

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 December 16, 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., 9<sup>th</sup> Floor, Conference Room A, December 16, 2021  
12

13  
14 **Agenda Item 1 Call to Order/Roll Call:**  
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16 The meeting of the Board of Massage Therapists was called to order by David Edwards-Smith, Chair at  
17 9:00 a.m. Members present were:  
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19 **Board Members present, constituting a quorum:**  
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21 David Edwards-Smith, Board Chair, Licensed Massage Therapist  
22 Jill Motz, Vice Chair, Licensed Massage Therapist  
23 Kristin Tri, Licensed Massage Therapist  
24 Julie Endle, Public Member  
25

26 **Division Staff present:**  
27

28 Reid Bowman, Records and Licensing Supervisor  
29 Colleen Kautz, Program Coordinator  
30 Marilyn Zimmerman, Paralegal II  
31 Sara Chambers, Division Director  
32 Jennifer Summers, Investigator III  
33 Shauna Muraco, Investigator III  
34 Amber Whaley, Sr. Investigator III  
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37 **Public Joining Telephonically**  
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39 Jean Rogan, Public  
40 Jaycee Soriano, Public  
41 Traci Gilmour, Public  
42

43 **Agenda Item 2 Review/Approve Agenda**  
44

45 The board reviewed the agenda and offered no amendments or adjustments.  
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47 **In a motion made by Julie Endle, seconded by Jill Motz, and passed with unanimous consent, it**  
48 **was RESOLVED to APPROVE the agenda as presented.**  
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50 **Agenda Item 3 Ethics Reporting**  
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52 The Board reviewed the provided ethics information. There were no ethics violations reported.

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**Agenda Item 4 Public Comment**

Public comment was invited from all attending members of the public. All declined except Ms. Gilmour who voiced concerns about delays in renewal for those applicants who are under mandatory audits and, consent agreements. Ms. Gilmour identified various issues surrounding the topic. Ms. Gilmour stated she was advocating for a licensee who was subject to mandatory audit and experienced renewal delays. Ms. Gilmour identified 11 issues surrounding the topic. Ms. Gilmour identified a perceived lack of guidance from the board on the website about how to proceed with renewals while under audit requirements. A lack of communication with Division staff and verbal guidance were also perceived as in need of improvement. Ms. Gilmour proposed changes in consent agreements to allow online renewals for auditees with the provision that the license would be removed if they did not complete continuing education to expectations. Ms. Gilmour also stated there is a lack of information on how to attend and prepare for board meetings on the board website. There was also a suggestion to amend 12 AAC 79.220 to specify timelines and guidance for ce submission. Ms. Gilmour stated there needed to be more ways to contact Division staff as not all licensees want to use computers or MyAlaska systems. Ms. Gilmour suggested the board change the audit process for mandatory audits to pre-approve continuing education courses for those auditees who had previously failed an audit, and an update to the frequently asked questions on the board website. Ms. Gilmour also advocated for the board to change statute and regulations language to simpler terms for licensees to better understand licensing requirements.

The board recessed at 9:19 a.m. returning at 9:30 a.m.

**Agenda Item 5 Investigations**

**A. Investigative Report**

Investigator Shauna Muraco informed the board for the period of September 1, to November 19, 2021 there were 11 open cases, and 12 closed cases, with an additional case closed since November 19. Investigator Muraco stated no in-person inspections had occurred yet. Investigator Muraco stated there were no cases to present. Investigator Jennifer Summers was introduced as the new senior investigator covering the board

**B. Investigative Memo**

There were no memos to present at this meeting.

**C. CE Audits**

Mr. Bowman informed the board that there was a continuing education consent agreement to be considered that may require an executive session.

**In a motion duly made by Julie Endle, seconded by Kristin Tri, it was RESOLVED to ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing “subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;” All Division staff to remain during Executive Session.**

*The board entered executive session at 9:36 a.m., and returned from executive session at 9:52 a.m.*

The board made the following motion regarding the case they reviewed in executive session:

105 In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll  
106 call vote, it was RESOLVED to ACCEPT the consent agreement for case #2021-00186.

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108 **Agenda Item 6 Potential Action Items**

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110 **A. Transcript Analysis of Licensing by Examination**

111 Mr. Edwards-Smith initiated discussion about what is working well as a board and serving the profession  
112 and public. Mr. Edwards – Smith suggested that the board simplify massage school educational  
113 requirements to meet statutory requirements for 625 hours in length, but eliminate how those hours  
114 must be allocated, to ease transcript analysis tasks by the board and applicants. The board engaged in  
115 robust discussion about how to simplify that process both for examination and credentials. The board  
116 came to a consensus that single modality schools will not be accepted for credit, and that hours must be  
117 earned through an approved massage school. Ms. Motz stated a desire for people licensed previously to  
118 be protected from new regulations enacted in future renewals as well as to have a deadline for people  
119 finishing their education under the current path to complete that process under the existing rules.  
120 Discussion of approval for applicants with less than 625 hours but continuing education hours was held  
121 but was deemed to be inconsistent with statutory requirements for 625 hours of education from an  
122 approved massage school.

123  
124 **B. Transcript Analysis of Licensing by Credential**

125 Discussion of transcript analysis by credential occurred concurrently with the previous topic.

126 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed with unanimous consent, it was**  
127 **RESOLVED to START a regulation project to accommodate the following changes to 12 AAC 79.140 and**  
128 **remove (a) (1-6) and replace them with “For applications submitted on or after effective date,**  
129 **applicants must show successful completion of a board approved massage therapy program of at least**  
130 **625 hours and the practical application portion of the curriculum does not exceed more than 20% of**  
131 **total hours of the program. Practical application is defined as the hands-on application of various**  
132 **clinical modalities dedicated to the practice of massage therapy.”**

133 **TASK: Mr. Edwards -Smith will contact the NCBTMB and ask them to update their documentation to**  
134 **reflect Alaska’s existing 625-hour requirement.**

135 The board recessed at 10:55a.m. returning at 11:06 a.m.

136 **C. Review of Licensing by Examination Education Requirements 12 AAC 79.140 Massage School**  
137 **Education Requirements**

138 Item C was covered under the auspices of the previous two items and included in the motion under item  
139 B.

140  
141 **D. License Renewal Timeframe**

142 Mr. Edwards – Smith proposed the board discuss the incongruity between reinstatement periods  
143 between centralized regulations and current massage therapy regulation. Ms. Motz explained the board  
144 has looked at this issue previously and stated little value to reviewing the issue. The discussion was  
145 delayed until Director Chambers was available to help provide guidance on concerns about potential  
146 conflicts.

147  
148 **E. License Issuance Before Completion of Background Check**

149 Staff and board members discussed the licensing hurdles and delays created by this program waiting to  
150 issue licenses before background checks were received. After extensive discussion the board concluded  
151 there was not a compelling reason to incur the public safety risk of potential human or sexual trafficking  
152 which may be incurred with license issuance prior to the background check being received.

154 **F. License Renewal Late Fee discussion**

155 At the Division's request, this topic was initiated to streamline renewals by not requiring late renewals  
156 to be submitted to the board for renewal, and possible inclusion of a late renewal fee. The question was  
157 raised about where potential late fees would be credited, which was deferred until Director Chambers  
158 was available to answer financial questions.

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160 The board recessed from 11:45 a.m. until 1:18 p.m. for lunch

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162 **Agenda Item 8 Division Update**

163 **A. Division Update**

164 Division Director Sara Chambers presented the financial update for the 4<sup>th</sup> quarter of Fiscal Year (FY)  
165 2021, as well as the 1<sup>st</sup> quarter of FY 2022. Ms. Chambers explained the intricacies of program income,  
166 direct and indirect expenses, and explained legislative appropriations which added to program income  
167 to offset a moratorium enacted by the Governor on fee increases.

