

State of Alaska
Board of Massage Therapists

Board Packet

September 10-11, 2020

Videoconference

Originating at:

State Office Building

333 Willoughby Ave.

Juneau, AK 99801

Roll Call

State of Alaska
Office of Boards and Commissions Roster
BOARD OF MASSAGE THERAPISTS

<u>Member</u>	<u>Appointed</u>	<u>Term Expires</u>
David Edwards-Smith, Chair <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2022
Traci K. Gilmour, Vice Chair <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2021
Jill Motz <i>Licensed Massage Therapist</i>	January 23, 2017	March 1, 2022
Kristin Tri <i>Licensed Massage Therapist</i>	03/02/2020	03/02/2024
Julie Endle <i>Public Member</i>	January 24, 2019	March 1, 2021

Ethics

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

The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

Alaska Department of Law

1031 West 4th Avenue, Suite 200

Anchorage, AK 99501

attorney.general@alaska.gov

Phone: (907) 269-5100 | Fax: (907) 276-3697

TTY: 907-258-9161

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Ethics Disclosure Form

<p style="text-align: center;">CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION</p>
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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.*

Review of Agenda



**Alaska Board of Massage Therapists
State Office Building
333 Willoughby Ave., Conf. Rm. B
Juneau, AK 99801**

**September 10-11, 2020
9:00 a.m.**

**Please contact the Licensing Examiner for meeting call in information
before 12:00 p.m. on September 9, 2020 at 907-465-3811 or
BoardOfMassageTherapists@Alaska.Gov.**

Meeting Agenda (Draft)

Day 1

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
1. 9:00 a.m.	Call to Order/Roll Call	Chair
2. 9:05 a.m.	Ethics Report	Chair
3. 9:10 a.m.	Review/Approve Agenda	Chair
4. 9:15 a.m.	Task List from Previous Meetings <ul style="list-style-type: none">• June 18-19, 2020<ol style="list-style-type: none">1. Prorating Massage Establishment Registration Fees2. Confirmation of Board Members from Boards and Commissions3. Henrikson Correspondence4. MER Application Amendment5. MTLD6. Department of Law Referral• March 2, 2020<ol style="list-style-type: none">1. Board Member Statements Regarding Fee Analysis2. FAQ Update3. State Educational Archives4. Accepted State School Approvals/National Accreditation5. New Regulations Cheat Sheet6. Non-Discrimination Statute AS 21.36.090	Chair Edwards-Smith Dulebohn Dulebohn Dulebohn Dulebohn Edwards-Smith Edwards-Smith Dulebohn
5. 10:00 a.m.	Division and Financial Update <ul style="list-style-type: none">• 4th Quarter• Fee Analysis	TBD
6. 10:30 a.m.	Investigative Case Review, Probation Reports, Memos & Consent Agreements (Executive Session, if needed) <ul style="list-style-type: none">• Public Complaint Driven Inspections• FSMTB Invalidated Results• H.K	Investigators Bowles & Medina

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
7. 11:00 a.m.	Regulations Projects <ul style="list-style-type: none"> • Update from June Meeting • Distance Education Accrediting Commission 	Reg. Spec. Zinn
8. 11:30 a.m.	Review Tabled Applications <ul style="list-style-type: none"> • M.C. • S.P. 	Chair
9. 12:00 p.m.	Lunch	Chair
10. 1:15 p.m.	Public Comment	Chair
11. 1:30 p.m.	Tabled Continuing Education Audit <ul style="list-style-type: none"> • M.C. • K.D. • Jo.H. • Je.H. • W.K. • E.K. • H.N. • B.P. • C.R. • T.S. • C.S. • J.V. • L.W. • A.W. • D.N. 	Chair
12: 2:00 p.m.	Continuing Education & CPR Consent Agreements Memo's & Consent Agreements (Executive Session, if needed) <ul style="list-style-type: none"> • CE- C.B.- Requested Discussion with Board • CE- S.E. • CE- H.W. • CE- J.C. • CE- S.K. • CE- L.T. • CE- A.C. • CE- A.W. • CPR W.H. • CPR- T.H. • CPR- N.K. • CPR- H.R. • CPR- K.P. 	Paralegal Zimmerman
13. 3:00 p.m.	New Business <ul style="list-style-type: none"> • Summary of Complimentary Medicine Work Group • Summary of Board Chair Meeting 	
14. 3:30 p.m.	Adjourn or Recess until 9:00 a.m. on September 11, 2020	Chair

