would like those to be applied to the deficit of hours found by the board. The board concluded that in order to accurately assess whether N.G. has met the 500 hour education requirement per 12 AAC 79.100(b)(2)(A), a transcript analysis form must be completed by the applicant or school, as well as a transcript analysis form and transcripts for any remedial or continuing education hours completed by N.G.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to require receipt of an updated transcript analysis form reflecting 500 hours completed at Aloha Massage Academy; and a transcript analysis form and official transcripts for remedial hours completed by the applicant since the board last reviewed her application.

A.P.

The board reviewed and discussed the application by exam for A.P. and found they met the requirements per 12 AAC 79.100.

546 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll
547 call vote, it was RESOLVED to APPROVE the application by exam for Anthony Phillips per 12
548 AAC 79.100.

549
550 **Task: OLE will redact mailing, physical and email addresses on applications presented to the**
551 **board during video conference meetings from now on.**

552
553 **Task: OLE will create a separate packet from the main board packet for applications that will**
554 **be reviewed by the board during video conference meetings from now on.**

555
556 **Task: OLE will include a record of how board members previously voted on an application in**
557 **the board packet.**

558
559 *Recess The Board recessed at 12:31 p.m. for lunch; reconvened at 1:01 pm. Emily Sullivan*
560 *conducted a roll call vote – all board members present.*

561
562 **Agenda Item 16 Public Comment**

563
564 Laura Embleton introduced herself to the board and informed them she is the national government
565 relations director for Associated Bodywork and Massage Professionals and available to the board if they
566 need any assistance.

567
568 There were no other attendees for public comment, so the board moved on to the next agenda item.

569
570 **Agenda Item 13 Application Review Continued**

571
572 K.C.

573
574 The board reviewed and discussed the application by exam for K.C. and found they met the
575 requirements per 12 AAC 79.100.

576
577 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll**
578 **call vote, it was RESOLVED to APPROVE the application by exam for Katheryne Christian per 12**
579 **AAC 79.100.**

580
581 S.A.

582
583 The board reviewed and discussed the application by exam for S.A. and found they met the
584 requirements per 12 AAC 79.100.

585
586 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll**
587 **call vote, it was RESOLVED to APPROVE the application by exam for Shanelle Afcan per 12 AAC**
588 **79.100.**

589
590 A.W.D. CE Audit Reconsideration

591
592 The board discussed the CE-tax class taken by A.W.D. Ms. Gilmour stated the class was specifically for
593 licensed massage therapists and believes the CE-course should be approved. Chair Edwards-Smith
594 reminded the board that the class taken by A.W.D. is not on the unapproved CE courses list and agrees
595 with Ms. Gilmour on approving the CE course. Upon reconsideration of CE audit with submission of
596 addition documentation the board found the met requirements of 12 AAC 79.210.

598 In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a
599 roll call vote, it was RESOLVED to APPROVE the continuing education courses for renewal of
600 licensure for Andrea Wilt-Duncan per 12 AAC 79.210.

601
602 *Recess The board recessed at 1:18p.m. for a break; reconvened at 1:30p.m. Emily Sullivan*
603 *conducted a roll call vote – all board members present.*
604
605

606
607 **Agenda Item 14 Regulation Projects**
608

609 Jun Maiquis, Regulation Specialist, and the board discussed their ongoing regulation projects. Mr.
610 Maiquis informed the board that the ongoing regulation projects have been previously discussed with
611 the regulations specialist and approved to be posted for public comment. Mr. Maiquis and the board
612 discussed that the regulation projects were put on hold due to COVID-19 and a delay on a companion
613 fee regulation. Mr. Maiquis informed the board that Director Chambers approved moving forward with
614 the board’s companion fee project. Mr. Maiquis also informed the board he would post the regulations
615 project for public comment and reconvene for a special regulation meeting with the board once public
616 comments have been received.

617
618 Chair Edwards-Smith informed Mr. Maiquis that the board would like to discuss a possible regulation
619 project to expand their view of continuing education via 12 AAC 79.210. The board would like to know
620 how to move forward to accept CE from similar professions such as physical therapy program and
621 chiropractic program that are relevant to advancing the knowledge of massage therapists. The board
622 discussed what verbiage they would use if they were to add a clause or section to include continuing
623 education courses from similar professions relevant to massage therapy.

