

1 State of Alaska
2 Department of Commerce, Community and Economic Development
3 Division of Corporations, Business and Professional Licensing
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5 **BOARD OF MASSAGE THERAPISTS**

6
7 **MINUTES OF THE MEETING**
8 **September 19-20, 2019**
9

10 *These are DRAFT minutes prepared by the staff of the Division of Corporations, Business, and Professional Licensing.*

11 *These minutes have not been reviewed or approved by the board.*

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13
14 *Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For*
15 *a more detailed account, please request a copy of the meeting's audio recording at:*
16 *<https://www.commerce.alaska.gov/web/cbpl/PublicRecordsRequests.aspx>.*
17
18

19 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
20 scheduled meeting of the Board of Massage Therapists was held by video conference on
21 September 19-20, 2019.
22

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

24
25 *On the record at 9:04 a.m.*
26

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

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29 David Edwards-Smith- Board Chair, Licensed Massage Therapist
30 Traci Gilmour- Vice Chair, Licensed Massage Therapist
31 Ron Gibbs, Licenses Massage Therapist
32 Jill Motz, Licensed Massage Therapist
33 Julie Endle, Public Board Member
34

35 **Division Staff present:**

36
37 Dawn Dulebohn, Occupational Licensing Examiner
38 Carl Jacobs, Investigator III
39 Billy Homestead, Investigator II/Probation Monitor
40

41 **Joining Telephonically:**

42
43 Sher Zinn, Regulations Specialist II
44

45 **Agenda Item 2** **Ethics Reporting:**

46
47 The Board Chair opened the floor to any Board member that may have an ethics violation or
48 inquiry. None were presented.

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Lars Odsather joined the meeting at 9:05 a.m.

Agenda Item 3 Review/Approve Agenda:

The board reviewed the agenda and discussed any proposed changes. Board Member Jill Motz informs the board that the Division Financial Update slotted for #6 on today’s agenda has been cancelled due to there being no updated information to present and asks that Correspondence scheduled for tomorrow under Administrative Business be moved to today at 10:00 a.m. due to her not attending tomorrow’s meeting.

In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously, it was RESOLVED to ACCEPT the agenda as amended.

Agenda Item 4 Review/Approve Past Meeting Minutes

Chair Edwards-Smith gave the floor to Vice Chair Traci Gilmour to suggest some amendments to the minutes. Ms. Gilmour starts with amending the title of her task from June 10-11, 2019 minutes from “legislative research” to “school hours requirements by state”. Ms. Gilmour goes on to question the statement: “Mr. Edwards-Smith points out that the board received \$19,800 for issued licenses in the non-renewal year of 2018” as she believes that the \$200 application fee and \$60 fingerprint processing fee does not go into the board’s coffers. OLE Dulebohn was tasked with researching whether all money generated from applications goes to the board.

TASK: OLE Dulebohn will follow up with Accounting on whether the \$200 application fee and \$60 fingerprint fee go into the board coffers.

Board member Julie Endle also submitted some spelling and grammatical corrections that OLE Dulebohn had made in the minutes prior to this meeting. Additionally, Ms. Endle asked that the line 1617 “...applicants contribute to the conversation would be more accurate and time saving” changed to “...applicants interpret their transcripts would be more accurate and time saving.” would be a better reflection of the sentiment. These changes were approved by the board chair and OLE Dulebohn was instructed to make necessary corrections.

In a motion duly made by Traci Gilmour, seconded by Julie Endle, and passed unanimously, it was RESOLVED to APPROVE the meeting minutes from June 10-11, 2019 as amended.

Agenda Item 5 Old Business

Task List from June 10-11, 2019 Meeting

Chair Edwards-Smith directs the board to the June 10-11, 2019 Task List.

Military and Disability Exemption Research

Board member Ron Gibbs begins the conversation stating that, from his research, other state boards have made allowances in their regulations for licensees that were unable to complete their continuing education in the mandated time from due to service in the military or illness by

97 submitting request to the board and submitting supporting documents. The board discusses statutes
98 on the subject from Florida and Georgia, by what means someone can apply for board concessions,
99 and would it include spouses (military). Vice Chair Gilmour reiterates to the board that she feels like
100 this possibility of extension should not include persons who had ample time to do their continuing
101 education but waited until the last minute and now want an extension.

102
103 Board member Motz noted that, according to her research, very few states issue exemptions. She
104 has found in some states a stipulation that if you need an extension, you must notify the board at
105 least 90 days before renewal, provide documentation from a physician or commanding officer, and
106 there are no exemptions only extensions to complete the continuing education. Chair Edwards-
107 Smith suggests setting up a matrix so that due process is followed and the extensions are consistent
108 for everyone.

109
110 Board Member Motz brings up some variables that the board should be aware of such as therapists
111 that were licensed by transition or persons that may have long illnesses.

112
113 The board decides to think more on the subject and return to the board meeting tomorrow with
114 draft language for a regulation and motion.

115

116 Disciplinary Matrix Feedback from SA Goeden

117
118 Chair Edwards-Smith reports that he did not submit the draft disciplinary matrix to SA Goeden for
119 review and has nothing to report.

120

121 Disciplinary Matrix Revision

122

123 *Investigator Carl Jacobs joins the meeting at 9:20 a.m.*

124

125 Chair Edwards-Smith leads the discussion on the feedback received from Investigations and
126 Department of Law regarding the board's proposed disciplinary matrix.

127

128 The board discussed amendments to Unlicensed Practice, Fraud or Misrepresentation in Securing a
129 License, Standards of Practice Violation, Engaged in Deceit, Fraud, or Intentional Misrepresentation in
130 the Course of Providing Massage Services, and adding "per offense" to all fine schedules.

131

132 Board Chair Edwards-Smith asks for Investigator Jacobs to expand on his recommendation that
133 "Fraud or Misrepresentation in Securing a License" have only an Imposition of Civil Fine as the
134 disciplinary action. Inv. Jacobs references the board's wish to reduce investigative costs and have
135 cases processed more expediently. The use of an Imposition of Civil Fine outside of a consent
136 agreement will save time and implement a consequence for this type of crime without some of the
137 investigative paperwork, time, and process. Investigator Jacobs goes on to state that he feels the
138 main purpose of the board to implement this fine is to address applicants that fail to disclose
139 information in the therapist application in a two-page document as opposed to a nine-page consent
140 agreement. Ms. Motz asks Inv. Jacobs to verify that a civil fine will not show up as a license action
141 on their record and Inv. Jacobs confirmed that they civil fines are not reportable.

142

143 The board discusses the possibilities of not seeing applications that have actual fraud such as altered
144 test scores or transcripts. OLE Dulebohn explains that while an application will go to Investigations

145 for things such as not answering a Professional Fitness question truthfully and may be issued a civil
 146 fine for that transgression, the board will still see the application after it comes back from
 147 Investigations for review to decide on licensure. Therefore, the board will still have the opportunity
 148 to do their own review and research in the applicant’s qualifications. Board member Gilmour
 149 reminded the board members that OLE Dulebohn will still be abiding by the board’s “No
 150 Investigations Needed” list that was reviewed and approved in the June 10-11, 2019 meeting.
 151 Board member Julie Endle brings to the board’s attention the matrix regarding Code of Ethics
 152 violations. She asked how the licensed board members would ascertain whether a Letter of
 153 Advisement or Fitness to Practice Interview would be the best course of action. Ms. Gilmour
 154 replies that the licensed board member would decide the consequence based on the severity of what
 155 was done.

156
 157 Ms. Gilmour continued the discussion by suggesting adding an “or” to disciplinary actions before
 158 Revocation building on the advice by Department of Law. Mr. Edwards-Smith highlighted that
 159 Unlicensed Practice violations should be “less than or equal to” 90 days and not only “less than” 90
 160 days.

161
 162 The board amended Disciplinary Matrix is as follows:

163 **MAS Disciplinary Matrix/Fine Schedule**

164
 165 Adopted September 19-20, 2019 board meeting

166 The board reserves the right to deviate from their matrix if they find a violation is especially egregious or
 167 beyond what is normally encountered.

<u>Statute/ Regulation</u>	<u>Violation</u>	<u>Time Frame</u>	<u>Disciplinary Action</u>	<u>Fine</u>
AS 08.61.070	Unlicensed Practice	≤ 90 days	Fine	\$500 per offense
		91 days-1 year	Fine	\$1000 per offense
		> 1 year	Fine	\$2500 per offense
12 AAC 79.900	Code of Ethics Violation	1 st Offense	Letter of Advisement and/or Fitness to Practice Interview	n/a
		2 or more Offenses	Fine and/or Fitness to Practice Interview	\$250 per offense
AS 08.61.060	Fraud or Misrepresentation in Securing a License	1 st Offense	Imposition of Civil Fine	\$250
		2 or more offenses	Imposition of Civil Fine	\$250 per offense
12 AAC 79.900	Standard of Practice Violation (refer to SOP)	1 st Offense	Letter of Advisement	n/a
		2 or more Offenses	Fine	\$250 per offense

<u>Statute/ Regulation</u>	<u>Violation</u>	<u>Time Frame</u>	<u>Disciplinary Action</u>	<u>Fine</u>
AS 08.61.060	Engaged in Deceit, Fraud, or Intentional Misrepresentation in the Course of Providing Massage Services	1 st Offense	Letter of Advisement OR Fine	\$250-\$2500
		2 or more Offenses	Consent Agreement, Fine, Ethics Course, Suspension, or Revocation	\$1000-\$2500 per offense
AS 08.61.060	False or Misleading Massage Advertisement	1 st Offense	Letter of Advisement	n/a
		2 or more Offenses	Consent Agreement, Fine, Ethics Course, Suspension, or Revocation	\$250-\$1000 per offense
AS 08.61.060	Convicted of Felony or Crime that Affects Ability to Practice Competently and Safely	Initial Application	Fitness to Practice Interview which could result in: Denial or Consent Agreement, Ethics Course, Probation	n/a
		2 or more Offenses	Consent Agreement with 4 years of Suspension or Revocation	n/a
AS 08.61.060	Intentionally or Negligently Engaged (or allowed another under your supervision to engage) in Client Care that Did Not Meet Minimum SOP (injury or not)	1 st Offense	Consent Agreement, Probation, Ethics Course	n/a
		2 or more Offenses	Consent Agreement, Fine, Suspension, or Revocation	\$100- \$2500 per offense
AS 08.61.060	Failure to Comply with a Provision of this Chapter, Regulation, or Order of the Board	1 st Offense	Letter of Advisement OR Consent Agreement w/ Probation	n/a
		2 or more Offenses	Consent Agreement, Fine, Suspension, Probation	\$100-\$2500 per offense
AS 08.61.060	Continued to Practice After Becoming Unfit (professional/addiction)	n/a	Consent Agreement w/ 5-year probation, mandatory treatment	n/a
AS 08.61.060	Engaged in Un-Ethical or Sexual Misconduct in Connection with the Delivery of Massage to a Client	n/a	Fine, Ethics Course, Probation, Suspension, or Revocation	\$500-\$5000 per offense

CRIMES OF MORAL TURPITUDE				
<u>Statute/ Regulation</u>	<u>Violation</u>	<u>Time Frame</u>	<u>Disciplinary Action</u>	<u>Fine</u>
AS 08.61.030, AS 08.61.040 12 AAC 79.910	Crimes of Moral Turpitude as defined by 12 AAC 79.910-May 2019	Initial Application	Fitness to Practice Interview which could result in: Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	Fitness to Practice Interview which could result in: Consent Agreement w/ Ethics Course & Probation, Fine, Suspension, or Revocation	\$500-\$2500 per offense

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In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, the board ADOPTED the Disciplinary Matrix and Fine Schedule as amended.

Investigator Jacobs left the meeting at 9:59 a.m.

FARB Membership

The board discussed the possibility of joining the Federation of Associations of Regulatory Boards (FARB). Chair Edwards-Smith is in favor as it gives the board a different perspective of other boards and their regulations. He feels like the membership fee will open up a plethora of resources to the board. Vice Chair Gilmour is against it because she feels like it is duplication, it is not specifically for the massage profession, and she doesn't want the board to pay for anyone not serving the Board of Massage Therapists in Corporations, Business, and Professional Licensing to attend. She feels like any FARB attendance should be a State expenditure; not a board expenditure. Ms. Motz is against since the board has the Federation of State Massage Therapist Board (FSMTB) membership that she feels is a good investment for the return. She feels that in the current political climate it isn't fiscally responsible to send anyone to a conference such as FARB. Mr. Gibbs didn't state that the FARB membership was unreasonable for the benefits but that it isn't critical for the board in this stage of its development.

OLE Dulebohn joins the conversation stating that she found FARB useful because once you have attending a conference, you are given a password and login to access all the documentation from the conference. She felt the conference was informative but that the conversations had there inspires other ideas. The board asks that OLE Dulebohn make the information from the January 2019 conference available to all of them so that they can do more research on the subject.

TASK: OLE Dulebohn will provide FARB login and password to their home page so the board can access the material from the January 2019 meeting.

200 Agenda Item 6 Division/Financial Update

201
202 Melissa Dumas, Administrative Officer II, has canceled the Division/Financial Update as she has no
203 new information to present to the board at this time.

204
205 Agenda Item 21 Administrative Business

206
207 Correspondence

208
209 The board approved moving up Correspondence from Day 2 in order to review the correspondence
210 from Ms. Liu and Ms. Lea.

211
212 Ms. Liu sent correspondence stating that many non-English speaking massage therapists were
213 committing fraud by paying others to complete their mandatory continuing education on their
214 behalf. It also goes on to state webpages that advertise massage with their sexually charged
215 advertisements. OLE Dulebohn replied stating that the Board of Massage Therapists can only take
216 disciplinary action on massage therapists once it had been reviewed by Investigations. She then
217 provided contact information for Investigations.

218
219 Board Member Motz commented on Ms. Liu's e-mail by stating that OLE Dulebohn did a great job
220 of answering and that people cannot expect change unless they report the problem to the proper
221 department. Ms. Gilmour believes that everyone should encourage complainants to come forward
222 and show them large amounts of gratitude for their reports to help encourage their participation in
223 the system. OLE Dulebohn suggests if the board wants to get the word out, they bring it up in the
224 next Town Hall Meeting scheduled for September 20, 2019. Both Mr. Edwards-Smith and Ms.
225 Gilmour agree that the public needs to be educated on the tools that are available to them to report
226 people who are performing sexual acts under the guise of being a massage therapist. Ms. Gilmour
227 would like SA Goeden contacted with the information provided in the letter.

228
229 **TASK: OLE Dulebohn will forward Ms. Liu's correspondence to SA Goeden.**

230
231 The next correspondence is from Tarika Lea. OLE Dulebohn gives the board a recap of Ms. Lea's
232 history with the board. Ms. Motz reminds the board that in the last meeting on June 10-11, 2019 the
233 board agreed for them to approve continuing education would be irresponsible as they are not the
234 experts in education and that it would be a liability to the board. She makes a motion that the board
235 remove the language in regulation 12 AAC 79.210 that gives the board the authority to approve a
236 massage or bodywork therapy school or training program. OLE Dulebohn reminds the board that
237 they asked that this topic was brought to a Regulation's Specialist and added to the FAQ's. The
238 FAQ states that the board interprets "continuing education must be completed through a board
239 approved massage therapy or bodywork therapy school or training program" to mean that the board
240 can decide if a continuing education course relates to the profession of massage therapy. The course
241 in question must still be approved by an institute of higher learning or a local, state, or national
242 organization that serves the profession of massage therapy."

243
244 Mr. Gibbs asks the board to consider that Ms. Lea is an experienced instructor in state and has state
245 approval to operate from Alaska Commission on Postsecondary Education and to ask this type of
246 person to pay to get another approval seems exorbitant. He goes on to state that since we are a
247 small state the board should be able to evaluate Ms. Lea by her accomplishments and experience and

248 approve her courses. He feels like they are doing a dis-service to the board by not aiding the people
249 of Alaska in this way. Mr. Gibbs continues that he wouldn't encourage the board to approve the
250 vast curriculum originally submitted by Ms. Lea but if she could whittle it down to a core massage
251 curriculum, they should be able to approve those. OLE Dulebohn comments that this echoes the
252 sentiment expressed by Ms. Lea in her last correspondence to the board on June 10, 2019.

253
254 Ms. Gilmour disagrees as she does not feel that she has the expertise to approve courses. She
255 doesn't disagree that Ms. Lea has a lot of experience but is ACPE qualified to evaluate and approve
256 courses.

257
258 Ms. Motz contributes to the conversation by stating that the board has previously had people come
259 before them to approve their course and the board's response is that the board is not a certifying
260 body and despite what is perceived as a lengthy process, the National Certification Board for
261 Therapeutic Massage and Bodywork (NCBTMB) certification is not expensive or difficult. She goes
262 on to quote Ms. Lea's letter stating she only wanted to teach a select number of classes and that
263 NCBTMB instructor certification for one class is \$250.00 and that isn't prohibitive to add a layer of
264 legitimacy. Ms. Motz goes on to state that she doesn't believe it's the board's job to approve courses
265 and that it opens the board up to potential risk. She references Ms. Lea stating that instructors have
266 liability insurance but Ms. Motz asks the board if they are willing to go and verify that anyone that
267 wants a class approved has insurance for the classes they teach? She believes the board approving
268 curriculum for courses will be a huge undertaking. Ms. Motz goes on to state that by removing the
269 board's ability to approve course curriculum, the reduce their liability and protect the public from
270 potential predators.

271
272 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
273 **roll call vote, the board will amend 12 AAC 79.210(e)(1) to read: Continuing Education must**
274 **be completed through a board approved massage therapy or bodywork therapy school or**
275 **training program. The board can decide if a continuing education course relates to the**
276 **profession of massage therapy but the course in question must still be approved by an**
277 **institute of higher learning or a local, state, or national organization that serves the**
278 **profession of massage therapy.**

279
280 **TASK: Vice Chair Traci Gilmour will complete the Regulations Questionnaire to**
281 **accompany the amendment of 12 AAC 79.210(e)(1).**

282
283 *Board Chair Edwards-Smith calls for a short break.*

284 *Off the record at 10:25 a.m.*

285 *Back on the record at 10:30 a.m.*

286
287 **Agenda Item 7 Investigative Case Review and Probation Reports**

288
289 *Investigator Jacobs joins the meeting at 10:30 a.m.*

290
291 Investigator Jacobs begins the Investigative Case Review with the permission of the Board Chair for
292 the period of May 25, 2019 through September 10, 2019. He states that Investigator Homestead
293 may be late as he is attending another board meeting. Inv. Jacobs states that the division opened 21
294 matters, closed 19, and there are 12 matters that remain open. Matters opened by the Paralegal in
295 Juneau, regarding continuing education audits and license actions resulting from those matters were

296 not covered in this report. Mr. Jacobs continues that since the last meeting, Investigations has
297 conducted some regional inspections and received permission to do some others which he will not
298 disclose at this time as to not alter the investigations.
299

300 Ms. Motz asks if the board will receive a report on the regional inspections to which Inv. Jacobs
301 states that the board will receive notice only if a substantial violation occurs. He goes on to state
302 that any human trafficking violation will be reported to the FBI.
303

304 Mr. Gibbs asks Inv. Jacobs about his report of 9 compliance inspections and Inv. Jacobs replied of
305 those, there was one where significant violations occurred and an investigation is underway. The
306 details of which will be reported to the board once the investigation concludes. Inv. Jacobs reports
307 that the inspections were well received by Division management and are indicated to continue in the
308 future. Mr. Edwards-Smith asks Inv. Jacobs if all the compliance checks were complaint driven. He
309 replied by stating they were not, it was a random, geographic check in collaboration with the Board
310 of Barbers and Hairdressers investigator. Mr. Edwards-Smith asks if Investigations will have more
311 authority to inspect once their establishment regulations are approved by the Lt. Governor and Inv.
312 Jacobs replies that they will.
313

314 *Investigator Jacobs left the meeting at 10:40 a.m.*
315

316 **Agenda Item 8** **Board Curriculum Breakdown Discrepancies- Samples**

317
318 With the board's permission, OLE Dulebohn gives a summary of some discrepancies in voting since
319 the Board Curriculum Breakdown has been introduced. She encourages the board to review the
320 files and discuss their decision-making processes in order to streamline their voting in the future and
321 avoid any un-necessary application delays due to a majority vote not being reached by electronic
322 voting. The board discusses how the Transcript Analysis Form will greatly aid the board in their
323 assessment of transcripts and discusses some specific cases. Some suggestions for board
324 accountability would be a spreadsheet, checklist, one reviewing board member per batch. The board
325 agrees that at this time, having one reviewing board member to evaluate transcripts every batch is
326 the way to go until the Transcript Analysis Form is put to use in applications.
327

328 **Agenda Item 9** **Review Tabled Applications**

329
330 The board reviewed tabled applications and made the following decisions on licensure:
331

332 The board reviewed the application for C.F. carefully and made the following decision:
333

334 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
335 **roll call vote, it was RESOLVED to APPROVE the application of Caitlyn Fletcher**
336 **PENDING completion of an additional 24 hours of Massage Theory and Practical**
337 **Application and an additional 21 hours of Ethics and Law per 12 AAC 79.140.**
338

339 The board reviewed the application for N.G. carefully and made the following decision:
340

341 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**
342 **a roll call vote, it was RESOLVED to APPROVE the application of Nanette Greer**
343 **PENDING completion of an additional 80 hours of Anatomy & Physiology Pathology,**

344 **Kinesiology (40 hours must be Pathology) and an additional 40 hours of Ethics and Law per**
345 **12 AAC 79.140.**

346

347 The board reviewed the application for Y.H. carefully and made the following decision:

348

349 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll**
350 **call vote, it was RESOLVED to DENY the application for licensure for Yang Han citing AS**
351 **08.61.040(9)(A) “The board shall issue a license to practice massage therapy to a person who**
352 **is currently licensed to practice massage therapy in another state or country that has**
353 **licensing requirements that are substantially equal to or greater than the requirements of**
354 **this state”.**

355

356 The board reviewed the application for E.I. carefully and made the following decision:

357

358 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**
359 **a roll call vote, it was RESOLVED to APPROVE the application of Elan Iles PENDING**
360 **completion of an additional 72 hours of Massage Theory and Practical Application,**
361 **additional 40 hours of Pathology, and an additional 28 hours of Ethics and Law per 12 AAC**
362 **79.140.**

363

364 The board reviewed the application for Y.J. carefully and made the following decision:

365

366 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a**
367 **roll call vote, it was RESOLVED to DENY the application for licensure for Yanqun Jiang**
368 **citing AS 08.61.040(9)(A) “The board shall issue a license to practice massage therapy to a**
369 **person who is currently licensed to practice massage therapy in another state or country that**
370 **has licensing requirements that are substantially equal to or greater than the requirements**
371 **of this state”.**

372

373 The board reviewed the application for L.K. carefully and, after deliberation, decided to review on
374 their own this evening and bring it back to the table tomorrow for a decision

375

376 The board reviewed the application for L.O. carefully and made the following decision:

377

378 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
379 **roll call vote, it was RESOLVED to APPROVE the application of Lars Odsather**
380 **PENDING completion of an additional 24 hours of Massage Theory and Practical**
381 **Application and an additional 21 hours of Ethics and Law per 12 AAC 79.140.**

382

383 The board, with the exception of Jill Motz who recused herself for ethical reasons, reviewed the
384 application for J.S. carefully and took into consideration that J.S. did submit some continuing
385 education certificates for ethics but since they were not done at an approved school, they will not
386 count for her qualifying education deficit. The board reviewed statutes and regulations to refresh
387 their understanding on what is needed to make a school approved for qualifying education and what
388 is needed for approval of continuing education. OLE Dulebohn also reminds the board that, even
389 though the board is in the process of changing regulations to include online schools, they have not
390 completed that process yet and therefore cannot accept the certificates provided as they were done
391 online to satisfy a qualifying education requirement.

392
393 **In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed with a majority**
394 **vote that did not include Ms. Motz, it was RESOLVED to APPROVE the application of**
395 **Juliana Smit PENDING completion an additional 26 hours of Ethics and Law per 12 AAC**
396 **79.140.**

397
398 Ms. Motz states that she believes that everyone who has their application approved pending should
399 be notified of the approved schools in Alaska where they can make up their deficits in education.
400 OLE Dulebohn states that if any of the applicants who have been deemed by the board to have
401 educational deficits can show where in their original transcripts they have completed the total
402 required hours, the board will accept their attestations and take the information into consideration.
403 Those applicants should consult their schools for help in identifying those hours as needed. Any
404 submissions by applicants with approved pending votes will be able to submit documentation to the
405 board via electronic voting and will not need to wait for the next scheduled meeting.

406
407 **Agenda Item 7 Investigative Case Review and Probation Reports (continued)**

408
409 *Investigator Homestead joined the meeting at 11:43 a.m.*
410
411 Investigator Homestead begins with the Probation Report. He states there are 11 licensees on
412 probation and everyone is complying. Compliance means that all are subjected to a criminal
413 background report and self-reporting on their status quarterly. There are 2 individuals who are
414 surrendering their licenses and the Investigative Memos are in in the packet for board review.
415 Investigator Homestead asks for any questions and the board reports that they have none for the
416 complying individuals and a few for the surrenders. Inv. Homestead asks the board to ask questions
417 on license surrenders in Executive session. OLE Dulebohn expands and states that the board can
418 ask questions as long as no names or specific details are mentioned. The board speaks vaguely
419 about the circumstances that lead to the surrenders and review the information provided in the
420 Investigative Memos included in the board packet.

421
422 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**
423 **roll call vote, it was RESOLVED to ACCEPT the Surrender of License for Case # 2017-**
424 **001456 Arturo Ramirez and Case # 2017-001248 Anna Martin**

425
426 Investigator Homestead presented the board order for both surrenders to Chair Edwards-Smith at
427 that time for signature.

428
429 **Agenda Item 10 Draft Transcript Breakdown Form**

430
431 The board reviewed the Transcript Analysis Form from Massachusetts and the proposed content
432 assembled by Mr. Edwards-Smith and Mr. Gibbs as a task from the June 2019 meeting. The
433 function of this form would be to allow applicants to direct the board as to how they have met 12
434 AAC 79.140 by specifically referencing their transcripts. The board reviewed the newly created form
435 and had positive feedback. Ms. Endle asked if the applicant would be allowed to submit an
436 application without this form to which OLE Dulebohn replied that once Division approves it and it
437 is included in the application, the applicant would have to submit a completed form as part of their
438 completed application. After careful review and a few small amendments, the board has drafted the
439 following Transcript Analysis Form to be included in the Application by Examination:

625 Hours Transcript Analysis Form

Applicant Name: _____

Address: _____

City/Town: _____ State: _____ Zip Code: _____

DIRECTIONS FOR APPLICANT:

The Alaska Board of Massage Therapy (“Board”) approved a course of study of 625 hours for individual licensure effective July 1, 2019, which is posted on the Board’s website and detailed below. Please complete this form and provide the following documentation for the Board to review for approval of your application:

- 1) All Course syllabi and/or School Catalogue, which should include a course description for each course taken and outlines of class dates and subject matter covered.**

Educational Requirements

The minimum educational qualifications for licensure as a massage therapist include:

- (1) Completion of a course of study of at least 625 hours from an approved massage therapy school or program which shall comply with the requirements specified in the following table:

Curriculum

Subject	Hours
Section A: Anatomy & Physiology, Pathology, Kinesiology	162 Hours
Section B: Massage Theory and Practical Application	275Hours
Section C: Clinical Practice	138 Hours
Section D: Ethics and Law	50 Hours

SECTION A: 162 Hours: Anatomy & Physiology, Pathology, Kinesiology

Please list all courses specific to Section A to be considered towards the Alaska Massage Therapy Requirements for Licensure. Only list the number of hours in each course that were devoted to Section A subject matter.

Course Name (from transcript)	Hours Completed	Date Started	Date Completed
1. _____			
2. _____			
3. _____			
4. _____			

TOTAL HOURS: _____

440
441

625 Hours Transcript Analysis Form

SECTION B: 275 Hours: Massage Theory and Practical Application

Please list all courses specific to Section B to be considered towards the Alaska Massage Therapy Educational Requirements for Licensure. Only list the number of hours in each course that were devoted to Section B subject matter.

Course Name (from transcript)	Hours Completed	Date Started	Date Completed
1. _____			
2. _____			
3. _____			
4. _____			

TOTAL HOURS:

SECTION C: 138 Hours: Clinical Practice

Please list all courses specific to Section C to be considered towards the Alaska Massage Therapy Educational Requirements for Licensure. Only list the number of hours in each course that were devoted to Section C subject matter.

Course Name (from transcript)	Hours Completed	Date Started	Date Completed
1. _____			
2. _____			
3. _____			
4. _____			

TOTAL HOURS:

SECTION D: 50 Hours: Ethics & Law

Please list all courses specific to Section D to be considered towards the Alaska Massage Therapy Education Requirements for Licensure. Only list the number of hours in each course that were devoted to Section D subject matter.

Course Name (from transcript)	Hours Completed	Date Started	Date Completed
1. _____			
2. _____			
3. _____			
4. _____			

TOTAL HOURS:

442
443

625 Hours Transcript Analysis Form

Description of Course Content

Anatomy & Physiology, Pathology, and Kinesiology: pertains to the education in the study of human anatomy, pathology, and kinesiology. These hours educate a massage therapist to identify human anatomy to perform palpation, massage technique, and contraindications.

- At least 40 hours in pathology, including indication and contraindications
- Muscular System
- Nervous System
- Osteology
- Circulatory System
- Kinesiology

Massage Theory and Practical Application: pertains to education in the study of modality and application of the tasks in applying these studies as a massage therapist. These hours would include a massage students actual clinical work conducting massage therapy assessment and clinically related modalities and techniques.

- 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% (125 hours) of total hours of the massage program

Clinical Practice: pertains to education in conducting massage therapy safely and competently as a professional massage therapist. The following topics are considered part of clinical practice:

- Universal and Standard Precautions
- Self-Care
- Body Mechanics
- Draping
- Record Keeping
- Business Practices and Professional Development
- Medical Terminology

Ethics and Law: pertains to education in the study of professional ethical conduct, boundaries, relationships, and the study of state and local laws.

