

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4 BOARD OF MASSAGE THERAPISTS

5
6 MINUTES OF THE MEETING
7 January 25-26, 2021
8

9 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62
10 Article 6, a scheduled meeting of the Board of Massage Therapists was held via videoconference and at
11 State Office Bldg., 9th Floor, Conference Room B, January 25-26, 2021
12

13 **These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and**
14 **Professional Licensing. These minutes have not been reviewed or approved by the board.**
15

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

17
18 The meeting of the Board of Massage Therapists was called to order by David Edwards-Smith, Chair at
19 9:17 a.m. Members present were:
20

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

22
23 David Edwards-Smith, Board Chair, Licensed Massage Therapist
24 Traci Gilmour, Vice Chair, Licensed Massage Therapist
25 Jill Motz, Licensed Massage Therapist
26 Kristin Tri, Licensed Massage Therapist
27 Julie Endle, Public Member
28

29 **Division Staff present:**

30
31 Emily Sullivan, Licensing Examiner
32 Cynthia Spencer, Records and Licensing Supervisor
33 Megyn Weigand, Attorney, Department of Law
34 Sara Chambers, Division Director
35 Melissa Dumas, Administration Officer
36

37 **Public Joining Telephonically**

38
39 Christina Hooper, Alaska Massage Therapy Association
40 Laura Embleton, Associated Bodywork & Massage Professionals
41 Nanette Greer, Applicant for Massage Therapist Licensure
42

43 **Agenda Item 2 Review/Approve Agenda**

44
45 The board reviewed the agenda and added items for unacceptable continuing education courses to
46 agenda item 5, distance learning accreditation programs to agenda item 5, and apprenticeship program
47 information to agenda item 8.
48

49 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a**
50 **roll call vote, it was RESOLVED to APPROVE the agenda as amended.**
51

Agenda Item 3 Ethics Reporting

The Board reviewed the provided ethics information. There were no ethics violations reported.

Director Sara Chambers and Megyn Weigand Department of Law attorney joined the meeting.

Agenda Item 4 Executive Session Training with Megyn Weigand, DOL

Ms. Megyn Weigand introduced herself to the board as an attorney from the Attorney General's Office. Ms. Weigand informed the board she was there for guidance and questions regarding the use of executive session. Ms. Weigand discussed with the board the five areas that they need guidance on.

Ms. Weigand stated that the board should not use executive session to review every application, as it is not in line with the Alaska statutes governing the use of executive session for professional regulating boards. The board can consider an application on the public record and if there is a narrow issue putting the applicant at risk of prejudicing their professional reputation or character, then that can be discussed in Executive Session.

Chair David Edwards-Smith asked Ms. Weigand if the board has a group of applicants with a need to go into executive session is that done all at one time or does the board need to go into a separate executive session for each applicant. Ms. Weigand clarified the board must go into executive session then back on public record for each applicant. Ms. Weigand suggested that the OLE send an email to applicants before the meeting providing meeting details and inform them they have the opportunity to request executive session for a part of their application that meets one the four executive session requirements; If the applicant wishes to have their application discussed completely on public record, the board should abide by that and conduct the application review on public record. If an applicant requests their application be reviewed completely in executive session, the OLE must explain that only parts of the application that match the statutory authority can be discussed in executive session. Ms. Weigand also informed the board that holding entire discussions in executive session leaves them vulnerable to their actions being reversed.

Ms. Weigand stated she couldn't think of any factors that would substantiate the board discussing CE audits in executive session. Ms. Weigand went on to state that General CE discussions should be held on public record for the benefit of the public and licensees, however, if the application goes down the disciplinary track, then the use of executive session becomes more supportable under the statute's authority; discussing CE units in executive session prevents the public and prevents licensees from knowing which programs and courses the board deems satisfactory to meet the CE unit requirements. Ms. Weigand stated this can easily create a situation in which subsequent renewals are plagued by the same deficiencies and lead licensees to spend their money and their time completing programs that the board does not accept but they were not able to get that knowledge.

Ms. Weigand reminded the board that an applicant's educational background is not required by law to be kept confidential; if the board interviews an applicant, a majority of it should be held on public record, if an applicant's requests that a portion of the interview that may prejudice the reputation or character be held on in executive session, it still needs to be recorded; the portion of the interview recorded in executive session shall not be on public record or transcribed in the meeting minutes.

