

**Annual Report
Fiscal Year 2015**

**BOARD OF MASSAGE THERAPISTS
July 2015**



**DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING**

This Annual Performance Report is presented in accordance with Alaska Statute 08.01.070(1) and Alaska Statute 37.07.080(b). Its purpose is to report the accomplishments, activities, and the past and present needs of the licensing program.

**BOARD OF MASSAGE THERAPISTS
FY 2015 ANNUAL REPORT**

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**BOARD OF MASSAGE THERAPISTS
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 IDENTIFICATION OF BOARD**

<u>Board Member</u>	<u>Date Appointed</u>	<u>Term Expires</u>
David Edwards-Smith (Soldotna) Licensed Massage Therapist	11/25/2014	1/19/2015
Ron Gibbs (Kodiak) Licensed Massage Therapist	11/25/2014	1/19/2015
Traci K. Gilmour (Juneau) Licensed Massage Therapist	11/25/2014	1/19/2015
Shirley M Nelson (Anchorage) Public	11/25/2014	1/19/2015
Amanda L. Unser (Anchorage) Licensed Massage Therapist	11/25/2014	1/19/2015

**BOARD OF MASSAGE THERAPISTS
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IDENTIFICATION OF STAFF**

Susan Johnson	Licensing Examiner	907-465-3811
Karen Hudson	Records & Licensing Supervisor	907-465-2691

BOARD OF MASSAGE THERAPISTS
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NARRATIVE STATEMENT

Include an overview of the board's activity, industry trends in licensure, public protection challenges, and other information useful to Alaska stakeholders in understanding your work during FY15.

As of June 15th 2015 the Board has met three times, once in Juneau, Anchorage and by teleconference. Primarily the Board has been working on drafting regulations to support statute and as a new Board has undergone training on policies and procedures of sitting on a State Board. Alaska joins 45 other states in the licensing of massage therapists. The Statutes set in HB328 follow common language used in the other 45 states laws. One of the more recent trends in states that have enforced licensing for years is giving better definition of modalities and defining how modalities fit into the scope of practice for massage therapy. Before the enactment of HB328 massage therapy was only regulated at the Municipal level, did not provide enforcement and license requirements were below national industry standards. State licensing of massage therapy is new to the industry and it's expected to be met with some resistance as therapists in Alaska are not used to paying a fee for licensing over one hundred dollars, have extensive background checks performed or meet continuing education requirements.

Having a regulatory board for the massage industry allows clients, patients and other therapists a formal legal way to file a complaint and to have their voices heard, it allows greater public protection by holding therapists accountable for their actions. Regulation also protects the therapist by defining a scope of practice and allowing a peer review process should a complaint be filed. Challenges to enforcement will be present and will be something that the board must continually work through. Questions arise such as will there be random audits on massage therapists at their establishments? What role will the board have if a complaint makes it to court proceedings? Being that this is a new board, every issue it faces will essentially be a new issue and there will be a lot to work through. The decisions, statutes and regulations this initial board sets will be the precedence for boards to come.

The more support and education the board receives on policies and procedures the stronger it will be, the success of the board depends on it. The continued patience and education given to licensees regarding the licensing process is vital for the health of the industry during this time of change and progress.

**BOARD OF MASSAGE THERAPISTS
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BUDGET RECOMMENDATIONS FOR FY 2016**

TRAVEL REQUESTS: Rank in order of the board’s priority. Provide the best estimates based on past actuals and seasonal trends in travel, such as summer hotel rooms or increased fuel costs. Calculate on full costs and note any third-party fiscal offsets. Expand the tables below as needed.