Day 2- September 11, 2020

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
15. 9:00 a.m.	Call to Order/Roll Call	Chair
16. 9:05 a.m.	Review Agenda	Chair
17. 9:10 a.m.	Old Business <ul style="list-style-type: none">• Carry-over from Day 1• Motion to Approve Blackboard and Moodle for ODMP• Milady	Chair Motz
18. 10:00 a.m.	Administrative Business <ul style="list-style-type: none">• Statistics from June- September 2020• Meeting Calendar Review<ol style="list-style-type: none">1. December- In-Person Meeting• Review and Approve Meeting Minutes<ol style="list-style-type: none">1. June 18-19, 2020• Document Signing• Correspondence<ol style="list-style-type: none">1. Conrad2. Irwin3. Neill4. Nickell-Zimmerman	Chair
19. 11:59 a.m.	Adjourn	Chair
20. 12:00 p.m.	Lunch	
21. 2:00 p.m.	Virtual Town Hall Meeting (See separate Town Hall Agenda)	Dulebohn

Previous Tasks

June Meeting

Prorating Massage Establishment Registration Fees

From: [Spencer, Cynthia R \(CED\)](#)
To: [Dulebohn, Dawn L \(CED\)](#); [Zinn, Sher K \(CED\)](#)
Subject: RE: MAS- Prorating Massage Establishment Fees
Date: Monday, August 17, 2020 2:03:41 PM
Attachments: [image004.png](#)

Hi Dawn and Sher.

I've checked through the MAS stats/regulations and am unable to find a statute or regulation which addresses the renewal of the establishment registration. All I can find is 12 AAC 79.200 which only references massage therapy license.

Based on the current MAS statute/regulation booklet, I find no renewal required for the establishment registration. However, if I am mistaken, I do believe the registration should allow for pro-rating.

Respectfully,
Cynthia Spencer
Records & Licensing Supervisor
[Board of Barbers & Hairdressers](#)
[Board of Massage Therapists](#)
[Athletic Trainers](#)
[Naturopathy](#)
Direct: 907-465-6246
Office: 907-465-2550
Fax: 907-465-2974



Find updates for your profession or business on the [CBPL COVID-19 Information Page](#)
For the latest information on the COVID-19 (Novel Coronavirus) outbreak in Alaska, please visit coronavirus.alaska.gov

From: Dulebohn, Dawn L (CED)
Sent: Monday, August 17, 2020 9:52 AM
To: Spencer, Cynthia R (CED) <cynthia.spencer@alaska.gov>; Zinn, Sher K (CED) <sher.zinn@alaska.gov>
Subject: MAS- Prorating Massage Establishment Fees
Importance: High

Hello Cynthia & Sher,

I can't remember if we already discussed this so I wanted to send out an e-mail:

12 AAC 02.020 and 12 AAC 02.030 allow for prorating initial license fees for the 1st renewal period if issued after the 1 year mark in a 2 year period. Is this applicable to the massage establishment registration fee as well?? This is a board task I need to be able to present in their September meeting.

Best Regards,

Dawn Dulebohn

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



Confirmation of Board Members from Boards and Commissions

From: [Dulebohn, Dawn L \(CED\)](#)
To: [Kristin Tri](#)
Cc: [David Edwards-Smith](#); [julie endle](#); [Jill Motz](#); [TK Gilmour](#)
Subject: FW: Massage Therapy
Date: Thursday, July 16, 2020 4:18:00 PM

Hello Kristin,

In the June meeting there was some fuzziness as to whether your appointment to the board had been confirmed and I was tasked with obtaining that information. Please see the answer below from Boards and Commissions.

Best Regards,

Dawn Dulebohn

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[Board of Massage Therapists](#) webpage
[Regulation of Athletic Trainers](#) webpage
[Regulation of Naturopaths](#) website
Dawn.Dulebohn@alaska.gov

From: Enright, Courtney F (GOV)
Sent: Thursday, July 16, 2020 4:12 PM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Cc: Ritacco, Gina M (GOV) <gina.ritacco@alaska.gov>; Chambers, Sara C (CED) <sara.chambers@alaska.gov>
Subject: RE: Massage Therapy

Hi Dawn,

We have heard concerns from a variety of boards regarding confirmation. Confirmations including for Kristin Tri have not occurred.

However the legislature passed HB 309 (<http://www.akleg.gov/PDF/31/Bills/HB0309Z.PDF>). In a nutshell HB 309 indicates that the legislature will come back later to act on confirmations, however

the exact timeframe has not yet been decided. Once we know more about the details we will reach out to the individual appointees in limbo and let them know.

Thanks,

Courtney Enright
Deputy Director of Boards and Commissions
Governor Mike Dunleavy
Courtney.Enright@alaska.gov
Office (907) 269-0013
Cell (907) 310-4296

From: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Sent: Thursday, July 16, 2020 11:14 AM
To: Boards and Commissions (GOV sponsored) <boards@alaska.gov>
Subject: RE: Massage Therapy

Hello Gina,

In the last meeting of the Board of Massage Therapists, the board voiced concern of the confirmation of board members this year as it was reported the hearings were cancelled due to COVID-19. Could you please verify that Kristin Tri has been confirmed for her appointment on 03/02/2020?