Ms. Gilmour asked Ms. Weigand if a board member files a complaint, do they need to recuse themselves for that portion of the meeting or can they stay in the meeting but not participate in the discussion and abstain voting. Ms. Weigand informed the board judges do not like the appearance of a complainant or

103 witness involved in the discussion and voting; in this type of event, the complainant should not be
104 present in the executive session in this situation.

105
106 Ms. Weigand presented the board the policies and motivations behind the State's intent of limitations
107 on the use of executive session. Ms. Weigand thanked the board for their time and suggested they
108 contact her with questions by emailing through the division.

109
110 **TASK: OLE will email applicants with applications that are to be considered by the board the**
111 **time and date of the meeting and give the applicant the opportunity to request executive**
112 **session be held for part of their application).**

113
114 *Recess The board recessed at 10:06a.m. for a break; reconvened at 10:15a.m. Emily Sullivan*
115 *conducted a roll call vote – all board members present.*

116
117 *Nanette Greer, Laura Embleton, and Christine Hooper joined the meeting.*

118
119 **Agenda Item 5 Miscellaneous**

120
121 **Continuing Education Discussion**

122
123 Ms. Gilmour read her statement regarding Continuing Education courses that are related to massage
124 therapy, provided by similar professions for example, chiropractors or physical therapists; classes that
125 pertain to massage therapy but allow to work in similar professional settings with chiropractors or
126 physical therapists, that promote a higher level of care. Content considered on merit and applicability as
127 opposed to only providers. Any education that compliments massage therapy and helps promote the
128 safety and healthy living of a client should be considered whether it be from a registered massage
129 therapy institute or another. Ms. Gilmour added that she would like to find a way to reduce the costs
130 from legal conducting CE audits while keeping licensees informed on approved CE courses.

131
132 Ms. Motz believes that this should become a regulations project if they are to change the way they
133 review continuing education courses. Ms. Motz stated CE reviews are not based on individual board
134 members' personal feelings and decisions are made based on statutes, regulations, and the
135 Unacceptable Continuing Education list taken directly from NCBTMB with a few additions to the list
136 made by the board. Ms. Motz stated she believes it is the board's due diligence to keep CE for massage
137 therapy centered in massage therapy. Ms. Motz reminded the board that animal massage is not under a
138 massage therapists' scope of practice in Alaska, as this must be conducted by a veterinary technician or
139 directly supervised by a veterinarian. Ms. Motz stated she would also like to better educate licensees on
140 acceptable CE courses and the correlation between licensees not completing their required CEU's and
141 licensing fees.

142
143 Ms. Gilmour responded that she would like a regulation project to amend regulation 12 AAC 79.210.
144 Chair Edwards-Smith stated he agrees with Ms. Gilmour and supports educational content that elevates
145 the competency of a massage therapist to work in relationships with other healthcare providers. Chair
146 Edwards-Smith informed the board the Regulation 79.210(e)(3) states approval is not exclusive to the
147 listed board approved schools/organizations and asked for board input on whether they felt a regulation
148 project was needed.

149
150 Ms. Endle agreed with Ms. Gilmour on expanding the approved CE courses and agreed with Chair
151 Edwards-Smith that regulation verbiage states approval of courses are not exclusive to the list of board
152 approved schools/organizations.

153

154 **TASK: Board to research and determine what entities of accreditation that are used by peer**
155 **licensing boards (Chiropractic or physical therapy, athletic trainers).**

156
157 **TASK: Consult with Jun on whether regulation 79.210(e)(3) needs to be amended to include**
158 **schools or organizations that are not listed.**

159
160 Distance Education Accreditation Research Discussion

161
162 Chair Edwards-Smith reminded the board of the previous task of researching distance education
163 accreditation criteria, Chair Edwards-Smith stated he does not think the board is prepared to provide a
164 regulation project. Chair Edwards-Smith stated he would like an update if anyone has researched the
165 key topics of criteria that are necessary in order to be accepted by this board as an accreditation body
166 and he would like the board to research on the Distance Education Accrediting Commission (DEAC)
167 website.

