



Alaska Board of Massage Therapists

March 16 2023 - Regular Board Meeting Minutes

Alaska Division of Corporations, Business and Professional Licensing
Mar 16, 2023 at 9:00 AM AKDT
@ State Office Building, Anchorage, Alaska - Teleconference

Attendance

Board Members:

Jill Motz, Annetta Atwell, Julie Endle, Kelli Shew, Tonia Nelson

DCBPL State of Alaka Staff:

David Edwards-Smith, Occupational Licensing Examiner

Reid Bowman, Program Coordinator

Michelle Hearn, Investigator

Kendra Wardlaw, Investigator

Marilyn Zimmerman, Paralegal

1. Roll Call

Chair Motz called the meeting to order at 9:03.

Board Members Present: Annetta Atwell, Julie Endle, Kelli Shew, Jill Motz

2. Review/Approve Agenda

Julie endle requested that an agenda item regarding notary and applicant identity verification be added to the agenda. Jill requested to add the review of the disciplinary matrix of establishments and a discussion of the next town hall meeting format.

A motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was RESOLVED to APPROVE the agenda as written.

3. Ethics Review/Disclosure

Chair Motz requested the board for ethic disclosures for the record. No disclosures were presented.

4. Administrative Business

Minutes of December 2022

Chair Motz asked the board if after reviewing the minutes for amendments to be presented by board members. No amendments to the agenda were presented.

A motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was RESOLVED to APPROVE the September minutes.

Correspondence

The board reviewed correspondence from Sherry Gust on the subject of hypnotherapy. The board directed Occupational Licensing Examiner (OLE) David Edwards-Smith to respond to the correspondence. The board does not recognize hypnotherapy within the scope of practice of a licensed massage therapist.

Chair Motz Called for a break until 9:30 – Off Record at 9:20 – Back on Record at 9:30

5. Public Comment

Chair Motz asked OLE Edwards-Smith if there was any formal public comment scheduled. No public comment was scheduled.

Chair Motz closed public comment closed at 9:35

6. Administrative Business

FSMTB - Executive Summit Update

OLE Edwards-Smith reported to the board that at the full expense of the FSMTB that he and Investigator Michele Hearn are scheduled to be in attendance at the FSMTB executive summit.

Board Meeting Dates

The board determined that the next meeting dates will be June 8th and 9th as stated in the September minutes. The board determined that the September meeting will be an in-person meeting on September 11-12th with a town hall meeting scheduled for day 2. The December 2023 meeting was determined to take place DEC 7-8. The March 2024 meeting is scheduled for the 18th-19th and a town hall will be scheduled for day 2.

Town Hall Meeting

Chair Motz spoke to the board's previous discussion decision to conduct two town hall meetings per year. She noted the high value of these events in learning from the public and in providing information. The board determined that there will be a brief town hall on day two online through zoom in June 2023.

7. Interstate Massage Therapy Compact

Chair Motz initiated a discussion of the interstate massage therapy compact. Julie Endle commented on the letter provided by the North Carolina board and agreed with the content. She noted that the compact as written would not impact the concerns of human trafficking in the massage therapy profession. Ms. Endle was also concerned about the costs associated with the program and potential impacts of public safety.

Kelli notes concerns of license reciprocity. Kelli spoke to the fact that massage therapy is very transient profession. With her experience of several investigation cases, she has concerns of the impacts of program funding. With investigative cases related to inappropriate touch and trafficking in the massage profession she does not feel that a compact provides appropriate public protections.

Chair Motz makes the point that FSMTB is member driven and did not inform member boards of the development of the compact with the department of defense. She feels the FSMTB would better serve member states by focusing efforts on entry level education issues. Chair Motz would like to draft a letter of non-support of the impact. Kelli would like to include in this letter points related to education standardizing. Chair Motz noted that there are unique concerns of funding issues considering Alaska professional licensing programs are self-funded.

In a motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was RESOLVED to APPOINT Chair Motz to draft a letter to the FSMTB to relay concerns of the compact.

8. Division Report Quarter 2 FY23

The board reviewed the Quarter 2 FY23 financial report. The board did have any questions or concerns with the report.

9. License in Advertising

Ms. Endle spoke to her concerns of the public's ability to determine the legitimacy of an advertised massage therapist. She feels that for the reason of public safety the public would be best served with assurance of the legitimacy of a therapist. Kelli noted that the State of Washington massage therapy statute requires printed materials to display license numbers. She read to the board this current Washington statute. Chair Motz stated that it is reasonable to require license numbers on all advertising including social media posts. Chair Motz informed the board that this would be a regulations project of standards of practice and code of ethics. This regulations project includes the important public process of public comment.

In a motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was RESOLVED to BEGIN a regulations project concerning the display of licensing numbers in any published advertising in massage therapy services.

Julie is tasked with completing the regulations form for this project.

10. Continued Education Providers – Regulation

Regulations specialist Allison Osbourne joins the meeting at 10:37

12 AAC 79.210. CONTINUING EDUCATION REQUIREMENTS

(e)(2) regionally or nationally accredited institution of higher education; a course, seminar, workshop, or other program through that institution must be approved by the board as directly related to the skills and knowledge required for the practice of massage therapy, and includes a bloodborne pathogens and universal and standard precautions course under (c) or (d) of this section; or

Chair Motz made a point that the semi colon of the last line of the regulation language in 12 AAC.79.210 (e)(2) impacts interpretation of the regulation. Chair Motz proposed that the semicolon be removed, and the period added. Chair Motz indicated that this reg was intended as a list not as two complete thoughts.