Board Meetings

Date	Location	# of Board Members	# of Staff	Total Estimated Cost <small>(total of airline, hotel, mileage, M&IE, parking, rental car, taxi, etc.)</small>
03/2016	Juneau	5	2	\$3,500
11/2015	Fairbanks	5	2	\$5,000
07/2015	Anchorage	5	2	\$2,500
float	Teleconference	5	2	\$1,000

Travel Required to Perform Examinations

Date	Location	# of Board Members	# of Staff	Total Estimated Cost <small>(total of airline, hotel, mileage, M&IE, parking, rental car, taxi, etc.)</small>
Description of meeting and its role in supporting the mission of the board: Enforcement check or to oversee any investigations.				
Description of meeting and its role in supporting the mission of the board:				

Out-Of-State Meetings and Additional In-State Travel

Rank in order of the board’s priority. “Reimbursement” refers to payment to the division to cover travel costs. “Direct” refers to an offer by a company to secure travel arrangements on behalf of the board member.

Rank	Date	Location	# of Board Members	# of Staff	Total Estimated Cost		Total Potential Third-Party Offset
					<small>(total of airline, hotel, mileage, M&IE, parking, rental car, taxi, etc.)</small>	Conference Fee	Reimbursement Direct
1	10/2015	Albuquerque, New Mexico	1	1	\$3,000 \$500 annual membership	\$350	\$500
	Description of meeting and its role in supporting the mission of the board: Federation of State Massage Therapy Boards. Establish membership/federal regulations/industry trends/government relations.						
2							Reimbursement Direct
	Description of meeting and its role in supporting the mission of the board:						
3							Reimbursement Direct
	Description of meeting and its role in supporting the mission of the board: Other meetings/conventions that may benefit the board.						
4							Reimbursement Direct
	Description of meeting and its role in supporting the mission of the board:						

**BOARD OF MASSAGE THERAPISTS
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BUDGET RECOMMENDATIONS FOR FY 2016 CONTINUED**

NON-TRAVEL BUDGET REQUESTS

Dues/Memberships/Resources/Online Training/Teleconferences/Examination Contracts

Provide details of the budgetary request. Break down into specific events, where applicable.

Product or service: membership	Provider: Federation of State Massage Therapy Boards	Cost per event: \$500
Description of item and its role in supporting the mission of the board: Other travel related to training/teleconferences/memberships/examination contracts/dues or memberships that the board may attend		
Product or service:	Provider:	Cost per event:
Description of item and its role in supporting the mission of the board:		
Product or service:	Provider:	Cost per event:
Description of item and its role in supporting the mission of the board:		

Other Items with a Fiscal Impact:

Product or service: other	Provider:	5,000
Description of item and its role in supporting the mission of the board:		
Product or service:	Provider:	Cost per event:
Description of item and its role in supporting the mission of the board:		

Summary of FY16 Fiscal Requests

Board Meetings	12,000
Travel for Exams	0
Out-Of-State and Additional In-State Travel	3,850
Dues/Memberships/Resources/Online Training/Teleconferences	500
Total Potential Third-Party Offset	500
Other	5,000
Total Requested:	20,850

Additional information:

Be Sure To Check Your Math

BOARD OF MASSAGE THERAPISTS
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ANTICIPATED PROPOSED LEGISLATION FOR FY 2016

Complete one sheet per legislative proposal

Focus Area (Check all that apply)

- Economic Development
- X Government Within Our Means
- National Regulatory/Industry Changes
- X Enhance Public Protection

1. Subject and Proposed Language (include intent and statutory reference)

There is a concern with the language stated below that a licensee would have to resubmit fresh fingerprints every two years at the renewal period. The board is concerned that this is a redundant statute and un-necessary as fingerprints do not change.

Sec. 08.61.050 (5) may need to be amended, currently it reads:

- (5) has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

As of right now the board does not have suggested language but is working toward proposed language.

2. Explain the benefits the proposed legislation would provide.

It would save licensee from having to repeat the fingerprint process and the costs associated.

