

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 **June 11-12, 2018**  
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 on  
13 June 11-12, 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 Marylene Wales, Accountant III  
29 Autumn Roark, Investigator III  
30 Christina Bond, Investigator II  
31 Jasmin Bautista, Investigator III  
32 Joan Wilson, Department of Law  
33 Marilyn Zimmerman, Paralegal II  
34

35 **Agenda Item 2** **Ethics Reporting:**

36  
37 The Board Chair opened the floor to any Board member that may have an ethics violation or  
38 inquiry. None were presented.  
39

40 **Agenda Item 3** **Review/Approve Agenda:**

41  
42 Jill Motz suggests amending the agenda to add a review of Code of Ethics and Standards of Practice  
43 to include discussion on changes that should be made to those documents. Chair Edwards-Smith  
44 amends the agenda to add a Code of Ethics and Standards of Practice discussion to June 12, 2018 at  
45 2:00 p.m.  
46

47 **In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously**  
48 **consent, it was RESOLVED accept the agenda as written with the amendment for a**  
49 **discussion on Code of Ethics and Standards of Practice at 2:00 p.m on June 12, 2018.**  
50

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

52  
53 Board members discussed the new board program, OnBoard, and knowledge they have acquired  
54 with use. OLE Dulebohn reminds the board that OnBoard is made to keep documents secure  
55 within its site and anything confidential that they choose to download may make their personal  
56 devices discoverable. Traci Gilmour asked OLE Dulebohn to show her some more OnBoard tools  
57 at break.

58  
59 The board reviewed the minutes. Chair Edwards-Smith commented that the minutes were  
60 “exceptional and very thorough”.

61  
62 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed with**  
63 **unanimous consent, it was RESOLVED to accept the March 8-9, 2018 meeting minutes as**  
64 **written.**

65  
66 **Agenda Item 5** **Old Business**

67  
68 Report on Task List from March 8-9, 2018

69  
70 Task List:

71  
72 Chair Edwards-Smith asked OLE Dulebohn to report on the Task List from the March 8-9, 2018  
73 board meeting.

- 74
- 75 • The Board Breakdown of Massage Curriculum as determined by the board in the March 8-9,  
76 2018 meeting was sent to OLE Dulebohn to be included in that meeting’s minutes.
  - 77 • The board has the authority to further define AS 08.61.100 by regulation- per Sara Chambers  
78 in the March 8-9, 2018 meeting.
  - 79 • The Continuing Education Disciplinary Matrix was posted on the board’s website under  
80 “Disciplinary Matrices”.
  - 81 • OLE Dulebohn consulted the Paralegal on whether the board should make their disciplinary  
82 matrices a regulations project to give it more authority and the answer was that it was not  
83 needed and no other program has done so.
  - 84 • OLE Dulebohn consulted Supervisor Hoffard and it was determined that the board cannot  
85 adopt an “inactive” status for licensees because they do not have the statutory authority to  
86 do so.
  - 87 • A meeting was arranged on April 25, 2018 for board appointee Jill Motz, Regulations  
88 Specialist, and Department of Law to discuss the board’s intention and to clarify the  
89 language for the regulations projects stemming from the November/December 2017 and  
90 March 2018 meetings.
  - 91 • The Guidelines for Acceptable Continuing Education list was not ready for the June 11-12,  
92 2018 board meeting as OLE Dulebohn never received compilations from the board.

- 93 • OLE Dulebohn consulted Paralegal Marilyn Zimmerman as to whether the board was able  
94 to review and approve continuing education submissions on a case by case basis after they  
95 complete their acceptable content list and was told that practice is acceptable and  
96 encouraged.
- 97 • The Massage Establishment Regulations Worksheet was not updated as OLE Dulebohn  
98 never received information from Chair Edwards-Smith.
- 99 • The current FAQ's were not updated as OLE Dulebohn never received a completed list of  
100 additions and corrections from board members.
- 101 • OLE Dulebohn did not contact ABMP, FSMTB, NCBTMB, and AMTA for their  
102 recommendations on 4 hour Bloodborne pathogens courses because of the statutory change  
103 reducing the requirement to 2 hours made in 2018.
- 104 • The Annual Report Template for 2017 and 2018 was both e-mailed to the board and  
105 included in the June 2018 board meeting packet.
- 106 • Fingerprint cards do not have to be processed within 30 days of receipt to generate a  
107 background report. They, in fact, have no set time limit but one may be "imposed abruptly  
108 at any time".- Gaffney e-mail 5/23/2018
- 109 • Alaska does not have the possibility of a fingerprinting "rap back" program without an  
110 authorizing statute- Gaffney e-mail 5/23/2018

111  
112 Status of HB 110 and HB 275

113  
114 Chair Edwards-Smith reports both bills have passed and have been signed by the Governor.  
115

116 Review/Update Website FAQ's

117  
118 The board discussed a list of amendments and corrections that should be done to update the  
119 website FAQ's. OLE Dulebohn made notes and will update the FAQ's accordingly.  
120

121 *Chair Edwards-Smith called a break at 8:57 a.m. to allow OLE Dulebohn to disseminate the Massage Hours*  
122 *Breakdown he created to the board.*  
123

124 Amendment of the Board Breakdown of Massage Curriculum- 500 hours

125  
126 *Back on the record at 9:14 a.m.*  
127

128 The board discussed the Board Breakdown of Massage Curriculum (BBMC) that they created in the  
129 March 2018 meeting and how there was a slight math error that brought the total to 510 instead of  
130 500. The board discussed where they might reduce 10 hours to provide a correct breakdown and  
131 decided to deduct 5 hours from Anatomy & Physiology, Pathology, Kinesiology and deduct 5 hours  
132 from Massage Theory and Practical Applications.  
133

134 The board also discussed how they would increase the hours to comply with the passing of HB 110  
135 to 625 hours that will be effective as of July 1, 2019.

136  
137 **Board Breakdown of Massage Curriculum\***  
138 **(Definition of Massage School)**

<u>Content</u>	<u>500 Hours</u>	<u>625 Hours</u> (effective 7-1-2019)
<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>130</b>	<b>162</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>220</b>	<b>275</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>138</b>
<b>Ethics and Law:</b> -Local and state laws -Therapeutic relationships -Professional boundaries	<b>40</b>	<b>50</b>
*the Board reserves the right to adjust these numbers if the total program hours change		

139 In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a  
 140 roll call vote, it was **RESOLVED** to **CORRECT** the **Board Breakdown of Massage**

141 **Curriculum- 500 hours** drafted in March 2018 to amend Massage Theory & Practical from  
142 **225 to 220 hours and Anatomy and Physiology from 135 to 130 hours.** The increased  
143 **Curriculum of 625 hours by statute is: Anatomy & Physiology Pathology, Kinesiology 162**  
144 **hours, Massage Theory and Practical Application 275 hours, Clinical Practice 138 hours,**  
145 **Ethics and Law 50 hours.**