624
625 Chair Edwards-Smith would like Ms. Tri and Ms. Motz to form a subcommittee to work with regulations
626 specialist Jun Maiquis and present their ideas before the next board meeting in March 2021.

627
628 *Recess The board recessed at 1:53p.m. for a break; reconvened at 2:00p.m. Emily Sullivan*
629 *conducted a roll call vote – all board members present.*
630

631 *Marilyn Zimmerman, Paralegal joined the meeting at 2:04p.m.*
632

633 **Agenda Item 17 Investigations**
634

635 *Michael Bowles, Investigator and Amber Whaley, Senior Investigator, joined the meeting.*
636

637 Chair Edwards-Smith confirmed with Senior Investigator Amber Whaley that the investigative report can
638 be discussed on the record.
639

640 **Investigative Report**
641

642 Investigator Michael Bowles informed the board the investigative report is for August 27, 2020 through
643 January 11, 2021. There are currently 20 open cases, and since the last board meeting there have been
644 15 closed cases. Chair Edwards-Smith asked Investigator Bowles if he could expand on a case status on
645 litigation initiated. Investigator Bowles informed chair Edwards-Smith that topic need to be discussed in
646 executive session and is on the agenda. Chair Edwards-Smith clarified that he did not need any details,
647 just a description of what processes are executed when litigation is initiated. Investigator Bowles
648

649 explained that litigation initiated means the investigator has inquired with their assistant Attorney
650 General.

651

652 **In a motion duly made by Traci Gilmour, seconded by Julie Endle, it was RESOLVED to ENTER**
653 **into Executive Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to**
654 **Privacy Provisions, for the purpose of discussing “matters involving consideration of**
655 **government records that by law are not subject to public disclosure.” All Division staff to**
656 **remain during Executive Session.**

657

658 *The Board entered executive session at 2:06 p.m., and returned from executive session at 2:51 p.m.*

659 *OLE Sullivan conducted a roll call vote – all board members present.*

660

661 The board made the following motions regarding the cases they reviewed in executive session:

662

663 B.S.

664

665 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed by a majority roll call**
666 **vote with reviewing board member Jill Motz abstaining, it was RESOLVED to APPROVE the**
667 **surrender of license for case #2020-000989 for Brittany Starling as written.**

668

669 J.S.

670

671 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed by a majority roll call**
672 **vote with reviewing board member Jill Motz abstaining, it was RESOLVED to accept the**
673 **imposition of civil fine for case #2019-001166 for John C. Sandy as written.**

674

675 J.K.

676

677 **In a motion made by Julie Endle, seconded by Kristin Tri, and passed by a majority roll call**
678 **vote with reviewing board members Jill Motz and Traci Gilmour abstaining, it was RESOLVED**
679 **to APPROVE the surrender of license for case #2020-000252, 2020-000801, 2020-000803,**
680 **2020-000805, 2020-000855 for Jason Karpinski.**

681

682 M.S.

683

684 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a**
685 **roll call vote, it was RESOLVED to accept the consent agreement for case #2020-000549 for**
686 **Mary Sagal.**

687

688 C.B.

689

690 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll**
691 **call vote, it was RESOLVED to accept the consent agreement for case #2020-000552 for**
692 **Corinne Bullick.**

693

694 J.G.

695 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll**
696 **call vote, it was RESOLVED to accept the surrender of license for case #2020-000557 for**
697 **Joanne Gates.**

698

699 B.E.

700

701 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
702 call vote, it was RESOLVED to APPROVE the CE audit for case #2020-000558 for Boonlom
703 Edwards.

704

705 B.C.

706

707 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
708 call vote, it was RESOLVED to accept the consent agreement for case #2020-000559 for
709 Bunluan Cannon.

710

711 J.W.

712

713 In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a
714 roll call vote, it was RESOLVED to accept reconsideration of acceptable CE units for license
715 renewal and clear audit for case #2020-000560 for Julie Williams.

716

717 J.W.

718

719 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
720 call vote, it was RESOLVED to accept the consent agreement for case #2020-000656 for Jessi
721 Whittom.

722

723 M.J.

724

725 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
726 call vote, it was RESOLVED to accept the consent agreement for case #2020-000683 for
727 Morgan Johnson.

728

729 K.D.

730

731 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
732 call vote, it was RESOLVED to accept the consent agreement for case #2020-000837 for Kerri
733 Denney.

734

735 S.E.

736

737 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
738 call vote, it was RESOLVED to accept the consent agreement for case #2020-000556 for Susan
739 Endsley.