Best Regards,

Dawn Dulebohn

Licensing Examiner
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[Regulation of Athletic Trainers](#) webpage
[Regulation of Naturopaths](#) website
Dawn.Dulebohn@alaska.gov

Henrikson Correspondence

Edwards-Smith

MER Application Amendment

Dulebohn

From: [Dulebohn, Dawn L \(CED\)](#)
To: [Spencer, Cynthia R \(CED\)](#)
Cc: [Zinn, Sher K \(CED\)](#)
Subject: MAS- Massage Establishment Registration (MER) Application Amendments
Date: Monday, August 17, 2020 10:03:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image006.png](#)

Hello Cynthia,

In the board's June 2020 meeting, after conferring with Sher Zinn, they requested amendments to the massage establishment registration (MER) application.

The board requested that all verbiage relating to "Therapist in Charge" be changed to "Point of Contact" to avoid any implied responsibility.

THERAPISTS IN CHARGE

A Therapist-in-Charge (TIC) should be well versed in the massage therapist's statutes and regulations and be available as an educational resource for the owner. The TIC will also be a point of contact for the Licensing Examiner and the Investigative Staff should any questions arise.


UNREGISTERED ESTABLISHMENTS

Date of Self-Inspection:	
--------------------------	--

Please Identify the therapist-in-charge as well as other massage therapists working in the establishment.

Message Therapist-in-Charge:		License Number:	
<i>List all additional employed massage therapists below:</i>			
Name of Massage Therapist		License Number	

Massage Establishment Self-Inspection Report Checklist

Item	YES	NO	Comments
1. The owner has designated a licensed therapist who practices in this location as the Therapist-in-Charge. 	<input type="radio"/>	<input type="radio"/>	
2. A current copy of the Code of Ethics, Standards of Practice, and Establishment Standards of Operation must be on the premises and made available to the public on request.	<input type="radio"/>	<input type="radio"/>	
3. In full public view, current massage licenses of all employed massage therapists.	<input type="radio"/>	<input type="radio"/>	
4. The owner has a written and or digital system of maintaining client records for at least five (5) years. This includes safeguarding verbal and written confidential information of the client, unless disclosure is required by law, court order or authorized by the client.	<input type="radio"/>	<input type="radio"/>	
5. The owner maintains all equipment used to perform massage therapy services on the premises in a safe and sanitary condition.	<input type="radio"/>	<input type="radio"/>	
6. The owner will maintain compliance with all applicable state and local building and fire codes.	<input type="radio"/>	<input type="radio"/>	
7. The owner will provide for removal of garbage and refuse in a sanitary manner.	<input type="radio"/>	<input type="radio"/>	
8. The owner will provide for safe storage cleaning, and/or removal of soiled linens.	<input type="radio"/>	<input type="radio"/>	
9. Rooms or any cubicle for massage or massage therapy practices may not be equipped with an externally locking door.	<input type="radio"/>	<input type="radio"/>	
10. Establishment shall not operate or be open for business between the hours of 12:00 a.m. and 5:00 a.m.	<input type="radio"/>	<input type="radio"/>	
11. No owner, operator, or employee shall allow television, video, or recording equipment in any room where massage services are being provided. A security surveillance monitor that can only receive images of the inside of the common areas of the establishment is allowed. With written client consent, a massage therapist may use video and photography equipment for therapeutic purposes.	<input type="radio"/>	<input type="radio"/>	
12. Will comply with the Standards of Operation at all times.	<input type="radio"/>	<input type="radio"/>	

I certify that the above information is true and correct. A person who makes a false statement on this application may be subject to civil and criminal penalties, including prosecution for perjury (AS 11.56.200 & AS 11.56.230).

May I have permission to send these changes to Hannah?

Best Regards,

Dawn Dulebohn

Licensing Examiner
 Board of Massage Therapists
 Regulation of Athletic Trainers
 Regulation of Naturopaths
 Corporations, Business, and Professional Licensing
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 Fax: 907-465-2974
[Board of Massage Therapists](#) webpage
[Regulation of Athletic Trainers](#) webpage
[Regulation of Naturopaths](#) website
 Dawn.Dulebohn@alaska.gov



MTLD Update

Dulebohn

From: [Dulebohn, Dawn L \(CED\)](#)
To: [Lorena Haynes](#)
Subject: RE: Update on MTLT
Date: Tuesday, August 4, 2020 3:38:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello Lorena,

I just wanted to send a follow-up to the MTLT and state licensing history document that we have previously discussed as the Alaska Board of Massage Therapists have a meeting coming up in September.

Any new information for me on either front?

Best Regards,

Dawn Dulebohn

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



From: Lorena Haynes [mailto:lhaynes@fsmtb.org]
Sent: Friday, June 5, 2020 11:48 AM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Subject: Update on MTLT

Hi Dawn,

It was nice to see you yesterday. I liked that you had set up a designated videoconferencing space at your office and we may look into doing that with the "new technology funding" voted on by the

finance committee during the town hall yesterday (lol).

You had reached out to me for updated information about the Massage Therapy Licensing Database to try another pitch to your division at the request of your massage board and I said I would get a nice package back to you on Monday. Well, it looks like I have overcommitted myself and am not going to be able to produce the quality package I promised in the timeframe I gave you. I apologize for that.