- Local and State Laws
- Therapeutic Relationships
- Professional Boundaries

Certification of Applicant:

I, _____, certify that the information on this form is true and correct to the best of my knowledge and that all credentials supplied by me to support my application are true and correct. The Division may deny, suspend, or revoke the license of a person who has obtained or has attempted to obtain a license by fraud or deceit. The person may also be subjected to criminal charges for perjury or unsworn falsification. (AS 11.56.210)

Signature _____
Date

444
445
446
447
448
449

In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll call vote, the board ADOPTED the Transcript Analysis Form as amended.

450 **Agenda Item 11** **Lunch**

451

452 *Chair Edwards-Smith calls a lunch break at 11:54 a.m.*

453 *Back from lunch at 1:16 p.m. with the entire board present*

454

455 **Agenda Item 12** **Public Comment**

456

457 The board prepares to hear public comment. Lars Odsather joins the meeting telephonically and
458 expresses a wish to be heard during Public Comment. Chair Edwards-Smith invites Mr. Odsather to
459 speak. Mr. Odsather's comments are as follows:

460

461 "Hi there. My name is Lars Odsather, of course I am an applicant for a massage therapy license in
462 the State of Alaska. I have submitted an application and went to Denver Integrated Massage School
463 in Denver, CO. You also see that my graduation date was April 24 of this year. I'll try to make this
464 as brief as possible with a lot of information succinctly packed so that I don't take up a lot of your
465 time. I'm going to try to go through a timeline here to let you know where I feel my application is
466 standing up and what the board has just recently decided when I was listening in before the lunch
467 break from 9 a.m. to the lunch break. So, here we go: it is my understanding that before April 27 of
468 2019 the board or the state announced that the new application deadline for massage therapy was to
469 be altered or changed on July 1, 2019 from a 500-hour requirement to a 625-hour requirement. I
470 received my diploma in the mail after finishing all my course work on the 24th of April. This whole
471 process had been started back on July 31, 2018, long before the board or anyone else (as far as I
472 know) was in the place to change or make any alterations on the requirement of state law in
473 accordance to massage therapy. On the 26 of June, was when I learned about the change up
474 according to the April 17 notation. I wasn't aware of that, I wasn't even looking for it and I
475 understand that is not truly an excuse but it is still a fact. On June 28 about 7pm was when I learned
476 of the deadline. That was when I tried to hustle and find any way I could get my information into
477 the state as soon as possible. My home is Fairbanks, there is no longer a state office for me to
478 deliver information in Fairbanks. Anchorage and Juneau are the only two offices that would accept
479 my application, that I found out. On Thursday morning, on the 27th of June I tried to find any
480 group or overnight courier including USPS, UPS, Fed Ex, Gold Streak, none of which would be able
481 to deliver my information by the 28th at the appropriate time of 5pm closing time. The earliest time
482 that any of them would be able to deliver it was July 1st which was clearly too late. So now my only
483 options were to hand deliver the information. At this point I was able to get all of my information
484 organized except one piece of information or important criteria. My CPR came in two parts, one
485 that had to be completed online with the American Heart Association and the other part had to be
486 approved and I needed to be tested by someone who is licensed through the American Heart
487 Association to provide CPR training. This was very difficult. The American Heart Association
488 didn't have anything going on, all the classes were filled. I made several attempts, more than 5
489 attempts, to find people. The only person I could find was military personnel person on base, at the
490 fire department, who was able to help me. They were only able to do it after 5pm on the 28th. My
491 certification came in at 18:55 on Friday the 28th. By technicality, it is clearly before July 1st but I
492 understand 5pm of the state work day. Now, according to the application I turned in, I had to leave
493 at 2:15 am on Friday morning, the 28th, to get to the state office by 9:30 in the morning to turn my
494 application in. All my information was stamped by 9:45am on the 28th of June. I had to hustle back
495 to Fairbanks on the same day to meet up to get my CPR requirements done. I achieved my CPR
496 requirements, as I said by 6:55 pm. In accordance to the way the MBLEx, the national certification
497 for massage board licensing exam, works I would only be able to take my exam once the application

498 was turned in. My application was turned in and the national board got that information from the
499 state. I was able to make the time to take my MBLEx on July 8th. I went down to Anchorage again
500 to the Pearson Vue testing center and I passed my test. All of my information was correct. I
501 understand the changeover cause the 500-hour requirement to a 625-hour requirement. My school
502 is a 600-hour school. The only piece of information that I missed to make the deadline, officially,
503 was the last piece of my CPR requirement. There have just been restrictions or additions or
504 whatever word by the board were pending information/pending hours. If my tallies are correct,
505 what the board is asking me to do is go achieve more hours than what the 625-hour requirement is.
506 I understand the comparison between what my school offers and what the state sees as my
507 deficiency. At the same time if you add up all the hours, all the hours add up to more than 625
508 hours. What I'm asking the board to do, I'm pleading with the board to do, is look at my
509 information from prior to July 1st and getting all of my information in prior to July 1st so that I am
510 sitting inside the stipulations of the 500 hour requirement so I may continue to move on and move
511 forward with my life to make this career possible as the fees are changing and the costs are
512 becoming prohibitive for me as a result of the income that I am not able to achieve as a result of
513 where I am sitting right now. In limbo between work. I believe that is all that I have to say without
514 repeating myself. I want to thank the board for all of your efforts and all that you do as I am in
515 deep appreciation of where you are and what you are doing. I'm finished. Thank you.”

516
517 Chair Edwards-Smith thanked Lars for his perspective and point of view. He stated that the board
518 would respond to his comments by e-mail and announced that Public Comment is now closed.

519
520 **TASK: Chair Edwards-Smith will draft a reply to Mr. Odsather's public comment to**
521 **be sent by OLE Dulebohn to him by e-mail.**

522
523 **Agenda Item 13 Decision on Stefano Appeals Case**

524
525 The board prepares to hear a presentation from Administrative Law Judge Lawrence Pederson
526 regarding his decision on the appeal case initiated by Connor Stefano.

527
528 *ALJ Pederson joined the meeting telephonically at 1:27 p.m.*

529
530 Chair Edwards-Smith asked ALJ Pederson if they had to move to Executive Session. ALJ Pederson
531 said that they did and that OLE Dulebohn could not participate in the discussion because she was a
532 witness in the case. Chair Edwards-Smith stated that they would like OLE Dulebohn to be present
533 during the presentation by ALJ Pederson and ALJ Pederson informed the board that they could not
534 make that decision. OLE Dulebohn informed ALJ Pederson that he called in on a public line and
535 she would need to stay long enough to switch the lines over to Executive Session.

536
537 **In a motion duly made by Jill Motz, seconded by Ron Gibbs, it was RESOLVED to**
538 **ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska**
539 **Constitutional Right to Privacy Provisions, for the purpose of discussing “matters which by**
540 **law, municipal charter, or ordinance are required to be confidential”.**

541
542 *Off the record at 1:29 p.m.*

543 *Back on the record at 1:53 p.m.*

544

593 reasoning behind deleting that line and the board agrees that the line is redundant and should be
594 removed.

595
596 12 AAC 79.110(2)

597
598 The board reviews the suggested regulations change for 12 AAC 79.110(2)(B) “the board will issue a
599 license by credentials to practice massage therapy to an applicant who meets the requirements of AS
600 08.61.040 and this section...and is certified by the American Massage Therapy Association, the
601 National Certification Board for Therapeutic Massage and Body Work, or other board approved
602 credentialing entity.”

603
604 Ms. Zinn states that this has already been addressed in the draft language she presented to the board
605 in the redline document. Her suggested language is to remove the specific organizations and replace
606 it with “a board-approved credentialing entity...” based on the board’s previous meeting minutes.

607
608 Ms. Endle questions the wording of AS 08.61.040(9)(A) regarding “substantially equal to”. Ms. Zinn
609 replies that using the words “substantially equal” gives the board a little latitude as it means that even
610 though something may not appear equal the board can determine if the item in question is just as
611 good as what Alaska requires. Ms. Zinn goes on to say that many programs use the word
612 “substantially” in statutes.

613
614 12 AAC 79.200

615
616 The board reviews the information suggested by Ms. Zinn including adding “completed during a
617 concluding license period” to (5) and “documentation of” a current CPR certificate in (4).

618
619 Chair Edwards- Smith asks if there is a motion to approve the draft regulations as amended to go to
620 public comment.

621
622 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll**
623 **call vote, the board APPROVED draft regulations as amended to go to public comment.**

624
625 HB0169A

626
627 The board asks Ms. Zinn about the inclusion of HB0169A that was sent to the board at the
628 suggestion of Director Sara Chambers. The Alaska House Bill outlines ideas for fee structures for
629 low income or military families, licensing for individuals with criminal records, apprenticeship
630 programs, and occupational licensing fees and requirements.

631
632 Vice Chair Gilmour states that should this bill pass the board may have to revisit some of its
633 regulations and policies. Mr. Gibbs states that the board may want to formulate a position
634 statement regarding this bill of whether they want to support it. Ms. Motz points out that it would
635 limit a background report to three years. Ms. Endle would like more time to review the bill.

636
637 **TASK: The board will do more research on HB0169 to see if they would like to**
638 **formulate a position statement in the December 2-3, 2019 meeting**

639
640

641 12 AAC 79.900

642

643 The board reviews correspondence from Investigator Jacobs regarding their Standards of Practice as
644 it pertains to HIPPA (Health Insurance Privacy and Portability Act). Investigator Jacobs suggest
645 correcting it to HIPAA (Health Insurance Portability and Accountability Act of 1996). This
646 correction was made in the language submitted to the board by Regulation Specialist Zinn.

647

648 *Chair Edwards-Smith called a short break at 2:40 p.m.*

649 *Regulations Specialist Zinn left the meeting.*

650 *Back on the record at 2:55 p.m.*

651

652 **Agenda Item 15 Fitness to Practice Interviews**

653

654 Yi

655

656 Chair Edwards-Smith welcomes the first of two Fitness to Practice interviewee, Yong Ki Yi and her
657 translator, Geewon Anderson, in person. Ms. Yi was given the option of going into Executive
658 Session and she declined and participated in her interview on the record.

659

660 The board asked Ms. Yi several questions about her criminal history, work experience, and support
661 network. Ms. Yi answered through Ms. Anderson. At the end of the interview, the board
662 deliberated on the information they had received and prepared a motion.

663

664 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed with a majority vote**
665 **that did not include Ms. Gilmour or Ms. Endle, it was RESOLVED to DENY the**
666 **application for licensure for Yong Yi citing AS 08.61.030(9) “The board shall issue a license**
667 **to practice massage therapy to a person who has not been convicted of, or pled guilty or no**
668 **contest to, a crime involving moral turpitude, or has been convicted of, or pled no contest**
669 **to, a crime involving moral turpitude if the board finds that the conviction does not affect**
670 **the person’s ability to practice competently and safely.”**

671

672 OLE Dulebohn notified Ms. Yi of the board’s decision in person after the decision.

673

674 **TASK: OLE Dulebohn will send Ms. Yi a follow-up letter concerning her denial.**

675

676 Kim

677

678 Chair Edwards-Smith welcomes the second of the Fitness to Practice interviewee, Han Mee Kim,
679 telephonically. OLE Dulebohn introduces the board members and explains that they will be asking
680 her questions. OLE Dulebohn also asks if Ms. Kim would like this interview to be conducted
681 privately during Executive Session or publicly on the record. She replied that it didn’t matter so the
682 interview was conducted publicly.

683

684 The board asked Ms. Kim several questions about her criminal history, work experience, and
685 support network. Ms. Kim answered all of the board’s questions. At the end of the interview, the
686 board deliberated on the information they had received and prepared a motion.

687

688

689 *Chair Edwards-Smith called for a short break.*
690 *Off the record at 4:18 p.m.*
691 *Back on the record at 4:27 p.m.*

692
693 **In a motion duly made by Traci Gilmour, seconded by Rob Gibbs and passed with a**
694 **majority vote that did not include Ms. Motz, it was RESOLVED to APPROVE the**
695 **application for licensure for Han Mee Kim PENDING the acceptance of a consent**
696 **agreement that includes six (6) years of probation and 20 hours in ethics courses that must**
697 **include information human trafficking, preventing sexual misconduct, and professional**
698 **boundaries which Chair David Edwards-Smith will review the completed certificates for**
699 **compliance.**

700
701 **TASK: OLE Dulebohn will notify Han Mee Kim of the board's decision with a**
702 **follow-up letter.**

703
704 **Agenda Item 16 Adjourn or Recess**

705
706 Chair Edwards-Smith recesses the meeting until September 20, 2019 at 9:00 a.m.
707
708 *Off the record at 4:28 p.m.*

709
710 **Friday, September 20, 2019**

711
712 **Agenda Item 17 Call to Order/Roll Call**

713
714 *On the record at 9:04 a.m.*

715
716 **Board Members present, constituting a quorum:**

717
718 David Edwards-Smith, Board Chair-Licensed Massage Therapist
719 Traci Gilmour, Licensed Massage Therapist
720 Ron Gibbs, Licenses Massage Therapist
721 Julie Endle, Public Board Member

722
723 **Division Staff present:**

724
725 Dawn Dulebohn, Occupational Licensing Examiner

726
727 **Joining Telephonically**

728
729 Sara Chambers, Director of the Division of Corporations, Business, and Professional
730 Licensing

731
732 **Agenda Item 18 Review Agenda**

733
734 Chair Edwards-Smith starts the day reminding the board of the previous day's business that needs to
735 be addressed today: the military and medical exception conversation and the application for L.K.

736

737 Agenda Item 5 Old Business (continued)

738

739 Medical and Military Exceptions

740

741 Chair Edwards-Smith recaps yesterday's discussion on a possible regulation to allow for an
742 extension of the deadline for continuing education for individuals that the board has determined are
743 in need because of medical or military reasons. This extension would allow these person's to not
744 have consequences for not getting their continuing education in on time but would not keep their
745 license from lapsing on September 30 of odd numbered years.

746

747 The board discusses that the extension for military personnel would apply if the licensee were absent
748 from Alaska for more than 6 months, had verifying documents from proper military personnel, they
749 must submit their application for the extension to the board at least 90 days before the license is set
750 to lapse, and the waiver would only last for 6 months. The extension for medical circumstance
751 would apply if the licensee had verifying documents from a physician, submitted their application
752 for the extension to the board at least 90 days before the license was set to lapse, and the waiver
753 would only last 6 months. Additionally, the board reviewed information compiled by the Federation
754 of State Massage Therapy Boards from various states. The board decided to utilize language from
755 Kentucky to send to the Regulations Specialist for review.

756

757 Kentucky Rule 201 KAR 42:110 Section 10 states: (1) The board shall, in individual cases involving
758 medical disability, illness, undue hardship, active military service, or other similar extenuating
759 circumstance that precludes the individual's completion of the requirements, waive CE requirements
760 or grant an extension of time within which to fulfill the requirements if the board receives:

761

a. A written request for waiver or extension of time; and

762

b. 1. Verifying documentation signed by a license physician or proper military personnel, if
applicable; or

763

2. Documentation to support the waiver

764

765 (2) A waiver of the minimum CE requirements or an extension of time within which to
766 fulfill the CE requirements may be granted by the board for a period not to exceed one (1) calendar
767 year. If the circumstances extend beyond the period of the waiver or extension, the licensee shall
768 reapply for the waiver or extension.