146 Status of Appeals- Shawn DeFord and Christopher Shelden  
147

148 Chair Edwards-Smith asks OLE Dulebohn to report on the status of the appeal cases for DeFord  
149 and Shelden. OLE Dulebohn reports that instead of separate hearings, Mr. DeFord and Mr.  
150 Shelden will be having a joint hearing that will happen on June 19-20, 2018 in Anchorage. OLE  
151 Dulebohn and Deputy Director Sara Chambers are scheduled to testify.  
152

153 **Agenda Item 5 Old Business (continued)**  
154

155 Review/Update Website FAQ's  
156

157 The board continued their discussion of amendments and corrections that should be done to update  
158 the website FAQ's. OLE Dulebohn made notes and will update the FAQ's accordingly  
159

160 *Chair Edwards-Smith called a break at 9:56 a.m.*  
161

162 **Agenda Item 6 Division/Financial Update**  
163

164 Back on the record at 10:01 a.m.  
165

166 The Financial Update was presented in person by Melissa Dumas, Administrative Officer II and was  
167 joined by Marylene Wales, Accountant III. Ms. Dumas reviewed and went through the FY 2018 3<sup>rd</sup>  
168 Quarter Financials including the Schedule of Revenues and Expenditures and Sum of Expenditures  
169 and answered questions by the Board on those topics.  
170

171 Ms. Dumas states that the Division will conduct a fee analysis in March 2019 to see if the board  
172 could lower license fees in the future. The board discussed the financial impact of reducing  
173 fingerprinting to once every 3 licensing periods and licensing massage establishments. Ms. Dumas  
174 pointed out to the board that Inter-Agency Safety (3100) is fingerprint processing.  
175

176 Ms. Dumas was asked by Mr. Gibbs about the Contractual Expenditures of \$47,144, Personal  
177 Services (Investigations) of \$102,805, and Inter-Agency Hearing/Meditation (3094) \$5,105.89.. Ms.  
178 Dumas stated that she would send a breakdown of costs and details to OLE Dulebohn to distribute  
179 to the board.  
180  
181  
182  
183  
184

185 **FY 2018 Schedule of Revenues and Expenditures 1<sup>st</sup> – 3rd Quarter:**  
186

MAS	2017
<b>314,680</b>	<b>Licensing Revenue</b>
102,805	Direct Expenditures
53,111	Indirect Expense
208,581	<b>TOTAL EXPENSES</b>
106,487	Annual Surplus
265,127	Beginning Cumulative Surplus
<b>\$371,614</b>	<b>2018 Ending Cumulative Surplus</b>

187

188 The Division website has Quarterly Reports for all boards.

189

190 **Agenda Item 7** **Investigative and Probation Reports**

191

192 Joining the meeting in person in the Anchorage office from the Department of Investigations are  
 193 Autumn Roark, and Christina Bond. Ms. Roark gave the Investigative Report and stated that the  
 194 Division opened 14 matters and closed 13 in the period of February 28, 2018 through May 22, 2018.  
 195 Ms. Gilmour asked if there was any way for her to get information on a current unlicensed practice  
 196 case to which Ms. Roark stated that she could not divulge information on an open case. OLE  
 197 Dulebohn asked Ms. Roark (for the record) to clarify that a complaint of unlicensed practice does  
 198 not impact an applicant for licensure as they are two separate issues according to Ms. Bautista. Ms.  
 199 Roark concurred that an investigation into an allegation of unlicensed practice definitely should not  
 200 affect a person’s application process.

201

202 Ms. Bond gave the Probation Report stating there are 8 licensees who are currently on probation  
 203 and in compliance. Hearing no questions and having no requests to the Board, she concluded her  
 204 report. Ms. Motz asked about Arturo Ramirez being on “hold” status and what that meant and Ms.  
 205 Gilmour followed up asking if anyone had contacted him to verify that he was not practicing. Ms.  
 206 Bond replied that Mr. Ramirez let his license lapse in September 2017 and that she would attempt  
 207 contact and report to the board on the June 12 meeting.

208

209 *Jasmin Bautista joined the meeting at 10:24 a.m.*

210

211 Mr. Gibbs asked about the Investigative Report Case # 2017-001057 and 1058 with its closure of  
 212 “non Action-Lack Jurisdiction” and was answered by Ms. Bautista that it could mean that it was a  
 213 shop complaint that the board doesn’t have jurisdiction over.

214

215 After a brief discussion with the Investigators, the board chose to go into Executive Session.

216

217 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed with**  
 218 **unanimous consent, it was RESOLVED to enter into Executive Session in accordance with**  
 219 **AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of**  
 220 **discussing “matters which by law, municipal charter, or ordinance are required to be**

221 **confidential.” Board staff Dawn Dulebohn, Jasmin Bautista, Christina Bond, Autumn**  
222 **Roark, Marilyn Zimmerman, Joan Wilson to remain in the room during Executive Session.**

223

224 *Off the record at 10:28 a.m.*

225 *Back on the record from Executive Session at 10:41 a.m.*

226

227 **Agenda Item 8 Investigative Case Review**

228

229 Chair Edwards-Smith comments that this case is an example of the board making the best decision  
230 they could base on the information that was provide to them and importance of the appeals process.

231 In light of new information that was provided by Investigations that resulted in a different view,  
232 Chair Edwards-Smith asks the board for a motion.

233

234 **In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously**  
235 **with a roll call vote, it was RESOLVED to RECIND the DENIAL issued for Shu Hua Cao**  
236 **that was issued in the March 2018 meeting based on the new information provided by**  
237 **Investigations.**

238

239 OLE Dulebohn was asked by the board to build the application file for Shu Hua Cao so the board  
240 can review and make a decision on licensure during this meeting.

241

242 *Ms. Wilson left the meeting at 10:38 a.m.*

243

244 **Agenda Item 12 Board Business**

245

246 **Review/Approve Continuing Education Consent Agreements**

247

248 Paralegal Marilyn Zimmerman wishes to address 3 continuing education consent agreements and  
249 instructs the board to enter Executive Session.

250

251 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed with**  
252 **unanimous consent, it was RESOLVED to enter into Executive Session in accordance with**  
253 **AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of**  
254 **discussing “matters which by law, municipal charter, or ordinance are required to be**  
255 **confidential.” Board staff Dawn Dulebohn and Marilyn Zimmerman to remain in the room**  
256 **during Executive Session.**

257

258 *Off the record at 10:46 a.m.*

259 *Back on the record from Executive Session at 10:57 a.m.*

260

261 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
262 **roll call vote, it was RESOLVED to APPROVE the consent agreement for continuing**  
263 **education for Opal Sidon Case #2018-000039 as written.**

264

265 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
266 **roll call vote, it was RESOLVED to APPROVE the consent agreement for continuing**  
267 **education for Shannon Cothren # 2018-000104 as written.**

268 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a  
269 roll call vote, it was **RESOLVED** to **APPROVE** the consent agreement for continuing  
270 education for Michelle Kocan #2018-000103 as written.