However, I looked into where we were at with MTLTD right before the quarantine started in March and here is where we are at. We were in the process of cleaning and uploading all the MBLEEx data we have into MTLTD, and we had meetings scheduled with our members that have already signed the MOU (Memo of Understanding) about technical matters in preparation for data uploads. We were actively working with Nevada to upload their information, (we were in the middle of a series of test runs), when the pandemic hit. Once lock downs orders were announced the progress on MTLTD was put on hold as we needed to direct our attention and resources to supporting our member boards and MBLEEx candidates with exam applications in progress. On top of that we had planned upgrades to the MBLEEx application system that was scheduled to go into effect April 1st (unfortunate timing). That effectively delayed any work on MTLTD. Since we have reopened our office on June 1, we have made plans to pick up the MTLTD project where we left off. Starting with rescheduling the above mentioned meetings more software testing and a complete revision of our informational materials.

These are the states that have signed the MOU, Arizona, Florida, Georgia, Iowa, Nevada, North Carolina, Oregon and West Virginia. Nevada is the closest to completion at this moment, the others are in varying phases along the path.

I know this is not what you expected, again I apologize for overcommitting myself and not being able to give you what we discussed. I will follow up and let you know as soon as the new materials come out, but won't be able to get the revision done soon enough to send you the material for the meeting.

Feel free to give me a call if you have any questions or want to discuss the issue.

The next time I will be in the office is Tuesday the 9th.

Stay safe,

Lorena Haynes

Director of Government Relations
Federation of State Massage Therapy Boards
7300 College Boulevard, Suite 650
Overland Park, KS 66210
913.681.0380
lhaynes@fsmtb.org



FSMTB
FEDERATION OF STATE
MESSAGE THERAPY BOARDS

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Department of Law Referral

Dulebohn

March Meeting

Fee Analysis Statements

Board Members

FAQ Updates

Dulebohn

State Educational Archives

Edwards-Smith

Accepted State School Approvals/
National Accreditation

Edwards-Smith

New Regulations Cheat Sheet

Dulebohn

Non- Discrimination Statute

AS 21.36.090

Division/Financial Update

Fee Analysis

Investigative Case Review
&
Probation Report

Probation Report

Medina

Investigations Report

Jacobs

Public Complaint Driven Inspections

Jacobs

FSMTB Invalidated Results

H.K.

Regulations

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General top of the regulation: _____

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law? If yes, effective date of new statute/federal law: _____ <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> Letter to licensees <input type="checkbox"/>

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

Update from June Meeting

Distance Education Accrediting Commission

From: [Dulebohn, Dawn L \(CED\)](#)
To: [Zinn, Sher K \(CED\)](#)
Subject: RE: MAS- Regulations Projects, FAQ forms, and Draft June Meeting Minutes
Date: Wednesday, July 15, 2020 9:00:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Ok. I believe they wanted it in regulation similarly to how NCBTMB and American Red Cross are listed as standards but I see your point. The language reads “approve” and not “add” or “amend”. It is not a make or break change and I’ll let them know in their next meeting and see where they want to go from there.

Dawn

From: Zinn, Sher K (CED)
Sent: Wednesday, July 15, 2020 8:39 AM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Subject: RE: MAS- Regulations Projects, FAQ forms, and Draft June Meeting Minutes

According to the minutes, they didn’t want to add it to the regulation, but approve it as a distance monitoring program per 12 AAC 79.100(5)(d)(1). That means they approve them, and have a running list of the approved programs without having to put them in regulation.

In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll 735 call vote, it was RESOLVED to APPROVE the Distance Education Accrediting 736 Commission (DEAC) for online distance monitoring programs as per 12 AAC 737 79.100(5)(d)(1).

Sher Zinn
Regulations Specialist
Division of Corporations, Business
And Professional Licensing
907-465-1049
Sher.zinn@alaska.gov

From: Dulebohn, Dawn L (CED)
Sent: Wednesday, July 15, 2020 8:34 AM
To: Zinn, Sher K (CED) <sher.zinn@alaska.gov>
Subject: RE: MAS- Regulations Projects, FAQ forms, and Draft June Meeting Minutes

Hi Sher,

- I don’t see a regulation for the DEAC motion from page 17

725

Online Distance Monitoring Programs

726

727 The board reviewed information on the Distance Education Accrediting Commission (DEAC) and
728 whether to add it to regulation 12 AAC 79.100 as a tool in identifying an approved online distance
729 monitoring program similarly to the way the board has approved Alaska Commission on Post-
730 Secondary Education (ACPE) and Commission on Massage Therapy Association (COMTA) as
731 approval/accrediting bodies that aid in identifying approved education programs.