168
169 Ms. Endle requested clarification on what they were researching and where they are researching for this
170 information.

171
172 Chair Edwards-Smith restated that he would like the board members to go to the DEAC website and
173 research distance education accreditation programs to find the fundamental requirements in the
174 programs that makes an accredited program credible; find different programs have the same
175 requirements and present to the board at the next meeting.

176
177 **Task: Board members to conduct research on criteria for online distance accreditation**
178 **programs.**

179
180 Applications Approved Via OnBoard

181
182 Emily Sullivan read list of applicants approved via OnBoard since the September 10 - 11, 2020 board
183 meeting.

184
185 Legislative Bills Discussion

186
187 Chair Edwards-Smith asked the board if there were any agenda items they would like moved up, as they
188 were ahead of schedule. Chair Edwards-Smith suggests discussing HB4, HB8, HB11, and SB15.

189
190 Ms. Gilmour supported moving the discussion of the house bills to earlier in the day. Ms. Gilmour stated
191 she would like to discuss the legislative bills in the event the board would like to write letters of support.
192 Ms. Gilmour explained HB4 pertains to the board as it protects licensees from liability and disciplinary
193 action in the event a licensee transmits COVID-19 to a client unknowingly.

194
195 Chair Edwards-Smith stated he is in favor of HB4, emphasizing that to qualify the professional is required
196 to be in substantial compliance with the health mandates in effect at the time of exposure. Chair
197 Edwards-Smith agreed to writing a letter of support.

198
199 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously without a**
200 **roll call vote, it was RESOLVED to have Chair David Edwards-Smith write a letter of support to**
201 **the sponsor of HB4.**
202

203 Ms. Gilmour stated she would like to suggest the board monitor SB15 as it addresses the open meetings
204 acts to ensure the board does not make any violations and obtain a better understanding of the open
205 meetings act.

206
207 Chair Edwards-Smith agreed that this is a good bill to review and monitor going forward.

208
209 Ms. Gilmour suggested the board monitor SB27 for information purposes.

210
211 Ms. Gilmour stated she would like to discuss SB30; if this bill passes, the board can request an
212 amendment to add that licensees will have the ability to bill retirees for preventative medicine added.
213 Ms. Gilmour proposed that the board reach out to the sponsor of SB30 to request adding-massage
214 therapists as payees.

215
216 Ms. Motz stated she supports reaching out to Senator Begich and would like to find others who are in
217 support of the bill.

218
219 Chair Edwards-Smith stated he would like to wait on proposing a motion and would rather have a Ms.
220 Motz draft a letter, present it to the board, and possibly write a motion, tomorrow January 26, 2021.

221
222 *Recess The Board recessed at 11:19 a.m. for lunch; reconvened at 1:00 pm. Emily Sullivan*
223 *conducted a roll call vote – all board members present.*

224
225 **Agenda Item 7 Division & Financial Update**

226
227 Chair Edwards-Smith welcomed Melissa Dumas, Administrative Officer, to present the Division/Financial
228 Update to the board. Ms. Dumas presented the division's 1st and 2nd Quarter budget reports to the
229 board.

230
231 Ms. Dumas presented the budget report showing how last past three biennium periods compare to the
232 current 4th biennium. Ms. Dumas reported that the massage therapy program has produced \$37,860.00
233 in revenue thus far in the fourth biennium period. Ms. Dumas presented the next section of the budget
234 report, breaking down the program's expenditures. Ms. Dumas reported a total of \$131,566 in
235 expenditures and reported the massage therapy program has a total deficit of \$13,110 after adding last
236 year's carry forward surplus.

237
238 Ms. Gilmour questioned how accurate the place holder for the indirect cost was.

239
240 Ms. Dumas stated that it is not completely accurate and might be higher, however the program will
241 continue to bring in revenue over the course of the year.

242
243 Ms. Dumas informed the board that the governor has mandated fee increases cease for the time being.

244
245 Ms. Gilmour stated that she was concerned about when the fee increases would happen. Ms. Dumas
246 responded that she was not sure if fee increases would happen before the upcoming renewal and that
247 she recognized delaying fee increases is not helpful in the long run and results in larger increases in the
248 future.

249
250 Chair Edwards-Smith asked if there were any variations in costs from previous quarters. Ms. Dumas
251 reported that there was an increase in investigations compared to last year.

252

253 Ms. Endle requested a breakdown of continuing education audits. Ms. Dumas stated that the division
254 does not track expenditures at that level, however she could estimate how many hours the paralegal is
255 spending on the program as well as the licensing examiner.

256
257 Ms. Gilmour asked Ms. Dumas how much the fingerprint fee should be to make sure the program covers
258 the costs and does not lose money. Ms. Dumas stated her goal to have all programs charge \$75 for
259 fingerprints to cover costs.

260
261 Chair Edwards-Smith suggested the complete administrative business today and have a late start
262 tomorrow at 10:00am.

263
264 The board agreed to move administrative business up and start at 10:00am tomorrow, January 26, 2021.

265
266 **Agenda Item 12 Administrative Business**

267
268 Chair Edwards-Smith asked the board if they had any changes to the September meeting minutes.

269
270 Ms. Gilmour stated she did not see any changes and would like to move to approve the September 2020
271 meeting minutes.

272
273 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a poll
274 of the board, it was RESOLVED approve the September 2020 meeting minutes.**

275
276 Chair Edwards-Smith asked the board if there were amendments for the October 2020 meeting minutes.

277
278 Ms. Motz moved to approve the October 2020 meeting minutes.

279
280 **In a motion made by Jill Motz, seconded by Julie Endle, and passed by a majority roll call vote
281 with Traci Gilmour abstaining, it was RESOLVED approve the October 2020 meeting minutes.**

282
283 Chair Edwards-Smith asked the board if there were amendments for the November 2020 meeting
284 minutes.

285
286 Ms. Gilmour moved to approve the November 2020 meeting minutes.

287
288 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a poll
289 of the board, it was RESOLVED approve the November 2020 meeting minutes.**

290
291
292 **Agenda Item 11 Correspondence**

293
294 The board reviewed the response to Ms. Conrad's email regarding applying unused CE to another
295 renewal period, written by the previous OLE, Dawn Dulebohn. Ms. Gilmour stated she would like to go
296 on the record that Ms. Dulebohn did a fine job responding to Ms. Conrad's email. Ms. Gilmour stated
297 she fully empathized and understood where Ms. Conrad was coming from.

298
299 Chair Edwards-Smith stated he believes Ms. Dulebohn's response was adequate and moving unused
300 continuing education credits to the next licensing period will not work.

301

353 most important thing that we can do as far as a safety measure for therapists and for the public, to
354 ensure that it is happening in a treatment room.

355
356 The board discussed specific verbiage on their guidance letter and the to the conclusion that referencing
357 CDC requirements was sufficient.

358
359 Director Sara Chambers provided clarity and informed the board that massage therapists need to know
360 what the CDC, the National Institutes of Health, and OSHA say about massage therapy practice or things
361 that are related to their practice of massage therapy. Director Chambers reminded the board that CDC
362 guidelines and NIH guidelines, by law, must be followed by massage therapists in Alaska this board
363 adopted them in their regulations.

364
365 The board agreed to review the letter tonight, and discuss edits or additions tomorrow, January 26th,
366 2021.

367
368 Phase 1A Tier 3 Vaccine Discussion

369
370 Chair Edwards-Smith discussed the letter sent to licensees in late 2020 regarding vaccine eligibility. They
371 would like clarity on whether massage therapists are eligible for the COVID-19 vaccine.

372
373 Director Chambers informed the board that there are three requirements that need to be met for
374 healthcare workers to get the vaccine; they must have direct human patient contact or have direct
375 contact with infectious materials from patients, provide essential services in a hospital, clinic, home, or
376 community based setting that cannot be offered remotely or performed via telework, provide a service
377 in a health care setting that cannot be postponed without detrimental impact to the patient's short-
378 term or long-term health outcomes. Director Chambers advised the board that there is a quiz you can take
379 on DHSS's website to see if you are eligible for the vaccine that is very helpful.

380
381 Director Chambers stated she is going to send a mass email out to licensees regarding vaccine eligibly
382 discussed today, January 25th, 2021.