271

272 *Marilyn Zimmerman out at 10:57 a.m.*

273

274 **Agenda Item 9** **Old Business (continued)**

275

276 Report on U.S. Massage Schools Hours Breakdown

277

278 Traci Gilmour reports on 406 schools and 495 programs across the United States that she found on  
279 the American Massage Therapy Association (AMTA) website as an example of curriculum hours as  
280 a response to questions during the last legislative session on why the board felt the program hours  
281 should increase from 500 to 625. The bulk of schools on the list range from 600-800 hours. She  
282 found one 2100 hour school.

283

284 *Nancy Potter from ABMP joined the meeting telephonically.*

285

286 Matrices as Regulations Projects

287

288 As discussed earlier during the Task List, it has been determined that disciplinary matrices do not  
289 need to be regulation in order to have weight. No other program has their disciplinary matrix as a  
290 regulation.

291

292 Update on Current Regulations Projects

293

294 The board discussed the current regulations projects that include: Standard for Apprenticeship  
295 Programs, Chain of Custody for Exam Scores, Transcripts, and License Verifications, Board  
296 Breakdown of Massage Curriculum, and Stale Application Language. The draft language is to be  
297 found in the OnBoard file.

298

299 The board posed questions to OLE Dulebohn on whether the current version of the regulations  
300 language has cleared law and could go to public comment. OLE Dulebohn responds that the  
301 unchanged is ready to go out as soon as the board formally approves it and that she believes after  
302 speaking with Supervisors and the Regulations Specialist that since the curriculum change was  
303 expected and minor that it should be able to go out for public comment together. Ms. Motz  
304 suggests contacting the 3 approved schools in Alaska to make them aware of the potential new  
305 regulations to make sure they participate in public comment. OLE Dulebohn volunteers to contact  
306 the schools after the board members provide the registrar/administrative e-mail addresses to her.

307

308 Board Accepted Content for Continuing Education

309

310 Ms. Gilmour makes a request of the Chair to allow for follow-up conversation on this topic  
311 tomorrow. Chair Edward-Smith acquiesces to Ms. Gilmour's request.

312

313 Chair Edwards-Smith directed the board to define what the purpose of continuing education is and  
314 what it serves. The board decided that continuing education is:



315 “Professional development activities that enhance and expand the skills and knowledge of massage  
316 therapists that enable them to render competent service to clients, the profession, and the public in  
317 accordance with AS 08.61.100(5).”  
318

319 The board reviewed documents provided by Chair Edwards-Smith, the National Certification board  
320 for Therapeutic Massage and Bodywork (NCBTMB) list of acceptable continuing education, and the  
321 Model Administrative Rules for State Massage Regulatory Boards provided by Mr. Gibbs. The  
322 board discusses what they feel is acceptable content for continuing education and what are “valuable  
323 tools in a massage therapist’s toolbox”. Some topics that were discussed were: administrative work  
324 and tax preparation, massage therapists are not allowed to prescribe supplements, animal massage,  
325 breast massage, and energy work. To expand upon whether licensed massage therapists can do  
326 animal massage, OLE Dulebohn informed the board that she had already had a discussion with  
327 Virginia Geary, OLE for the Board of Veterinary Medicine and it was determined that to perform  
328 animal massage in Alaska you must be a licensed veterinarian or Vet Tech..  
329

330 OLE Dulebohn points out that the board can always but a limit of hours on continuing education  
331 topics they feel are useful tools but that they don’t want a therapist to do all of their 16 hours  
332 exclusively in. The board states frequently that licensees can do continuing education in anything  
333 they want, they just cannot submit it for license continuing education credit.  
334

335 The board asks that OLE Dulebohn discuss with the Paralegal the addition of the board’s definition  
336 of continuing education as regulation.  
337

338 Ms. Gilmour suggests moving the continuing education content discussion to tomorrow to allow for  
339 some additional board research. Chair Edwards-Smith agrees and brings up additional topics he  
340 wants to discuss on June 12, 2018 such as fingerprinting suggestions made by Sara Chambers during  
341 the 2018 legislative session discussion of HB 110 and HB 275 which includes chain of custody,  
342 requiring applicants and licensees only get their fingerprints done by a Department of Public Safety  
343 approved establishment, and that it be required that the fingerprinting card be sent directly to  
344 Division from the finger printer. Some questions arose as to whether the board has the authority to  
345 require a fingerprinting establishment to submit the cards directly.  
346

347 *Chair Edwards-Smith calls a break for lunch until 1:15 p.m.*

348 *Off the record at 11:51 p.m.*  
349

350 **Agenda Item 10** **Lunch**

351

352 **Agenda Item 11** **Public Comment**

353

354 *On the record at 1:17 p.m.*  
355

356 Joining the meeting telephonically for Public Comment is:  
357

358

Edward Toal

359

360 The Board prepared to hear public comment. Mr. Toal’s statement began at 1:19p.m. and was as  
361 follows:  
362

363 “Ok, for the record, this is Edward Toal, LMT. I would like to comment that at the March board  
364 meeting we heard from Jill Motz as to the nature of COMTA accreditation. In particular  
365 Institutional Accreditation which is the highest level of COMTA accreditation. It is what the Rolf  
366 Institute of Structural Integration has and according to Ms. Motz that accreditation did not qualify  
367 Rolf Institute as a school of massage therapy for purposes of licensing because, according to her,  
368 Institutional Accreditation does not examine curriculum or content. Now that the board is in  
369 possession of a letter from the Executive Director of COMTA explaining otherwise. That they do,  
370 indeed, scrutinize the curriculum and that any COMTA accredited institution is teaching what our  
371 statute defines as massage therapy. It’s far-fetched to make the argument that because the word  
372 massage does not appear in the curriculum that it is not a massage school. Harriet Milk, I believe  
373 she is with the Attorney General’s Office, she instructed you at the November 30, December 1<sup>st</sup>  
374 meeting (I forget which day it was), she instructed you to ignore the word massage and instead focus  
375 on whether or not the curriculum met the statutes in the definition of massage therapy, which I  
376 believe the board is compelled to adhere to. I don’t know why you abandoned that definition. It’s  
377 in statute; it’s the law.  
378 So, now that you’re in possession of that letter, which makes it clear that the Rolf Institute  
379 curriculum is indeed massage therapy as defined in our statute, I wonder if you’ll persist in your...it’s  
380 obvious that you guys wanna deny Roling and the Rolf Institute as an approved school. That’s  
381 clear but I wonder if facts matter and if you’ll actually start to obey the law instead of continuing  
382 down this pathway that you’ve chosen. That’s my comment. Thank you.”

383  
384 Chair Edwards-Smith seeing that no one else has a comment, closes the Public Comment period.  
385 Chair Edwards-Smith remarks that the board appreciates public comment and that it does help to  
386 inform the board and influence their decision making process.

387  
388 **Agenda Item 12** **Board Business**

389  
390 OLE Dulebohn informs the board that the application they wanted to review stemming from the  
391 Investigative Report is ready for them in the OnBoard file.

392  
393 Chair Edwards-Smith acknowledges that all continuing education consent agreements were taken  
394 care of earlier in the day.

395  
396 **Review Tabled Applications**

397  
398 Mr. Gibbs makes the introductory comment that the board is dealing with an issue in all three of  
399 these tabled applications are on a non-approved list with the California Council of Massage Therapy.  
400 Prior to 2016, there was no evaluation of schools in California. So anybody who graduated from a  
401 school prior to July 1, 2016 did not come from an approved school because there was no  
402 accreditation process in place. The only exception was a postsecondary approval on a local level.  
403 All three of these graduates are from schools now not approved but are grandfathered in by  
404 California. According to CAMTC, had any of these three of let their license lapse and had to  
405 reapply, they would not be licensed in their state with that education. Mr. Gibbs expresses  
406 confusion on how to proceed and how to approach these applications since they are not accredited  
407 now and prior to 2016 California was pretty much giving anyone a license. The board discusses  
408 California possibly not meeting statute by not being a state that “are substantially equal to or greater  
409 than the requirements of this state” according to AS 08.61.040(9)(A) because they issue licenses to

410 applicants who did not graduate from an accredited school and that have a hours requirement less  
411 than 500

412  
413 The board continues discussion on the standards of other states and Ms. Gilmour states that she  
414 wants the board to continue their fastidious research into other states standards for licensure. Ms.  
415 Motz points out that Alaska had a grandfathering process when it was first formed in which people  
416 that did not meet the current standards in statutes were issued a license and brings up the point that  
417 it wasn't the licensees fault in California that regulations weren't in place when they were licensed.

418  
419 The board decides that it needs to examine some of these applicant's transcripts to ensure they  
420 graduated from a California post-secondary approved or nationally accredited school of 500 hours  
421 or more.

422  
423 The board reviews and discusses the application of S.C.

424  
425 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
426 **roll call vote, it was RESOLVED to APPROVE the application for a massage therapist**  
427 **license for Shu Hua Cao PENDING the review of an official transcripts from an accredited**  
428 **school, referencing AS 08.61.040 and AS 08.61.030.**

429  
430 When N.C.'s application was tabled, the board requested additional documents in the form of  
431 transcripts which the applicant provided. The board reviews and discusses the tabled application of  
432 N.C.

433  
434 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
435 **roll call vote, it was RESOLVED to APPROVE the application for a massage therapist**  
436 **license for Na Chen PENDING the review of an official transcripts from an accredited**  
437 **school, referencing AS 08.61.040 and AS 08.61.030.**

438  
439 The board reviews and discusses the tabled application of E.N. As of 2016, her schools are on  
440 California's unapproved list. This application is unique in the fact that the applicant states she has  
441 approval of her education from the National Certification board for Therapeutic Massage and  
442 Bodywork (NCBTMB). The board notes the Bureau of Private and Postsecondary Education  
443 (BPE) License # 1939211 and NCBTMB #490112 on her Americana College certificate but not on  
444 her transcript. BPPE is part of the Department of Consumer Affairs and is not an educational  
445 accrediting agency according to research done by OLE Dulebohn previously confirmed by Ms.  
446 Motz during this meeting. Chair Edwards-Smith informs the board that the NCBTMB has assigned  
447 school status that would allow them to accredit schools.

448  
449 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
450 **roll call vote, it was RESOLVED to APPROVE the application for a massage therapist**  
451 **license for Elissa Nian PENDING the review accreditation verification from National**  
452 **Certification board for Therapeutic Massage and Bodywork in 2009 from Americana &**  
453 **American International Vocational College..**

454  
455 The board reviews and discusses the tabled application of S.Z. OLE Dulebohn was asked by the  
456 board if S.Z. provided any additional information as requested by the board and were notified that

457 even though correspondence was sent asking for additional information, none was ever received by  
458 Division.

459  
460 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**  
461 **with a roll call vote, it was RESOLVED to DENY the application for Shirley Zhang citing**  
462 **AS 08.61.030(3)(A). “The Board shall issue a license to practice massage therapy to a person**  
463 **who furnishes evidence satisfactory to the board that the person has completed a course of**  
464 **study of at least 500 hours of in-class supervised instruction and clinical work from an**  
465 **approved massage school.”**

466  
467 *Chair Edwards-Smith calls for a break at 2:11 p.m.*

468 *Back on the record at 2:15p.m.*

469  
470 **Agenda Item 13                      New Business**

471  
472 **Alaska Human Trafficking Work Group**

473  
474 The board discusses the Alaska Human Trafficking Work Group (AHTWG) and expresses  
475 disappointment in only gaining knowledge of their existence recently. According to Ms. Gilmour,  
476 Amanda Unser, the group’s former contact on the board, failed to notify AHTWG when she was no  
477 longer on the board and didn’t notify the board of AHTWG’s contact information. Ms. Gilmour  
478 reports that she was introduced to the group during the 2018 legislative session and encouraged  
479 them to contact OLE Dulebohn. OLE Dulebohn received an invitation for the board to attend the  
480 AHTWG’s next meetings on August 15<sup>th</sup> and November 20<sup>th</sup> which she accepted and notified the  
481 board via e-mail.

482  
483 Ms. Gilmour suggests the board appoint a liaison to the AHTWG that can attend the board  
484 meetings and report. OLE Dulebohn reminds the board that appointing a liaison isn’t necessary  
485 and they may invite a member of AHTWG to attend scheduled board meetings.

486  
487 Ms. Motz committed to attend the August 15, 2018 meeting at 1:00 p.m. in Anchorage and will  
488 report to the board in the September meeting.

489  
490 The board discusses the importance of having a representative of AHTWG attend the next meeting  
491 along with Labor and Wage and law enforcement when they are discussing the massage licensing  
492 establishment regulations language.

493  
494 **Alternative Education**

495  
496 Chair Edwards-Smith invites Ms. Motz to report on Alternative Education. Stemming from being  
497 approached by a potential applicant who was frustrated with the application process, Ms. Motz  
498 began doing research on educational options in the Anchorage area. Ms. Motz contacted Alaska  
499 Career College (ACC) about the possibility of them allowing applicants to take select courses or  
500 hours when they have deficient to allow them a pathway to licensure. Mr. Gibbs points out that  
501 there is a precedent for that sort of program with Alaska Academy of Advanced Cosmetology  
502 (AAAC) in Juneau. A former applicant (current licensee) did not have enough hours and  
503 supplemented the balance at AAAC.

504

505 Ms. Motz continues with her report on ACC, stating the school would be willing to work out a  
506 program as long as it didn't impact their accreditation status. The representative Ms. Motz spoke to  
507 at ACC asks that the board write a letter saying it will accept supplemental credits/hours and the  
508 board didn't need to provide any documents as long as they were an accredited massage school. Ms.  
509 Motz reports that she doesn't believe the board needs to do anything to make this pathway available  
510 since the board Curriculum Breakdown is already going through the regulations process. It would  
511 just be a matter of accredited school's being willing to allow applicants to attend a portion of their  
512 program. Ms. Gilmour interjects that she believes the boards only duty would be to assess  
513 applications that have shortages and assign the remedial classes needed to remedy the applicant's  
514 previous education.