Page | 16

MAS June 18-19, 2020 Minutes

732

733 Ms. Motz stated that the board had discussed the DEAC in other meetings but would like to keep
734 the regulation open for “board approved” online programs as she has identified other online
735 distance education monitoring programs such as Moodle. Ms. Motz asked the board if they would
736 like a motion to include Moodle and Blackboard as an approved program and Ms. Gilmour asked
737 that they wait and be presented with more information on Moodle and Blackboard.

738

739 **TASK:** OLE Dulebohn to include a September 2020 agenda item to include motion
740 on approving Blackboard and Moodle as approved online distance monitoring programs.

741

742 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll
743 call vote, it was **RESOLVED** to **APPROVE** the Distance Education Accrediting
744 Commission (DEAC) for online distance monitoring programs as per 12 AAC
745 79.100(5)(d)(1).

- Did we have a conversation about how “reapply” means that they would literally reapply from scratch and have to resubmit all the applicable fees as well? Just making sure all my “i” are dotted and “t” are crossed...

12 AAC 79.920(c) is amended to read:¶

→ (c) An applicant whose license application has been approved pending receipt of the license fee or additional requirements must submit the license fee or documentation satisfactory to the board that the additional requirements have been met to the department.

Draft 7/8/2020

→

1¶

Register _____, _____, 2020: PROFESSIONAL REGULATIONS¶

¶

within six months after being notified that the license application was approved. An applicant who does not submit the license fee or additional requirements to the department within six months after being notified that the license application was approved must reapply for licensure.¶

(Eff. 4/17/2019, Register 230; am. ___/___/___, Register ___)¶

Authority: → AS 08.61.020¶

- The motion said Division but your regulation says board. Should the motion of said “board”?

Application by Credentials

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to AMEND 12 AAC 79.110 to ADD “the department will, in its discretion, require additional documentation to substantiate the education claimed by the applicant prior to approving an applicant for licensure by credentials.”

¶

12 AAC 79.110 is amended by adding a new subsection to read:¶

→ (c) The **board** will, in its discretion, require additional documentation to substantiate the education claimed by the applicant prior to approving an applicant for licensure by credentials.

(Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am 3/25/2020, Register 233; am

___/___/___, Register ___)¶

Authority: → AS 08.61.020 → AS 08.61.040 → AS 08.61.090¶

→ → AS 08.61.030¶

- This is not something I recall discussing with the board. Would you please tell me why these changes are being made since I’m a dork and am not seeing why...

12 AAC 79.930(a)(2) is amended to read:

→ → (2) notarized, completed self-inspection report form provided by the department, including certification of compliance with the establishment standards of operation adopted by reference in 12 AAC 79.900; [AND]

¶

12 AAC 79.930(a)(3) is amended to read:

→ → (3) the fee required under 12 AAC 02.396; and [.]

¶

Other than these items, I think we're good!!

Thanks,

Dawn

From: Zinn, Sher K (CED)
Sent: Thursday, July 9, 2020 10:36 AM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Subject: FW: MAS- Regulations Projects, FAQ forms, and Draft June Meeting Minutes

Wow, something wrong with my brain today, here are the draft regulations. Sorry! Is it Friday yet?

*Sher Zinn
Regulations Specialist
Division of Corporations, Business
And Professional Licensing
907-465-1049
Sher.zinn@alaska.gov*

From: Zinn, Sher K (CED)
Sent: Thursday, July 9, 2020 10:34 AM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Subject: RE: MAS- Regulations Projects, FAQ forms, and Draft June Meeting Minutes

Hi Dawn,

So I drafted the regulations from the minutes. If you could take a look at it by next week and let me know if this is what the board wants, that would be great. Typically I'll draft them then have the board review and approve to go out for public comment. That would give them an opportunity to

make any changes, but since we sidestepped that process, you can let me know if this is what they want.

They may not look exactly like this once I send them out as I expect 12 AAC 79.930 may need to be repealed and readopted to make it flow better. I also am waiting on Melissa to determine what the change of location should be for the establishments. The fee regs will have to go out at the same time.

Thank you!

Sher Zinn
Regulations Specialist
Division of Corporations, Business
And Professional Licensing
907-465-1049
Sher.zinn@alaska.gov

From: Dulebohn, Dawn L (CED)
Sent: Tuesday, July 7, 2020 9:12 AM
To: Zinn, Sher K (CED) <sher.zinn@alaska.gov>
Subject: MAS- Regulations Projects, FAQ forms, and Draft June Meeting Minutes

Hi Sher,

Here are the FAQ forms and draft meeting minutes from the June 18-19, 2020 meeting.

Regulations discussions are on page 13-17 and 27-28.

Please let me know if you need anything further from me on this.

Best Regards,

Dawn Dulebohn

Licensing Examiner
Board of Massage Therapists
Regulation of Athletic Trainers
Regulation of Naturopaths
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P.O. Box 110806
Juneau, AK 99811-0806
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Dawn.Dulebohn@alaska.gov

Review Tabled Application

M.C.

S.P.

Lunch

Public Comment

The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak; the licensing examiner will keep track of the time and notify the individual when they have 1 minute left.