168  
169 Ms. Chambers concluded the discussion with an explanation that there would likely be a deficit going  
170 forward in program revenues over the coming biennial period. Mr. Edwards – Smith explained the  
171 board's actions previously in the meeting to assist with streamlining application processing by  
172 attempting to eliminate the transcript analysis process, to reduce staff usage.

173  
174 Ms. Chambers stated the Division was hoping for a different outcome on allowing licensure prior to  
175 background check receipt, but that it was the board's prerogative and the Division would stand by their  
176 decision. Discussion was held regarding the true delays caused by slow fingerprint processing to  
177 applicants, and the risk/reward of streamlining that process. Ms. Motz requested data about how many  
178 people are held up by slow fingerprint processing and whether background checks are the causal factor  
179 in the slowdown in license processing. Mr. Bowman was tasked with reporting information to the board  
180 with information about how this issue is affecting license issuance at the next meeting.

181  
182 **TASK: Mr. Bowman will report to the board how background check delays are affecting licensure**  
183 **timelines at the next meeting.**

184 Ms. Chambers assured the board there are no conflicts with centralized regulations regarding  
185 reinstatement dates at 3 years. Ms. Chambers also clarified that a renewal late fee could be instituted  
186 by a change in the massage therapist regulations with a parallel change in the centralized regulations.  
187 The board concluded that more information was needed and the topic of renewal as opposed to  
188 reinstatement would be discussed at the next meeting.

189  
190 **B. Senate Bill (SB) 21**

191 Ms. Chambers briefed the board on the requirements of SB 21 mandating expedited licensure for active  
192 duty military personnel or spouses. Ms. Chambers explained the main part of the legislation requires  
193 timely issuance of a short-term license for those applicants who hold a license in good standing in  
194 another jurisdiction with substantially equivalent requirements. The board's role will be to determine  
195 what equivalency is, in order to issue a 180-day license until permanent licensure is possible. The  
196 legislative intent of this bill is to not require an applicant to meet all requirements of permanent  
197 licensure but have assurance the licensee can practice safely and competently. Ms. Tri asked if there  
198 was a fee required and Ms. Chambers replied that a military temporary license fee would apply. Ms. Tri  
199 also asked whether under this bill continuing education could be considered as hours of education to  
200 meet statutory licensing requirements. Ms. Chambers stated there would be more flexibility to  
201 determine equivalency under this law and the board could either specifically regulate the requirements  
202 or leave them more general and have the flexibility to decide on a case by case basis. Ms. Chambers  
203 explained the bill requires a license be issued within 30 days of receiving a completed application, which  
204 will require a meeting to decide if the board chose the case by case option. Mr. Edwards -Smith asked

205 for volunteers for a subcommittee to work on this issue. Ms. Tri and Ms. Motz volunteered to be  
206 members of the working group.

207

208 The board recessed at 3:10 p.m. returning at 3:16 p.m.

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### Agenda Item 9 Application Review

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#### A. B.F.

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214 A review was held of Beth Fletcher's tabled application. Ms. Fletcher's application was initially tabled  
215 for further discussion about the educational qualifications. Mr. Edwards-Smith stated the issue with her  
216 application lay in the legally proven precedent specifying the Rolf Institute for Structural Integration was  
217 not a massage school as required by statute. Ms. Motz explained there was a pathway to licensure if the  
218 applicant met all the requirements of the transcript analysis process, which would require additional  
219 education from an approved massage school. The board discussed the best way to proceed would be to  
220 provide the choice to Ms. Fletcher whether she would prefer to keep the application open and seek  
221 further massage education, or to withdraw the application and be refunded applicable fees

222

223 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed with unanimous consent, it**  
224 **was RESOLVED to APPROVE the application for Beth Fletcher PENDING meeting the**  
225 **educational requirements as outlined in 12 AAC 79.140.**

226

#### B. Y.O.H.

228

229 The board reviewed and discussed the application by exam for Yun Ok Heo. Questions arose about the  
230 applicability of the education cited by the applicant. The massage school (JK Holy Career Institute) the  
231 applicant graduated from had their NCBTMB accreditation withdrawn on 11/21/2019.

232

233 **In a motion made by Jill Motz, seconded by Kristin Tri it was RESOLVED to APPROVE the**  
234 **application by exam for 174228 Yun Ok Heo. The motion was unanimously denied citing AS**  
235 **08.61.030.**

236

237

#### C. J.S.

239

240 The board reviewed the reinstatement application for Jaycee Soriano, and found they met requirements  
241 to renew their license.

242

243 **In a motion made by Julie Endle, seconded by Jill Motz, and approved unanimously with a roll**  
244 **call vote, it was RESOLVED to APPROVE Jaycee Soriano's renewal with a yes answer.**

245

#### D. J.W.

247

248 The board reviewed the continuing education audit submission for mandatory audit for Jessi Whittom.  
249 Discussion was initiated about the regulatory requirements for ethics submission, which was missing  
250 from the submission. The board determined regulation 12 AAC 79.210 (3) was not clearly defined and  
251 requested a clarification from the regulation specialist regarding the requirement. No action was taken  
pending further information being provided to the board.

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### Agenda Item 6 Potential Action Items

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256 **G. Communication regarding Onboard Voting**

257 The board stated a preference for uploads to the board by staff every other Friday at 5 p.m. and  
258 requested no more than 20 random audit submissions per upload, since random audits do not delay  
259 licensure or reinstatements.

260

261 **Agenda Item 10 Administrative Business**

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263 **A. Set next meeting dates**

264 The next meeting dates were confirmed as the following:

|                        |        |
|------------------------|--------|
| 265 2/17-2/18/2022     | Juneau |
| 266 6/16-6/17/2022     | TBD    |
| 267 9/12 – 9/13/2022   | TBD    |
| 268 12/12 – 12/13/2022 | TBD    |

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270 **B. Review/Approve September Minutes**

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272 **In a motion made by Julie Endle, seconded by Jill Motz, and passed with unanimous consent, it**  
273 **was RESOLVED to APPROVE the September 2021 meeting minutes as presented.**

274

275 **C. Review Previous Task List**

276 The previous task list referred to Ms. Motz and Ms. Sullivan rebuilding the frequently asked questions  
277 (faq). Ms. Motz agreed to work on the faq's and forward the changes to Mr. Bowman.

278

279 **D. Correspondence**

280 Correspondence from Karlan Bachmann was discussed regarding the duration allowed by the board for  
281 static cupping. The board referred the correspondent to act within the published standards of practice  
282 and scope of training and competence, the correspondent was directed to the published code of ethics  
283 specifically items one and two which prescribe working within their educational competency.

284

285 The board recessed at 4:16 p.m. returning at 4:20 p.m.

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287 **Agenda Item 4 Public Comment**

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289 Public comment was allowed outside of the Scheduled agenda time to hear Ms. Jean Rogan who was  
290 unaware her application was not scheduled to be discussed at this meeting. Ms. Rogan discussed her  
291 frustrations with the application process and delays in licensure. Mr. Bowman stated he would contact  
292 Ms. Rogan with more information the next day and attempt to address her concerns.

293 **Agenda Item 11 Adjourn**

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

296

297 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed with unanimous consent, it**  
298 **was RESOLVED to ADJOURN.**

299

300 Hearing no further business, Chair David Edwards-Smith adjourned the meeting and the record ended at  
301 4:36 p.m.

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303 Respectfully submitted,

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305 Reid Bowman, Records and Licensing Supervisor

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Approved:  
Digitally signed by:

**Jill Motz**

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Jill Motz, Chairperson  
Board of Massage Therapists

Date: 5/3/2022