383
384 General COVID-19 Information

385
386 Chair Edwards-Smith presented a response to a list of questions regarding COVID-19 sent to him by Ms.
387 Gilmour. Ms. Gilmour stated she would like his response posted to the Board's FAQ's as soon as
388 possible.

389
390 Director Chambers suggested the board post this information on the division's COVID-19 webpage to
391 make is easier for licensees to locate. Director Chambers informed the board that all programs have
392 links to the divisions COVID-19 website as a tool for licensees to locate this type of information.

393
394 Legislation Review

395
396 Director Chambers informed the board that they should review HB15 as it gives the division an
397 opportunity to issue a temporary license to anyone hold an unencumbered license that has substantially
398 similar requirements in another state or jurisdiction; this allows licensees to work while thy are finishing
399 up state exams or state requirements for 180 days.

400
401 **TASK: Review HB15 to see if the board would like to send a letter of support.**

402

403 Discussion & Final Decision on Acupressure vs Massage Therapy

404

405 Chair Edwards-Smith stated he believes the definition of acupressure fits the statutory definition of
406 massage therapy. Ms. Motz agreed with Chair Edwards-Smith

407 Ms. Gilmour stated she believes that it is not the same curriculum as massage therapy and thought it
408 was similar to reflexology which does not fall under the massage therapist's scope of practice.

409

410 Ms. Motz-stated that reflexology is limited to the feet, while acupressure is a fully body technique.

411

412 Ms. Endle stated she looked for more information on acupressure and believes it does fall under the
413 massage therapist's scope of practice.

414

415 Ms. Motz-volunteered to draft a motion to be voted on tomorrow, January 26, 2021.

416

417 The board decided to start the board meeting tomorrow January 26, 2021, at 9:30am instead of 9:00am.

418

419 Agenda Item 9 Recess until January 26, 2021

420

421 *The Board recessed at 3:24 p.m. until January 26, 2021 at 9:41a.m.*

422

423 Agenda Item 10 Roll Call

424

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

426

427 David Edwards-Smith- Board Chair, Licensed Massage Therapist

428 Traci Gilmour- Vice Chair, Licensed Massage Therapist

429 Jill Motz, Licensed Massage Therapist

430 Kristin Tri, Licensed Massage Therapist

431 Julie Endle, Public Member

432

433 **Division Staff present:**

434

435 Emily Sullivan, Licensing Examiner

436 Cynthia Spencer, Records and Licensing Supervisor

437 Sara Chambers, Division Director

438 Jun Maiquis, Regulations Specialist

439 Michael Bowles, Investigator

440 Amber Whaley, Senior Investigator

441 Marilyn Zimmerman, Paralegal

442

443 **Public Joining Telephonically**

444

445 Nanette Greer, Applicant for Massage Therapist Licensure (in at 11:21 a.m.)

446 Laura Embleton, Associated Bodywork & Massage Professionals

447 Anthony Phillips, Applicant for Massage Therapist Licensure

448 Dawn Dulebohn, Public

449

Agenda Item 8 New Business Continued

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Discussion & Final Decision on Acupressure vs Massage Therapy

The board discussed that acupressure is a manual technique that uses hands to touch and manipulate soft tissues which falls under 12 AAC 08.61.100(5).

In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call vote, it was RESOLVED to include acupressure in the definition of massage therapy per 12 AAC 08.61.100(5)(A).

In a motion made by Jill Motz, and seconded by Kristin Tri, it was RESOLVED to amend the previous motion to correct the cited statute to 12 AAC 08.61.100(5).

Legislative Review

The board discussed if they should support HB15. Ms. Gilmour stated section 4B pertains to the board but had some concerns whether the division reviews the applications, or the board reviews the applications. Chair Edwards-Smith suggested a subcommittee or board member correspond with the sponsors of the bill to get a better understanding of the bill and discuss the board's concerns. Chair Edwards-Smith volunteered for the task to correspond with the HB15's sponsors.

Task: Chair-Edwards-Smith will correspond with the bill sponsors for House Bill 15.