This is not the time for the board to respond to the comments. The board can choose to respond to any comments at the end of the comment period; they can choose to send a letter with their responses to the individual; or they can choose to not respond.

Review Tabled Continuing Education Audits

M.C.

K.D.

Jo. H.

Je. H.

W.K.

E.K.

H.N.

B.P.

C.R.

T.S.

C.S.

J.V.

L.W.

A.W.

D.N.

Continuing Education
&
CPR Consent Agreements

(Executive Session, if needed)

CE Consent Agreement

C.B.

Discussion Requested

CE Consent Agreement

S.E.

CE Consent Agreement

H.W.

CE Consent Agreement

J.C.

CE Consent Agreement

S.K.

CE Consent Agreement

L.T.

CE Consent Agreement

A.C.

CE Consent Agreement

A.W.

CPR Civil Fines

W.H.

CPR Civil Fines

T.H.

CPR Civil Fines

N.K.

CPR Civil Fines

H.R.

CPR Civil Fines

K.P.

New Business

Summary of Complimentary Medicine Work Group

Summary of Board Chair Meeting

Recess Until Next Day...

Roll Call

Day 2

State of Alaska
Office of Boards and Commissions Roster
BOARD OF MASSAGE THERAPISTS

<u>Member</u>	<u>Appointed</u>	<u>Term Expires</u>
David Edwards-Smith, Chair <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2022
Traci K. Gilmour, Vice Chair <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2021
Jill Motz <i>Licensed Massage Therapist</i>	January 23, 2017	March 1, 2022
Kristin Tri <i>Licensed Massage Therapist</i>	03/02/2020	03/02/2024
Julie Endle <i>Public Member</i>	January 24, 2019	March 1, 2021

Review of Agenda

Old Business

Carry Over from Day 1

Motion to Approve Blackboard and
Moodle for Online Distance Monitoring
Program

Milady

Motz

Administrative Business

Administrative Statistics

Administrative Business

Meeting Calendar

Discussion on December 2020
In-Person Meeting

Review/Approve Past Meeting Minutes

Document Signing

Correspondence

Conrad

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

Good Morning Angelique,

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

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

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

SELECT ONE (1) OF THE FOLLOWING OPTIONS.

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

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

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

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

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

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

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

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

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

To renew your license:

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

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

Continuing Education (2019-2021):

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

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

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

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

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

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

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

Best Regards,

Dawn Dulebohn

Licensing Examiner
Board of Massage Therapists
Corporations, Business, and Professional Licensing
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Fax: 907-465-2974
[Board of Massage Therapists](#) webpage
Dawn.Dulebohn@alaska.gov

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

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

Hi Dawn!

I hope you are doing well and family is good.

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

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

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

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

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

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

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

Sincerely,

Irwin

From: [Board of Massage Therapists \(CED sponsored\)](#)
To: ["Holly Irwin"](#)
Subject: RE: Massage license audit- 104423
Date: Thursday, August 13, 2020 2:23:00 PM
Attachments: [image001.png](#)

Hello Holly,

Thank you for your correspondence.

I will include your e-mail and my reply in the board's September 2020 meeting packet for their review but please know that they are bound by the current statutes and regulations.

I have reviewed your file and, for the sake of clarity, would like to address the following:

- You were 1st issued a massage therapist license in Alaska on 04/11/2016. You renewed it on 9/18/2017.
- Your application to renew your license for the 2019-2021 period was submitted on 12/23/2019. Your license was renewed and active on 12/23/2020.
- The hard copy of your renewed license was mailed to your address of record on 01/10/2020 which allowed you to work as a massage therapist in Alaska.
- The audit you are currently under is not a reflection of the date you submitted a renewal application but you were subject to a random audit for the 2017-2019 licensing period per 12 AAC 02.960. You were requested to comply with the audit on 1/9/2020 by telephone, e-mail, and US mail. You were sent a 2nd notice by certified mail on 2/24/2020. On 3/24/2020 I called and sent a final notice about your non-compliance with your continuing education audit.
- You submitted continuing education certificates by e-mail on 3/26/2020. Of the 16 hours you submitted, only 2 were completed within the 2017-2019 licensing period.
- The purpose of the audit is to ensure you are in compliance with the regulation requiring you show proof of compliance of continuing education per 12 AAC 79.210. It is your responsibility as a licensed massage therapist to know your statutes and regulations and comply with all licensing requirements.
- Regulations for this audit required proof that you completed 16 continuing education hours between 10/1/2017 and 9/30/2019 (the last licensing period). All certificates must meet the criteria stipulated in 12 AAC 02.960.
- In April 2020, the Board of Massage Therapists reviewed your continuing education certificates and determined that you failed your audit as you had not completed 16 hours of continuing education within the last licensing period.
- In May 2020, your file was referred to the Division's paralegal for failing your audit.