Regulation specialist Osborne agreed with point made by chair Motz and suggested that a full review be conducted of the massage therapy regulations to capture and make necessary updates. Regulation specialist Allison Osborne is willing to complete this review with request from the board.

In a motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was RESOLVED to BEGIN a regulations project for the regulations specialist to review massage therapy regulations for edits and updates.

Program Coordinator Reid Bowman joined the meeting at 10:50

11. Notary Discussion of Applicant Verification

Program Coordinator Bowman spoke to a previous determination made by the DCPBL that notary was unnecessary step in the application process. Julie expressed concerns of the validation of an applicant's identity. Julie was inquiring about having some form of ID with the application process. Mr. Bowman informed the board that they have the right to request identification and that the Division will look into reinstating the notary requirement in the application process.

Investigator Kendra Warlaw , Investigator Michelle Hearn and Paralegal II Marilyn Zimmerman joined the meeting at 10:55

Regulation Specialist Osborne joins the meeting 10:58

12. Investigations

A. Investigative Report

The investigative report was presented by Investigator Hearn. The Board did not have any questions on the report.

B. Executive Session

In a motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was RESOLVED to enter 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.

Returned on the record at 11:35

In a motion made by Julie Endle, seconded by Anetta Atwell, and passed with unanimous roll call vote, it was RESOLVED to APPROVE the consent agreement for Rebecca Blankenship, case 2022-001064.

In a motion made by Julie Endle, seconded by Anetta Atwell, and passed with unanimous roll call vote, it was RESOLVED to APPROVE the CONSENT AGREEMENT for Andrea Huyck, case 2023-000003.

In a motion made by Julie Endle, seconded by Anetta Atwell, and passed with unanimous roll call vote, it was RESOLVED to APPROVE the CONSENT AGREEMENT for Jamie Owens, case 2022-001063.

In a motion made by Julie Endle, seconded by Anetta Atwell, and passed with unanimous roll call vote, it was RESOLVED to APPROVE the CONSENT AGREEMENT for Chaelin O'Brien, case 2022-000238.

In a motion made by Julie Endle, seconded by Anetta Atwell, and passed with a roll call vote, it was RESOLVED to APPROVE the CIVIL FINE for Chaelin O'Brien, case 2022-000238.

Jill Motz: Yes , Julie Endle: No , Anetta Atwell: Yes, Kelli Shew: Yes

In a motion made by Julie Endle, seconded by Anetta Atwell, and passed with a roll call vote, it was RESOLVED to TABLE the CIVIL FINE case for The Alaska Club, case 2022-000887, 2022-000886, 2022-000879, 2022-000880, 2022-000888, 2022-000885, 2022-000881, 2022-000878, to review regulations related to fines and fees.

In a motion made by Julie Endle, seconded by Anetta Atwell, and passed with unanimous roll call vote, it was RESOLVED to APPROVE the DENIAL for Bijue Denial, case 2022-000420.

In a motion made by Julie Endle, seconded by Anetta, passed with unanimous consent, it was RESOLVED to APPROVE the DENIAL of the consideration for license of Bijue He for convictions of moral turpitude related to the offenses and violations as per sec. 08.13.070(8) of nondisclosure of criminal convictions, 08.61.060 (1) secured a license through deceit, fraud, or

intentional misrepresentation and 08.61.060 (4) has been convicted of a felony or another crime that affects the licensee's ability to continue to practice competently and safely.

Recess for lunch at 11:35

13. Lunch

On Record at 1:02

14. Universal Temporary Licensure – HB85, SB83

Executive Director Sylvan Robb joins the meeting at 1:00

Reviewed of the introduced legislation with the board members.

Executive Director Sylvan Robb informed the board that if the board has already determined jurisdictions that are substantially equivalent in requirements the division would refer to that standard. Annetta asked about the steps involved in exception from the proposed bill. Director Robb informed the board that they would need to make a statement and appoint a board representative to address the legislature. Julie Endle asked to clarify who was completing the review process of applicants. Director Robb clarified that the applicants would be reviewed, and temporary licenses would be issued by division.

Jill inquired about investigative costs. Director Robb informed the board that the governor has adjusted the funding and has introduced legislation to move investigative costs to the general fund.

15. Updated Guidance of Apprenticeship Program

The board discussed the need for more clarification on apprenticeship program information presented to the public. Chair Motz determined that she would present a summary of an apprenticeship program to be posted on the website.

Tonia Nelson Joined the meeting at 1:44

16. 12 AAC 79.910. "MORAL TURPITUDE" DEFINED

Regulation Specialist Olson suggested a regulations project be initiated regarding timeframes of disclosures which may be similar to the language of the medical board. There is a question of whether there is statutory authority to address pending charges that will need to be addressed. This regulation would be associated with the disciplinary statutes. The objective is to move responsibility of disclosure in fitness to practice to the applicant.

In a motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was RESOLVED to APPROVE the create a regulations project to determine timeframes of reporting of convictions and or charges related to a crime of moral turpitude.

17. September Town Hall Meeting

The board discussed the importance of continuing town hall meetings as a means to obtain feedback from the public, answer questions and provide education of the licensing

process. The next town hall meeting will be scheduled in Anchorage on September 11th, 12th.

18. Adjournment 4:30 p.m.