740

741 M.C.

742

743 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
744 call vote, it was RESOLVED to table the consent agreement for case #2020-001030 for Maria
745 Cardoza.

746

Agenda Item 8 New Business Continued

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Apprenticeship Program

OLE Sullivan asked the board for guidance on how the massage therapist apprenticeship works, who is eligible, and process to enter the program. Ms. Motz explained that the board does not have an official apprenticeship program, instead the board accepts the federally recognized massage therapist apprenticeship program through the Department of Labor; anyone can obtain their education through an apprenticeship, and directed OLE Sullivan to the Department of Labor apprenticeship programs website for information on the process to enter the Federally recognized massage therapist apprenticeship program.

OLE Sullivan asked Ms. Motz if there was a separate application for applicants who completed an apprenticeship program and how the board verifies the hours reported were completed by the applicant. Ms. Motz informed OLE Sullivan that applicants that have completed an apprenticeship program need to apply by examination and the responsibility of providing evidence of hours completed is the responsibility of the mentor and mentee.

Agenda Item 20 Adjourn

The board and OLE Sullivan reviewed the tasks made during the January 25-26, 2021 board meeting. OLE Sullivan will compile tasks from September 10-11, 2020 meeting and January 25-26, 2021 meeting and email the list to the board.

At this time, the board concluded all scheduled board business.

In a motion made by Jill Motz, seconded by Julie Endle, and passed with unanimous consent, it was RESOLVED to ADJOURN.

Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended at 3:39 p.m.

Respectfully submitted:

Emily Sullivan, Licensing Examiner

Approved:

David Edwards-Smith, Chairperson
Board of Massage Therapists

Date: _____

January 25-26, 2021 Meeting Task List

1. OLE will email applicants with applications that are to be considered by the board the time and date of the meeting and give the applicant the opportunity to request executive session be held for part of their application).
2. Board to research and determine what entities of accreditation that are used by peer licensing boards (Chiropractic or physical therapy, athletic trainers).
3. Consult with Jun on whether regulation 79.210(e)(3) needs to be amended to include schools or organizations that are not listed.
4. Board members to conduct research on criteria for online distance accreditation programs.
5. Chair David Edwards-Smith will correspond with the bill sponsors for House Bill 15.
6. OLE will send Ms. Motz's letter to Record & Licensing Supervisor Cynthia Spencer to be reviewed by Director Sara Chamber once a greeting, closing and links have been added to the letter.
7. OLE will redact mailing, physical and email addresses on applications presented to the board during video conference meetings from now on.
8. OLE will create a separate packet from the main board packet for applications that will be reviewed by the board during video conference meetings from now on.
9. OLE will include a record of how board members previously voted on an application in the board packet.

September 10-11, 2021 Meeting Task List

1. OLE will add a FAQ to for fees/cost increases and that division sets those fees and not the board.
2. Julie Endle will complete regulations questionnaire for 12 AAC 79.210(h).
3. OLE to create FAQ for approved Online Distance Monitoring Programs approved by the board.
4. Board members to complete research on criteria for online distance monitoring programs for online schools to be made into a regulations project on or before the December 2020 meeting.
5. OLE will send Ms. Embleton's contact information to Melissa Dumas.
6. OLE will contact ABMP to ask that a notice be attached to their magazine articles that they will not be accepted for licensing continuing education credit without proof on the certificate that an exam relating to the course has been passed.

7. OLE will ask the division to present the financial fingerprint breakdown at the December 2020 meeting.
8. OLE will include in the December 2020 agenda an item pertaining to continuing education providers and content as requested by Vice Chair Gilmour.
9. OLE will request that the board's March and September 2021 meetings be held in person in Juneau and Anchorage, respectively.
10. Board research for a regulations project to allow work without compensation for those who are in the application process due on or before the December 2020 meeting.

From: [Heather Arkell](#)
To: [Board of Massage Therapists \(CED sponsored\)](#)
Subject: Clarification for licensing 2021
Date: Thursday, February 11, 2021 8:25:25 PM

So thanks to a fellow LMT I was reminded that the fingerprint requirement is NOT supposed to be this year but 2023.