I understand this audit has added stress to your life and that is unfortunate. The facts are still that you did not complete your continuing education in the 2 years that made up the 2017-2019 licensing period and that is what has caused the referral to the paralegal for disciplinary action.

Mandate 15 gives massage therapist that can abide by the enhanced safety precautions the

allowance to return to work. The fact that you are under audit does not supersede that fact that you have an active license and the ability to work. I believe the paralegal may have some flexibility on receipt of the continuing education fine due to COVID-19 and you may inquire about those stipulations with her.

Please let me know if you have any further questions.

Best Regards,

Dawn Dulebohn

Licensing Examiner
Board of Massage Therapists
Regulation of Athletic Trainers
Regulation of Naturopaths
Corporations, Business, and Professional Licensing
P.O. Box 110806
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PH: 907-465-3811
Fax: 907-465-2974
[Board of Massage Therapists](#) webpage
[Regulation of Athletic Trainers](#) webpage
[Regulation of Naturopaths](#) website
Dawn.Dulebohn@alaska.gov



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

From: Holly Irwin

Sent: Thursday, August 13, 2020 7:58 AM

To: Board of Massage Therapists (CED sponsored) <boardofmassagetherapists@alaska.gov>

Subject: Massage license audit- 104423

Good morning, I am writing to the board to resolve an issue. I received a letter from your office regarding my license renewal. I was audited due to a late renewal and now I am facing disciplinary actions.

I did not intend to break any laws- I have always followed requirements to best of my abilities and value my integrity.

I have been a massage therapist since 2002. Last year I was unable to get my CE done before the license renewal period of Sept 30. I called the massage licensing office and told them I would finish my CE and THEN send in my renewal application to be in compliance.

On your application form there are ONLY 2 boxes to choose from depending on when you first received your state license. This is the ONLY reason I checked the box: because I was issued a license before September 30, 2018.

I cannot tell you how much ADDED stress this has given me, especially now in the time of COVID. I have been unemployed since March 24 and have lost my entire employment for the year due to this pandemic. I have been unable to practice massage therapy, which is my side job, also. I cannot afford the fine and am anguished that my license will have a "record".

I filed my application on Dec 14, 2019. This is almost a year later.....AND in times of economic disaster due to a PANDEMIC!

Please give my case your consideration and help me resolve this issue without a fine or record.

Sincerely,

Holly Irwin

Neill

From: kimhneill@gmail.com
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: Screenshot 2020-06-17 at 12.33.47 PM
Date: Thursday, June 18, 2020 10:19:29 AM
Attachments: [Screenshot 2020-06-17 at 12.33.47 PM.png](#)

Dawn,

I have been told that complaints about Massage Now's contract vs. employee status have never been proven. It has been a great frustration for many massage therapists in the past.

If there is any further questions as to whether Massage Now's massage therapists should not be considered independent contractors but employees instead, Cynthia McMullen's Facebook post below refers to the therapists as employees, and even discusses paid days off, and raises in pay. I hope that you will encourage the board to look into this matter again.

I am not a disgruntled former contractor. I am a proud graduate of OHAC. I have chosen to not return to Massage Now for other logistical reasons. I do believe that everyone has to play by the same rules, however.

I hope that you will forward this on to the board for their consideration.

Sincerely,

Kim Hilborn Neill, LMT

12:33



Touch of Tao



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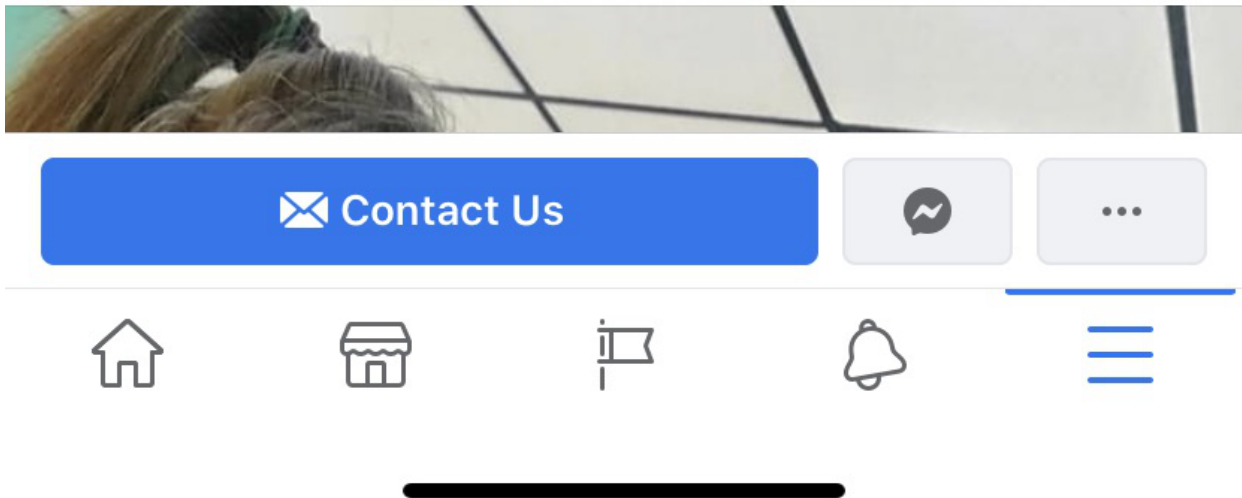
Thursday at 12:23 PM · 🌐

Feeling messy and accomplished! Got up early this morning to re-paint my HypnoEnergy treatment room - turquoise 😊, and finished just in time for a Zoom meeting with a group I want to partner with to shift our massage clinic into a team based company.

massage clinic into a team-based company.