515  
516 The board discusses whether they should require a certain amount of massage hours to be  
517 completed at one school or program before they will allow an applicant to make up classes for  
518 licensure. Chair Edwards-Smith brings up that there may be many circumstances to take into  
519 account before you make requirements of people's education. Ms. Gilmour believes that the  
520 amount of schools you attend does not matter as long as you complete all the education that the  
521 board determines the applicant is lacking. Ms. Motz agrees with this way of thinking.

#### 522 523 Combination Education

524  
525 Ms. Motz goes on to speak about Combination Education that she became aware of it when she was  
526 speaking with ACC and was doing research for the apprenticeship program. Combination  
527 Education has you do all of your book work online (including exams at the end of every section) and  
528 then you attend their school in person for a month to complete your clinical portion off 200 hours.  
529 When you complete your program you graduate with 625 hours. The program she has in mind is  
530 accredited by Commission on Massage Therapy Accreditation (COMTA), is far less costly than  
531 some traditional massage programs, meet all the criteria, and would work well in a place as  
532 geographically challenging as Alaska. Ms. Motz mentions that the board has already awarded  
533 licenses to graduates of these schools in the past. She goes on to expand on the possibilities of this  
534 program because there may be a possibility to do your clinical portion in Alaska in a postsecondary  
535 approved school or someday in an apprenticeship scenario.

536  
537 The board discusses the pros and cons of allowing a combination education program, whether the  
538 statute allows this type of education since it specifically says "500 hours of in class supervised  
539 instruction and clinical work...", and if the student would have interaction with the instructors.

540  
541 Chair Edwards-Smith directs the board to think about language and to write it up on June 12<sup>th</sup> when  
542 they are discussing the other regulations projects. OLE Dulebohn interjects that she believes that  
543 this may have to be a statute change and that she would like to consult the Paralegal and Regulations  
544 Specialists.

545  
546 *Chair Edwards-Smith calls for a brief break to allow OLE Dulebohn to speak with Regulations Specialists at 2:45*  
547 *p.m.*

548 *Back on the record at 2:56 p.m.*

549  
550 OLE Dulebohn reports from her conference with Regulations Specialists Jun Maiquis and Sher  
551 Zinn were split because of the words "in class supervised". Their suggestion was that the board  
552 draft regulations language to allow for combination education by defining "in class supervised" and

553 submit it with all the others they will be doing on June 12<sup>th</sup>. This will allow Department of Law to  
554 review it and if it does, in fact, need to be a statutory change, LAW will let the board know and if  
555 not it will proceed and go to public comment which will allow for more feedback.

556

557 *Traci Gilmour left at 2:58 p.m.*

558 *Traci Gilmour back at 3:09 p.m.*

559

560 **Agenda Item 14** **Administrative Business**

561

562 2018 Annual Report

563

564 OLE Dulebohn has completed the administrative portion and Chair Edwards-Smith will send the  
565 board's portion to her to complete the report.

566

567 *Chair Edwards-Smith calls for a break at 3:05 p.m.*

568 *Back on the record at 3:09 p.m.*

569

570 Meeting Calendar

571

572 The board discusses changing the September 10-11, 2018 from teleconference to an in-person  
573 meeting in Anchorage and the December 3-4, 2018 in-person in Anchorage to a teleconference  
574 citing work on regulations language and weather travel restrictions in December. The board also  
575 discussed their meeting calendar dates for 2019.

576

577 **In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed with unanimous**  
578 **consent, it was RESOLVED to AMEND the meeting of September 10-11, 2018 from a**  
579 **teleconference to an in-person meeting in Anchorage and the December 3-4, 2018 meeting**  
580 **from an in-person meeting in Anchorage to a video conference. Furthermore, the board**  
581 **would like to schedule 2019 meetings: March 4-5, 2019 in-person meeting in Juneau, a June**  
582 **10-11, 2019 video conference, a September 19-20, 2019 in-person meeting in Anchorage, and a**  
583 **December 2-3, 2019 video conference.**

584

585 FSMTB Executive Summit Summary

586

587 OLE Dulebohn reports on the 2018 Executive Summit she attended in Kansas City, MO on April  
588 12-13. This is an annual summit geared to executive staff and administrators. Throughout the 2 day  
589 summit there were 10 seminars that covered topics such as human trafficking, how to build alliances  
590 with law enforcement, how to develop continuing education courses through FSMTB, the  
591 development of the Massage Therapy Licensing Database (MTLD) (central repository of licensing  
592 information, license actions, school information, and MBLEx scores), risk management and disaster  
593 planning, communicating with special populations, and detecting fraud in the licensure process. All  
594 of these seminars were interactive with the questions being asked helping to provide a more well-  
595 rounded look at the subjects.

596

597 Of all these courses, Dawn took away the most useful information from the Detecting Fraud in the  
598 Licensure Process workshop, the Human Trafficking seminar, and Communicating with Special  
599 Populations.

600

601 The Human Trafficking seminar was the most heartbreaking. It was hosted jointly by law  
602 enforcement and the head of the human trafficking task force in Missouri. It reiterates that human  
603 trafficking is slavery and over 40 million people are subjected, \$150,000,000,000 is made from it  
604 annually, and \$2,500,000,000 of that is just from “massage” establishments. There are online  
605 websites that allow you to find illicit establishments as easily as finding a restaurant (and yes, there  
606 are listing in Alaska). Those websites have reviews and disturbing details of services provided. These  
607 syndicates are well run, well-funded, and branch into diploma mills, and bribed school officials.  
608 These criminal organizations seek out people in poverty with a promise of a better life because there  
609 is a demand for “unskilled” labor and they keep these captives working for them by threatening their  
610 friends, family, community, the person’s reputation, and telling them if they report the situation to  
611 U.S. law enforcement they will be deported and their “co-workers” will be punished. It was a  
612 somber reality check.

613  
614 The last workshop Dawn found especially relevant was entitled Communication with Special  
615 Populations. It asked questions such as how are we protecting the public? Does your investigations  
616 process protect victims? Do you accept anonymous complaints to protect a victim’s confidentiality?  
617 Does investigations accept complaints from a 3rd party? If a sexual complaint is filed, how is the  
618 public/board notified of the status of that complaint? Do you have investigative training to help you  
619 communicate with victims? Dawn found that she did not know the answers to any of these  
620 questions and feels as though she should attend some sort of investigative training to be able to not  
621 only better interact should these situations present themselves but to verify that the public is treated  
622 with the respect they deserve.

623  
624 In closing, this conference served to educate Dawn on things unknown, remind her of the massage  
625 industry outside Alaska, and allowed networking with states who have gone through processes  
626 Alaska has yet to cross such as establishment licensing. Dawn made many contacts with  
627 administrators in several states who will be a resource for her in the years to come as this new board  
628 grows and evolves.

629  
630 Ms. Gilmour asks that OLE Dulebohn post a written summary of this Summit to the website to  
631 allow dissenters to see how valuable these conferences are, why the massage industry is involved in  
632 licensing establishment to help combat human trafficking, and what the outcome of these meetings  
633 are. OLE Dulebohn responded that she would look into getting approval to post a summary.

634  
635 OLE Dulebohn took this opportunity to talk to the board about their quarterly newsletter and that  
636 they become more involved in the process. The board all apologized for not participating when  
637 asked and assured OLE Dulebohn they would be much more involved in the future. The board  
638 discussed adding a disciplinary action summary to the newsletter as a possible deterrent to licensees  
639 with a link to the Disciplinary Action List on the website.

#### 640 Correspondence

641  
642  
643 The board discussed the letter sent by Commission on Massage Therapy Accreditation (COMTA)  
644 sent to them via OLE Dulebohn by Acting Executive Director Dawn M. Hogue on April 12, 2018  
645 pertaining to Specialized Accreditation. The board determined that since it was a statement, there  
646 was no need to reply.

647  
648

649 New Task List

650

651

652

653

## New Task List

June 11, 2018

#	Task	Who to complete?	When is the deadline?	Distribute to the Board?	Completed
1.	Check with Paralegal about prorated licensing fees for 2017-2019 period	Dawn	September meeting	No	
2.	Breakdown of financial report on Inter Agency Safety (fp), Inter Agency Hearing/Mediation, and Legal	Melissa Dumas	September Meeting	No	
3.	Contact Arturo Ramirez to about his held probationary status	Christina Bond	June 12, 2018	No- will report during meeting	Yes. June 12, 2018 via e-mail reported by OLE Dulebohn
4.	Build application for Shu Hua Cao for the board to review.	Dawn	June 11, 2018- after lunch	No- will report during the meeting	Yes- June 11, 2018
5.	Whether the board incurs the cost for hearings when the cause was a Division (Investigations) error	Dawn	September meeting	No	
6.	Contact Alaska's 3 postsecondary approved schools about the upcoming regulations language concerning curriculum.	Traci	August 1, 2018	No	
7.	The acceptable CE list from NCBTMB from Jill	Dawn/Jill	August 1, 2018	Yes	
8.	Attend Alaska Human Trafficking Work Group on August 15, 2018 at 1p.m.	Jill	Report during the September meeting	No	
9.	Classroom hours via distance education language from Board of Certified Real Estate Appraisers regulation to David	Dawn	June 12, 2018	Yes	June 12, 2018
10.	Board Narrative Statement, Goals & Objectives, and Future Regulations Projects for 2018 Annual Report	David	ASAP	No.	
11.	Put disciplinary actions and Executive Summit Summary link in quarterly newsletter	Dawn	July 31, 2018	Yes.	



12.	Send answers to questions formed by FSMTB conference from Chief Francois to board and possibly include in the newsletter	Dawn	September meeting	
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654  
655 *Chair Edwards-Smith has recessed for the day and will reconvene the meeting at 9:00 a.m. on June 12, 2018.*  
656 *Off the record at 3:39 p.m.*

657  
658 **Tuesday, June 12, 2018**

659  
660 **Agenda Item 16** **Call to Order/Roll Call 9:08 a.m.**

661 Board Members present, constituting a quorum:

662  
663  
664 David Edwards-Smith, Board Chair-Licensed Massage Therapist  
665 Traci Gilmour, Licensed Massage Therapist  
666 Ron Gibbs, Licenses Massage Therapist  
667 Jill Motz, Licensed Massage Therapist  
668

669 Division Staff present:

670  
671 Dawn Dulebohn, Occupational Licensing Examiner  
672 Autumn Roark, Investigator III  
673 Janey McCullough, Director of the Division of Corporations, Business, and  
674 Professional Licensing  
675 Sher Zinn, Regulations Specialist II  
676

677 **Agenda Item 17** **Review Agenda**

678  
679 Chair Edwards-Smith leads the board in reviewing the agenda for June 12, 2018. Goals to  
680 accomplish today are:

- 681 • Come up with an outline and mission statement for massage establishment licensing  
682 regulations
- 683 • Draft language for fingerprinting regulations including the aforementioned chain of custody  
684 issues
- 685 • Draft language for Bloodborne pathogens hours change
- 686 • Continue board list of unacceptable continuing education
- 687 • Draft language for qualifying education by distance education
- 688 • Review and amend Standards of Practice and Code of Ethics
- 689 • Review and approve the current draft language for regulations so it can go on to Public  
690 Comment.

691  
692 Ms. Roark joined the meeting in-person in Anchorage

693  
694 Janey McCullough joined the meeting in person in Juneau

697 **Agenda Item 18** **Drafting Language for Potential Regulations Projects**

698

699 Massage Establishment Licensing

700

701 Chair Edwards-Smith identifies that the key topics to be addressed are:

702

- Application requirements

703

- Renewal requirements

704

- Change of ownership

705

- Operations of establishment itself- Not operating between 12am and 5am

706

- Inspection (lead to Investigations if necessary)

707

- Exemptions

708

709 Conversation ensued between the Board, Director Janey McCullough, Regulations Specialist Sher  
710 Zinn, and Investigator Autumn Roark.

711

712 Owners and Transfer of Ownership- The application is for the owner of the establishment (not the  
713 property). Ms. Zinn brings up that when referring to the person who needs to apply for licensure,  
714 business licensing already has a definition for the word “entity” and that the board may want to use  
715 the word “owner” and then define it at the end of regulations. It is decided that a license is not  
716 transferable, the new owner must apply for new license after they purchase the establishment, and  
717 they must have a new, approved license before conducting business. When speaking of change of  
718 ownership, Ms. McCullough references Barbers and Hairdressers 12 AAC 09.110(B) as an option for  
719 sample language and the board agreed it was applicable.

720

721 Inspection/Investigations- Ms. Roark states that Investigations will not be going in to inspect  
722 properties personally. Ms. Motz believes what is needed is just the authority to allow inspectors in  
723 the establishments, inspect within their scope, and reporting to appropriate authority. Some of the  
724 things the inspector will be looking for are: Licenses displayed, check advertisements, personal  
725 property, transactions (including gratuities) not operating between 12 am and 5am, no controlled  
726 substances, no onsite living, and doors are not locking from the outside. Ms. McCullough asks the  
727 board whether they will be requiring an initial inspection prior to licensure and the board considers  
728 the pros and cons.

729

730 Photography- Ms. Gilmour brings up the issue of photography equipment in the establishments and  
731 the board discusses having no cameras where patients are being treated except for therapeutic  
732 purposes with a signed patient waiver.

733

734 Ms. Motz suggests the board forming a subcommittee to meet and come back with proposed  
735 language documents for review. This notion is supported by the other board members.