COVID-19 Board Guidance

Ms. Motz read her COVID-19 guidance letter to the board for discussion. The board discussed verbiage on addressing noncompliance and legal obligations. The board compromised to add links to the document including the disciplinary matrix. Chair Edwards-Smith did not see the need for a motion, as the board came to a consensus in approval of Ms. Motz's COVID-19 letter.

Task: OLE will send Ms. Motz's letter to Record & Licensing Supervisor Cynthia Spencer to be reviewed by Director Sara Chamber once a greeting, closing and links have been added to the letter.

Legislative Review

Ms. Motz read her letter to Senator Begich to the board for comments or concerns. The board approved of Ms. Motz's letter and would like to move forward with contacting Senator Begich.

In a motion made by Traci Gilmour, and seconded by Julie Endle, with unanimous consent, it was RESOLVED to appoint Jill Motz as designee to contact Senator Begich regarding Senate Bill 30.

Recess The board recessed at 10:09a.m. for a break; reconvened at 10:15a.m. Emily Sullivan conducted a roll call vote – all board members present.

Agenda Item 13 Application Review

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T.W.

The board discussed the additional transcript received from Bushnell University and found that it was hard to comprehend as it was difficult to discern from transcript-to-transcript analysis form how some of the courses applied to the massage therapy curriculum requirements of regulation 12 AAC 79.100(b)(2)(B). After reviewing the transcript analysis form filled out by the applicant, the board concluded that it was filled out incorrectly. The board would like applicant T.W. to break down the massage program in the correct areas on new transcript analysis forms and send it back to the board for review.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to send T.W.'s application back for further clarification of the Transcript Analysis Form per 12 AAC 79.100(b)(2)(B).

K.T.

The board reviewed and discussed the reinstatement of K.T. and found they met the requirements per 12 AAC 79.200(c).

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the application for reinstatement for Keith Thompson per 12 AAC 79.200(c).

N.G.

The board discussed amending the required education hours upon review of the September 23, 2019 transcript. The board reviewed the September 23, 2019 transcript and found it difficult to analyze without a transcript analysis form completed. The board briefly discussed stale documentation.

Ms. Greer informed the board that she has completed remedial education courses since the board last reviewed her application and would like those to be applied to the deficit of hours found by the board. The board concluded that in order to accurately assess whether N.G. has met the 500 hour education requirement per 12 AAC 79.100(b)(2)(A), a transcript analysis form must be completed by the applicant or school, as well as a transcript analysis form and transcripts for any remedial or continuing education hours completed by N.G.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to require receipt of an updated transcript analysis form reflecting 500 hours completed at Aloha Massage Academy; and a transcript analysis form and official transcripts for remedial hours completed by the applicant since the board last reviewed her application.

A.P.

The board reviewed and discussed the application by exam for A.P. and found they met the requirements per 12 AAC 79.100.

546 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll
547 call vote, it was RESOLVED to APPROVE the application by exam for Anthony Phillips per 12
548 AAC 79.100.

549
550 **Task: OLE will redact mailing, physical and email addresses on applications presented to the**
551 **board during video conference meetings from now on.**

552
553 **Task: OLE will create a separate packet from the main board packet for applications that will**
554 **be reviewed by the board during video conference meetings from now on.**

555
556 **Task: OLE will include a record of how board members previously voted on an application in**
557 **the board packet.**

558
559 *Recess The Board recessed at 12:31 p.m. for lunch; reconvened at 1:01 pm. Emily Sullivan*
560 *conducted a roll call vote – all board members present.*

561
562 **Agenda Item 16 Public Comment**

563
564 Laura Embleton introduced herself to the board and informed them she is the national government
565 relations director for Associated Bodywork and Massage Professionals and available to the board if they
566 need any assistance.

567
568 There were no other attendees for public comment, so the board moved on to the next agenda item.

569
570 **Agenda Item 13 Application Review Continued**

571
572 K.C.

573
574 The board reviewed and discussed the application by exam for K.C. and found they met the
575 requirements per 12 AAC 79.100.

576
577 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll**
578 **call vote, it was RESOLVED to APPROVE the application by exam for Katheryne Christian per 12**
579 **AAC 79.100.**

580
581 S.A.

582
583 The board reviewed and discussed the application by exam for S.A. and found they met the
584 requirements per 12 AAC 79.100.