We had looked at employee-owned options, but the choices were less than optimal. Team-based will provide a way to give massage therapists things like a raise or bonus, maybe even paid day off 😊🌴 I'm excited!

This time of change in the energy of the world is perfect to surf for all kinds of change 🌈 What are you changing?



Sent from my iPhone

From: [Dulebohn, Dawn L \(CED\)](#)
To: kimhneill@gmail.com
Subject: RE: Screenshot 2020-06-17 at 12.33.47 PM
Date: Tuesday, June 30, 2020 2:02:00 PM

Hello Kim,

Thank you for the further explanation. I'm sorry if I came across as indifferent as that was not my intention. My takeaway from your e-mail seemed to be the difference between contractors and employees and I was only trying to offer assistance.

The Board of Massage Therapists only has jurisdiction over the practice of massage therapy and licensed therapists. They have no jurisdiction over wage and labor issues and those should be directed to the Department of Labor <https://labor.alaska.gov/>

I will still include your correspondence for the board during their next meeting as previously indicated.

Best Regards,

Dawn Dulebohn

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

From: kimhneill@gmail.com
Sent: Monday, June 29, 2020 8:24 AM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Subject: Re: Screenshot 2020-06-17 at 12.33.47 PM

In response to your question as to what difference it makes, it is more than just a W2 vs. 1099. It is also a matter of Social Security, worker's compensation, and unemployment insurance. Independent contractors have the right to negotiate terms. Employees have a fixed rate of pay or commissions.

I was recruited by Massage Now to work as soon as my license was valid. I was unaware of any of this. I stated in my original email that I was not a disgruntled former employee. That is no longer the

case. They are now making claims that are affecting my unemployment benefits as if they were my employer.

We have to go through a rigorous process to become Licensed Massage Therapists. I believe that businesses need to be held to the same high standards.

I appreciate you and all you do,

Kim Neill

Sent from my iPhone

On Jun 25, 2020, at 11:56 AM, Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov> wrote:

Hello Kim,

Thank you for your correspondence.

As requested, I will send this to the board for review during their next board meeting which is in September 2020.

I'm not quite sure what you are asking the board to do... Independent contractors must have a 1099 and employees have a W-2 as they are paid as an employee of the establishment. That is the easiest way to make the determination between the two in my experience.

Please let me know if you have any additional information to send to the board or have any other questions.

Best Regards,

Dawn Dulebohn

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

From:**Sent:** Thursday, June 18, 2020 10:19 AM**To:** Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>**Subject:** Screenshot 2020-06-17 at 12.33.47 PM

Dawn,

I have been told that complaints about Massage Now's contract vs. employee status have never been proven. It has been a great frustration for many massage therapists in the past.

If there is any further questions as to whether Massage Now's massage therapists should not be considered independent contractors but employees instead, Cynthia McMullen's Facebook post below refers to the therapists as employees, and even discusses paid days off, and raises in pay. I hope that you will encourage the board to look into this matter again.

I am not a disgruntled former contractor. I am a proud graduate of OHAC. I have chosen to not return to Massage Now for other logistical reasons. I do believe that everyone has to play by the same rules, however.

I hope that you will forward this on to the board for their consideration.

Sincerely,

Kim Hilborn Neill, LMT

<image001.jpg>

Sent from my iPhone

Nickel-Zimmerman

From: [Nickell-Zimmerman, Patricia Kalina \(ACPE\)](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Cc: [Glenda Ledford](#)
Subject: glenda"s massage therapy school.pdf
Date: Monday, July 27, 2020 3:22:07 PM
Attachments: [glenda"s massage therapy school.pdf](#)
[image001.png](#)

Dawn,

Last week the Alaska Commission on Postsecondary Education authorized a massage therapy program at Glenda's Training Center in Wasilla. The authorization may be contingent upon action by the Board of Massage Therapy, which I understand will take up the matter of the Milady curriculum at their September meeting.

Please provide me with meeting information, once it is available. I do not plan to participate, but would be interested to hear the Board's discussion.

Best,

Patricia Nickell-Zimmerman

Institutional Authorization Program Coordinator

907.465.6741

Patricia.Nickell-Zimmerman@Alaska.gov



Adjourn

Lunch

Virtual Town Hall Meeting

To Attend:

Please contact Licensing Examiner for
Zoom information on or before
September 9, 2020 at 12:00 p.m.