

State of Alaska  
Board of Massage Therapists

Board Packet

March 2, 2020

Video Conference

Originating at:

State Office Building  
333 Willoughby Ave.  
Juneau, AK 99801

# Roll Call



**State of Alaska**  
**Office of Boards and Commissions Roster**  
**BOARD OF MASSAGE THERAPISTS**

<u>Member</u>	<u>Appointed</u>	<u>Term Expires</u>
<b>David Edwards-Smith, Chair</b> <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2022
<b>Traci K. Gilmour, Vice Chair</b> <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2021
<b>Jill Motz</b> Licensed Massage Therapist	January 23, 2017	March 1, 2022
<b>Vacant</b>		
<b>Julie Endle</b> <i>Public Member</i>	January 24, 2019	March 1, 2021

# Ethics

State of Alaska  
DEPARTMENT OF LAW

# ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

## Who Is My Designated Ethics Supervisor (DES)?

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Every board or commission subject to the Ethics Act<sup>1</sup> has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.<sup>2</sup>

## What Do I Have To Disclose?

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The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the [Department of Law's ethics website](#).

## How Do I Avoid Violations of the Ethics Act?

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- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!<sup>3</sup>
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

## What Are The Disclosure Procedures for Board and Commission Members?

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The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

### Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair**.

*Disclosure on the public record.* Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.<sup>4</sup>
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

*Disclosure in writing at a public meeting.* In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

*Confidential disclosure in advance of public meeting.* Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.<sup>5</sup>
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.<sup>6</sup>

*Determinations at the public meeting.* When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.<sup>7</sup>

*If the chair identifies a potential conflict,* the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first

made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

## Procedures for Other Member Disclosures

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A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the [Department of Law's ethics website](#).

## What Are The Disclosure Procedures for Executive Directors and Staff?

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Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

*Notices of Potential Violations.* Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

*Other Disclosures.* The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

## How Are Third Party Reports of Potential Violations or Complaints Handled?

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Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.<sup>8</sup>
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

## What Are The Procedures for Quarterly Reports?

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Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at [ethicsreporting@alaska.gov](mailto:ethicsreporting@alaska.gov) and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

## How Does A DES or Board or Commission Get Ethics Advice?

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A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

<sup>1</sup> The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

<sup>2</sup> The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

<sup>3</sup> You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

<sup>4</sup> In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

<sup>5</sup> The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

<sup>6</sup> In this manner, a member's detailed personal and financial information may be protected from public disclosure.

<sup>7</sup> When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

<sup>8</sup> The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible,



the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

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The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

**Alaska Department of Law**

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## Ethics Disclosure Form

**CONFIDENTIAL**  
**REQUEST FOR ETHICS DETERMINATION**

TO: \_\_\_\_\_, Designated Ethics Supervisor

\_\_\_\_\_  
*(Identify Your Department, Agency, Public Corporation, Board, Commission)*

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

☐ I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- ☐ AS 39.52.120, Misuse of Official Position
- ☐ AS 39.52.130, Improper Gifts
- ☐ AS 39.52.140, Improper Use or Disclosure of Information
- ☐ AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- ☐ AS 39.52.160, Improper Representation
- ☐ AS 39.52.170, Outside Employment Restricted
- ☐ AS 39.52.180, Restrictions on Employment after Leaving State Service
- ☐ AS 39.52.190, Aiding a Violation Prohibited

**I understand that I should refrain from taking any official action relating to this matter until I receive your advice.** If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Division, Board, Commission)*

\_\_\_\_\_  
*(Position Title)*

\_\_\_\_\_  
*(Location)*

*Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

## Ethics Disclosure Form

### Receipt of Gift

TO: \_\_\_\_\_, Designated Ethics Supervisor, \_\_\_\_\_  
(Agency, Public Corporation, Board,  
Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?

☐ Yes ☐ No

2. Can I take or withhold official action that may affect the person or entity that gave me the gift?

☐ Yes ☐ No

*(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)*

The gift is \_\_\_\_\_

Identify gift giver by full name, title, and organization or relationship, if any:

\_\_\_\_\_

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

\_\_\_\_\_

My estimate of its value is \$ \_\_\_\_\_ The date of receipt was \_\_\_\_\_

☐ The gift was received by a member of my family. Who? \_\_\_\_\_

*If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):*

\_\_\_\_\_

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Division)

\_\_\_\_\_  
(Position Title)

\_\_\_\_\_  
(Location)

Ethics Supervisor Determination: ☐ Approve ☐ Disapproved

\_\_\_\_\_  
Designated Ethics Supervisor\*

\_\_\_\_\_  
(Date)

*\*Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*



**Alaska Board of Massage Therapists  
State Office Building  
333 Willoughby Ave, 9<sup>th</sup> Floor,  
Conference Room B  
Juneau, AK 99801**

**March 2, 2020  
9:00 a.m.**

**Day 1- Primary Call In- Zoom:** 1-408-638-0968  
Access Code: 349 008 762 or <https://zoom.us/j/349008762>

**Secondary Call In (in case of Zoom Failure)- GCI:** 1-800-315-6338  
Access Code: 14875

**Meeting Agenda (Draft)**

<b><u>Time</u></b>	<b><u>Subject</u></b>	<b><u>Lead</u></b>
1. 9:00 a.m.	Call to Order/Roll Call	Chair
2. 9:05 a.m.	Ethics Report	Chair
3. 9:10 a.m.	Review/Approve Agenda	Chair
4. 9:15 a.m.	Task List from Previous Meetings <ul style="list-style-type: none"><li>• December 2019<ul style="list-style-type: none"><li>1. Online Remedial Courses</li></ul></li><li>• January 2020<ul style="list-style-type: none"><li>1. Fingerprint Information</li></ul></li></ul>	Chair
5. 9:30 a.m.	Division/Financial Update <ul style="list-style-type: none"><li>• 2<sup>nd</sup> Quarter FY 2020</li><li>• Fee Analysis</li></ul>	TBD
6. 9:50 a.m.	Investigative Case Review, Probation Reports, Memos & Consent Agreements (Executive Session, if needed) <ul style="list-style-type: none"><li>• Motz Investigations Questions</li><li>• Investigative Memo for E.C.</li></ul>	Investigators Jacobs & Medina
7. 10:10 a.m.	Establishment Standards of Operations (Compliance Inspection Checklist)	Investigators Jacobs & Lipker
8. 11:10 a.m.	New Business <ul style="list-style-type: none"><li>• HB 225/SB 165</li><li>• HB 216/SB 157</li><li>• FSMTB REACH</li></ul>	Chair
9. 12:00 p.m.	Lunch	Chair

- |               |  |       |
|---------------|--|-------|
| 10. 1:15 p.m. | Public Comment   | Chair |
| 11. 1:30 p.m. | Reviews <ul style="list-style-type: none"><li>• Continuing Education Audits</li><li>• Application for S.R.</li></ul>   | Chair |
| 12. 2:00 p.m. | Administrative Business <ul style="list-style-type: none"><li>• Statistics from December 2019- March 2020</li><li>• Meeting Calendar Review</li><li>• Review/Approve Past Meeting Minutes- December 2-3, 2019</li><li>• Document Signing</li><li>• Correspondence</li></ul>  | Chair |
| 13. 2:30 p.m. | Old Business <ul style="list-style-type: none"><li>• Review Updated FAQ's</li><li>• Board Compilation of State Authorizing and National Accrediting Entities</li><li>• Board Position Statement on HB0169A &amp; HB 225</li><li>• Newsletter</li><li>• Signed Regulations</li><li>• Application by Credentials- Curriculum Breakdown</li></ul> | Chair |
| 14. 3:30 p.m. | Establishment Registration Form <ul style="list-style-type: none"><li>• Self-Inspection Checklist/Compliance Inspection Checklist</li></ul>  | Chair |
| 15. 4:30 p.m. | Adjourn  | Chair |

# Review of Agenda

# Previous Task List

December 2019

# Task

## Online Remedial Courses



**From:** [Jill Motz](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Task List Item:  
**Date:** Wednesday, January 22, 2020 12:24:36 PM

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In pursuit of education options for licensee's I spoke to AMTA, ABMP, FSMTB and COMTA. AMTA connected me with Jodi Peck, (who is an item writer for the MBLEx). She is also a teacher for the Allied Health Career Institute.

AHCI is a school that has an online COMTA endorsed curriculum. The school has partnered with 2 and 4 year universities in several states across the US to create brick and mortar schools in local communities but ALL of their schools run the same curriculum, including the online version.

They have agreed to create options within their program that will allow applicants who need hours in specific, non-contact areas to enroll in just those parts and deliver it all online. The prices seem reasonable (was quoted ~7,000 for a whole program, individual pieces may vary by needs) and the company is very motivated to "move massage therapy into the future".

AHCI has also worked with the Department of Labor to create a nationally approved apprenticeship program. Empower is the provider for the apprenticeship program which manages all the paperwork and details for students and they also arrange for apprenticeship sights for the hands on portion that agree to quality control standards to ensure that all apprentices are getting comprehensive hands-on experience.

I'm still reviewing the program details, sent to me from the SOA DOL, so I'm not ready to report on that just yet but these were all exciting details that will make the lives of applicants much easier!

Jill



## Education and Training Plan - Alaska

### Massage Therapy Certification Program (625 Hours)

<b>Total Program Tuition</b>	<b>\$6,499</b>
<b>Books, apps, and other expenses</b>	<b>\$307.20</b>

Tuition covers online modules and hands-on training. E-books and apps are embedded in the online programs and are a separate cost from tuition.

### Massage Therapy Certification Program (625 Hours)

This state-of-the-art program is delivered in a blended curriculum capturing the best of the instructor-supervised online course experience as well as instructor-based classroom experience. Students will be prepared for state licensure and professional practice. Comprehensive bioscience and theory courses provide students with the necessary knowledge to apply to the direct hands on massage techniques that are studied. The faculty instructing this program consists of veteran therapists and educators that have a passion to share this exciting body of work.

### Program Structure:

The Program is broken into 2 Modules. Module I is delivered online in a state-of-the-art Learning Management System available on any device and includes embedded e-books and apps. Module I is Mentor/Instructor supported and the program encourages interaction between students and interaction between Instructor/Mentor and student. Module II is hands-on and conducted at our Virginia location or at an approved external instructional site at a local spa or massage clinic.

MODULE I - ONLINE	Hours	Individual Class Pricing
Anatomy, Physiology & Pathology	118	\$1,250
Kinesiology I – The Study of Human Motion	44	\$450
Therapeutic Kinesiology – Musculoskeletal Applications	45	\$475
Theory of Massage & Bodywork	60	\$625
The Business and Ethics of Massage Therapy	50	\$525





MODULE II – In-Person	Hours	Individual Class Pricing
Western Massage	120	\$2,325
Trigger Point Therapy	50	\$875
Clinical Practicum	138	none

### Module I Breakdown:



#### **Anatomy, Physiology & Pathology:**

This course provides an overview of the anatomical structures and physiology of the human body. The course discusses each body system in terms of the major anatomical structures and functions and explains how each system participates in homeostasis of the body. In addition, the course discusses selected major pathologies, including disease definitions and causes, signs and symptoms, diagnostic procedures, and possible treatments. Studies will focus on the

origins, signs and symptoms, and treatments of each systemic disease, while musculoskeletal pain and dysfunction is highlighted for the massage therapist. The positive effects that therapeutic massage and bodywork offer are also considered. Finally, the course discusses common issues and changes that occur in each body system throughout the lifespan.

Lesson 1: Introduction to Body Structure and Function

Lesson 2: The Integumentary System

Lesson 3: The Skeletal System

Lesson 4: The Muscular System

Lesson 5: The Nervous System & Special Senses

Lesson 6: The Cardiovascular System

Lesson 7: The Immune System

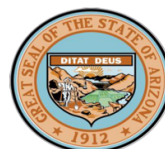
Lesson 8: The Respiratory System

Lesson 9: The Digestive System

Lesson 10: The Urinary System

Lesson 11: The Endocrine System

Lesson 12: The Reproductive System

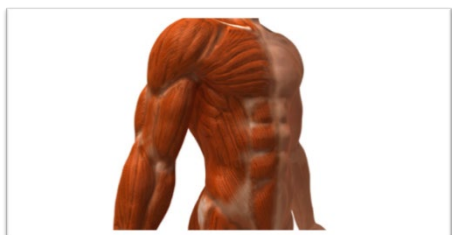




### **Kinesiology I – The Study of Human Motion:**

This course provides students with the fundamental concepts and applications of kinesiology for massage practice. The class covers basic kinesiology principles as they apply to musculoskeletal anatomy and neuromuscular physiology. It emphasizes practical applications for hands-on practice, biomechanics applications for activities of daily living, and whole-body patterns in posture and gait. Students will practice applying kinesiology principles to therapeutic massage methods through a number of experiential exercises designed to keep the students engaged and help them learn through the body as well as the mind.

- Lesson 1: Introduction to Kinesiology
- Lesson 2: The Skeletal System and Joint Motion
- Lesson 3: The NeuroMuscular System
- Lesson 4: Biomechanics, Posture, Gait, & Palpation



### **Kinesiology II – Musculoskeletal Applications:**

This course offers a well-organized study of the bones, joints, and muscles, illustrated with beautiful full-color photographs, precise anatomical drawings, and clear mechanical drawings, and exciting interactive animations that allow the student to fully engage a 3-dimensional analysis of each major joint and muscle. These topics are presented in a specific order that reflects the Ida P. Rolf method for developing structural integrity of the myofascial systems in the body. Each topic includes palpation exercises to help you become comfortable with locating bony landmarks and exploring joint structures and motions, as well as learning the locations, actions, and trigger points of the muscles.

- Lesson 1: Bony Landmarks and Muscles of Respiration
- Lesson 2: Bony Landmarks and Muscles of the Ankle and Foot
- Lesson 3: Bony Landmarks and Muscles of the Knee
- Lesson 4: Bony Landmarks and Muscles of the Hip and Pelvis
- Lesson 5: Bony Landmarks and Muscles of the Spine
- Lesson 6: Bony Landmarks and Muscles of the Head and Neck
- Lesson 7: Bony Landmarks and Muscles of the Shoulder Girdle
- Lesson 8: Bony Landmarks and Muscles of the Arm and Hand





### **Theory of Massage & Bodywork:**

Students will learn the entire theoretical and scientific basis for each style of massage & bodywork and be prepared to apply that knowledge throughout their professional practice. An overview of the history of massage is considered to give students a historical understanding of the origins of massage and bodywork and insight as to how contemporary therapeutic modalities have developed over time. Client

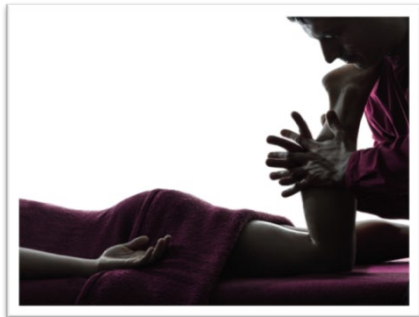
preparation, draping, and product options to be used during treatments are all addressed in order to prepare therapists for practical applications. Finally, the effects and benefits, as well as the contraindications and indications are analyzed to ensure professional competency and client safety. This course is a complete overview to prepare you for your continued studies as a massage therapist.

Lesson 1: The History and Perspective of Massage

Lesson 2: The Benefits and Applications of Massage

Lesson 3: Contraindications and Massage Guidelines

Lesson 4: Western Massage Techniques and Joint Movements

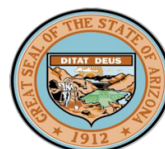


### **The Business and Ethics of Massage Therapy:**

This course provides excellent interactive instruction about the many facets of the massage therapy business.

Instruction focuses on the basic knowledge and skills of business and professional development, including career path opportunities, writing resumes, goal setting, business plans, self-care, and job interview comportment. Students will also have the knowledge and tools for basic

entrepreneurship, including marketing for massage therapy. Finally, the course emphasizes utmost professionalism and ethical behavior. Students will gain valuable insight about the industry and business controls in the marketplace and gain competency in their ability to become state-licensed as a professional massage therapist. Ethics and professionalism is extremely important with any therapeutic practice and these topics focus on the real-world ethical challenges professionals' face, providing clear rationales for ethical behavior. The content encourages introspection, conversation, critical thinking, and problem solving, and







promotes meaningful conversation about ethical concepts and dilemmas.

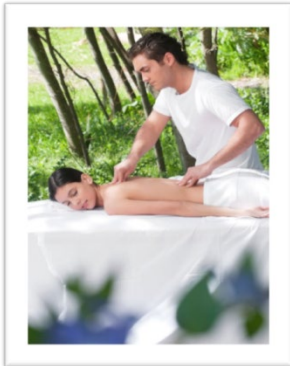
Lesson 1: Considerations for a Massage Therapy Career

Lesson 2: Professional Issues and Self Care

Lesson 3: Marketing for Massage

Lesson 4: Ethics & Professionalism in Massage Therapy

## **Module II Breakdown:**



### **Western Massage:**

This course explores the fundamental skills of massage therapy. It serves to orient practitioners in training to become comfortable and familiar in human therapeutic touch, as well as to solidify a foundation that will continually be added to throughout your career. The practice of Traditional Swedish Massage will be instrumental and serve as a foundation for each student as they progress through the program. Upon completion of this course, each student will be competent to perform a full body therapeutic massage.

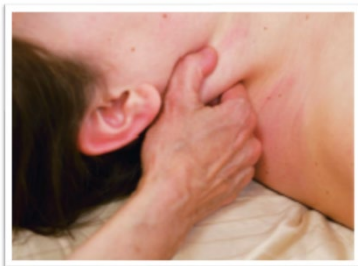
Lesson 1: Western Massage Techniques

Lesson 2: Joint Movements

Lesson 3: Full-Body Western Massage

Lesson 4: Regional Applications of Massage – Upper Body

Lesson 5: Regional Applications of Massage – Lower Body



### **Trigger Point Therapy:**

One of the highest requested and practiced forms of massage is trigger point therapy. In this course students will gain a knowledgeable and practical foundation for which to begin their practice of working with the neuro-muscular systems of the body. Trigger Point Therapy involves the identification and deactivation of painful fibrous nodules in muscle and connective tissue called trigger points. Instruction, demonstration

and supervised practice are all components of this course. As students integrate this modality into their therapeutic sessions, their level of effectiveness with the client is highly increased!

Lesson 1: Introduction to Trigger Point Therapy

Lesson 2: Referral Patterns

Lesson 3: Deactivation Techniques



**ALLIED HEALTH**  
Career Institute



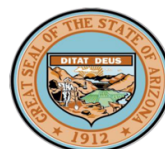
#### Clinical Practicum:

Students will complete 138-hours of documented massage therapy treatments in order to complete the program. This allows students to directly apply the knowledge and experience in the classroom to real life situations, so that learning can be realized, constructive feedback can be shared, practical applications refined, and continued development for each student as a massage therapist.



State Council of  
Higher Education for Virginia

Allied Health Career Institute is certified to operate by  
the State Council of Higher Education for Virginia  
(SCHEV)



Licensed by the Arizona State Board  
for Private Postsecondary Education



power education

# Massage Therapy Apprenticeship Program

A new model to bring more therapists into the industry to meet consumer demand





Demand for massage therapy services is increasing at a very high rate. More people are getting massage treatments in a variety of settings – at more affordable prices.