769

770 **In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with**
771 **a roll call vote, the board RESOLVED to send draft language to the Regulations Specialist**
772 **regarding military and medical continuing education extensions that reflects the FSMTB's**
773 **documents on page 10: Kentucky 201 KAR 42:110 Section 10.**

774

775 **TASK: Board member to complete Regulations Questionnaire for the military and**
776 **medical extension project.**

777

778 Agenda Item 9 Review Tabled Applications (continued)

779

780 Chair Edwards-Smith directed the board to revisit the application of L.K. from the following day.

781

782 The board reviewed the application for L.K. carefully and made the following decision:

783

784 In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with
785 a roll call vote, it was **RESOLVED** to **APPROVE** the application of Lisa Koski **PENDING**
786 completion of an additional 27.5 hours of Pathology per 12 AAC 79.140.

787
788 **Agenda Item 19** **Old Business (continued)**

789 New FAQ's from Task List- #2, #27, #29

790
791
792 The board reviews the FAQ's they asked to be created in the June 2019 meeting:

793
794 **I'm a licensed massage therapist in Alaska, do I *have* to have liability insurance?**

795 It is not a requirement that massage therapists carry liability insurance. However, the Board of
796 Massage Therapists **strongly recommends you do carry insurance** to protect your clients,
797 yourself, and your business.

798
799 **Can the board give me permission to teach a continuing education class?**

800 12 AAC 79.210 states that "continuing education must be completed through a board approved
801 massage therapy or bodywork therapy school or training program, regionally or nationally accredited
802 institution of higher learning, or a local, state, or national professional organization that serves the
803 massage therapy profession."

804 The board interprets the 1st item (board approved massage therapy or bodywork therapy school or
805 training program) to mean that they can decide if a continuing education course relates to the
806 profession of massage therapy. The course in question must still be approved by an institute of
807 higher learning or a local, state, or national organization that serves the profession of massage
808 therapy.

809
810 **What does SOP #2 mean when it says to "maintain a record of daily clientele including
811 name and date of service and adequate progress notes when applicable"?**

812 12 AAC 79.900 and SOP #2 is about chart noting and HIPAA compliance.

813 Therapists must keep chart notes with regards to all patients that come to us with a diagnosis from a
814 clinician and massage therapist might bill insurance or invoice to allow the patient to bill their
815 insurance.

816 Notes are kept within files and according to HIPAA they are "kept out of the public's view and are
817 not accessible to anyone but the clinician's staff, doctors and therapists." In a clinician or doctor's
818 office they are generally kept locked in filing cabinets. This may be different in a private clinic or
819 home practice.

820 Massage therapists are not expected to keep detailed chart notes in regard to walk in/cash paying
821 clients but a log and/or record of daily clients must be kept according to Alaska Board of Massage
822 Therapists Code of Ethics and Standards of Practice.

823 For more information about HIPAA and how it affects LMT's in Alaska, please go to:

824 <https://www.hhs.gov/hipaa/for-professionals/index.html>

825
826 After review, Ms. Gilmour states that she does not like the way her FAQ about the Standards of
827 Practice #2 was written. Ms. Gilmour asks that she be allowed to re-write the FAQ, submit it to the
828 OLE to distribute to board approval, and then have it be added to the FAQ's.

829

830 In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with
 831 a roll call vote, it was **RESOLVED** to **APPROVE** the new FAQ's on liability insurance and
 832 continuing education.

833
 834 Legislative Research on School Requirements

835
 836 Ms. Gilmour lead the discussion on this topic. She started by informing the board that the title of
 837 this section was incorrect. She thinks the section would have been better titled "School
 838 Requirements by State". She stated that this is the research she had done to present to legislative
 839 session as an aid to the discussion on increasing the educational hour requirements for Alaska. Ms.
 840 Gilmour explained to the board what this research was and its purpose.

841
 842 State Authorizing and National Accrediting Entities by State

843
 844 Lorena Haynes from the Federation of State Massage Therapy Boards (FSMTB) provided a list of
 845 state accepted accrediting agencies.

State	US DOE	State DOE	COMTA	Other State DOE	Notes
Alabama		x	x	x	regional professional accrediting body, or accredited postgraduate training institute
Alaska	x	x		x	nationally recognized accrediting agency
Arizona	x	x		x	
Arkansas					Department of Health issues school licenses
California	x	x		x	- Bureau for Private Postsecondary Education. - Department of Consumer Affairs - Accrediting Commission for Senior Colleges and Universities - Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges
Colorado	x	x			- private occupational school division - Colorado community college system - nationally recognized accrediting agency
Delaware					Current state approval (does not specify)
DC	x		x	x	District of Columbia Educational Licensing Commission Accreditation Council for Continuing Education and Training Accrediting Commission of Career Schools and Colleges of Technology
Florida		x			public school system of the State of Florida
Georgia		x		x	- Nonpublic Postsecondary Education Commission (NPEC) Authorization -NCBTMB school code number
Hawaii		x			-American Massage Therapy Association - Rolf Institute
Idaho		x		x	
Illinois					Criteria acceptable to the Board
Indiana		x		x	-Indiana commission on proprietary education -Institution of higher learning
Iowa					-board approved school -case by case basis

846

847

Kentucky		x		x	-Kentucky State Board for Proprietary Education -Council on Postsecondary Education
Louisiana		x		x	-Board of Regents
Maine					BOMT approval – case by case basis
Maryland		x		X*	- Maryland Higher Education Commission - *accrediting agency or organization that accredits both institutions of higher education and programs offering instruction in massage therapy
Massachusetts					- BOMT approval
Michigan	x				Council for Higher Education Accreditation
Mississippi	x		x		
Missouri	x	x		x	-Missouri Coordinating Board of Higher Education (CBHE) -Missouri Department of Elementary and Secondary Education (DESE) approved vocational program
Montana					-National Commission for Certifying Agencies -NCBTMB Curriculum guidelines
Nebraska					BOMT approved
Nevada		x			-Commission on Postsecondary Education
New Hampshire					BOMT curriculum case by case basis
New Jersey		x		x	-New Jersey Department of Education; -The New Jersey Department Labor and Workforce Development; -The New Jersey Commission on Higher Education
New Mexico		x		x	private post-secondary educational institutions
New York		x		x	- Department or equivalent registers schools -Council for Higher Education Accreditation
North Carolina	x	x		x	Southern Association of Colleges and Schools -North Carolina Community College System -The University of North Carolina Board of Governors
North Dakota	x				-BOMT approval
Ohio		x		x	-Ohio board of regents -state board of career colleges and schools -Ohio department of education, division of career/technical adult education
Oklahoma		x			State licensed school, no board approval
Oregon		x		x	-Division of Vocational Education -Higher Education Coordinating Commission -Northwest Accreditation Commission -Oregon Office of Educational Policy and Planning
Pennsylvania		x		x	-regionally accredited college or university -Pennsylvania private licensed school or its equivalent
Puerto Rico					-official bodies of the Commonwealth of Puerto Rico -General Education Council
Rhode Island	x	x	x	x	
South Carolina					Department Approved Massage School
South Dakota					Recognized facility -List of schools
Tennessee		x			-Tennessee Higher Education Commission

848

					-Tennessee Board of Regents (transcripts must be in compliance, BOMT approves)
Texas				x	BOMT approves schools
Utah	x				Utah Department of Commerce, Division of Consumer Protection
Virginia	x	x		x	State Council of Higher Education
Washington	x	x		x	
West Virginia		x		x	NCB School Standards -West Virginia Higher Education Policy Commission
Wisconsin	x	x		x	Educational approval board Technical college

DOE US recognized institutional accrediting agencies as of 7/19/2019

https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html

Accrediting Commission of Career Schools and Colleges
Accrediting Council for Continuing Education and Training
Accrediting Council for Independent Colleges and Schools
Council on Occupational Education
Distance Education Accrediting Commission
Higher Learning Commission
Middle States Commission on Higher Education
Middle States Commission on Secondary Schools
New England Commission of Higher Education
New York State Board of Regents, and the Commissioner of Education
Northwest Commission on Colleges and Universities
Southern Association of Colleges and Schools, Commission on Colleges
Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges
WASC Senior Colleges and University Commission

849
850 Kierke Kussart from the Alaska Commission on Postsecondary Education also provided links to the
851 National Association of State Administrators and Supervisors of Private Schools (NASASPS), the
852 Accrediting Bureau of Health Education Schools (ABHES), United States Department of Education
853 (USDOE), Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), and the
854 Commission on Massage Therapy Association (COMTA) for the board’s reference.

