

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

5 **BOARD OF MASSAGE THERAPISTS**

6  
 7 **MINUTES OF THE MEETING**  
 8 **November 30 - December 1, 2017**  
 9

10  
 11 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a  
 12 scheduled meeting of the Board of Massage Therapists was held via teleconference  
 13 Friday, October 20, 2017.  
 14

15 **Agenda Item 1** **Call to Order/Roll Call 8:30am:**  
 16  
 17

18 **Board Members present, constituting a quorum:**  
 19

20 David Edwards-Smith, Board Chair- Licensed Massage Therapist  
 21 Traci Gilmour, Licensed Massage Therapist  
 22 Ron Gibbs, Licenses Massage Therapist  
 23 Jill Motz, Licensed Massage Therapist

24 **Division Staff present:**  
 25

26 Renee Hoffard, Records and Licensing Supervisor  
 27 Dawn Dulebohn, Occupational Licensing Examiner  
 28

29 **Agenda Item 2** **Ethics Reporting:**  
 30

31 The Board Chair opened the floor to any Board member that may have an ethics violation or  
 32 inquiry. None were presented.  
 33

34 **Agenda Item 3** **Review/Approve Agenda:**  
 35

36 **In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously**  
 37 **with a roll call vote, it was RESOLVED to move the presentation of Apprenticeship**  
 38 **Program to November 30 at 3:00pm from December 1 and otherwise accept the agenda as**  
 39 **written.**  
 40

41 Discussion was had about whether or not there would be a statement by Law concerning the word  
 42 “Only” in within the phrase “person engaged only in the practice of structural integration...” and  
 43 whether the Board can put an application on hold while research is done. Although there was  
 44 nothing scheduled, Renee Hoffard contacted Deputy Commissioner Sara Chambers and made  
 45 arrangements to hear from Ms. Chambers and Harriet Milk from the Department of Law on  
 46 December 1, 2017 at 10:30 a.m.  
 47

48 **Agenda Item 4** **Review/Approve Past Meeting Minutes**

49

50 In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously  
51 with a roll call vote, it was **RESOLVED** to accept the August 21, 2017 meeting minutes.

52

53 In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously  
54 with a roll call vote, it was **RESOLVED** to accept the October 2, 2017 meeting minutes.

55

56 In a motion duly made by Ron Gibbs, seconded by Traci Gilmour, and passed unanimously  
57 with a roll call vote, it was **RESOLVED** to accept the October 20, 2017 meeting minutes.

58

59 In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously  
60 with a roll call vote, it was **RESOLVED** to break until 9:00am.

61

62 **Agenda Item 5** **Division/Financial Update**

63

64 Presented via teleconference at 9:00 a.m. by Sara Chambers, Deputy Director of the Division of  
65 Corporations, Business, and Professional Licensing. Ms. Chambers reviewed the Quarterly Schedule  
66 of Revenue and Expenditure by Licensing Program- 4<sup>th</sup> Quarter FY 2017 and 1<sup>st</sup> Quarter FY 2018  
67 and Indirect Cost Methodology FY 2017. Revenue going into 2018 is \$480,310. Ms. Chambers  
68 reminds the Board that the bulk of revenue comes at renewal times. MAS will have much lower  
69 revenue in off years so this amount needs to carry the program for the next two years to cover staff,  
70 indirect expenditures, regulations, investigations, attorney expenses, and travel.

71

72 **FY 2017 CBPL Cost Allocation:**

73

MAS	2017
<b>\$228,015</b>	<b>Total Revenue</b>
-153,485	Direct Expense
-45,225	Indirect Expense
-25,590	Percentage of Direct Personal Services
<b>\$224,300</b>	<b>TOTAL EXPENSES</b>
<b>\$3,715</b>	<b>2017 Annual Surplus</b>

74

75 The website has all the Quarterly Reports for all the boards.

76

77 Division Update ended with a brief discussion of HB-90 and the costs associated. As of yet, no  
78 Board has opposed the bill. Chair Edwards-Smith states that the Board of Massage Therapists is in  
79 support of HB-90. It is decided that Chair Edwards-Smith will draft a letter of support for the bill.

80

81 **Ron Gibbs left at 9:19 a.m. and returned at 9:21 a.m.**

82

83 There is a brief discussion with Ms. Chambers with what the Board would like to discuss with Law  
 84 in regards to Clarification on Accreditation of Massage Schools that includes regulations projects,  
 85 title protection, enforcement procedures, different modalities under one license, and public  
 86 protection.

87  
 88 Teleconference with Sara Chambers ended at 9:45 a.m.

89  
 90 **Agenda Item 6** **Review Tabled Applications**

91  
 92 The Board reviews application for Rattana Chingduang. Chair Edwards-Smith researched the  
 93 institution by attempting to call the Hamilton school several times and did not reach anyone who  
 94 could answer questions and also found there were different addresses. Mr. Gibbs found that the  
 95 school was not accredited by the State of California.

96  
 97 **In a motion duly made by Ron Gibbs, seconded by Jill Motz, and passed unanimously with**  
 98 **a roll call vote, it was RESOLVED to deny the application for licensure with a letter of**  
 99 **explanation for Rattana Chingduang based on failure to recognize the school as an**  
 100 **accredited program per AS 08.61.030(3)(A) and AS 08.61.100(1)(B).**

101  
 102 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**  
 103 **with a roll call vote, it was RESOLVED to break until 10:15 a.m.**

104  
 105 **Agenda Item 7** **Investigative Report**

106  
 107 At 10:05 a.m. we are back on the record, joining the meeting from the Department of Investigations  
 108 are Brian House and Joel Dolphin. Jasmin Bautista joins telephonically. 25 cases remain open, 4 are  
 109 on probation, and 14 have been closed since the beginning of the year.

110  
 111 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**  
 112 **with a roll call vote, it was RESOLVED to enter into Executive Session in accordance with**  
 113 **AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of**  
 114 **discussing Investigations on Massage Therapy “subjects that tend to prejudice the**  
 115 **reputation and character of any person, provided the person may request a public**  
 116 **discussion.”**

117  
 118 Off the record at 10:10 a.m.

119  
 120 **Agenda Item 8** **Investigative Case Review**

121  
 122 Back on the record at 10:45 a.m. The meeting was joined telephonically by Ed Toal.

123  
 124 **In a motion duly made by Ron Gibbs, seconded by Traci Gilmour, and passed unanimously**  
 125 **with a roll call vote, it was RESOLVED to approve the Consent Agreement as written for**  
 126 **Julia Hall Case #2017-000759**

127  
 128 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**  
 129 **with a roll call vote, it was RESOLVED to approve the Consent Agreement as written for**  
 130 **Uros Knezevic- Case #2017-001159**

131  
132 In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously  
133 with a roll call vote, it was **RESOLVED** to approve the Consent Agreement as written for  
134 Anna Martin- Case #2017-001036

135  
136 In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously  
137 with a roll call vote, it was **RESOLVED** to approve the Consent Agreement as written for  
138 Jannea Knight- Case #2017-000094

139  
140 The Board will be adopting a Disciplinary Barrier Crimes Matrix and Fee Schedule on day two of the  
141 meeting.

142  
143 The Investigators exited the meeting at 10:50 a.m.

144  
145 In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously  
146 with a roll call vote, it was **RESOLVED** to break until 11:00 a.m.

147  
148 In a motion made by Ron Gibbs, seconded by Traci Gilmour, and passed unanimously with  
149 a roll call vote, it was **RESOLVED** to change the agenda and break for lunch from 11:00 a.m.  
150 until 12:15 p.m.

151  
152 Back on the record at 12:15 p.m.

153  
154 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a  
155 roll call vote, it was **RESOLVED** to change the agenda to discuss the Sunset Audit on  
156 November 30, 2017 at 12:15 p.m.

157  
158 In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously  
159 with a roll call vote, it was **RESOLVED** to enter into Executive Session in accordance with  
160 AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of  
161 discussing Legislative Audit “matters which by law, municipal charter, or ordinance are  
162 required to be confidential.”

163  
164 Off the record at 12:17 p.m.

165  
166 Back on the record at 12:48 p.m.

167  
168 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a  
169 roll call vote, it was **RESOLVED** to break until 12:55 p.m.

170  
171 Back on the record at 12:55 p.m.

172  
173 In a motion made by Traci Gilmour, seconded by Rob Gibbs, and passed unanimously with  
174 a roll call vote, it was **RESOLVED** to table New Applications, Reviews, and Reinstatements  
175 until 1:30 p.m.

176  
177 Agenda Item 10 Continuing Education Audit Review

178

179 The Board reviewed and approved documentation provided by the following licensees for their 2017  
 180 Continuing Education Audit review:

181  
 182 Victoria Acree  
 183 Gabriella Aldebot  
 184 Mary Andrews  
 185 Rossirin Baxter  
 186 Kristie Benavides  
 187 Abigail Brennan  
 188 David Brust  
 189 Rebecca Carter  
 190 Tim Chinn  
 191 Zoey Conner  
 192 Deanna Cresap  
 193 Julia Cresap  
 194 Chueai Davis  
 195 Rene Gevais  
 196 Renae Kass  
 197 Leah Labar  
 198 Aimee Olejasz  
 199 Joshua Parker  
 200 Katharine Perry  
 201 Sterling Rasmussen  
 202 Lisa Roderick  
 203 Christyanne Sullivan  
 204 Tammy Thinoi  
 205 Garcia Thompson  
 206 Joci Troumbley  
 207 Kimberly Verreydt  
 208 Elizabeth Wallmann-Filley  
 209 Liming Wang

210  
 211 The Board Reviewed and denied acceptance of documentation provided by the following licensees  
 212 for their 2017 Continuing Education Audit review:

213  
 214 Michelle Kocan  
 215 Deborah McCusker  
 216 Debbie Slater  
 217 Suzanne Webb

218  
 219 OLE Dulebohn was tasked with contacting the licensees and requesting supporting documents or  
 220 CE substitutions

221  
 222  
 223  
 224

225 **Agenda Item** **Public Comment**

226

227 The Board prepared to hear public comment. Ed Toal was present at the Anchorage to give  
228 testimony at 1:15 p.m. Mr. Toal's statement was as follows:

229  
230 "I guess my first comment is that I'm sorry we never really get to have a discussion. The structure  
231 of the regulatory body is: You guys talk; I listen. Then once in a while, I get to talk; you listen. We  
232 never really get that human element where we share our feelings with each other and try to come to  
233 an understanding. So, that's missing and I feel like that leads to adversity. I asked to be put on the  
234 agenda so we might have a bit of discussion but that didn't happen. So, I guess here I am to pour  
235 more gasoline on the fire of adversity! So, you'll hear my complaints.

236 I know you're all fine people. I don't question that but I feel like somehow we're going down the  
237 wrong road on this question of whether Rolf Institute graduates should be able to be licensed. I just  
238 took it for granted reading the Statute, and based on what every other state is doing, that just  
239 wouldn't even be a question. I feel like the reason it's become a question is based on historical  
240 animosity that's developed over previous conflicts that have come up over the Board's  
241 misunderstanding of the Exceptions and our (Rolfers) opposition to HB 110. So, I feel like we've  
242 brought baggage into the discussion of the determination of whether it seems self-evident that  
243 Rolfers are well trained and certainly not a danger to the Public. So the argument that Ron came up  
244 with earlier, he said that "Rolfers may not be trained in draping, ect". And may make them a threat  
245 to the public if they are licensed as massage therapists, just doesn't seem like a very good argument  
246 to me. Let me go down my list and maybe I'll have some more structure to my comments.

247 There's been a lot of talk of whether the Rolf Institute is a massage school or not. I feel like there's  
248 a lot of sticking confusion on the word "massage" and I think that Jill Motz brought up the idea of  
249 title protection. That there might be an erosion of the term massage and that part of the business of  
250 a regulatory board would be to protect the identity of massage. To an extent, I agree with that,  
251 however, there are definitions in Statute and those definitions are law and they should be treated  
252 with respect that way. The definition of massage therapy, in Alaska, is so broad that practically  
253 anybody that puts their hands on people could make a case that they are doing massage therapy.  
254 The work that Rolfers do certainly falls under the broad definition of massage therapy that I can  
255 read to you, if you want, but I probably don't need to because I'm sure you understand the Statute.  
256 That being said, that's the reason why we had to have the Exemption in the first place, because the  
257 casual observer would look at what we do and say, "Well, yes, this definition of massage therapy  
258 applies to these people." So we made sure to get that Exemption in place, to create that distinction.  
259 But it's an exception; not an exclusion.

260 I've made it my business to try to convince every new Rolf Institute graduate coming out, that's it's  
261 to their advantage to become licensed as a massage therapist. I applied for my license the 1<sup>st</sup> of July  
262 2015 because I value licensure, I want to be as credentialed as I can be. I've done a pretty good job  
263 convincing all new people coming in; get your license. Now they're up against this barrier which I  
264 feel is based on animosity toward that exception and our defense of the exception which led to the  
265 struggle of getting what you really want out of HB110 which is establishment licensure, which I  
266 totally agree with and it was unfortunate that we had to block that to protect out exception to  
267 chapter.

268 That whole thing was just a mess and you guys came into what I thought was a good solution which  
269 was to ask Sam Kito to drop the Exemption language out of it and clean up HB110, which we  
270 would completely support and after that, not be in your way. So there's the confusion over if  
271 someone has that exception are they trying to "have their cake and eat it too". Well, they're not.  
272 People that are applying for a license are not trying to claim exception, they're trying to waive their  
273 exception and get licensed. And if you just read down the list of credentials, things that are  
274 necessary for an applicant, Rolf Institute graduate meets every one of those unless you want to really

275 bend over backwards and try to say that Rolfers are not getting that kind of training that constitutes  
276 massage. Well, go back to legal definition of what massage therapy is in Alaska, it's very clear. I'm  
277 upset that people are trying to make that case. It's just confusing to me.  
278 Keep in mind, these are people. I have three people right now that are not working in the  
279 environment that they thought they would be. They were promised employment at clinics that bill  
280 for services to...insurance payment and in order to do that, they need a massage therapy license.  
281 And they've been in the wings since July. I didn't find out until October that this was all going on  
282 which I'll talk about in a minute. These are real people that are not working right now to the extent  
283 that they should be because of a misunderstanding. Nobodies trying to get away with anything.  
284 Nobodies trying to "have their cake and eat it too". It's people that are legitimately seeking  
285 employment, and have investing quite a bit of money in their schooling. This is not a light manner.  
286 Ron brought up the issue on how massage and bodywork are different. You seem to not be giving  
287 full weight to COMTA accreditation. Massage. Bodywork. It all falls under the legal definition of  
288 massage in Alaska so that should be a non-issue. COMTA is very rigorous. Really the only  
289 national accrediting agency or accrediting body in America. All massage schools try to get COMTA  
290 accreditation. That is the gold standard. It took the Rolf Institute years of getting their ducks in a  
291 row: having curricular review and interviews with faculty. It's not like they just mail in a  
292 membership thing or something. COMTA is a real accrediting body and it should be taken  
293 seriously.  
294 Sara Chambers gave you a very clear explanation this morning. She gets it. She is a pro and  
295 explained in exquisite detail what the situation is and, unfortunately, her clear explanation was  
296 followed with, I would have to say, prejudice questions and comments. I do understand why there  
297 is an axe to grind against the Rolfers because we've just, unfortunately, gotten into an adversarial  
298 head-butting situation that I would love to clear up and have us all be colleagues someday. If I had  
299 my way, all new Rolfers are going to be licensed massage therapists and the old guard that is  
300 claiming the exception will retire in the next ten years. I would like for us to all be one big, happy  
301 family. We'll see.  
302 I found it interesting that particular Ron seems to be the main person saying that Rolfers are not  
303 doing massage therapy. After two years of saying that, we are massage therapists. You talk about  
304 your training at the Utah College of Massage Therapy and that you got some structural integration  
305 training there and that you argued repeatedly that it's just a variation of massage therapy and now  
306 you're changing your tune. Your letter in testimony of HB110 clearly stated it. David Edwards-  
307 Smith brought up the Job Task Analysis from FSMTB during his testimony for HB110. His  
308 testimony at the time was that Rolfers were doing practically identical work as massage therapy. So  
309 there's that. I noticed in the Board Packet there was a lot of testimony pulled out from HB110, very  
310 one sided with Rolfers saying they weren't massage therapists in an attempt to protect their  
311 exception but nothing on your side where you guys argued that we are doing massage therapy. So, I  
312 wanted to bring up that.  
313 I wonder what Ron, in particular, what your agenda is? Why are you so adamant against or trying to  
314 find a way? You brought up Georgia, the beacon of enlightened anything. Denying structural  
315 integration continuing education as qualifying continuing education for massage therapy. Are we  
316 really going to look to Georgia for guidance on these things? You said you disagreed with that, and  
317 yet you said you would like to look at it and maybe find a way to deny licensure to Rolf Institute  
318 graduates. I just don't get it.  
319 You talked about looking at curriculum from various schools to see if they have it. The Board may  
320 adopt a Regulation specifying what particulars on massage training would be necessary to get  
321 licensed in Alaska and I think you all know that if you all start looking at every individual training  
322 "You need this many hours of draping, you need this many hours of whatever". Do you really want