This demand has resulted in a critical lack of qualified, licensed massage therapists, and thousands of unfilled jobs.

## Introduction



- The # of massage programs in the US is at the lowest point since 2000 – massage programs are shutting down across the country
- The # of graduates from this depleted # of programs is at the lowest rate since 1998 – down 37% since 2014
- 35% of those graduates never enter the workforce – either failing or never sitting for the MBLEx

## The Problem




## Employer Needs:

The Bureau of Labor Statistics states:

“Employment of massage therapists is projected to grow 26 percent from 2016 to 2026, with average annual job openings of 22,600 positions, much faster than the average for all occupations. Continued growth in the demand for massage services will lead to new openings for massage therapists.”

## The Opportunity

 power education



**Mpower Education** has created the first proprietary hybrid (online + hands-on) entry level massage therapy education program in order to bring more therapists into the industry by making it more **accessible** and more **affordable**.

By offering some of the science and theory coursework online, more potential students can get licensed without sacrificing family or income by having to attend 9-12 months of lectures at a traditional massage school.

About Us



**ALLIED HEALTH**  
Career Institute



**Mpower Education** owns and operates private postsecondary institutions licensed in Arizona and Virginia – Allied Health Career Institute.

Our curriculum has been endorsed by COMTA – the Commission on Massage Therapy Accreditation. COMTA Endorsed Curriculum is a voluntary mark of distinction that signifies that this program has been independently reviewed and is of the highest quality in the industry.



In addition to owning and operating our own proprietary schools, **Mpower Education** has partnered with prestigious 2- and 4-year accredited colleges and universities to deploy our program.

Through our partners, our program has been approved in Michigan, Alabama, Texas and Louisiana is currently pending.



**U.S. DEPARTMENT OF LABOR**



An official website of the United States government [Here's how you](#)



**APPRENTICESHIP.GOV**

## Department of Labor Approved National Apprenticeship Program

Mpower Education has successfully gained approval for the massage therapy occupation by the United States Department of Labor, Office of Apprenticeship, establishing the first ever national program standards for massage therapy certification.

This was done with the cooperation of industry stakeholders – large employers, state massage boards that already allow apprenticeships, and trade organizations

**Department of Labor –  
Approved Apprenticeship**





**U.S. DEPARTMENT OF LABOR**

 An official website of the United States government [Here's how you](#)



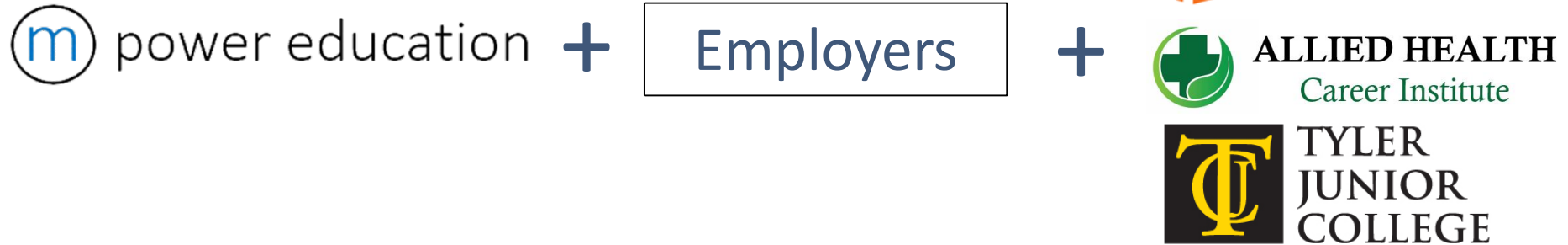
**APPRENTICESHIP.GOV**

## Department of Labor Approved National Apprenticeship Program

*Apprenticeship is an industry-driven, high-quality career pathway where employers can develop and prepare their future workforce, and individuals can obtain paid work experience, classroom instruction, and a portable, nationally-recognized credential.*

**Department of Labor –  
Approved Apprenticeship**





Mpower partners with employers, schools, the Department of Labor, and state massage boards to deploy this model in each state



Students enroll in the school and Dept of Labor Apprenticeship, take online portion and then will take hands-on instruction at their assigned clinic



Mpower, the school, and the employers advertise this opportunity to enter the field of massage therapy. As a consequence, there is now another, less expensive, more accessible option for students that also includes a job track

## How it Works

### Phase 1

#### **“Related Training Instruction”**

- Apprentice Enrolls in Partner School & Apprenticeship
- Apprenticeship includes employer scholarship and pay wage scale for employment. Employer is agreeing to hire student upfront.
- Takes state required amount of hours (COMTA Endorsed online + hands-on training) through an approved school/college/university to meet state Massage Board requirements
- Training takes place at employer by school employees
- Student receives state license and moves to Phase 2

6 – 9 months

### Phase 2

#### **PAID “On The Job Training”**

- 3 Competency Levels –encompassing 1,000 hours - above and beyond state requirements with progressive wage schedule (pay raises)
- Competency Levels based on COMTA & ELAP core competencies

12 months

## **Apprenticeship Structure**



- Built in employment track upon signing up – jobs driven-model
- Exceeds all state hour requirements while addressing professional development and professional “soft skills” in the educational process – Phase 2
- Department of Labor Apprenticeship funding / Workforce Development funds / Military funding
- More access for potential students – combining online learning with local training locations
- Drastically reduced cost of entering industry (employer scholarships typically \$2000+, government funding, low starting tuition \$6,499 – before scholarships, grants)
- Leveraging industry employer resources (facilities, scholarships, jobs) to more closely align entry-level education with unfilled paying jobs

## Apprenticeship Benefits

Core Competencies	Months / Wage Scale
1. PLAN AND ORGANIZE AN EFFECTIVE MASSAGE AND BODYWORK SESSION	Months 1-4 <b>Wage Level 1</b>
2. PERFORM MASSAGE THERAPY AND BODYWORK FOR THERAPEUTIC BENEFIT	Months 5-10 <b>Wage Level 2</b>
3. DEVELOP AND IMPLEMENT A SELF-CARE STRATEGY	Months 5-10 <b>Wage Level 2</b>
4. DEVELOP SUCCESSFUL AND ETHICAL THERAPEUTIC RELATIONSHIPS WITH CLIENTS	Months 5-10 <b>Wage Level 2</b>
5. DEVELOP A STRATEGY FOR A SUCCESSFUL PRACTICE, BUSINESS OR EMPLOYMENT SITUATION	Months 11-12 <b>Wage Level 3</b>
6. IDENTIFY STRATEGIES FOR PROFESSIONAL DEVELOPMENT	Months 11-12 <b>Wage Level 3</b>

After month 12 – final pay raise

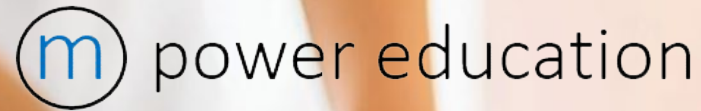
## Progressive Wage Scale



Mpower Education is passionate about the massage therapy industry and is committed to providing **more access** at **lower cost** to more aspiring massage therapists by:

- Utilizing accepted, modern education technology the way nursing and other allied health programs have across the country
- Utilizing local professional employer locations as training and apprenticeship sites – reducing the time and travel for students
- Bring employers more into the educational process and have them contribute financially
- Take advantage of grants, scholarships, and other government programs designed to close the gap between open jobs and potential employees

## Summary



**Thank you!**

Pete Medd

Email:

[pete@MpowerEducation.com](mailto:pete@MpowerEducation.com)

Phone:

410-336-0472

Website:

[www.MpowerEducation.com](http://www.MpowerEducation.com)

# Previous Tasks

January 2020

# Fingerprint Information



## Fingerprinting Update

The State of Alaska Board of Massage Therapists desires to inform licensees that fingerprinting will be processed in the year 2021.