855
856 OLE Dulebohn reminds the board that the reason all of this research has been compiled is so they
857 may compile a list of states that have educational and licensing requirements equivalent to Alaska in
858 accordance with AS 08.61.020.

859
860 **TASK: Board will evaluate data and compile list of states that have accrediting and**
861 **approval agencies such as COMTA and ACPE that are equal to Alaska.**

862
863 **TASK: OLE Dulebohn will sign board members up for ACPE newsletter.**

864
865 AS 21.36.090- Feedback from LAW and Deputy Director Walsh

866
867 In the June 2019 meeting, the board was brought a topic by Board Member Jill Motz that shows that
868 there is a statute that deals with unfair discrimination regarding insurance of professions. Ms. Motz

869 points out that AS 21.36.090 has a list of professions that cannot be unfairly discriminated against
870 but massage therapy, and eight others, are not among them. The board asks that this issue be
871 brought to the attention of division, and AAG Harriet Milks replied that more research would be
872 needed on the subject and if anything was to be done about it, it would need to be addressed next
873 session.

874
875 AS 08.61.060

876
877 Also stemming from the June 2019 meeting, the board had asked for a LAW consult about a
878 potential issue brought to their attention by Investigations. Inv. Carl Jacobs stated that AS
879 08.61.060 reads: “After a hearing, the board may impose a disciplinary sanction under AS 08.01.075
880 on a person licensed under this chapter if the board finds that the person...” Investigations is
881 concerned about the words “hearing” and “licensed” as they may be interpreted to mean an
882 administrative law hearing and may only be applicable to someone who has received their massage
883 license. OLE Dulebohn responds that historically, in this context, the board has defined “hearing”
884 as a meeting of the board on the subject and “licensed” to mean some who holds a license or whose
885 license approval is imminent. As an example, if someone has a questionable background report, the
886 board holds a Fitness to Practice interview for the applicant, holds a discussion, and decides to grant
887 the license pending the acceptance of a consent agreement that states that the applicant will not
888 break the law for 4 years and complete a 20 hours ethics course. AAG Harriet Milks response is:
889 that the statute interpretation can depend on the facts. The board is correctly interpreting “hearing”
890 to mean a process in which the applicant has a meaningful opportunity to be hear and present their
891 case, present facts, and examine witnesses. The board also seems to be correctly understanding the
892 disciplinary standards under AS 08.61.060 apply to licensees and applicants for licensure. The
893 Office of Administrative Hearings has said that it makes no sense to license someone who the board
894 knows has a problem that would warrant revocation if they were already licensed, only to turn
895 around and revoke their license immediately after granting it.

896
897 Ms. Milks also addressees the board’s intention to use AS 08.61.060 as a reference to impose a
898 disciplinary sanction in the form of a civil fine for applicants who make factually inaccurate
899 statements on their application and the board intends to license. She advises that this is appropriate
900 since AS 08.61.060 specifically incorporates AS 08.01.075(a)(8) which allow imposition of a fine.

901
902 **Agenda Item 21** **Administrative Business**

903
904 Administrative Statistics

905
906 Chair Edwards-Smith states that is grateful of the mention of how many people sent in renewal
907 fingerprints despite not being asked or directed to send them in and the amount of e-mails sent.
908 OLE Dulebohn shared with the board that about half dozen people were asked to submit
909 fingerprints on a case by case basis because of an issue with their 2017 fingerprints, but that 46
910 people sent in fingerprints (with and without money) unbidden and those cards will be returned to
911 them. Ms. Gilmour speculated that the amount of correspondence OLE Dulebohn received is
912 related to the change in statute and regulation but OLE Dulebohn replied that she couldn’t think of
913 any of the correspondence that related to that subject. Ms. Gilmour referenced people contacting
914 her with worries about bloodborne pathogens because they are not reading the application
915 thoroughly and just remember that they saw a change in statute. She goes on to state that the lack
916 of understanding is so great, it is amazing. OLE Dulebohn states that the majority of the calls she

917 received related to not getting their authorization code, not getting renewal notices, or scanning the
 918 notices that they do receive and not deriving the correct information.
 919 Ms. Dulebohn goes on to inform the board that a lot of the problems with renewals are directly
 920 related to licensees not keeping their addresses updated and not being opted in for paperless
 921 communications. She continues that, regardless of what was done before or may be done in the
 922 future, it is essential that people read notices and applications as they will tell the applicant/licensee
 923 exactly what they need to do.

924
 925 The board next addressed renewal applications in regard to the proof of current CPR certificate that
 926 was required for this year's renewals. There was discussion about how everyone had to certify on
 927 their application that they had a current CPR certificate and that they would provide proof of that
 928 no later than 10/30/2019. The discussion continued by stating that only PDF's were accepted as
 929 uploads into MyLicense but that the certificate could be mailed or faxed. Additionally, OLE
 930 Dulebohn explained that division make the mandate that all completed applications would have
 931 their licensed renewed immediately and that there would be a grace period given until 10/30/2019
 932 to send in the CPR proof. Anyone that does not have their CPR in by the time renewals end on
 933 9/30/2019 will get a notice in the mail reminding them of their responsibility. Chair Edwards-Smith
 934 asked how many renewals were expected this year and OLE Dulebohn responded that a little less
 935 than 1300 were expected and so far only about half have renewed. The board had a brief discussion
 936 about how massage therapists have a transient profession so there will always been people that move
 937 in and out of state for work.

938
 939
 940

June 10- September 16, 2019

ITEM	AMOUNT	COST/ REVENUE
Applications Received	49	
Applications Reviewed by the board	35	
Rolfers Issued/Applied Massage License using the Board's Curriculum Breakdown (not Grandfathered)	2	
Initial Licenses Issued	44	44 X \$550.00= \$24,200
Applications Denied	0	
Applications in Process	70	
Renewed Online using MyLicense (as of 9/15/2019)	529	
Total Renewed as of 9/15/2019	626	
# of Licensee's who have "opted in" for paperless communication	677	

1027 be making any board decisions during their meeting. Chair Edwards-Smith responds in the
1028 affirmative.

1029
1030 **Agenda Item 24** **Town Hall Meeting**

1031
1032 Having completed all board business for the day, the board decides to Adjourn their meeting for the
1033 day. The board is asked by OLE Dulebohn to be back from lunch at 1:30 p.m. to prepare for the
1034 Town Hall meeting that is scheduled in room 1236 at 2:00 p.m. later today.

1035
1036 **Agenda Item 25** **Adjourn**

1037
1038 At this time, the board concluded all scheduled Board Business.

1039
1040 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously, it**
1041 **was RESOLVED to ADJOURN.**

1042
1043 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended
1044 at 11:08 a.m.

1045
1046
1047 **Respectfully Submitted,**

1048
1049
1050 _____
1051 **Dawn Dulebohn, Licensing Examiner**

_____ **Date**

1052
1053
1054
1055 _____
1056 **David Edwards-Smith, Boards Chair**

_____ **Date**

1057
1058
1059