3. Explain the consequences, if any, of not implementing the proposed statutory change.

So long as the national background check can be done without having to resubmit a fresh set of prints there are no negative effects. If the check cannot be completed without the fresh prints and the board changes the language it runs the risk of potentially licensing a person who has committed a crime and been found guilty involving moral turpitude (the board has current proposed language defining crimes of moral turpitude but they have not been adopted yet).

4. Describe any potential negative impacts of this legislation and how they would be minimized.

So long as the national background check can be done without having to resubmit a fresh set of prints there are no negative effects. If the check cannot be completed without the fresh prints and the board changes the language it runs the risk of potentially licensing a person who has committed a crime and been found guilty involving moral turpitude (the board has current proposed language defining crimes of moral turpitude but they have not been adopted yet).

5. Who do you anticipate will support the bill and why? Include municipalities, groups, etc...

Anchorage, Fairbanks, Valdez and Palmer, American Massage Therapy Association, Associated Bodywork and Massage Professionals, Federation of State Massage Therapy Boards, National Certification Board for Therapeutic Massage and Bodywork, Alaska State Board of Chiropractors, Alaska State Board of Physical and Occupational Therapy.

6. Who do anticipate will oppose the bill and why?

As of now the only opposition to the bill has been from individual massage therapists who are not in favor of paying fees.

7. What other state departments will be affected by this legislation? Have you discussed the impact with the affected departments, and if so who and do they support this bill?

The board will be relying on the Department of Law in certain situations and it may also impact the division of insurance.

8. Identify and describe any previous state or federal legislation or similar efforts in other states which affect or relate to this proposal.

Other health care licensing boards require fingerprints and a background check but do not require fresh fingerprints upon renewal of license.

9. Has this bill topic been previously introduced in the legislature? If so, what was the final outcome and why?

This topic was added in by the legislature during the legislative process. Its believed that the intent was to make sure a federal background check was done every renewal period for public safety. The board is concerned that though the right intention was there that requiring new fingerprints each renewal period is excessive and burdensome to licensees.

10. In the event questions should be raised during review of this request, please indicate below which board member should be contacted:

Amanda Unser - Chairperson

8011 Williwa Ave

Anchorage AK 99504

907-891-4602

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ANTICIPATED REGULATIONS FOR FY 2016

Briefly explain any regulations projects that the board expects to propose this fiscal year.

The Board plans on continuing to finish the regulations process it began in 2015. We anticipate very few added regulations.

BOARD OF MASSAGE THERAPISTS
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GOALS AND OBJECTIVES FOR FY 2016

-Explain the board's mission:

It's the board's mission to provide public safety to massage consumers and to regulate the profession of massage therapy by setting and maintaining industry standards.

-List the board's FY15 goals and objectives and how they were met:

The primary goal during FY15 was to adapt a fee schedule and begin the licensing process. On July 1, 2015 the board adopted fees and has begun processing applications for licensure.

-List the board's FY16 goals and objectives. Include any strengths, weaknesses, opportunities, and threats, as well as any resources needed:

The Board as a whole has not discussed FY16 goals and objectives. As of now the board is completing the regulations process, once completed the board will be able to re-evaluate its position and define clear goals and objectives for FY16.

-In order to join the state in a time of austerity, list the top three areas where the board believes this licensing program could reasonably reduce its costs or services.

The board could reduce some minor costs in choosing the location of in-person meetings or choosing to have meetings via teleconference when applicable. Once the board has enough training and becomes more efficient it can cut costs by reducing the number of state employees from the department attending meetings.

**BOARD OF MASSAGE THERAPISTS
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SUNSET AUDIT RECOMMENDATIONS**

Date of last Legislative Audit: N/A

Board sunset date: 2017

Audit Recommendation #1:

Action taken:
Next Steps:
Date completed:

Audit Recommendation #2:

Action taken:
Next Steps:
Date completed:

Audit Recommendation #3:

Action taken:
Next Steps:
Date completed:

Audit Recommendation #4:

Action taken:
Next Steps:
Date completed: