

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 **MINUTES OF THE MEETING**

7 **March 8-9, 2018**  
8  
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 in person meeting on  
13 March 8-9, 2018.  
14

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

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

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

24 **Division Staff present:**  
25

26 Dawn Dulebohn, Occupational Licensing Examiner  
27 Melissa Dumas, Administrative Officer II  
28 Janey McCullough, Director of the Division of Corporations, Business, and  
29 Professional Licensing  
30 Jasmin Bautista, Investigator III  
31 Greg Francois, Chief Investigator  
32 Christina Bond, Investigator II  
33 Renee Hoffard, Records and Licensing Supervisor  
34 Marilyn Zimmerman, Paralegal II  
35 Sara Chambers, Deputy Director of the Division of Corporations, Business, and  
36 Professional Licensing  
37

38 **Agenda Item 2** **Ethics Reporting:**  
39

40 The Board Chair opened the floor to any Board member that may have an ethics violation or  
41 inquiry. None were presented.  
42  
43

44 **Agenda Item 3** **Review/Approve Agenda:**  
45

46 In a motion duly made by Ron Gibbs, seconded by Jill Motz, and passed unanimously with  
47 a roll call vote, it was **RESOLVED** accept the agenda as written.  
48

49 Joining telephonically:

50

51 Shawn DeFord

52 Marnie DeFord

53 Kierke Kussart

54

55 Joining in person:

56

57 Volker Hruby

58

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

60

61 **In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously**  
62 **with a roll call vote, it was RESOLVED to accept the November 30- December 1, 2017**  
63 **meeting minutes as written.**

64

65 **Agenda Item 5** **Educational Subcommittee**

66

67 The Board discussed the findings of the Educational Subcommittee who met on January 1, 2018.  
68 The Subcommittee was formed when the Board recognized in the November 30- December 1, 2017  
69 meeting that there was not a clear outline of what a “approved massage school or program”  
70 curriculum was in order to further define AS 08.61.100(1). The Board was urged by the Department  
71 of Law to narrow, by regulation, the broad definition in statute. It was decided that the Board  
72 needed to frame an educational program so that any massage program (regardless of it having the  
73 word “massage” in it or not having a national accreditation for content alone) that comes before the  
74 Board can be reviewed using the criteria that the Board has determined meets that statutory  
75 definition and is in favor of public safety. This is a necessary step to determine whether a program  
76 adequately prepares an applicant for licensure for massage therapy.

77

78 The Subcommittee members provided documents from Alaska Commission on Postsecondary  
79 Education (ACPE), Commission on Massage Therapy Accreditation (COMTA), Entry Level  
80 Analysis Project (ELAP), and State Breakdowns of Curriculum Standards as reference material.

81

82 The Subcommittee’s goal was to take as much information from other states and well as ELAP and  
83 COMTA and it put it all together in such a way that they could average the information out and  
84 come up with a statistical number that was fair and would apply to Alaska. This would allow a  
85 bodyworker who wants to apply for licensure to be able to look at this breakdown and determine  
86 deficiencies that, (at the Board’s direction) once made up, could be combined with their current  
87 education to allow a pathway to licensure.

88

89 The Subcommittee found that there are 30 states that defined curriculum mandate and minimum  
90 content, 7 states defined content only, and 10 states had no defined content beyond number of  
91 required hours. The Subcommittee took all that information and processed it (since all the state  
92 have different requirements) and converted the numbers into a percentage. They then took those  
93 numbers and broke them down into four components (headings as recommended by ELAP):  
94 Anatomy, Physiology, Biology, and Kinesiology (27%), Massage Theory and Practical Applications  
95 (47%), Clinical Practice (18%), and Ethics, Law, and Business (8%). The Subcommittee agreed that  
96 whatever education a bodyworker has in the Massage Theory and Practical Applications department,





180 AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of  
181 discussing “subjects that tend to prejudice the reputation and character of any person,  
182 provided the person may request a public discussion.” Board staff Dawn Dulebohn, Jasmin  
183 Bautista, Christina Bond, and Greg Francois to remain in the room during executive session  
184

185 Off the record at 10:26 a.m.

186 Back on the record from Executive Session at 11:23 a.m.

187

188 Agenda Item 8 Investigative Case Review

189

190 In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously, it  
191 was **RESOLVED** to return from Executive Session at 11:24 a.m.

192

193 Chair Edwards-Smith asks the Board for motions regarding the information provided by the  
194 Investigative staff.

195

196 In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with  
197 a roll call vote, it was **RESOLVED** to **DENY** the application for Shu Cao #2017-001154  
198 citing AS 08.61.030(9) “*The Board shall issue a license to practice massage therapy to a*  
199 *person who has not been convicted of, or pled guilty or no contest to, a crime involving*  
200 *moral turpitude, or who has been convicted of, or pled guilty or no contest to, a crime*  
201 *involving moral turpitude if the board finds that the conviction does not affect the person’s*  
202 *ability to practice competently and safely.*”

203

204 In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously  
205 with a roll call vote, it was **RESOLVED** to **APPROVE** the Consent Agreement as written for  
206 #2017-000969.

207

208 In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously  
209 with a roll call vote, it was **RESOLVED** to **DENY** the application for Jung Kim #2018-  
210 000037 citing 8 US Code 1621 A1C1A “*Aliens who are not qualified aliens or nonimmigrants*  
211 *ineligible for State and local public benefits.*”

212

213 In a motion duly made by Ron Gibbs, seconded by Traci Gilmour, and passed unanimously  
214 with a roll call vote, it was **RESOLVED** to **DENY** the application for Hye Lee #2017-000465  
215 citing AS 08.61.030(9) “*The Board shall issue a license to practice massage therapy to a*  
216 *person who has not been convicted of, or pled guilty or no contest to, a crime involving*  
217 *moral turpitude, or who has been convicted of, or pled guilty or no contest to, a crime*  
218 *involving moral turpitude if the board finds that the conviction does not affect the person’s*  
219 *ability to practice competently and safely.*”

220

221 In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously  
222 with a roll call vote, it was **RESOLVED** to **APPROVE** the Consent Agreement as written for  
223 #2017-000925.

224

225 In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed with a  
226 quorum with Mr. Edwards-Smith abstaining, it was **RESOLVED** to **APPROVE** the Consent  
227 Agreement as written for #2018-000185.

228  
229 In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with  
230 a roll call vote, it was RESOLVED to APPROVE the Consent Agreement as written for  
231 #2018-000145.

232  
233 In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously  
234 with a roll call vote, it was RESOLVED to APPROVE the Consent Agreement as written for  
235 #2017-000811.

236  
237 Agenda Item 5 (continued) Educational Subcommittee  
238

239 Education Subcommittee discussion continued at 11:32 a.m. and went on to discuss hour  
240 breakdowns. The Board discussed what would happen if the required amount of hours increases  
241 from 500 to 625 as current legislation being heard proposes. The Board decided the hours would  
242 increase proportionately. They talked of minimum amounts of hours for each of the varied  
243 modalities. The Board has a free form discussion on what wording they would like for the  
244 Curriculum Breakdown.

245  
246 Chair Edwards-Smith called a break for lunch at 11:59 a.m.

247  
248 Agenda Item 9 Lunch

249  
250 Agenda Item 10 Public Comment

251  
252 Back from lunch at 1:13 p.m.

253  
254 Joining the meeting telephonically for Public Comment are:

255  
256 Edward Toal  
257 Shawn DeFord  
258 Kierke Kussart- Alaska Commission on Post-Secondary Education

259  
260 The Board prepared to hear public comment. Going in order presented, at 1:15 p.m. Mr. Toal's  
261 statement was as follows:

262  
263 "Yes, thank you, Board Chair Edwards-Smith for this opportunity to speak. I would like to start out  
264 by suggesting maybe adding a second Public Comment period at the end of the Board meetings. A  
265 lot happens during these meetings and it might be nice to respond in a timely fashion to things that  
266 have happened already and give feedback. It's just my first suggestion.

267 I would like to comment on the discussion this morning on approved school requirements. It was  
268 interesting to hear the concept on requiring multiple modalities. As far as I'm concerned is kinda  
269 out of left field. I imagine that if someone through the Swedish Institute in New York City with a  
270 1000 hour program were to apply and only had a background in Swedish massage and Shiatsu that  
271 the Board would not question that and I'm sure would consider it ludicrous to deny that person a  
272 license.

273 Then we come to find that in the opinion of Jill Motz and I believe Ron Gibbs expressed this  
274 opinion as well, that approved massage schools would not need to meet that requirement. That it  
275 would only be schools that do not use the term massage in their curriculum. They would have to

276 meet this additional burden. I hardly think this will pass a legal test. It sounds highly unusual to me.  
277 It further points to the real nature of this project (which multiple people on the Board have said this  
278 starting in October, then in November, then again today) that the actual reason for doing this is to  
279 try to find an excuse to deny status to a school, namely the Rolf Institute. I guess, maybe certain  
280 Board members may not admit to themselves that's what they're doing but that is the project at  
281 hand, let's all be honest. Traci Gilmour expressed the desire to 'tighten the language' around what  
282 the definition of massage therapy is. Ron Gibbs said that regardless of the definitions in statute that  
283 certain changes would be made and would need to be made. I would like to remind everyone on the  
284 Board that you're in fact compelled to adhere to the definitions in statute. That's why the  
285 definitions are there; it's the law. Any changes in nature of this morning discussion pointed towards,  
286 that going to require a statutory change. And I predict that if a bill is introduced, you're going to fail  
287 in that attempt 'cause you're on the record at three meeting so far basically admitting that the  
288 purpose of this change that you're seeking is to deny a particular school (that otherwise meets,  
289 except for missing the word 'massage') that meets every definition that you set in place. They're  
290 COMTA accredited, the graduates of the Rolf Institute sit for, and pass, the MBLEx. It's strange to  
291 me that you could put out there that FSMTB allows graduates of the school to sit for their MBLEx  
292 exam and yet aren't qualified to practice massage therapy. That's a very strange assertion. So, good  
293 luck trying to get through that. You're on the record as being prejudice and discriminatory so again,  
294 on the record, I'm just reiterating that so that there's no mistake.  
295 Your own lawyer in the November 30<sup>th</sup> board meeting advised you to ignore the word massage and  
296 if the training meets the description of the word massage therapy in statute (which is a very broad  
297 definition which you know), your lawyer advised you to ignore the word massage and adhere to the  
298 definition which again and again gets sidelined. Particularly with Ron Gibbs. Ron, I've gotta say  
299 you like to ignore the definition of massage therapy in statute. So, if I were a board member, I  
300 would constantly going back and reminding myself what the law is and not waste my time trying to  
301 sidestep the law because it's there for a reason. If you were paying attention, it's not gonna squirm  
302 through. We're going to call you on every letter of the law. So please stop wasting your time,  
303 recognize the Rolf Institute and any other school that teaches a program with the required hours,  
304 that meets the definition of massage therapy in statute, ignore the word massage, and stop this  
305 project of trying to redefine what massage is. It's silly to try and say that Swedish massage has to be  
306 the definition. That's not anywhere in statute. That's an invention you guys are coming up with.  
307 Please follow David Edwards- Smith's lead. Dave seems to get it! He seems to see the dark road  
308 you're travelling down and stop you. So listen to him and thank you.

309

310 At 1:21 p.m. Mr. DeFord's statement was as follows:

311

312 "Hello. My name is Shawn DeFord and I just wanted to introduce myself and make a couple of  
313 very brief comments. I just wanted to assure the Board that my efforts to acquire a massage therapy  
314 license are genuine and sincere. I am currently working in Anchorage and hope that, as a  
315 bodyworker who specializes in the Rolfing modality, I can continue to do so in the future.  
316 I feel that under the current statute and regulation, I have the requirements to receive a massage  
317 therapy license. I also wanted to bring up what I believe to be the main purpose of requiring  
318 massage therapists to be licensed is to protect the public. I am currently working with the public  
319 and I am legally allowed to do so at this time. It seems to me that issuing me a massage therapy  
320 license, along with my willingness to accept what is required to keep that license, would only serve to  
321 further protect the public. I hope you come to the same conclusion. That's about all I have to say  
322 at this time. Thank you for your time."

323

324 At 1:23 p.m. Ms. Kussart's statement was as follows:  
325

326 "Thank you. Through the Chair, Members of the Committee, listened with interest to your ideas  
327 about education requiring a certain amount of hours. I wanted to let you know that I support that  
328 as far as my position goes and find it very helpful. I work a lot with the Board of Nursing and the  
329 Board of Barbers and Hairdressers and having had a list of hours for certain training (Barbers and  
330 Hairdressers calls it 'practical applications' that you have to do so many haircuts, so many shaves...)  
331 and having that spelled out in regs is very helpful. I wanted to comment on that.

332 I also wanted to point out there was a lot of discussion on having a definition for an 'approved  
333 massage school'. There is already a definition in statute of an 'approved massage therapy school or  
334 program'. So that's currently defined. Any definition that you are working with would have to fit  
335 that which is already in place.

336 I also read quite a bit of statute and regs from the professional licensing boards because as I read  
337 institution materials, I'm not just looking for compliance of my minimum standards but looking for  
338 compliance with the standards of the oversight boards. I just have a little concern I wanted to bring  
339 up. So, for Barbers and Hairdressers in statute, the powers and duties of the Board specifically says  
340 Board shall exercise general control over the vocations of barbering, hairdressing, manicuring, and  
341 aesthetics... Under the statutes of the Board of Nursing, duties and powers of the Board, the Board  
342 will...approve curricula and adopt standards for basic education programs that prepare persons for  
343 licensing...approve education programs that meet the requirements of this chapter...

344 It is very clearly spelled out that those Boards are over education. When I look at the duties and  
345 powers of the Board of Massage, there's nothing in their specific to education. And so, I just, I'm  
346 not sure if you have already addressed that with Law. Or maybe I'm misunderstanding or the scope.  
347 I just wanted to point that out that you could be doing an awful lot of work and then find it is a  
348 statutory change to give you the authority that you're looking for. And I'd be happy to take any  
349 questions."

350  
351 Chair Edwards-Smith remarked that Public Comment is a very helpful part of the process and the  
352 Board appreciate the participants.

353  
354 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously, it was**  
355 **RESOLVED to amend the agenda and move the Report on Legislative Meetings from 1:30**  
356 **p.m. today until after Old Business on March 9, 2018.**

357  
358 **Agenda Item 5 (continued)** **Educational Subcommittee**

359  
360 Educational Subcommittee's discussion continued at 1:30 p.m. and Chair Edward-Smith recognized  
361 the concern brought up by Ms. Kussart's public testimony on whether the Board has statutory  
362 authority over education. He re-states that the Board is looking to provide the public with a clear  
363 definition of what an "approved massage school" looks like.

364  
365 Mr. Gibbs quotes AS 08.61.100(1)(A)(B): "approved massage school" means a massage therapy  
366 school or program that has an authorization to operate from the Alaska Commission on  
367 Postsecondary Education or a similar entity in another state; or is accredited by a nationally  
368 recognized accrediting agency. Mr. Gibbs points out that these agencies can accredit the institution  
369 but not necessarily as a massage program (even though they offer that accreditation). In the case of  
370 the Rolf school, it is authorized as an institution meaning that they have met the requirements to be



371 a school but there is no verification of them being a massage school. When the Board looked at  
372 COMTA, most massage schools are listed as a massage school.

373  
374 After hearing testimony from the Rolf Institute, the International Association of Structural  
375 Integrators (Iasi), and from different structural integrators stating that they are not the same as  
376 massage therapists, Mr. Gibbs stated that, despite his initial opinion that all bodyworkers were the  
377 same, overwhelming opposition has caused him to reassess his position on the subject. He states  
378 there is no vendetta on his part, he is just referencing the documentation and seeing missing  
379 components in education.

380  
381 Ms. Motz reminds the Board that COMTA offers 3 types of accreditation: Institution, Program,  
382 and Curriculum. Through her correspondence with COMTA, it was revealed that the institution  
383 accreditation is determined by assessment of curriculum and mission statement comparison to  
384 determine similarities. Institutional accreditation does not review content of educational programs  
385 or curriculum although there are massage therapy programs that are institutionally accredited. One  
386 of the questions being asked by the Department of Law of the Board is whether or not something  
387 could be a massage education regardless of that school or program using the word “massage”.

388  
389 Mr. Edwards-Smith reminds the board of the point made by the Department of Law in the  
390 November 30- December 1, 2017 board meeting affirming that it was acceptable and encouraged for  
391 the Board to look at the program and determine whether the curriculum of the Rolf Institute met  
392 the statutory definition of what massage is. Ms. Motz recalls that in that same meeting the Board  
393 was asked by the both Division and the Department of Law to further define “approved massage  
394 school or program” and that’s where this definition project came from in the first place.

395  
396 At 1:50 p.m., the Board is joined by Sara Chambers to answer questions brought up by the Public  
397 Comment of ACPE’s Kierke Kussart. Ms. Chambers reiterates that the Board has received advice  
398 from their attorney that they can, and are encouraged to, further define “massage therapy school or  
399 program” but cannot change the language without a statutory change as they have previously been  
400 advised by counsel from the Department of Law.

401  
402 The Board and Ms. Chambers have dialogue concerning the fact that anyone can have an institution  
403 of education accredited school but if the school is not accredited as a “massage school” it doesn’t  
404 meet statutory requirements. Is the Board out of compliance with the statute if it approves a school  
405 that is not accredited as a “massage school” as written in statute but as an “educational institution”?  
406 Can the Board look at the course content to determine if it meets the criteria of a “massage school”?  
407 After reviewing statutes, Ms. Chambers answers that the statutes says “massage school or program”  
408 which would allow the Board to assess and approve “programs” of massage too. Furthermore, it  
409 would allow the Board to look at a program that may not have the word massage in it but has the  
410 content to support a massage education. The steps the Board is taking to frame out what a massage  
411 program looks like will allow them to determine any deficits in education and sanction someone  
412 who is applying to utilize what education they have already completed and just make up the  
413 difference. Ms. Chambers outlines that there would be 3 possible types of education accepted:

- 414 1) From an accredited massage school
- 415 2) From an accredited school (not defined as massage) with a clear program of massage therapy
- 416 3) A mix of education determined by the Board to be a massage education from an accredited  
417 institution

418

419 The Board further asks Ms. Chambers if, at this time, they could approve an applicant’s license  
420 pending completion of deficiencies in education. Ms. Chambers responds cautioning the Board of  
421 setting a precedent by accepting an education that does not meet Board approved standards of what  
422 a “massage therapy school or program” is only because it’s close to the standards the Board is in the  
423 process of writing. Ms. Chambers goes on to say that just because there is an applicant right now  
424 that meets the draft language of a regulations, it doesn’t mean the applicant will still meet them after  
425 the language goes through public comment and the regulations are finalized. The draft regulation  
426 may be significantly different than the final document that is adopted.

427

428 Discussion with Ms. Chambers ended at 2:14 p.m.

429

430

431 **Agenda Item 12** **Continuing Education Disciplinary Matrix**

432

433 At 2:14 p.m., the Board is joined by Marilyn Zimmerman to present the format for a Continuing  
434 Education Disciplinary Matrix since the Board has not established one. Ms. Zimmerman goes over  
435 what other Boards have adopted and why. She answers questions by the Board.

436

437 Ms. Zimmerman states that there are options for those who fail their audits:

438

439 1) **Licensee can voluntarily surrender their license.** Should they choose to come back:

440

- Licensee must wait a minimum of a year but not more than 5 years
- Licensee would have to satisfy the audit by entering into a consent agreement including continuing education for each year they didn’t have a license.
- Licensee would not have to reapply unless they cannot meet the requirements of the audit.

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Ms. Zimmerman states that some non-reportable options are:

- Letter of Advisement- (for licensees that fail to complete up to 1 hour) as a “slap on the hand”.
- Civil Fines-can be used when there isn’t a major grievance in lieu of mandatory audits or reprimands.

465 The Continuing Education Disciplinary Matrix would also be used in instances where a license has  
 466 lapsed and the licensee failed to show proof of completion of the required continuing education.

467  
 468 Chair Edwards-Smith calls break at 2:29 p.m.  
 469 Back on the record at 2:38 p.m.

470  
 471

**Continuing Education Disciplinary Matrix**

PROGRAM	REMEDIAL CE REQUIREMENT	MANDATORY AUDIT REQUIREMENT	REPRIMAND	FINE	IMPOSITION OF CIVIL FINE USED IN SOME CASES	LETTER OF ADVISEMENT APPROVED IN SOME CASES
MAS-Massage	Yes. Licensee must make up the deficient hours.	Yes	Yes	\$50 for each deficient hour.	No	Yes.

472  
 473

474 This matrix will be effective immediately.

475  
 476 In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a  
 477 roll call vote, it was **RESOLVED** by the Board to **ADOPT** Continuing Education  
 478 Disciplinary Matrix as written.

479  
 480 In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously, it was  
 481 **RESOLVED** to amend the agenda and move Tabled Applications to March 9, 2018 after  
 482 Lunch.

483  
 484 Agenda Item 13 Board Business

485  
 486 Review/ Approve Applications:

487  
 488 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a  
 489 roll call vote, it was **RESOLVED** to **APPROVE** the reinstatement application for a massage  
 490 therapist license for Katherine Balaban.

491  
 492 In a motion made by Ron Gibbs, seconded by Jill Motz, and passed unanimously with a roll  
 493 call vote, it was **RESOLVED** to **APPROVE** the application for a massage therapist license  
 494 for Charity Carpenter.

495  
 496 In a motion made by Ron Gibbs, seconded by Jill Motz, and passed unanimously with a roll  
 497 call vote, it was **RESOLVED** to **APPROVE** the application for a massage therapist license  
 498 for Brett Chamberland.

499

500 In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with  
501 a roll call vote, it was **RESOLVED** to **APPROVE** the application for a massage therapist  
502 license for Chanel Ching.

503  
504 In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll  
505 call vote, it was **RESOLVED** to **APPROVE** the application for a massage therapist license  
506 for Jerri Chivers.

507  
508 In a motion made by Ron Gibbs, seconded by Traci Gilmour, and passed unanimously with  
509 a roll call vote, it was **RESOLVED** to **APPROVE** the application for a massage therapist  
510 license for Christina Curnow.

511  
512 In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll  
513 call vote, it was **RESOLVED** to **APPROVE** the application for a massage therapist license  
514 for Daniel Groeneweg.

515  
516 In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll  
517 call vote, it was **RESOLVED** to **APPROVE** the application for a massage therapist license  
518 for Gabrielle Hill.

519  
520 In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a  
521 roll call vote, it was **RESOLVED** to **APPROVE** the application for a massage therapist  
522 license for Sandra Lapp.

523  
524 In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a  
525 roll call vote, it was **RESOLVED** to **APPROVE** the application for a massage therapist  
526 license for Fawn Peterson **PENDING** consent agreement.

527  
528 In a motion made by Ron Gibbs, seconded by Jill Motz, and passed unanimously with a roll  
529 call vote, it was **RESOLVED** to **APPROVE** the application for a massage therapist license  
530 for Paulina Somvilaysack.

531  
532 In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a  
533 roll call vote, it was **RESOLVED** to **APPROVE** the reinstatement application for a massage  
534 therapist license for Rodelmiro Valdez.

535  
536 In discussion by the Board, previous to the vote, the Board reviewed the reinstatement application  
537 for P.S., noting that none of the continuing education documents provided by P.S. were completed  
538 during the last licensing cycle of July 1, 2015 and September 30, 2017. The Board approved content  
539 of remedial continuing education that P.S. submitted. Being reticent to impose a fine so soon after  
540 adopting the CE Matrix, the Board asked Ms. Zimmerman to come back for clarification on their  
541 duties and if they could post date the effective date of the CE Matrix.

542  
543 Chair Edwards-Smith called for a break at 3:08 p.m. in order for OLE Dulebohn to secure Ms.  
544 Zimmerman's counsel.

545 Back on the record at 3:16 p.m.

546

547 Upon arrival, Ms. Zimmerman advises the Board that they can put an effective date on the CE  
548 Matrix but she does have consent agreements that are waiting for the Board's adoption of the  
549 matrix. The Board discusses how every licensee knew that they had to have 6 CE's done before the  
550 end of the licensing period regardless if they didn't know exactly what the repercussions of their  
551 noncompliance would be. Ms. Zimmerman points out that the licensee could always opt for the  
552 voluntary surrender of their license. The Board decides that P.S. will be presented with a consent  
553 agreement that includes a \$50.00 per deficit hour fine, mandatory audits for 2 renewal cycles, and  
554 reprimand.

555  
556 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed with a quorum with Mr.**  
557 **Edwards-Smith abstaining, it was RESOLVED to APPROVE the reinstatement application**  
558 **for a massage therapist license for Peggy Snow PENDING acceptance of a consent**  
559 **agreement in accordance with the Continuing Education Disciplinary Matrix.**

560  
561 In discussion by the Board, previous to the vote, the Board reviewed reinstatement application for  
562 K.S., noting that not all of the continuing education completed was during the last licensing cycle of  
563 July 1, 2015 and September 30, 2017. K.S. will be presented with a consent agreement that includes  
564 a \$50.00 per deficit hour fine, requirement of remedial continuing education, mandatory audits for 2  
565 renewal cycles, and reprimand.

566  
567 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll**  
568 **call vote, it was RESOLVED to APPROVE the reinstatement application for a massage**  
569 **therapist license for Karley Stubbe PENDING acceptance of consent agreement in**  
570 **accordance with the Continuing Education Disciplinary Matrix.**

571  
572 Chair Edwards-Smith called a break at 3:26 p.m.

573 Back on the record at 3:30 p.m.

574  
575 Review/Approve Continuing Education Audits:

576  
577 OLE Dulebohn clarifies to the Board that all the Continuing Education from the last audit are  
578 presented to the Board by the paralegal. The Board is being asked to evaluate and approve content  
579 only as every licensee will be presented with a consent agreement to address deficiencies.

580  
581 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a**  
582 **roll call vote, it was RESOLVED to APPROVE the content of continuing education**  
583 **presented by Shannon Cothren PENDING a consent agreement.**

584  
585 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a**  
586 **roll call vote, it was RESOLVED to APPROVE the content of continuing education**  
587 **presented by Sky Inglett PENDING a consent agreement.**

588  
589 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
590 **roll call vote, it was RESOLVED to APPROVE the content of continuing education**  
591 **presented by Michelle Kocan PENDING a consent agreement.**

592

593 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a  
594 roll call vote, it was **RESOLVED** to **APPROVE** the content of continuing education  
595 presented by Alison Neeld **PENDING** a consent agreement.  
596

597 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a  
598 roll call vote, it was **RESOLVED** to **APPROVE** the content of continuing education  
599 presented by Opal Sidon **PENDING** a consent agreement.  
600

601 Review/Update FAQ's from Website:  
602

603 The Board discussed the current FAQ's from the website and decided to change the following:  
604

- 605 • Take out all information on Application by Transition.
- 606 • Take out "you must be licensed effective July 1, 2015"
- 607 • Update Division contact information at the bottom of the last page for the Examiner as well  
608 as Regulations tracking
- 609 • "What happens if I don't meet my audit?" Add information on the CE Matrix and where to  
610 find it on the website.
- 611 • Add information on the Barrier Crimes Matrix/ Fine Schedule and where to find it on the  
612 website.
- 613 • Add information on "What do I do if I know someone who is practicing without a license?"  
614 Include contact information for Investigations and their webpage.
- 615 • Add information on Continuing Education requirements as per 12 AAC 79.210
- 616 • Add information on how to utilize prorated licensing fees  
617

618 The Board felt like more time was needed to gather information on this subject and will contact  
619 OLE Dulebohn to give suggestions. This item was added to the Task List as #11.  
620

621 **Chair Edwards-Smith has recessed for the day and will reconvene the meeting at 9:00 a.m.**  
622 **on March 9, 2018.**  
623

624 Off the record at 3:42 p.m.  
625

626 **Friday, March 9, 2018**  
627

628 **Agenda Item 14** **Call to Order/Roll Call 9:02 a.m.**  
629

630 Board Members present, constituting a quorum:  
631

632 David Edwards-Smith, Board Chair-Licensed Massage Therapist  
633 Traci Gilmour, Licensed Massage Therapist  
634 Ron Gibbs, Licenses Massage Therapist  
635 Jill Motz, Licensed Massage Therapist  
636

637 Division Staff present:  
638

639 Dawn Dulebohn, Occupational Licensing Examiner  
640 Christopher Peloso, Attorney III

641  
642 Joining Telephonically:

643  
644 Shawn DeFord  
645 Marnie DeFord

646  
647 **Agenda Item 15                      Review Agenda**

648  
649 Agenda was reviewed by the Board. The Board noted the agenda changes from yesterday include:

- 650     • Legislative Meeting Report- changed to March 9, 2018 before lunch.  
651     • Tabled Application- changed to March 9, 2018 after lunch  
652     • Lunch will be from 12:00 p.m. – 1:15 p.m.

653  
654 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously, it was**  
655 **RESOLVED to change the agenda to continue discussion by the Educational**  
656 **Subcommittee topic to after Tabled Applications after lunch.**

657  
658 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously, it was**  
659 **RESOLVED to change the agenda to reflect additional continuing education audit review**  
660 **to New Business.**

661  
662 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously, it was**  
663 **RESOLVED to ACCEPT the agenda as amended.**

664  
665 **Agenda Item 16                      Old Business**

666  
667 Task List:

668  
669 The Board went over the Task List from the November 30- December 1, 2018 board meeting.  
670 Items that were reported in this Board Packet were:

- 671     • FSMTB Membership cost for 2017 was \$968.80  
672     • The Board never issued a letter of support for HB 90  
673     • Licenses issued by Transition are not subject to any different renewal/reinstatement  
674     requirements that any other pathway to licensure  
675     • A license may lapse for 5 years before it expires and the person must reapply by a current  
676     method of licensure should they choose to continue licensure.  
677     • Travel requests to attend the October 2018 FSMTB conference were made but OLE  
678     Dulebohn was told by Division they will not be considered until after the next fiscal year  
679     begins in July 2018.  
680     • Sara Chambers sent in all the documentation of the correspondence she was involved in  
681     regarding the process with the Board to set language to regulate massage licensing  
682     establishments.  
683     • The FSMTB Travel Action Summary Report from Jill Motz was reported to the Board.

684

685 Ms. Gilmour brings up discussion as to whether the Barrier Crimes Matrix and the Continuing  
 686 Education Matrix need to be a regulations project. It was added to the Task List as #4 and #5.

687  
 688 The Board asks OLE Dulebohn to research whether a licensee (by request) can take a leave of  
 689 absence from their licensure effectively resulting in an “inactive” status. This would allow them to  
 690 not be contacted, need to pay licensing fees, or submit CE’s. The Board feels that the word  
 691 “lapsed” has a more negative connotation than the word “inactive”. This question was added to the  
 692 Task List as #6.

693  
 694 HB 110:  
 695

696 Ms. Gilmour checked in with Representative Kito’s office and states that they have nothing to  
 697 report at this time. HB 110 is currently sitting in Rules Committee.

698  
 699 HB 275:  
 700

701 Ms. Gilmour reports that HB 275 is making its way to Senate Labor and Commerce.

702  
 703 Report on Legislative Meetings on March 7, 2018:  
 704

**Report on Legislative Meetings**

<b><u>Time</u></b>	<b><u>With</u></b>	<b><u>Who</u></b>	<b><u>Reported Outcome</u></b>
8:30a	Chenault	David	Supportive.
9:00a	Stedman	Traci	
9:30a	Knopp	David	Supportive.
9:30a	Meyer	Jill & Ron	Good talk. Very supportive. Minimum questions. Good questions.
10:00a	Wilson	Jill & Traci	Fun meeting. Interesting suggestions- moving fingerprinting to Health and Social Services.
11:00a	Showers	Jill & David	Fun. Very overwhelmed since he only has been here a week. Asked about fiscal notes and if HB 110 was nonrestrictive to business. He’s been here just long enough to know he can’t commit to anything yet. Supportive.
12:00p	Tilton	Jill & Ron	Supportive. No problems. Very open. Asked good questions on BBP. No questions on establishment licensing.
1:00p	Bishop	Traci & Ron	Met with Staff. Open to what they Board is saying. Familiar with the industry.



1:00p	Hughes	Jill	Well informed. Good questions. Good dialogue. Very supportive.
1:15p	Stevens	Ron	Met with aide. Feel the bill will move through. May not get to it until March because of budget restrictions.
1:30p	Olson	Traci & David	Met with Staffer Dory.
2:00p	Egan	Traci	Supportive of bill. Original massage licensing sponsor. Really good conversation.
3:15p	LeDoux	Ron	HB 110 is currently in her Rules committee. Supportive. Concerns by her constituent that if the hours to apply by Examination are raised, there will be effect on current licensees. Provided assurances.
3:30p	Gardner	Jill	
4:00p	Micciche	David	Supportive.
4:00p	Rauscher	Jill	Very receptive. Asked to sign on as a co-sponsor.

706

707 Fingerprinting Procedures:

708

709 The Board was presented with e-mails from the Department of Public Safety Supervisor Eric  
710 Gaffney on DPS procedures and chain of custody input. Mr. Gaffney sent in two e-mails dated  
711 November 29, 2017 addressing “chain of custody” and February 17, 2018 when he talks about name  
712 base background checks, “rap back program”, concerns with seasonal employment. Mr. Gaffney  
713 provides a pamphlet by the National Crime Prevention and Privacy Comact council. Also presented  
714 was FSMTB FAIR Task Force Survey which includes a Summary of State Background Check  
715 Requirements for Massage Therapy Licensure.

716

717 The Board discusses the implications of HB 110 for fingerprinting only every 3 renewal cycles. The  
718 Board assumes that there will be notification of digressions by a third party (i.e. news, reporter, or  
719 law enforcement).

720

721 Chair Edwards-Smith calls a break at 10:04 a.m.

722 Back on the record at 10:12 a.m.

723

724 Regulations Project Status:

725

726 There were two regulations projects that the Board voted to begin in the November 30- December  
727 1, 2017 meeting.

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

The Board was updated by OLE Dulebohn that because they had not specified statutory authority from AS 08.61.040 that the current draft language does not include license verifications. The Board agreed that it was their intention to have this project include license verification.

2- *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.”*

The Board was informed by OLE Dulebohn that Regulations Specialist Jun Maiquis was not clear as to how the language in regulation should read. The Board acknowledges that they have no statutory authority to create an apprentice program. The Board wonders if Regulations needs more definition of COMTA and ELAP and how they are independent of one another.

**In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously, it was RESOLVED to appoint Jill Motz as a spokesperson for the Board to the Regulations Specialist and the Department of Law concerning the apprenticeship language in proposed regulation.**

Continuing Education Content

During the audit process, it became transparent that there was a need by the Board for clarification on what is acceptable (and not acceptable) for continuing education.

Chair Edwards-Smith brings to the Board’s attention that there may be a time when just because a course is approved by the correct body, the content may need to be evaluated by the Board to see if it qualifies (i.e. nutritional supplement classes).

- 12 AAC 79.210 states that: (d) Continuing education must be completed through a
- (1) board-approved massage therapy or bodywork therapy school or training program;
  - (2) regionally or nationally accredited institution of higher education; a course, seminar, workshop, or other program through that institution must be approved by the board as directly related to the skills and knowledge required for the practice of massage therapy, and includes a bloodborne pathogens and universal and standard precautions course under (c) of this section;
- or
- (3) local, state, or national professional organization that serves the massage therapy profession, including
    - (A) Associated Bodywork and Massage Professionals;
    - (B) the American Massage Therapy Association;
    - (C) the Federation of State Massage Therapy Boards; and
    - (D) the National Certification Board for Therapeutic Massage and Bodywork.

775 12 AAC 02.960 in Centralized Regulations state that: (e) A licensee selected for audit under (c)  
776 or (d) of this section will be notified by the department. Within 30 days of notification, the  
777 licensee shall submit to the department, documentation to verify completion of the continuing  
778 competency activities claimed on the statement submitted with the application for license  
779 renewal. The documentation must include a valid copy of a certificate or similar verification of  
780 satisfactory completion of the continuing competency activities claimed that provides  
781 (1) the name of the licensee;  
782 (2) the amount of continuing competency credit awarded;  
783 (3) a description of the continuing competency activity;  
784 (4) the dates of actual participation or successful completion; and  
785 (5) the name, mailing address and signature of the instructor, sponsor, or other verifier.  
786 (f) A licensee subject to audit under (a) of this section is responsible for maintaining  
787

788 Ms. Motz brings to the Board's attention that slight misspellings of names should be a non-issue.  
789 OLE Dulebohn states that in the few cases that this was an issue, she asks that the licensee contact  
790 the provider or instructor to send the Division an e-mail to verify identity. In the case that they got  
791 married, a marriage certificate was required.  
792

793 Ms. Gilmour suggests that the Board come up with guidelines for approved content for continuing  
794 education to be decided on at the June 11- 12, 2018 meeting. It is #8 on the Task List. The Board  
795 discusses accepting any course for the next licensing period taken before the guidelines are  
796 implemented as being "grandfathered" in. OLE Dulebohn will check with the Paralegal on this  
797 subject. It is #9 on the Task List.  
798

#### 799 Court Decision on Appeal Case:

800  
801 Chris Peloso presented the Board with the decision from the appeals case of Rattana Chingduang.  
802 The Board denied the license of Ms. Chingduang citing AS 08.61.030(3)(A). Ms. Chingduang used  
803 Due Process to appeal the Board's decision. On February 15, 2018 there was a hearing on the  
804 subject with Mr. Peloso representing the Board of Massage Therapists, Ms. Chingduang representing  
805 herself, and OLE Dawn Dulebohn testifying. Administrative Law Judge Kathryn Kurtz upheld the  
806 Board's decision with her ruling on the basis that Ms. Chingduang has not shown that she meets the  
807 requirement for licensure.  
808

809 **In a motion made by Ron Gibbs, seconded by Traci Gilmour, and passed unanimously with**  
810 **a roll call vote, it was RESOLVED to ACCEPT the recommendation of Judge Kurtz on the**  
811 **appeals case of Rattana Chingduang, OAH No. 18-0025-MAS.**  
812  
813  
814  
815

#### 816 Agenda Item 17 New Business

817  
818 New Task List:

### **TASK LIST** **March 8-9, 2018**

---

Task	Who to complete?	When is the deadline?	Distribute to the Board?	Completed
Send Board Breakdown of Massage Curriculum to Dawn to be included in the meeting minutes	David	3/12/2018	Yes- before meeting	
Does the Board have the authority to further define 08.61.100 by Regulation?	Dawn	03/09/2018	yes – at meeting	03/08/2018- answered by Sara Chambers in the meeting
Post CE Disciplinary Matrix on the website	Dawn	once reviewed by Paralegal	Yes- before meeting	
Should the Disciplinary Matrix/Fine Schedule be a regulations project to give it more authority?- Consult Paralegal (from Traci)	Dawn	Before June 11-12, 2018 meeting	Yes.	
Should the CE Disciplinary Matrix be a regulations project to give it more authority?-Consult Paralegal (from Traci)	Dawn	June 11-12, 2018 meeting	No.	
Clarify if the Board can adopt a "inactive" status (by licensee's request) for licensees that need a break from licensure but don't want to start over again. Also, has less negative connotation than "lapsed"	Dawn	June 11-12, 2018 meeting	No.	03/13/2018- clarification from Supervisor Hoffard
Speak to Regulations Specialist and Dept. of Law about current Regulations Projects. Involve Board spokesperson Jill Motz on Apprenticeship language.	Dawn	June 11-12, 2018 meeting	No.	
List of guidelines for acceptable CE content	Board Members	1-May-18	Yes	
Consult Paralegal if any continuing education completed before Board completes list of acceptable content can be "grandfathered" in on a case-by-case basis	Dawn	Before June 11-12, 2018 meeting	No	
Update Massage Establishment Regulation Worksheet	David	Before June 11-12, 2018 meeting	yes	
Review of current FAQ's and make changes for Dawn update them and post to the website	Board Members	1-May-18	yes	
Research FBI policy on when fingerprint cards must be processed by.	Dawn	Before June 11-12, 2018 meeting	No.	
Contact ABMP, FSMTB, NCBTMB, and AMTA about their recommendations for a BBP course	Dawn	Before June 11-12, 2018 meeting	No.	

E-mail FY 2018 and FY 2017 PDF's to the Board	Dawn	1-May-18	yes	
Do fingerprint cards have to be processed within 30 days of receipt to generate background report?- Traci	Dawn	Before June 11-12, 2018 meeting	No	
Does our state have a possibility of a state "rap back" program as CA shows in the FSMTB fingerprinting report?	Dawn	Before June 11-12, 2018 meeting	No	

819

820

821 Potential Regulations Projects:

822

823 The Board discussed the idea of adding a variation of the “stale” application language the Medical  
824 Board to their regulations.

825

826 From the Medical Board:

827

828 12 AAC 40.963 Application Form and Verifications for Licensure.

829 (a) If, upon receipt by the division of the last document required to complete an application  
830 file, the file contains an application form or verification that has a postmark date that is more  
831 than six months old, the document will be considered to be stale and the applicant must  
832 resubmit the document or cause the document to be resubmitted as appropriate before the  
833 application will be considered by the board of the board’s designee.

834 (b) Verifications from medical schools and post graduate training programs will not be  
835 considered stale under (a) of this section.

836 (c) An applicant whose license application has been approved pending receipt of the license  
837 fee must submit the license fee to the department within six months after being notified that  
838 the license application was approved. And applicant who does not submit the license fee to  
839 the department within six months after being notified that the license application was  
840 approved must reapply for licensure.

841 (d) In this section, “application form or verification” means

842 (1) and application for a license or permit

843 (2) a verification of licensure from an appropriate licensing authority in a state,  
844 territory, province, or other country

845 (3) a clearance report from eh Federation of State Medical Boards Board Action  
846 Data Bank

847 (4) a clearance from the federal Drug Enforcement Administration (DEA)

848

849 The Medical Board has statutory authority to make this regulation by AS 08.64.100.

850

851 The Board of Massage Therapists would like to adopt the following language:

852

853 Application Form and Verifications for Licensure.

854 (a) If, upon receipt by the division of the last document required to complete an application  
855 file, the file contains an application form or verification that has a postmark date that is more  
856 than six months old, the document will be considered to be stale and the applicant must

- 857 resubmit the document or cause the document to be resubmitted as appropriate before the  
858 application will be considered by the board or the board's designee.  
859 (b) Verifications from massage schools and programs will not be considered stale under (a)  
860 of this section.  
861 (c) An applicant whose license application has been approved pending receipt of the license  
862 fee must submit the license fee to the department within six months after being notified that  
863 the license application was approved. And applicant who does not submit the license fee to  
864 the department within six months after being notified that the license application was  
865 approved must reapply for licensure.  
866 (d) In this section, "application form or verification" means  
867 (1) an application for a license or permit  
868 (2) a verification of licensure from an appropriate licensing authority in a state,  
869 territory, province, or other country  
870 (3) fingerprint card  
871

872 The Board of Massage Therapists has statutory authority per AS 08.61.020  
873

874 The Board would like follow-up on the valid time frame required by the FBI to generate background  
875 reports and possibly add that to the Regulations Project language. Task List # 13.  
876

877 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a**  
878 **roll call vote, it was RESOLVED to send draft amendment language to the Regulations**  
879 **Specialist to create a regulations project to add "stale language" variation from Medical**  
880 **regulations to Massage Therapist regulations including the addition of fingerprint cards**  
881 **with the authority of AS 08.61.020.**

882  
883 Board Approved Bloodborne Pathogens Course:  
884

885 After reviewing material presented by OLE Dulebohn, the Board declined to endorse any  
886 Bloodborne Pathogens Course. It was recommended that OLE Dulebohn share her research on the  
887 subject and see if any agency wants to list it on their website. Task List # 13. Applicants could then  
888 contact ABMP, FSMTB, NCBTMB, or AMTA to find courses that meet statutes and regulations..  
889

890 FSMTB Executive Summit:  
891

892 OLE Dulebohn presented the Board with the invitation she received for the FSMTB Executive  
893 Summit in April 2018. Ms. Gilmour made it a point to ask OLE Dulebohn if she intended to stay  
894 with the Board because she didn't want to see time and money wasted on sending someone to  
895 attend who did not plan on staying with the Board. Ms. Gilmour stated that OLE Dulebohn was  
896 the 6<sup>th</sup> Licensing Examiner the Board has gone through since its inception. OLE Dulebohn  
897 responded that she had no intentions at this time of leaving the Board of Massage Therapists  
898 examiner position and she believes that one should plan for the future and arm their team with the  
899 best possible tools to do their job and the education garnered from this Summit would greatly  
900 improve her knowledge on massage therapy and its industry issues.  
901

902 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a**  
903 **roll call vote, it was RESOLVED send OLE Dawn Dulebohn to the FSMTB Executive**  
904 **Summit in April 2018.**

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Additional CE Audits (amended):

OLE Dulebohn clarifies to the Board that all the Continuing Education from the last audit are presented to the Board by the paralegal. The Board is being asked to evaluate and approve content only as every licensee will be presented with a consent agreement to address deficiencies.

**In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the content of continuing education presented by Monet Barbee PENDING a consent agreement with regards to the Continuing Education Disciplinary Matrix.**

**In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the content of continuing education presented by Britney Starling PENDING a consent agreement with regards to the Continuing Education Disciplinary Matrix.**

Agenda Item 18 Administrative Business

Calendar and Document Signing:

The Board reviewed the meetings calendar for 2018 verifying that the meeting dates set in the November 30- December 1, 2017 are still viable, the Chair signed consent agreements, approved minutes, and the decision on OAH No. 18-0025-MAS.

FY 2018 Annual Report:

The Board was asked to take into consideration the report format for FY 2018 Annual Report. The Chair will need to write a narrative statement and the Board will need to discuss content. There is no deadline for this project as of now and the Board will be notified by Division when the deadline is set. Included in the Board Packet was FY 2017 for reference material.

Correspondence:

Licensee Gordon Wallis sent correspondence regarding insurance billing issues he has encountered and that he wanted the Board to be aware of and address in regards to restrictions he has found as an employee. The Board read all the material Mr. Wallis sent in and, though they sympathize and confirm that licensed massage therapists are eligible to bill insurance, the Board cannot regulate insurance companies, their criteria, and their policies. The Board pointed out that one of the insurance companies referenced was Blue Cross Anthem which is not a company that operates in the state of Alaska and may not know the statutes and regulations of this state. Ms. Motz states that in her clinic they successfully bill Blue Cross/ Blue Shield but that every plan has a different policy. The Board advised that more training might be needed by Mr. Wallis' billing department as they may need to educate some insurance companies as to what the laws are in Alaska.

Elizabeth Garvey, who is not a licensed massage therapist in Alaska, submitted correspondence to the Board asking that the Board approve her to Apply by Transition although the July 1<sup>st</sup>, 2017 deadline stated in 12 AAC 79.120(a) has passed. Ms. Garvey originally submitted an Application by

953 Transition on June 29, 2015 but this application was deemed “abandoned” by Division according to  
954 Centralized Regulations 12 AAC 02.910 with notice being sent to Ms. Garvey on January 25, 2018.  
955 The Board had discussion on the subject concluding that they will uphold the Regulations as written.

956  
957 Chair Edwards-Smith calls a break for lunch at 11:54 a.m.

958  
959 Agenda Item 19 Lunch

960  
961 Agenda Item 20 Tabled Applications (Amended)

962  
963 Back on the record at 1:16 p.m.

964  
965 Joining telephonically:

966  
967 Shawn DeFord

968  
969 The Board reviewed the tabled application for N.C. and determined that because she was licensed in  
970 California in 2012 (which was prior to the time of state accreditation of schools) it is recommended  
971 by the California Massage Therapy Council and this Board to review her transcripts and verify if the  
972 school she attended was accredited or not.

973 .  
974 **In a motion made by Ron Gibbs, seconded by Traci Gilmour, and passed unanimously with**  
975 **a roll call vote, it was RESOLVED to APPROVE the application for a massage therapist**  
976 **license for Na Chen PENDING the verification of educational credentials by transcript**  
977 **according to statute AS 08.61.040(9)(A)(B) “the board shall issue a license to practice**  
978 **massage therapy to a person who is currently licensed to practice massage therapy in**  
979 **another state or country that has licensing requirements that are substantially equal to or**  
980 **greater than the requirements of this state or certified by a certification entity approve d by**  
981 **the board.”**

982  
983 The Board reviewed the tabled application for S.D. It was tabled because the Rolf Institute of  
984 Structural Integration is not accredited as a massage therapy program and more information was  
985 needed from the Rolf school on their curriculum.

986  
987 Ms. Gilmour stated that the applicant was trained in a singular modality and whose purpose was to  
988 become a Rolfer. Massage schools intentionally have broad training that supports a pathway to  
989 become a massage therapist and ensures they have many tools in their tool kit. When a school does  
990 not offer training in many modalities, it is a chosen pathway by the enrollee that does not create a  
991 massage therapist but a specific type of bodyworker. A massage therapist can train in structural  
992 integration but that does not qualify them to be a Rolfer.

993  
994 Ms. Motz quotes correspondence from the Rolf Institute dated November 4<sup>th</sup>, 2015 that states:  
995 “Structural Integration is a distinct profession separate from the profession of Massage Therapy.  
996 Our long term plan is that our profession be regulated under its own heading- Structural Integration.  
997 At this time, the Rolf Institute feels that the best position regarding regulation is one of exempt  
998 status with respect to our being regulated under Massage legislation.”  
999



1000 Ms. Motz also quotes correspondence from Iasi dated February 14, 2017 that states: Structural  
1001 Integration is a manual therapy profession based on the work of Dr. Ida P. Rolf which works the  
1002 connective tissue of the body to integrate and align the body. Unlike massage, our clients are not  
1003 fully disrobed for our sessions. In addition to manual therapy, we utilize movement, verbal cues,  
1004 and awareness education to improve mobility and reinforce proper alignment and function.  
1005 Structural Integration theory, focus, and practice does not use nor require knowledge of or use of  
1006 massage techniques, theory, training, or education. We have our own schools, curricula, continuing  
1007 education, certification board, and psychometrically valid certification exam.”  
1008

1009 Ms. Motz states that even though it has been contacted to help find a pathway for applicants, the  
1010 Rolf Institute will not disclose they are also a massage school. She believes the Rolf Institute is an  
1011 excellent educational facility who graduates the best structural integration therapists but that does  
1012 not make you a massage therapist. She agrees that other states license Rolfers but as a “massage and  
1013 bodywork therapist” and their category is structural integration. The Board in Alaska does not have  
1014 that authority. If the Board issues a license, the public will assume they are a “massage therapist”  
1015 because that would be the license under which they are practicing. She is not happy to have to make  
1016 this decision but the Board cannot operate outside of what it has the legal authority to do. Despite a  
1017 vigorous campaign on social media and threat of lawsuits, the Board cannot do anything not allowed  
1018 by statute and statute says you must complete a course of study from an approved massage school.  
1019

1020 Ms. Motz continues by saying the Board extended a lot of work, time, and passion on this case and  
1021 would like to express their gratitude to the applicant for stepping forward and being the first person  
1022 in this position. The applicant’s actions led to the Board taking their current steps to defining a  
1023 massage therapy program that they believe will lead to a pathway to licensure in the future. Ms.  
1024 Motz states that this is not a rejection that she feels good about.  
1025

1026 Mr. Gibbs states that he feels bad for the applicant because the applicant is doing some very  
1027 valuable work and the skills learned at the Rolf Institute are commendable. Mr. Gibbs feels the  
1028 Board has been locked into a definition. Regardless of the Rolfers manipulating soft tissue, it  
1029 doesn’t mean you’re a massage therapist because you only know one modality. Mr. Gibbs asserts  
1030 that when you have institutions adamantly telling you that they are not a massage program it would  
1031 be unfair to the thousand therapists out there that attended massage school to accept this school just  
1032 because they have good skills. RISI is not a massage school and their definition of themselves states  
1033 they are not massage therapists. Mr. Gibbs states that as a new board, they need to be very critical  
1034 of those details. There are many modalities that touch soft tissue but do they meet the definitions of  
1035 a massage school? The Board is working hard to try and find a way to provide a pathway to  
1036 licensure to people with valuable skills by drafting language but it is still in the works. Mr. Gibbs  
1037 hopes there will be a solution to this problem before too long.  
1038

1039 Mr. Edwards-Smith states that his position has always been that the Rolf Institute of Structural  
1040 Integration graduates students who are performing the same basic tasks as massage therapists. Mr.  
1041 Edwards-Smith feels with the current tools the Board has and, with discussion with Ms. Chambers,  
1042 Mr. DeFord is qualified as a massage therapist. Mr. Edwards-Smith states that his position is not  
1043 supported by the Rolf Institute of Structural Integration, although he wishes it was. He quotes AS  
1044 08.61.100(1)(A)(B) and believes the Board is very concerned about the term “approved massage  
1045 school”. Mr. Edwards-Smith believes Mr. DeFord is qualified to perform as defined in AS  
1046 08.61.100(5). He feels like RISI has prepared the applicant to be able to perform massage according  
1047 to the Board’s Scope of Practice but in terms of whether RISI is a massage school, he doesn’t see

1048 where the language is supported by the school itself. Mr. Edwards-Smith states that in order to be a  
1049 licensed massage therapist, the licensee must adhere to the Standards of Practice and Code of Ethics  
1050 which says “I will represent my qualifications honestly including education, certifications, and  
1051 professional affiliations and accurately inform clients, health care professionals, and the public of the  
1052 scope and limitations of my discipline. I will provide only those services I am qualified to perform.”  
1053 If the Board were to license this applicant, he would be required to only work in the capacity of his  
1054 training which would mean he would not be able to apply certain techniques. He would like the  
1055 Board to consider that if this person was licensed would the Standards of Practice and Code of  
1056 Ethics adequately protect the public? He also wants to make sure the Board covers all the angles in  
1057 their discussion.

1058  
1059 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed with a quorum not**  
1060 **including David Edwards-Smith with a roll call vote, it was RESOLVED to DENY the**  
1061 **application for a massage therapist license for Shawn DeFord according to AS**  
1062 **08.61.030(3)(A) “the board shall issue a license to practice massage therapy to a person who**  
1063 **furnishes evidence satisfactory to the board that the person has completed a course of study**  
1064 **of at least 500 hours of in-class supervised instruction and clinical work from an approved**  
1065 **massage school”**

1066  
1067 The Board reviewed the tabled application and the Investigative memo of S.R. The problems listed  
1068 in the Investigative memo are addressed by the consent agreement.

1069  
1070 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a**  
1071 **roll call vote, it was RESOLVED to APPROVE the application for a massage therapist**  
1072 **license for Sarah Reichert PENDING consent agreement.**

1073  
1074 The Board reviewed the tabled application of W.S. and determined that because she was licensed in  
1075 California on November 20, 2012 (which was prior to the time of state accreditation of schools) it is  
1076 recommended by the California Massage Therapy Council and this Board, to review her transcripts  
1077 and verify if the school she attended was accredited or not.

1078  
1079 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll**  
1080 **call vote, it was RESOLVED to APPROVE the application for a massage therapist license**  
1081 **for Wenjun Shan PENDING the verification of educational credentials by transcript**  
1082 **according to statute AS 08.61.040(9)(A)(B) “the board shall issue a license to practice**  
1083 **massage therapy to a person who is currently licensed to practice massage therapy in**  
1084 **another state or country that has licensing requirements that are substantially equal to or**  
1085 **greater than the requirements of this state or certified by a certification entity approve d by**  
1086 **the board.”**

1087  
1088 The Board reviewed the tabled application and Investigative Memo for H.S. and found that she was  
1089 cleared by Investigations to move forward to the Board for review. The Board found that her  
1090 school is not accredited and it is on a “pending approval list” which means it still need to be  
1091 reviewed and will not retroactively be approved. At the time she was in school, it was not  
1092 accredited. The applicant is free to reapply at any point that Milpitas Massage College receives  
1093 accreditation.

1094

1095 In a motion made by Ron Gibbs, seconded by Traci Gilmour, and passed unanimously with  
 1096 a roll call vote, it was **RESOLVED** to **DENY** the application for a massage therapist license  
 1097 for Hsin Shao according to AS 08.61.030(3)(A) “the board shall issue a license to practice  
 1098 massage therapy to a person who furnishes evidence satisfactory to the board that the  
 1099 person has completed a course of study of at least 500 hours of in-class supervised  
 1100 instruction and clinical work from an approved massage school”

1101  
 1102 Agenda Item 5 (continued) Educational Subcommittee

1103  
 1104 The Board continued dialogue on March 9, 2018 at 1:56 p.m. and concludes the lengthy discussion  
 1105 with the creation of its definition of a massage school which is outlined below:  
 1106

1107 **Board Breakdown of Massage Curriculum\***  
 1108 **(Definition of Massage School)**

<u>Content</u>	<u>Hours</u>
<b>Anatomy &amp; Physiology Pathology, Kinesiology :</b> <b>Includes:</b> At least 40 hours in pathology, including indications and contraindications Muscular system Nervous system Osteology Circulatory System Kinesiology	<b>135</b>
<b>Massage theory and practical application:</b> <b>Includes:</b> Assessment  Basic massage therapy techniques dedicated to the study of massage therapy and various clinically related modalities No more than 50 hours should address techniques that are exempt from license requirements.  Practical application not to exceed more than 20% of total hours of the massage program	<b>225</b>
<b>Clinical Practice:</b> Universal and standard precautions Self-care Body mechanics Draping Record Keeping Business Practices and professional development Medical terminology	<b>110</b>
<b>Ethics and law:</b>	

local and state laws, therapeutic relationships, professional boundaries	<b>40</b>
*the Board reserves the right to adjust these numbers if the total program hours change	

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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 draft amendment language to the Regulations Specialist to create a regulations project to define massage school by utilizing the adopted Board Breakdown of Massage Curriculum and its four categories Anatomy and Physiology, Pathology, and Kinesiology, Massage Theory and Practical Application, Clinical Practice, and Ethics and Law referencing statute AS 08.61.020(2)(A) and AS 08.61.100(1).

At this time the Board concluded all scheduled Board business.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously, it was **RESOLVED** to adjourn.

Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended at 2:26 p.m.

Respectfully Submitted,

  
 Dawn Dulebohn, Licensing Examiner

10/31/18  
 Date

  
 David Edwards-Smith, Boards Chair

Oct 15th 2018  
 Date