We need to all EMAIL the board and kindly let them know that their math is wrong
 $2017 + 6 = 2023$

Can I get some clarification please I know your crazy busy and covid isn't helping I would just like to know the actual answer so I'm prepared

Thank you for any help
Heather Arkell

Sent from my iPhone

From: [Occupational, License \(CED sponsored\)](#)
To: [Board of Massage Therapists \(CED sponsored\)](#)
Subject: FW: Transfer massage license
Date: Thursday, February 11, 2021 3:28:57 PM

From: Miranda Cunningham <miranda.s.cunningham@gmail.com>

Sent: Thursday, February 11, 2021 7:17 AM

To: Occupational, License (CED sponsored) <license@alaska.gov>

Subject: Transfer massage license

Hey there!

My name is Miranda Cunningham and I am a Licensed Massage Therapist in the state of Florida MA93569. I received my license and have been practicing consistently since September 2019. I am hoping to work in Hyder, Alaska in May of this year. (I know this is a crazy time and may very well not be possible, but as someone that would like to be in Alaska, obviously I'm a huge fan of a good challenge.) I'm aware that the hour requirement to be licensed in Alaska is 625 hours and Florida is only 500. Therefore I only have 500 hours of schooling, but I have passed my mBLEX and I have been practicing and assisting teaching since I've been licensed. I've heard that my time assistant teaching may be able to be transferred or considered as having more hours to my license.

All that being said, would I just need the Nonrefundable Application Fee, Massage Therapist License Fee, and Fingerprint Processing Fee in order to practice in Alaska? Or would I need to do anything else because of the hour differences?

I appreciate your time and hope to hear from you soon!

--

Miranda Cunningham, LMT, CYT
t. 724-344-3567

From: [Rachel Joan Dale](#)
To: [Board of Massage Therapists \(CED sponsored\)](#)
Subject: kinesiology definition question
Date: Friday, February 19, 2021 4:06:33 PM

Hello:

I have a question on how the Board has defined Kinesiology in the Board Breakdown of Massage Curriculum. Under the contents column anatomy, physiology, pathology and kinesiology are listed but not what the term means to the Board.

What definition does the Board accept and what specific subjects are included?

Does the Board use the definition of the Federation of State Massage Therapy Boards? (This organization "publishes" the MBLEx exam that is a prerequisite before a Massage school graduate can apply for a professional license.)

Thank you
Joan Dale

From: [Beth Fountain](#)
To: [Board of Massage Therapists \(CED sponsored\)](#)
Subject: Question about massage mandate
Date: Thursday, February 18, 2021 12:58:13 PM

Hi,

I have a question in regards to our massage mandate. Now that the state mandate is now a guideline and our emergency order has expired, there seems to be a lot of confusion or questions regarding massage mandates.

If a client has traveled out of state, can they receive a massage without testing? What if they test on returning to AK and then again before day 5?

For example: Client returns on day 1, tested negative and then tested again on day 3 or 4, can they now get a massage? The state doesn't require testing upon arrival to Alaska now, so I was wondering if that changed. Also, any changes with clients that are vaccinated? Can a client receive a massage if they traveled and were vaccinated? I understand following all the CDC guidelines, masking, screening, and cleaning, but the travel seems to be the area myself and other therapists and clients have questions about.

Thank you for your time,

-Beth

From: [Nikki Place](#)
To: [Board of Massage Therapists \(CED sponsored\)](#)
Subject: Questions
Date: Saturday, February 20, 2021 1:51:15 PM
Attachments: [Massage License.pdf](#)

Nicole Place

I am currently licensed as a Massage Therapist. However, I have not been practicing Massage. I have training in Bodywork such as Reiki, CranioSacral, Visceral, Lymphatic and BioSynchronistics. My sessions consist of a fully clothed patient receiving very light touch to rebalance multiple systems in their body.

1. Do I need to keep my massage license to practice this work? I recently had major abdominal surgery and am not not capable of giving a massage even if I wish to.
2. Does the establishment I am working out of need to be licensed? If so, is this my responsibility or the owner of the shop's responsibility?

When I called the phone number on the website the person I spoke to could not answer these questions. I highly recommend some kind of instructions for that person to have more knowledge on these topics.

Please respond to this email for clarification. I have attached my license for reference.

Thank you

Nicole Place

From: [Shauna Branche](#)
To: [Board of Massage Therapists \(CED sponsored\)](#)
Subject: Record keeping requirements
Date: Tuesday, February 16, 2021 10:23:43 AM

Hello! I'm trying to find out how long a massage therapist must keep their chart records from the date of last visit.

Thank you!

Best, Shauna

Sent from my iPhone