736

737 Massage Establishment Licensing (MEL) Subcommittee Assignment Breakdown:

738 Traci- Applications and Renewal Requirements

739 Dave- Exemptions and Change of Ownership

740 Ron- Disciplinary Matrix and Fine Schedule

741 Jill- Operations and Inspections

742

743 Ms. Zinn goes over the process and time frame for such extensive regulations in order to have them  
744 adopted before the July 1, 2019 deadline. She cautions the board of the busy time for LAW and  
745 Regulations Specialists during legislative session. It is discussed that 3-4 month of lead time is  
746 needed to clear all the steps for regulation which would mean the board needs to have its 1<sup>st</sup>  
747 language draft done by December 2018 at the latest. It is suggested that the board pull language  
748 from other Alaska regulations as to not “re-invent the wheel”. Ms. Zinn suggests helpful regulations  
749 may be Barbers and Hairdressers and Pharmacy.

750

751 Mr. Gibbs asks that all of the components compiled by the board members be completed and  
752 distributed before the September 2018 meeting to allow everyone time to review the compilation of  
753 the research and be ready to assemble it and make a motion in September.

754

#### 755 Regulation Changes Questionnaire

756

757 Regulations Specialist Sher Zinn presents the revamped Regulation Changes Questionnaire. She  
758 explains the form and that, going forward, this form be filled out by the board in its entirety and be  
759 submitted with any regulations changes that are being proposed.

760

761 *Ms. McCullough, Ms. Zinn, and Ms. Roark left the meeting at 10:17 a.m.*

762

#### 763 Continuing Education

764

765 Chair Edwards-Smith reiterates the definition on what the purpose of continuing education (CE) is  
766 and what it serves. Continuing education is the *professional development activities that enhance and expand*  
767 *the skills and knowledge of massage therapists that enable them to render competent service to clients, the profession,*  
768 *and the public in accordance with AS 08.61.100(5).*

769

770 The Board would like it noted for the record that a massage therapist can take any kind of  
771 continuing education that they would like to expand their knowledge and business practices. The  
772 list the board is formulating is only regulating what continuing education will be accepted for the  
773 renewal of a massage therapist license.

774

775 The board reviewed the NCBTMB list of unacceptable continuing education courses (which can be  
776 found at ncbtmb.org) as part of their research in formulating their own list. The list does not  
777 mention specific brands or techniques but content.

778

### 779 Unacceptable Content List for Continuing Education

780

2017-2019 Licensing Period

781

Created June 2018

782

783

1. Diagnoses (allopathic-based) of clinical conditions

784

2. Implementation of allopathic medical/surgical procedures

785

3. Physically invasive modalities (e.g., ear candles, intra-anal, intra-vaginal modalities, etc.)

- 786 4. Incorporation of chiropractic/osteopathic (e.g., ballistic, thrust oriented or other services
- 787 and procedures which require additional licensure or certification, such as: Yoga or
- 788 Pilates Instructor Certification, Physical Therapy, Personal Training, Weight Training)
- 789 5. Performing hypnosis diagnoses (allopathic-based) of clinical conditions
- 790 6. Prescription of herbs, nutritional supplements, essential oils, and /or pharmaceuticals
- 791 7. Performing hypnosis
- 792 8. Performing an aesthetician facial or exfoliation of cells from the body
- 793 9. Performing electrical stimulation, using electrical devices on clients, or ultrasound of any
- 794 kind
- 795 10. Psychological counseling
- 796 11. Psychic, clairvoyance, telepathic, astrology, and/or religious practices
- 797 12. Dry needling and acupuncture
- 798 13. Breaking or removing tissue from the body
- 799 14. Cannabis oil
- 800 15. Energy work that does not involve “the application of professional therapeutic touch”
- 801 16. Aura techniques
- 802 17. Crystal healing
- 803 18. Qi Gong or Tai Chi
- 804 19. Fire cupping or any procedure that works with fire
- 805 20. Breast massage as part of anything other than medical procedures or prescribed by a
- 806 physician. Content is accepted when breast massage content includes learning about
- 807 oncology; specifically, breast cancer procedures, surgeries and other pathologies.
- 808 21. Erroneous, misleading titles of modalities. A description of the course must be added to
- 809 the title if the modality cannot be easily deciphered by the title.
- 810 22. Articles or online content that does not include a final examination.

811 The board reserves the right to review and approve continuing education documents on a case-by-  
812 case basis if necessary.

813  
814 **In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously**  
815 **with a roll call vote, it was RESOLVED to ADOPT the Unacceptable Content List for**  
816 **Continuing Education, 2017-2019 Licensing Period as outlined in the June 12, 2018 meeting.**

817  
818 *Chair Edward- Smith called for a break at 11:04 a.m.*  
819 *Back on the record at 11:10 a.m.*

#### 820 821 Fingerprinting Amendments

822  
823 Chair Edwards-Smith begins by stating that the following regulations change is a result of a statutory  
824 amendment that happened during the 2018 legislative session. Chair Edwards-Smith states that it  
825 was recommended in a letter from Sara Chambers to Representative McKinnon that Division will  
826 recommend to its boards to adopt regulations requiring that licensees visit Alaska State Trooper  
827 posts or use DPS approved finger printers. Regulation may also propose that finger printers send

828 fingerprint cards to the Division instead of returning them to the applicant. The board discusses  
829 some possible issues with implementing these requirements:

- 830 • What if the applicant lives in a remote location in Alaska?
- 831 • Do all Alaska State Trooper posts do fingerprinting for the public?
- 832 • Will it add additional cost to the applicant (i.e. fee from agency to mail fingerprint cards)?
- 833 • How they will implement these requirements to people who live out of state?
- 834 • Does the board have any statutory authority to require finger printers to mail fingerprint  
835 cards directly to the Division since they are not regulated under the Board of Massage  
836 Therapists? Maybe it would be Centralized Regulation?

837  
838 Ms. Motz calls attention that the board might not have a choice in implementing this regulation  
839 since it came from Division and the Legislature. Ms. Gilmour states that the idea is great because it  
840 solves the chain of custody issue but that this conversation needs to involve the Department of  
841 Public Safety, Health and Social Services, and the Alaska State Troopers. She believes this may be  
842 better suited as a Public Safety statute change.

843  
844 Chair Edwards-Smith asks OLE Dulebohn to see if Deputy Director Sara Chambers is available to  
845 consult with the board at this time.

846  
847 After a brief conversation with Sara Chambers in her office, OLE Dulebohn reports to the board  
848 that Ms. Chambers believes this discussion would be better if was done in the next scheduled board  
849 meeting.

#### 850 Bloodborne Pathogens

851 The board has a brief discussion of the language for the following motion regarding the statutory  
852 change in the 2018 legislative session on the subject of renewal fingerprinting requirements and the  
853 reduction of Bloodborne pathogens completion hours.

854  
855  
856 **In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously**  
857 **with a roll call vote, it was RESOLVED to AMEND 12 AAC 79.100(a) (5) to reduce the**  
858 **requirements for Bloodborne Pathogens/Universal Precautions from four to two hours and**  
859 **12 AAC 79.210(c) to reduce an applicant for renewals ability to receive four hours of**  
860 **continuing education credit for completion of a Bloodborne pathogens and universal and**  
861 **standard precautions course to two hours.**

#### 862 Regulations Language Approval

863  
864 The board reviewed the draft language that had been given to them from the Regulations Specialists  
865 and Department of Law concerning stale application language, board approved apprenticeship  
866 programs, chain of custody for exams scores, license verification, and school transcripts, and the  
867 Board Curriculum Breakdown for 500 hours.

868  
869  
870 *Chair Edwards-Smith calls for a break at 11:42 a.m.*

871 *Back on the record at 11:49 a.m.*

872  
873 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**  
874 **with a roll call vote, it was RESOLVED to ACCEPT the regulations projects language as**

875 written with the AMENDMENTS of 12 AAC 79.100(5) changing the 4 hours of Bloodborne  
876 pathogens to 2 hours, 12 AAC 79.140(b) to 500 hours by reducing 1)130 hours and 2) 220  
877 hours and including the Massage Curriculum Breakdown to accommodate the approved  
878 statutory increase to 625 hours as of July 1, 2019. The 625 Massage Curriculum Breakdown  
879 would be: Anatomy & Physiology-162 hours, Clinical Practice- 138 hours, Ethics & Law- 50  
880 hours, and Massage Theory and Practical Applications- 275 hours.

881

882 Investigative Email from Christina Bond

883

884 OLE Dulebohn reports on an e-mail she received from Investigator Christina Bond. In yesterday's  
885 meeting Ms. Bond was asked to follow up on the probation that was put on hold for Arturo  
886 Ramirez. Ms. Bond states that she spoke with Mr. Ramirez on 6/12/2018 and he confirms that he  
887 is no longer practicing massage therapy, he is still in Alaska, and he is unsure whether or not he will  
888 be returning to the profession. Ms. Bond asked him to keep her updated on his status.

889

890 Massage Establishment Licensing Mission Statement

891

892 OLE Dulebohn brings to the board's attention that there was not a motion in earlier in the meeting  
893 for the board to adopt the proposed mission statement for Massage Establishment Licensing and  
894 she asked if the board wanted to address that presently. Chair Edwards-Smith affirms that he does  
895 want to proceed with that process and asks the board to consider making a motion. The board  
896 discusses the statement and language that would like to utilize.

897

898 **In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with**  
899 **a roll call vote, it was RESOLVED to ADOPT the following Massage Establishment**  
900 **Mission Statement: "Massage establishment regulations will serve the purpose of**  
901 **safeguarding legitimate massage establishments, therapists, and the public from illicit**  
902 **massage establishments and human trafficking activity."**

903

904 Code of Ethics Change

905

906 Ms. Motz reports on an issue that has come to her attention that there are perhaps some therapists  
907 that are using sex to market their massage services via social media. Ms. Motz believes any type of  
908 sexualizing behavior as advertising is detrimental because it does harm to the profession and peers  
909 by insinuating that massage has a sexual component. She would like to bring this issue to the board  
910 for discussion and to include in that discussion a change to the Code of Ethics, #8. She explains  
911 that adding this language to the Code of Ethics will give the board authority when a complaint is  
912 reported to either call the accused in to explain, issue a letter of advisement, or the complaint can be  
913 forwarded to Investigations.

914

915 Ms. Motz continues to say this situation has been brought to the attention of some of the  
916 professional organizations and they will be amending their Code of Conduct as well.

917

918 The board discusses what makes advertising sexual, if the advertising in question was a one-time  
919 occurrence or a habit, how they do not want to allow therapists to perpetuate the stigma that  
920 massage has a sexual component, and if this type of infraction would fall under AS 08.61.060(3) that  
921 "after a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person

922 licensed under this chapter if the board finds that the person advertised massage therapy services in  
 923 a false or misleading manner”.

924  
 925 **In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously**  
 926 **with a roll call vote, it was RESOLVED to AMEND the Code of Ethics #8 to read: “I will**  
 927 **not, in any circumstance, initiate or engage in sexual conduct, activities, advertising, or**  
 928 **sexualizing behavior involving a client, even if the client attempts to sexualize the**  
 929 **relationship”.**

930  
 931 The board notes for the record that they would like to review all instances violating this change to  
 932 Code of Ethics on a case by case basis beginning with Investigations.

933  
 934 Qualifying Education via Distance Education

935  
 936 On the June 11<sup>th</sup>, the board discussed the idea of combined education to allow for applicants to take  
 937 part of their education online and the clinical and final exam in person. The board discusses AS  
 938 08.61.030 (3) (A) “the board shall issue a license to practice massage therapy to a person who  
 939 furnishes evidence satisfactory to the board that the person has completed a course of study of at  
 940 least 500 hours of in-class supervised instruction and clinical work from an approved massage  
 941 school” in regards to their interpretation of what “in-class supervised instruction and clinical work”  
 942 means and whether a distance education program would fit that criteria.

943  
 944 Ms. Motz, Chair Edwards-Smith, and OLE Dulebohn contributed documents to be used as research  
 945 in this matter. It was discussed that the distance education program be accredited by an agency that  
 946 specializes in distance education such as the Distance Education Accrediting Commission. The  
 947 board discussed taking information from all of the available sources and forming language to present  
 948 to the board that would end in a motion for a regulations project. Ms. Gilmour interjects that using  
 949 an online glossary of terms as a tool in writing the draft language would be beneficial.

950  
 951 **TASK: Jill Motz will gather information and draft language for distance education for to**  
 952 **further define “in-class” to present to the board in the September 10 and 11 meeting (or next**  
 953 **teleconference).**

954 New Task List

**TASK LIST**  
 June 12, 2018

Task	Who to complete?	When is the deadline?	Distribute to the Board?	Completed
Send David approved minutes, wall certificates, ce consent agreements to sign and return to Division	Dawn	07/15/2018	No	
Massage Licensing Establishment Language from board assigned tasks to send to Dawn	Board Members	08/16/2018	Yes	
Send Board List of Unacceptable Continuing Education Guideline to Dawn	David	06/12/2018	No	

Contact DPS to see if it's feasible for a finger print business to mail the fingerprint cards directly to the Division. Do they already provide this service? How does DPS maintain their database of preferred providers?	Dawn	Before September meeting	No	
Invite Sara Chambers to September 10-11, 2018 board meeting to discuss fingerprint cards	Dawn	Before September meeting	No	
Find out if a change to the Code of Ethics needs to be a regulations project	Dawn	Before September meeting	No	
Gather the information and present language for distance education for "in-class supervised" to present to the board at the September Meeting or next teleconference	Jill	Before September meeting	No	

955

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

957

958 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed with unanimous**  
 959 **consent, it was RESOLVED to ADJOURN.**

960

961 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended  
 962 at 12:16 p.m.

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964 **Respectfully Submitted,**

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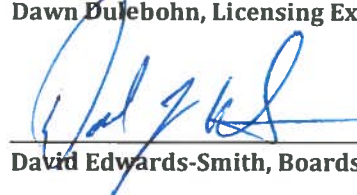
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973

974

  
 Dawn Dulebohn, Licensing Examiner

12/27/18  
 Date

  
 David Edwards-Smith, Boards Chair

12-13-18  
 Date