323 that work? Do you really want to generate that? COMTA, again gold standard. Please trust  
 324 COMTA and just make it easier on yourselves and everyone else. They know what they're doing.  
 325 The State of Washington which I know board member, Traci Gilmour, highly regards. She is  
 326 licensed there, I believe and I've worked there in the past. They license Rolfers and they are one of  
 327 the more difficult states to be licensed in. They are highly regulated, very picky State when it comes  
 328 to this and all the Rolfers down there are licensed massage therapist and even one of them could  
 329 move to Alaska and submit their Washington state massage license as a way to get their License by  
 330 Credential. Lots of Rolfers out there are licensed as massage therapists and the fact that they have  
 331 exception to chapter in Alaska, I think Sara Chamber made it clear that is a separate issue. It doesn't  
 332 have bearing on the credentials of an applicant.

333 I guess that's it. The Statute is clear that unless you have a background agenda you are trying to  
 334 overlay on it. If you would just read the Statute there would not be any question, I believe.  
 335 Not to make threats, I'm not threatening but the reality is that if this doesn't... if you block or reject  
 336 applications by Rolf Institute graduates it will be appealed, of course. Hopefully Department of Law  
 337 will nip it in the bud and will give a decision and say that these people should be issued licenses. If  
 338 not, it's going to go farther than that. It's going to turn into a lawsuit. It's going to be very  
 339 expensive and un-necessary and I would hate to see that happen. It's not going to stop with a  
 340 rejection of an application. If that's the pathway that this Board wants to travel down, just know  
 341 that we're all in and we're going to go all the way with this. Let's not wind up in court over this,  
 342 please.

343 I guess my last point is, I regret to say this because I really do respect Traci Gilmour. Believe it or  
 344 not Traci, I like you. Every interaction I've had with you...I respect you and I don't want to be  
 345 negative toward you but I feel like, in the interest of this Board there has to be some discipline or  
 346 censure or something. Something has to happen about how this went down with Traci Gilmour and  
 347 Dawn Hannasch because looking at the email exchange, Traci's first impression was, "yes, Rolf  
 348 Institute graduates are fine" and then I wrote to you, David, and you wrote back saying that there  
 349 had been discussion and board meetings and had unanimous consent that Rolf Institute graduates  
 350 would qualify for licensure.

351 (One minute warning by OLE Dulebohn)

352 And then it all blew up, I guess trying to cover your bases and not have it get to be a runaway train,  
 353 you guys kinda backed up Traci. So she called Amanda (Unser) and Amanda advanced an opinion.  
 354 She's not a Board member. Then it turned into blocking and telling people they can't get licensed.  
 355 It was like one person made a decision which masqueraded as Board policy that caused financial  
 356 harm to people. That is a black eye for the Board. You should at least say something in writing that  
 357 was a wrong thing to do and you're working on having clear policies and procedures for the future.  
 358 Please. End of rant."

359

360 **Agenda Item 10 (continued)** **Applications**

361

362 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a**  
 363 **roll call vote, it was RESOLVED to APPROVE the application for an Alaska Massage**  
 364 **Therapist license for Aubrey Grause.**

365

366 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
 367 **roll call vote, it was RESOLVED to TABLE the application for an Alaska Massage**  
 368 **Therapist license for Sarah Reichert pending review by Investigations.**

369



370 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a  
 371 roll call vote, it was **RESOLVED** to **APPROVE** the application for an Alaska Massage  
 372 Therapists license for Jie Wang pending application review of professional fitness questions  
 373 by the Division.

374  
 375 In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with  
 376 a roll call vote, it was **RESOLVED** to **APPROVE** the reinstatement of Alaska Massage  
 377 Therapists license for Nicholette Eley.

378  
 379 In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with  
 380 a roll call vote, it was **RESOLVED** to **APPROVE** the reinstatement of Alaska Massage  
 381 Therapists license for Ruiqing Xie.

382  
 383 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a  
 384 roll call vote, it was **RESOLVED** to break until 2:00 p.m.

385  
 386 Agenda Item (Amended) \_\_\_\_\_ Apprenticeship Program

387  
 388 Back on the record at 2:01 p.m.

389  
 390 Apprenticeship Program presentation by Board Member Jill Motz.

391  
 392 This task started out because the Board doesn't have regulatory authority over massage  
 393 apprenticeship programs and what the Board's responsibility is, to determine whether an  
 394 apprenticeship program meets criteria that produces a competent therapist.

395  
 396 Ms. Motz got into contact with the Department of Labor in Anchorage to see what a good  
 397 apprenticeship looks like and after several meetings came the idea to build the Apprenticeship  
 398 program for Alaska Massage Therapists with the help of a five person "work group". The initial  
 399 idea was to build the program on the state level but when that didn't work out it became a federal  
 400 program. This is a more comprehensive program than you can get in the state of Alaska right now.  
 401 The Department of Labor has accepted this program model. It's going through the commentary  
 402 process between the different levels and the Department of Labor is moving forward with this  
 403 program proposal.

404  
 405 Massage therapy education is uneven across the USA. This program model meets COMTA  
 406 (Commission on Massage Therapy Accreditation) and ELAP (Entry Level Analysis Project)  
 407 qualifications. It is a COMTA accredited program. ELAP is a combined effort of seven different  
 408 organization's two year project to put together what a national entry level massage therapy program  
 409 would look like. When industry leaders got together to create a standard, the recommendation for  
 410 that standard is the ELAP. In the future, the hope is that all schools will be COMTA accredited and  
 411 that a national standard would be the ELAP standard. .

412 It is designed so it can be applied in all 50 states. If for some reason, you don't finish with the initial  
 413 instructor, this is program is built to be able to take your accomplishments with you to another  
 414 instructor and continue where you left off in your education.

415  
 416 This program has not been reviewed by ACPE (Alaska Commission of Post-Secondary Education)

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How the apprenticeship program works is:

- 1) This a hybrid program that consists of book work and hands on learning. Minimums hours are 1500 and maximum of 2500A COMTA accredited school will provide 425 hours of book learning.
- 2) To be a Trainer: The proposal of the work group is that you must have 10 years of experience and be a licensed massage therapist in good standing with the State of Alaska. If you have any deficits in knowledge, you will have the option to outsource to another qualified trainer. Federal program offers modest stipends to cover costs to pay for you to teach. The option of allowing Instructors to have more than one apprentice at a time (but not more than two) is favored by the founding workgroup. Once students have achieved certain competency levels, they will be allowed to offer “student” massages for compensation.
- 3) Every trainer/trainee will complete a Competencies Checklist. The student will shadow the instructor by observing and eventually co-treating. The instructor and student both sign off on each individual component of a checklist as the student completes training. It creates accountability from the teacher and the student.
- 4) To Be an Apprentice: you must be screened and approved by the Department of Labor. Since it is a federal apprenticeship program, it is free for trainees. Furthermore, since the trainees must be an employee of the trainer’s business, they will be paid a living wage while they are learning.
- 5) A reporting agency for transcripts has yet to be determined.
- 6) This program model will allow people to stay in their home town and do their training with an approved instructor.

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448

The Board needs to make a proposal to only accept apprenticeship programs that meet COMTA and ELAP standards. This will create a high level of accountability in the profession. This program is well vetted, researched, has gone through the Department of Labor, and the Board will know that anyone coming out this program will be a competent massage therapist.

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**In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a roll call vote, it was RESOLVED to send the following draft amendment to the Regulations Specialist to “only accept apprenticeship programs that meet COMTA and ELAP standards.”**

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**In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to amend the agenda to move the discussion concerning the Barrier Crimes Matrix/Disciplinary Fine Schedule on from December 1 to November 30, 2017.**

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**Agenda Item (Amended)                      Barrier Crimes Matrix/Disciplinary Fine Schedule**

462  
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464

**In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll call vote, it was RESOLVED to adopt the Barrier Crimes Matrix as written with a possible regulations project if “moral turpitude” needs to be further defined.**

465  
466 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll**  
467 **call vote, it was RESOLVED to approve the Disciplinary Fine Schedule, as amended by the**  
468 **Board.**

469  
470 **Agenda Item (Amended) \_\_\_\_\_ Past Task List**

471  
472 The Board briefly touches on their research into NCBTMB, COMTA, RISI, and FSMTB and agree  
473 to go into more depth during the Clarification on Accredited Massage Schools tomorrow under Old  
474 Business.

475  
476 **Chair Edwards-Smith has recessed for the day and will reconvene the meeting at 9:00 a.m.**  
477 **on December 1, 2017.**

478  
479 Off the record at 3:38 p.m.

480  
481 **Friday, December 1, 2017**

482  
483 **Agenda Item \_\_\_\_\_ Call to Order/Roll Call 9:02 a.m.**

484  
485 Board Members present, constituting a quorum:

- 486  
487 David Edwards-Smith, Board Chair-Licensed Massage Therapist  
488 Traci Gilmour, Licensed Massage Therapist  
489 Ron Gibbs, Licenses Massage Therapist  
490 Jill Motz, Licensed Massage Therapist

491  
492 Division Staff present:

- 493  
494 Renee Hoffard, Records and Licensing Supervisor  
495 Dawn Dulebohn, Occupational Licensing

496  
497 **Agenda Item \_\_\_\_\_ Review Agenda**

498  
499 Agenda was reviewed by the Board

500  
501 **Agenda Item 11 \_\_\_\_\_ Old Business**

502  
503 HB110:

504  
505 Traci Gilmour reports on her meeting with Representative Sam Kito’s office (who has agreed to  
506 carry the bill) concerning HB110 meeting as assigned on October 2, 2017. HB110 has been  
507 approved to be changed with removing the exemption licensing language. The rest of the bill will  
508 remain the same in that Blood borne Pathogens requirements will be reduced to two hours,  
509 education for Application by Examination will increase to 625 hours, there will still be a rural  
510 exemption, there will massage establishment licensing language, and the addition of fingerprint  
511 language changes that have been requested to be done at renewal. Ms. Gilmour has a follow-up

512 meeting with Representative Kito's office next week and will send a report to OLE Dulebohn to  
513 distribute to the Board.

514 In regards to the Sunset Audit, Ms. Gilmour clarified through Representative Kito's office that the  
515 statute sunsets, not just the Board. If the legislature doesn't agree to continue the statute, it sunsets  
516 in 2018 and then there is a wind down year for the Board to finish up business already in progress.  
517 Chair Edwards-Smith wanted to clarify, for the record, that the purpose of the sunset audit is to get  
518 a sense of whether the Board is meeting statutory requirements and our report was very positive.  
519 Fortunately, the Board has a recommendation to continue.

520

521 Clarification on Accredited Massage Schools:

522

523 The Board discusses all the correspondence that had been sent between Ed Toal, OLE Dulebohn,  
524 and Sara Chambers in October 2017. The Board also reviewed the research done in regards to  
525 COMTA, FSMTB, Rolf Institute of Structural Integration, and testimony from HB110 that was  
526 tasked at the October 20, 2017 teleconference. The Board agrees that they want to make the best,  
527 informed decision possible and not be rushed because they are here to protect the public. The  
528 Board feels (in the past) they haven't asked enough questions before making some decisions and  
529 they want to be sure they work for the good of the whole and not the few.

530

531 Some of the main points from the discussion are:

532

- 533 • **Board's Stance:** The Board wants to resolve this conflict but have the job to make  
534 decisions based on the finding of facts. On February 22, 2016, the Board was split but  
535 ultimately approved a letter of support for the Rolfers of Alaska to pursue their own  
536 licensure. The Board has previously issued licenses to Rolfers who are also massage  
537 therapists and have completed massage training. The two main reasons for licensure is  
538 public protection and the ability to directly bill insurance. Should the Board be looking to  
539 define the content of what the 500 hour requirement entails as Washington and Oregon  
540 have done? If the Board defines content in a regulations project, it will allow a pathway to  
541 better understanding to applicants of the what is required and allow institutions to counsel  
542 their students on how to make up for deficits
- 543 • **Rolfing:** Rolfing is a trademarked, branded program that carefully avoids any language to  
544 link themselves to the massage therapy profession and historically they have made an effort  
545 to be excluded from massage therapy association. Since the brand goes to such great lengths  
546 to avoid using the term "massage" it makes it more difficult to define how much they are  
547 like massage therapists. Rolfers basically perform the same tasks as massage therapists.  
548 Some of the Board members had believed structural integrators should be under the same  
549 umbrella as massage therapists until the Rolfers made it clear that they were not the same  
550 profession.
- 551 • **Education:** does RISI (Rolf Institute of Structural Integration) provide the necessary  
552 training to be a massage therapist? RISI transcripts have a lot of great courses but there is  
553 no evidence in the curriculum that makes it a massage therapy school. Does the Rolf  
554 Institute of Structural Integration meet the statutory requirement of a massage program  
555 regardless of how they view or define themselves? The Board agrees that a more in depth  
556 class description from RISI is needed to determine if the courses meet the idea of what the  
557 Board thinks should be taught at a massage school. .

- 558 • **Statutes:** *Sec. 08.61.030(3)(A) Qualifications for license. The board shall issue a license to practice*  
 559 *massage therapy to a person who furnishes evidence satisfactory to the board that the person has completed a*  
 560 *course of study of at least 500 hours of in-class supervised instruction and clinical work from an approved*  
 561 *massage school;*  
 562 *Sec. 08.61.100(1) (A) (B) “approved massage school” means a massage therapy school or program that has*  
 563 *an authorization to operate from the Alaska Commission on Postsecondary Education or a similar entity in*  
 564 *another state; or is accredited by a nationally recognized accrediting agency. Does RISI meet the*  
 565 *definition? Is the reason to accept RISI only because they have an institutional endorsement*  
 566 *from COMTA?*  
 567 *Sec 08.61.100(5) “practice of massage therapy” means the provision, for compensation, of a service involving*  
 568 *the systematic manipulation and treatment of the soft tissues...to enhance the functions of those tissues and*  
 569 *promote relaxation and well-being... If any program (reflexology, physical therapist) comes*  
 570 *before the Board and they have an accreditation but do not have a curriculum that*  
 571 *necessarily translates over to massage but they meet the statutory criteria of the definition of*  
 572 *massager therapy, do they get licensed? The Board wants to think of the precedent they are*  
 573 *setting by possibly accepting a program that is not from a massage school.*  
 574 *Sec. 08.61.080(10). Exceptions to application of chapter. This chapter does not apply to a person engaged*  
 575 *only in the practice of structural integration for restoring postural balance and functional ease by integrating*  
 576 *the body in gravity using a system of facial manipulation and awareness who has graduated from a program*  
 577 *or is a current member of an organization recognized by the International Association of Structural*  
 578 *Integrators, including the Rolf Institute of Structural Integration.*
- 579 • **HB110:** An exemption does not equal an exclusion. Rolfers have earned an exemption  
 580 from chapter because these practitioners are so different that they don’t belong with  
 581 massage. Would including Rolfers create a fracture in the law by accepting their education?  
 582 Would we accept the same education from someone who was a reflexologist or a physical  
 583 therapist and wanted to be a licensed massage therapist that had, included in their  
 584 curriculum, hands-on, soft tissue manipulation? If the Rolfers of Alaska would like to  
 585 change and not be exempt any longer, some Board members would support that decision.  
 586 The Board would like to note that the exemption language for Rolfers was put in place in  
 587 2014. The Board of Massage Therapists didn’t begin meeting until 2015. The Board would  
 588 like to consult the sponsor of HB110.
- 589 • **Opposition:** At every meeting about HB110, there were Rolfers telling people that they are  
 590 different and should not be included as massage therapists.  
 591 In 2015 RISI Board Chair, Kevin McCoy, says in a letter that “structural integration is a  
 592 distinct profession, separate from Massage Therapy. Our long term plan is to be regulated  
 593 under the same heading.”  
 594 In a letter from lobbyist Denali Daniels, “Rolfers do not want to participate in Alaska’s  
 595 regulatory framework for massage therapists. Rolfers to not want to extend their scope of  
 596 practice. The Alaska Rolfers will actively oppose any legislation that revokes their  
 597 exemption.”  
 598 In a 2016 statement from the President of iasi (International Association of Structural  
 599 Integrators), “Structural Integration possesses its own scope of practice, its own education  
 600 standard, and a psychometrically valid and legally defensible exam. Massage is a different  
 601 type of bodywork, but not all bodywork is massage. Failing to recognize structural  
 602 integration separately from basic massage does not protect the public. You’re only creating  
 603 confusion for those seeking actual structural integration. Structural integration education is

604 not massage education. The MBLEx is not an appropriate exam for structural integrators.  
605 Let us be regulated by our own professional skills and standards.”

606 On February 12, 2017, Ed Toal states that “it is important to clarify that Rolfing is a  
607 distinctly different profession and is not massage therapy. Rolfing (SI) is sometimes  
608 confused with massage but it is entirely different. The initial position of the Alaska Rolfers  
609 is that they do not wish to participate in Alaska’s regulatory framework for massage  
610 therapists because they are not massage therapists. They are Rolfers and structural  
611 integrators and this continues to be consistent with the nationally agreed upon exemption  
612 for Rolfing.”

613 All the opposition testimony demand the Board of Massage Therapists stay away from  
614 Rolfers.

- 615 • **Aggressive Tactics by Rolfers**: The Board feels the aggression from the local Rolfing  
616 chapter by threatening to sue the Board over 50 people who are not massage therapists  
617 was/is unnecessary and off-putting. Ms. Gilmour’s answer of the question by OLE  
618 Hannasch that has resulted in repeated requests that she be disciplined/sanctioned and  
619 personally attacked is another example of the aggressive campaigned the Rolfers have made  
620 to be included when they aggressively campaigned to be excluded.
- 621 • **FSMTB** (Federation of State Massage Therapy Boards): On February 19, 2016 with  
622 excerpts of the Model Practice Act, FSMTB makes a statement that “soft tissue  
623 manipulation is the category Rolfing would go under.” All Rolfers are soft tissue  
624 manipulators and should be included as massage therapists because of that distinction.  
625 Sonia from FSMTB states that “the MBLEx is a massage and bodywork exam. The Board’s  
626 best option is to see if everyone falls within the scope. Sonia also cautioned that the Board  
627 really need to protect the title of ‘massage therapist’ from being watered down and that it can  
628 eventually lead to legal issues.” Other states besides Georgia have exclusions for structural  
629 integrators. Massachusetts has excluded structural integration from the definition of  
630 massage. Nevada excludes structural integration from massage licensing and have passed a  
631 law to license them separately. Colorado has very few curriculum requirement for massage  
632 licensure. Kevin from FSMTB communicates that “it is in the Board’s best interest to  
633 accept RISI as an accredited program. Regardless of branding they are providing the same  
634 basic tasks. Massage and bodywork are interchangeable and it would be in the Board’s best  
635 interest to ‘build bridges instead of set fires.’”
- 636 • **COMTA** (Commission on Massage Therapy Accreditation): COMTA has three different  
637 times of endorsements: a Program Endorsement, a Curriculum Endorsement, and an  
638 Institutional Endorsement. Many massage schools on the website have programs or  
639 curriculum endorsement but RISI and a few others have Institutional Endorsements and are  
640 not listed as a massage therapy school. RISI’s COMTA certification is as a bodywork  
641 school, not a massage school. Angie Meyer from COMTA says they only accredit the  
642 organization as an acceptable school. They do not evaluate content. RISI is accredited by  
643 COMTA as a school offering a Rolf certification program. It is not listed as a massage  
644 therapy school.
- 645 • **NCBTMB** (National Certification Board for Therapeutic Massage & Bodywork) does not  
646 accredit schools, they only accredit therapists who have met criteria as a master body worker.  
647 NCBTMB states that their name stands for “massage and bodywork” and they do not  
648 currently distinguish between massage and bodywork practitioners on their certificates.  
649  
650

651 Traci Gilmour left at 10:10 a.m. and was back at 10:12 a.m.

652

653 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
 654 **roll call vote, it was RESOLVED to break until 10:30 a.m.**

655

656 Back on the record at 10:30 a.m.

657

658 • **Consult with Law:** Deputy Director Sara Chambers and Harriet Milk from the  
 659 Department of Law join the meeting telephonically to answer questions from the Board  
 660 concerning how the Board determines what an approved massage therapy school or  
 661 program is and what the role of the Board is in defining said programs.

662 It was conveyed by Law that:

663 ➤ Groups that have a license and an exemption to chapter will still be investigated fully

664 allegations to see what capacity they were operating at the time of any incident that

665 might be reported to determine if a person was performing massage therapy.

666 ➤ Anyone practicing massage therapy are regulated by the Standard of Practice and  
 667 Code of Ethics.

668 ➤ The Board can regulate content of what constitutes the 500 hours of required  
 669 education. If the Board wants to take steps to change a Statute or Regulation, they  
 670 can but until it is there is a change it is the Board's responsibility to interpret the  
 671 Statutes and Regulations that are currently in place.

672 ➤ When an applicant completes their application and it goes to the Board, if the Board  
 673 determines that more research is needed to do their due diligence, they may only  
 674 table an application as long as the next scheduled Board meeting or determined date  
 675 unless the Board decides to call a special meeting.

676 ➤ The Board cannot accept a school that doesn't meet the statutory obligation of being  
 677 an approved massage therapy school. In the absence of a national accreditation, it is  
 678 the Board's responsibility to determine what is a massage therapy school or program.  
 679 If the definition of what a massage therapy is being met, the name of the institution  
 680 is not as important as what the course curriculum is that is being taught as long as it  
 681 is nationally accredited.

682 ➤ Having an exception to licensure and getting a license are not mutually exclusive. It  
 683 is an exception not an exclusion.

684 ➤ If the Board has deliberated and researched what it believes to be a massage therapy  
 685 education and the school does not meet the Board's requirements, then the person  
 686 who is presenting that school as their sole education does not qualify for licensure

687 ➤ The Board is not keeping people who do not have a license from working in their  
 688 field for other entities such as doctors and chiropractors. It is up to the entities to  
 689 decide their employee criteria.

690 ➤ Be as clear as you can why you are or why not granting the license.

691

692 Traci Gilmour left at 11:13 a.m. and was back at 11:15 a.m.

693

694 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
 695 **roll call vote, it was RESOLVED to break until 12:02 p.m.**

696 Back on the record at 12:02 p.m.

697

698 The Board decides that it needs to define what is expected of an approved massage school  
 699 and the best way to do this is to form a sub-committee. The Board decides that Jill Motz  
 700 and Ron Gibbs would make up this sub-committee and will meet on January 1, 2018 at 3:00  
 701 p.m. The subcommittee will determine course content, list of COMTA and ELAP standards  
 702 and do research on Oregon, California, Washington, and Alaska state content curriculum  
 703 standards for massage therapy (if they're defined). They will then present their findings at  
 704 the next Board meeting and make a recommendation to the Board with what they believe  
 705 should be Alaska's standards for defining massage therapy program.

