



Alaska Board of Massage Therapists - June 8 2023 - Regular Board Meeting Minutes

Alaska Division of Corporations, Business and Professional Licensing
Jun 8, 2023 at 9:00 AM AKDT

@ Teleconference

Attendance

Board Members:

Jill Motz, Licensed Massage Therapist

Annetta Atwell,

Julie Endle, Kelli Shew,

Tonia Nelson

DCBPL State of Alaka Staff:

David Edwards-Smith, Occupational Licensing Examiner

Reid Bowman, Program Coordinator

Kendra Wardlaw, Investigator

Michele Hearn, Investigator

Marilyn Zimmerman, Paralegal

Public:

Michele Kirton, Alaska Career Academy

1. Roll Call 9:00 - 9:05

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

2. Review/Approve Agenda

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

Cynthia Spies, joins the meeting at 9:07 as a member of the public

3. Ethics Review/Disclosure

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

4. March 2023 - Previous Minutes

A motion made by Annetta Atwell, seconded by Julie Endle, and passed with unanimous roll call vote; it was RESOLVED to APPROVE the March board meeting Minutes as written.

5. The Federation of State Massage Therapy Boards (FSMTB) – Executive Summit Update

OLE Edwards-Smith reported to the board regulatory and investigative updates presented by FSMTB member boards at the Executive Summit.

Break: Off record at 9:20

On Record at 9:30

6. 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

7. Correspondence

The Board reviewed a letter from Heidi Kemble representing The Beauty School massage school. Ms. Kemble has inquired of the conditions in application submission from schools that is necessary to expedite license processing of the graduates of her school.

Kelli Shew indicated that she would like to review the massage school's curriculum. Julie Endle also noted that there was no public availability of the curriculum. Chair Motz indicated that a curriculum that clearly details the massage education provided by the school is necessary. OLD Edwards-Smith informed the board of the application process of other Alaska massage therapy schools serve as a model of excellence for the privilege of expedited review considering the applications are reviewed and presented complete and error free. Chair Motz requested the OLE Edwards-Smith draft a response for review that presents details of application conditions for potential expedited review of the graduates of The Beauty School.

Chaz Alexander, Alaska Career College joins the meeting at 9:43

8. Interstate Massage Therapy Compact

Chair Motz asked if the board for any additional questions or concerns about the Impact presented by the FSMTB. Annetta Atwell informed the board that she does not see the relevance of the IMPact now the temporary military licensing is now established. Chair Motz noted that this is a key point to reflect in the letter of non-support. Julie Endle referred to the letter of non-support by North Carolina as a resource as Jill drafts her letter.

9. Clarification of Tips as Compensation for Students

Chair Motz visited a student massage clinic where tips were offered to students for massage therapy services. She indicated that this needs to be clarified. Chair Motz determined that it was important to have a legal review of the statute regarding tips as compensation.

OLE Edwards-Smith will send the question to legal of the boards authority of the board to regulate the definition of tips.

10. Investigations

DCBPL Staff: Kendra Wardlaw, Investigator, Michele Hearn, Investigator and Marilyn Zimmerman, Paralegal join the meeting at 11:00

A. Investigative Report

Investigator Hearn presents the investigative report. Cases, complaints, intake matters, and licensing actions are contained in report. She asked the board for any questions. Julie Endle asked if the practice the reviewing applications before a background check result are received have resulted in investigations. Investigator Hearn reported that no cases were presented in the matter of failed background received after license issuance.

B. Executive Session

In a motion made by Julie Endle, seconded by Annetta Atwell, 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.

Executive Session at 11:06

On Record at 11:38

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 Amanda Jackson, case 2022-001042 as per 08.61.060.

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 Kayla McCarthy, case 2022-000860

In a motion made by Julie Endle, seconded by Anetta Atwell, and passes with a roll call vote a consent agreement 2022-001169 for Bill Millsap.

Julie Endle: Yes, Kelli Shew: Yes, Annetta Atwell, YES, Jill Motz: Abstains

11. School of Roling as Massage therapy program

Program Coordinator Bowman joins the meeting at 10:22

Reid Bowman joined at 10:22

Chair Motz recognizes that the board needs to determine if the rolfing school is an accepted massage therapy school. Annetta asks the chair about the current COMTA accreditation of the rolfing institute. Chair Motz spoke to the different types of accreditation that COMTA provides and that the accreditation of the rolfing school as a program does not qualify as the COMTA school of massage. Program coordinator Bowman recognizes that this is a difficult of this issue for the board.

Program coordinator Bowman brought to the boards attention that the Rolf Institute is noted as an accepted massage therapy program by the Colorado Department of Education. He asked the board to consider the relevance of this information noted in the correspondence that was provided in the board meeting packet. Chair motz noted that the rolfing school objective is not to prepare the students for the MBLEx and does not identify as a massage school. The Rolfing Institute program is also a statutory exemption from massage therapy licensing that was initiated by the Rolfing community as they indicated that the trademarked practice of Structural Integration is not massage therapy. Julie Endle does not see the rolfing program curriculum meeting that of massage therapy schools. Anetta also mentioned the statutory exception to massage therapy licensure of the Rolfing program.

Chair motz would like to continue this discussion later in the meeting and called for a break until 11:00.

Break for Lunch 11:45

12. Roll Call: **Board Members Present: Annetta Atwell, Julie Endle, Kelli Shew, Jill Motz, Tonia Nelson**

13. Regulation Projects (Presenters: Stefanie Davis)

DCBPL Staff: Regulation Specialist Stefanie Davis

Regulation discussion and language review.

A. 12 AAC 79.910. "MORAL TURPITUDE" DEFINED

Regulation Specialist Davis informed the board that the board needs to determine of what documentation needs to be submitted by the applicant and within what timeframe regarding pending charges at time of application.

Board discussion focused on the review of dental board regulations regarding disclosures related to crimes of moral turpitude. The board was reviewing the following language:

- (3) failing to cooperate with an official investigation by the board or the board's representatives, including failing to timely provide requested information;
- (5) failing to report to the board, not later than 30 days after the effective date of the

action, any disciplinary action against the licensee taken by another licensing jurisdiction, health care entity, or law enforcement agency.

The board will continue to explore this potential regulation project during the September meeting.

Cynthia Spies and , Chaz Alexander of the public join the meeting at 1:06

B. Massage School Accrediting Agency Defined by Board

Chair Motz recognizes that it has been an issue that accepted accreditation has not been defined in regulation. The boards accreditation acceptance has been available for review on the board web site in the frequently asked questions. Julie makes the point of defining not only accreditation by schools but also there needs to be definition related to other modalities being accepted as massage schools. Chair discussed the options of moving forward to define statute in regulation by specifically defining accreditation agencies and the clarification that schools needed to be related to massage therapy.

In a motion made by Julie Endle, seconded by Annetta Atwell, and passed with unanimous roll call vote, it was RESOLVED to create a regulations project that further defines 08.61.100(1)(b)

C. Licensing in Advertising

Annetta provided information related to the regulations regarding licensing and advertising in the state of Arizona. Julie informed the board that she initiated the conversation of licensing in advertising from the experience in the difficulty in determining the licensing status of a massage therapists. She is concerned of developing a hardship for licensee with the cost of printed materials.

Jill began a discussion with the question of licensing numbers being included I online advertisement. The board discussed this as a reasonable expectation that helps to inform the public. Jill polled the board of the interest in license numbers being required online. The board was unanimously in favor of this approach. Tonia asked the chair of the consequence of non-compliance. Jill informed Tonia that the discipline matrix will need to be updated if a regulation related to display of license goes into effect. Annetta asks the question of the responsibility of advertising with corporate ownership. Kelli made the point that in Washington regulations health care practices were exempt from the advertisement requirements.

In a motion made by Julie Endle, seconded by Annetta Atwell, and passed with unanimous roll call vote, it was RESOLVED to create a regulations project to require therapists to provide their license number for advertising for services online.

14. Disciplinary Matrix Regarding Ethics

Topic Initiated by Julie Endle

Julie asked the board to discuss the revision of the disciplinary matrix to specify ethics courses. Chair Motz did not recognize a matrix revision was unnecessary. Annetta was in support of defining an hour requirement in ethics. Chair Motz clarified that this not being a regulation and that the matrix can be updated.

The Consensus of the board is to update the disciplinary matrix to read “ethics course or courses”.

15. Updated Guidance of Apprenticeship Programs

Chair Motz spoke to the guidance of the apprenticeship program. The current guidelines are extensive and not very clear. Chair Motz asked the board to consider a revision of the guidance. Annetta asked if a significant part of massage education was to for a student to prepare for the MBLEx. Annetta would like to understand the means of which the FSMTB qualifies education for eligibility of the MBLEx exam. Chair Motz pointed out that the board was not aware of the means that FSMTB qualifies schools for MBLEx eligibility.

Chair Motz informed the board that she will take on the task of contacting the FSMTB to determine how they qualify a massage school for eligibility for the MBLEx exam.

School of Roling as Massage therapy program - Continued
Program Coordinator Bowman joins the meeting at 10:22

Chair Motz informed the board that it needs to be determined board whether the Rolf Institute qualifies as a massage therapy program. She noted that the Rolf Institute is approved COMTA program and not an approved massage school. Chair Motz also recognizes that Colorado does recognize the institute as a massage therapy school, but the program falls short with the breakdown of the curriculum. Program Coordinator Bowman pointed out that with the recent regulations project that it was problematic in accepting credits from a school that is not an approved massage school. Chair Motz asks the board for questions and feedback regarding the overall matter of the determination of the Rolf institute as a massage therapy school. Kelli expressed hesitancy on taking any action because of the history of hostility that has been directed to the board in the past. Tonia expressed her understanding that Rolfers do not identify themselves as massage therapists and does not feel the education is consistent with massage therapy education.

With the adoption of the regulations that went into effect on May 26th the board does not recognize the Rolf Institute as a Massage Therapy School.

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16. Annual Report 2023 - DRAFT

The board reviewed the annual report and will vote to adopt electronically.

In a motion made by Annetta Atwell to ADJOURN , seconded by Julie Endle and passed with unanimous consent.