585
586 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll**
587 **call vote, it was RESOLVED to APPROVE the application by exam for Shanelle Afcan per 12 AAC**
588 **79.100.**

589
590 A.W.D. CE Audit Reconsideration

591
592 The board discussed the CE-tax class taken by A.W.D. Ms. Gilmour stated the class was specifically for
593 licensed massage therapists and believes the CE-course should be approved. Chair Edwards-Smith
594 reminded the board that the class taken by A.W.D. is not on the unapproved CE courses list and agrees
595 with Ms. Gilmour on approving the CE course. Upon reconsideration of CE audit with submission of
596 addition documentation the board found the met requirements of 12 AAC 79.210.

598 In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a
599 roll call vote, it was RESOLVED to APPROVE the continuing education courses for renewal of
600 licensure for Andrea Wilt-Duncan per 12 AAC 79.210.

601
602 *Recess The board recessed at 1:18p.m. for a break; reconvened at 1:30p.m. Emily Sullivan*
603 *conducted a roll call vote – all board members present.*
604
605

606
607 **Agenda Item 14 Regulation Projects**
608

609 Jun Maiquis, Regulation Specialist, and the board discussed their ongoing regulation projects. Mr.
610 Maiquis informed the board that the ongoing regulation projects have been previously discussed with
611 the regulations specialist and approved to be posted for public comment. Mr. Maiquis and the board
612 discussed that the regulation projects were put on hold due to COVID-19 and a delay on a companion
613 fee regulation. Mr. Maiquis informed the board that Director Chambers approved moving forward with
614 the board’s companion fee project. Mr. Maiquis also informed the board he would post the regulations
615 project for public comment and reconvene for a special regulation meeting with the board once public
616 comments have been received.

617
618 Chair Edwards-Smith informed Mr. Maiquis that the board would like to discuss a possible regulation
619 project to expand their view of continuing education via 12 AAC 79.210. The board would like to know
620 how to move forward to accept CE from similar professions such as physical therapy program and
621 chiropractic program that are relevant to advancing the knowledge of massage therapists. The board
622 discussed what verbiage they would use if they were to add a clause or section to include continuing
623 education courses from similar professions relevant to massage therapy.

624
625 Chair Edwards-Smith would like Ms. Tri and Ms. Motz to form a subcommittee to work with regulations
626 specialist Jun Maiquis and present their ideas before the next board meeting in March 2021.

627
628 *Recess The board recessed at 1:53p.m. for a break; reconvened at 2:00p.m. Emily Sullivan*
629 *conducted a roll call vote – all board members present.*
630

631 *Marilyn Zimmerman, Paralegal joined the meeting at 2:04p.m.*
632

633 **Agenda Item 17 Investigations**
634

635 *Michael Bowles, Investigator and Amber Whaley, Senior Investigator, joined the meeting.*
636

637 Chair Edwards-Smith confirmed with Senior Investigator Amber Whaley that the investigative report can
638 be discussed on the record.
639

640 **Investigative Report**
641

642 Investigator Michael Bowles informed the board the investigative report is for August 27, 2020 through
643 January 11, 2021. There are currently 20 open cases, and since the last board meeting there have been
644 15 closed cases. Chair Edwards-Smith asked Investigator Bowles if he could expand on a case status on
645 litigation initiated. Investigator Bowles informed chair Edwards-Smith that topic need to be discussed in
646 executive session and is on the agenda. Chair Edwards-Smith clarified that he did not need any details,
647 just a description of what processes are executed when litigation is initiated. Investigator Bowles
648

649 explained that litigation initiated means the investigator has inquired with their assistant Attorney
650 General.

651

652 **In a motion duly made by Traci Gilmour, seconded by Julie Endle, it was RESOLVED to ENTER**
653 **into Executive Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to**
654 **Privacy Provisions, for the purpose of discussing “matters involving consideration of**
655 **government records that by law are not subject to public disclosure.” All Division staff to**
656 **remain during Executive Session.**

657

658 *The Board entered executive session at 2:06 p.m., and returned from executive session at 2:51 p.m.*

659 *OLE Sullivan conducted a roll call vote – all board members present.*

660

661 The board made the following motions regarding the cases they reviewed in executive session:

662

663 B.S.

664

665 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed by a majority roll call**
666 **vote with reviewing board member Jill Motz abstaining, it was RESOLVED to APPROVE the**
667 **surrender of license for case #2020-000989 for Brittany Starling as written.**

668

669 J.S.

670

671 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed by a majority roll call**
672 **vote with reviewing board member Jill Motz abstaining, it was RESOLVED to accept the**
673 **imposition of civil fine for case #2019-001166 for John C. Sandy as written.**

674

675 J.K.

676

677 **In a motion made by Julie Endle, seconded by Kristin Tri, and passed by a majority roll call**
678 **vote with reviewing board members Jill Motz and Traci Gilmour abstaining, it was RESOLVED**
679 **to APPROVE the surrender of license for case #2020-000252, 2020-000801, 2020-000803,**
680 **2020-000805, 2020-000855 for Jason Karpinski.**

681

682 M.S.

683

684 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a**
685 **roll call vote, it was RESOLVED to accept the consent agreement for case #2020-000549 for**
686 **Mary Sagal.**

687

688 C.B.

689

690 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll**
691 **call vote, it was RESOLVED to accept the consent agreement for case #2020-000552 for**
692 **Corinne Bullick.**

693

694 J.G.

695 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll**
696 **call vote, it was RESOLVED to accept the surrender of license for case #2020-000557 for**
697 **Joanne Gates.**

698

699 B.E.

700

701 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
702 call vote, it was RESOLVED to APPROVE the CE audit for case #2020-000558 for Boonlom
703 Edwards.

704

705 B.C.

706

707 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
708 call vote, it was RESOLVED to accept the consent agreement for case #2020-000559 for
709 Bunluan Cannon.

710

711 J.W.

712

713 In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a
714 roll call vote, it was RESOLVED to accept reconsideration of acceptable CE units for license
715 renewal and clear audit for case #2020-000560 for Julie Williams.

716

717 J.W.

718

719 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
720 call vote, it was RESOLVED to accept the consent agreement for case #2020-000656 for Jessi
721 Whittom.

722

723 M.J.

724

725 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
726 call vote, it was RESOLVED to accept the consent agreement for case #2020-000683 for
727 Morgan Johnson.

728

729 K.D.

730

731 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
732 call vote, it was RESOLVED to accept the consent agreement for case #2020-000837 for Kerri
733 Denney.

734

735 S.E.

736

737 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
738 call vote, it was RESOLVED to accept the consent agreement for case #2020-000556 for Susan
739 Endsley.

740

741 M.C.

742

743 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll
744 call vote, it was RESOLVED to table the consent agreement for case #2020-001030 for Maria
745 Cardoza.

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Agenda Item 8 New Business Continued

Apprenticeship Program

OLE Sullivan asked the board for guidance on how the massage therapist apprenticeship works, who is eligible, and process to enter the program. Ms. Motz explained that the board does not have an official apprenticeship program, instead the board accepts the federally recognized massage therapist apprenticeship program through the Department of Labor; anyone can obtain their education through an apprenticeship, and directed OLE Sullivan to the Department of Labor apprenticeship programs website for information on the process to enter the Federally recognized massage therapist apprenticeship program.

OLE Sullivan asked Ms. Motz if there was a separate application for applicants who completed an apprenticeship program and how the board verifies the hours reported were completed by the applicant. Ms. Motz informed OLE Sullivan that applicants that have completed an apprenticeship program need to apply by examination and the responsibility of providing evidence of hours completed is the responsibility of the mentor and mentee.

Agenda Item 20 Adjourn

The board and OLE Sullivan reviewed the tasks made during the January 25-26, 2021 board meeting. OLE Sullivan will compile tasks from September 10-11, 2020 meeting and January 25-26, 2021 meeting and email the list to the board.

At this time, the board concluded all scheduled board business.

In a motion made by Jill Motz, seconded by Julie Endle, and passed with unanimous consent, it was RESOLVED to ADJOURN.

Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended at 3:39 p.m.

Respectfully submitted:

Emily Sullivan, Licensing Examiner

Approved:

David Edwards-Smith, Chairperson
Board of Massage Therapists

Date: _____