706

#### 707 Agenda Item 12 New Business (Potential Regulations Projects)

708

709 **In a motion made by Ron Gibbs, seconded by Jill Motz, and passed unanimously with a roll**  
 710 **call vote, it was RESOLVED to send the following draft amendment to the Regulations**  
 711 **Specialist to amend 12 AAC 79.100 to institute language that transcripts, exam scores, and**  
 712 **license verification be sent directly to the Division from the institution.**

713

714 The Board discusses Blood Borne Pathogens time limits and it is decided that a person having taken  
 715 their BBP certification within the required time frame regardless of how long it takes them to  
 716 complete their application is all that is needed.

717

718 The Board discusses whether to make a regulations amendment how long an applicant has to  
 719 complete their file and whether it will go "stale" as in the Medical statutes and regulations have  
 720 written. OLE Dulebohn will do further research to present the regulations project to the Board  
 721 reflecting a 6 month cutoff date before an application goes "stale".

722

#### 723 Agenda Item 13 Administrative Business

724

725 Sign Wall Certificates- Wall Certificates were signed by the Chair.

726

727 Sign Past Minutes- Past meeting minutes were signed by the Chair

728

729 Schedule Future Meetings- the Board confirmed the following meeting dates for the upcoming year.

730

- Board Meetings:
  - March 5-6, 2018 meeting in Juneau  
 (Ms. Gilmour made a motion to move the meeting to March 8-9, 2017 but it was not  
 seconded)
  - June 11-12 teleconference
  - September 10-11, 2018 teleconference
  - December 3-4, 2018 in Anchorage

736

- Conferences:
  - FSMTB conference in Salt Lake City on October 4-6, 2018 the Board decides that Jill Motz  
 and David Edwards-Smith

740

741 **In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with**  
 742 **a roll call vote, it was RESOLVED to send Jill Motz and David Edwards-Smith to the**  
 743 **FSMTB conference on October 4-6, 2018.**

744



745 Correspondence:

746

747 National Headlines on Alleged Sexual Misconduct by a Massage Therapist- On Tuesday, November  
748 27, 2017, Liz Thomas from KTVA called to OLE Dulebohn to get a comment on the national news  
749 that Massage Envy, a national chain of massage spas (with two locations in Anchorage), has had 180  
750 allegations of sexual misconduct by a massage therapist (not in Alaska). OLE Dulebohn made no  
751 comment but instead wrote down Ms. Thomas's contact information, notified her supervisor, and  
752 filled out a Record of Contact (ROC) form in accordance with the division's policies. After  
753 researching the story online and finding headlines in two national newspapers and a magazine, OLE  
754 Dulebohn then sent out an e-mail to the Board notifying them of this breaking national news that  
755 concerns massage therapists.

756 The Board discusses any action that needs to be done by them in terms of outreach. HB110 is  
757 discussed in regards to the licensing of massage establishments. The Board makes the decision that  
758 Chair David Edward-Smith will draft a statement in regards to this news story and the Division post  
759 a Public Notice on the Massage Therapists website.

760 Supervisor Renee Hoffard informs the Board that on November 28, 2017, acting Chief Investigator  
761 Greg Francois did contact Ms. Thomas and informed her that as of this time, at this time, there had  
762 been no complaints against Massage Envy. Mr. Francois did inform her that Investigations only has  
763 the authority to look into individually license individuals and businesses.

764 It was decided that David Edwards-Smith would draft a response letter from the Board addressing  
765 this and would send it on to OLE Dulebohn to post on the website.

766

767 Received a phone call on November 21, 2017 from Lolita Tupua LMT asking if massage therapists  
768 were required to keep their own client notes on patience when the LMT was working for another  
769 entity such as a chiropractor. Ms. Tupua's employer discouraged the practice of keeping notes  
770 outside the patient's file. OLE Dulebohn quoted the Standards of Practice #2 stating that massage  
771 therapists "maintain a record of daily clientele including name and date of service and adequate  
772 progress notes when applicable." After consulting with her supervisor, OLE Dulebohn also  
773 informed Ms. Tupua that another benefit of keeping her own notes is in case there are billing  
774 discrepancies, financial audit, or in case notes were ever became a regulatory requirement and could  
775 be audited. Ms. Tupua seemed satisfied and pleased with the information. On November 22, 2017,  
776 OLE Dulebohn received a phone call from Ms. Tupua's employer, Dr. Rob van Zweeden, disputing  
777 the counsel given by OLE Dulebohn stating that it is a HIPA violation. I took his information and  
778 passed it on to Supervisor Renee Hoffard. It was decided that this situation should go to the Board  
779 for further insight.

780 The Board gave advisement that the SOP #2 was only to be followed in the LMT's own private  
781 practice and that when you work under the umbrella of another, those notes stay in the file in the  
782 business because that business assumes the risk. I will contact both the chiropractor and LMT and  
783 advise them of the Board's decision. Standards of Practice are currently a recommendation and do  
784 not have a disciplinary matrix. They will be addresses on case by case basis.

785

786 At this time the Board concluded all scheduled Board business.

787


788 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
789 **roll call vote, it was RESOLVED to adjourn.**

790

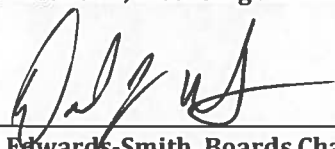
791

792 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting at and the record  
793 ended at 12:43 p.m.

794  
795 **Respectfully Submitted,**

796  
797   
798 \_\_\_\_\_  
799 **Dawn Dulebohn, Licensing Examiner**

3/9/18  
Date

801  
802   
803 \_\_\_\_\_  
804 **David Edwards-Smith, Boards Chair**

3-9-18  
Date

805  
806  
807