The goal of the board is for all current licensees to be in compliance with current statutes. The current statute, AS 08.61.050(5) states:

**-The board has the power to ask licensees to provide renewal fingerprint cards that will be used to generate state and federal background reports at least once every six years.**

Due to the legislation change and the passing of HB110 in 2018, licensees who hold a State of Alaska Massage License from July 1, 2017- September 30, 2017, would not have been required to submit renewal fingerprints for 2017 and would be out of compliance with statute if they didn't implement renewal fingerprinting again until 2023.

Our mission is for every licensee to be protected and informed of this change. Therefore, it was an unanimous vote of the Board of Massage Therapists held in the month of December 2019, to change the renewal year from the year 2023 to 2021.

The board always strives to implement ways to keep the licensees informed, and we appreciate licensees serving Alaskans in the highest professional manner.

Division/Financial Update

and

Fee Analysis

Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing

Summary of All Professional Licensing  
Schedule of Revenues and Expenditures

Board of Massage Therapists	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20 1st & 2nd QTR
<b>Revenue</b>										
Revenue from License Fees	\$ -	\$ 660	\$ 660	\$ 586,230	\$ 228,015	\$ 814,245	\$ 346,505	\$ 89,770	\$ 436,275	\$ 321,405
Allowable Third Party Reimbursements	-	-	-	-	-	-	1,161	1,791	2,952	860
<b>TOTAL REVENUE</b>	<b>\$ -</b>	<b>\$ 660</b>	<b>\$ 660</b>	<b>\$ 586,230</b>	<b>\$ 228,015</b>	<b>\$ 814,245</b>	<b>\$ 347,666</b>	<b>\$ 91,561</b>	<b>\$ 439,227</b>	<b>\$ 322,265</b>
<b>Expenditures</b>										
Non Investigation Expenditures										
1000 - Personal Services	-	33,797	33,797	105,007	39,319	144,326	57,585	84,174	141,759	47,510
2000 - Travel	-	6,585	6,585	17,726	10,216	27,942	9,646	10,277	19,923	4,730
3000 - Services	-	12,627	12,627	52,528	34,055	86,583	96,155	60,787	156,942	4,548
4000 - Commodities	-	274	274	13	155	168	70	25	95	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	-	53,283	53,283	175,274	83,745	259,019	163,456	155,263	318,719	56,788
Investigation Expenditures										
1000-Personal Services	-	879	879	11,039	36,787	47,826	93,529	63,771	157,300	25,183
2000 - Travel	-	-	-	-	-	-	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	-	-	-	-	14,761	14,761	1,679	845	2,524	-
3094 - Inter-Agency Hearing/Mediation	-	-	-	-	18,192	18,192	16,632	2,013	18,645	-
3000 - Services other	-	-	-	-	-	-	-	555	555	95
4000 - Commodities	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	-	879	879	11,039	69,740	80,779	111,840	67,184	179,024	25,278
<b>Total Direct Expenditures</b>	<b>-</b>	<b>54,162</b>	<b>54,162</b>	<b>186,313</b>	<b>153,485</b>	<b>339,798</b>	<b>275,296</b>	<b>222,447</b>	<b>497,743</b>	<b>82,066</b>
Indirect Expenditures										
Internal Administrative Costs	-	3,689	3,689	33,476	37,540	71,016	53,488	43,601	97,089	21,801
Departmental Costs	-	7,130	7,130	25,405	24,679	50,084	35,578	32,777	68,355	16,389
Statewide Costs	-	5,605	5,605	9,698	8,596	18,294	16,888	15,627	32,515	7,814
<b>Total Indirect Expenditures</b>	<b>-</b>	<b>16,424</b>	<b>16,424</b>	<b>68,579</b>	<b>70,815</b>	<b>139,394</b>	<b>105,954</b>	<b>92,005</b>	<b>197,959</b>	<b>46,004</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ 70,586</b>	<b>\$ 70,586</b>	<b>\$ 254,892</b>	<b>\$ 224,300</b>	<b>\$ 479,192</b>	<b>\$ 381,250</b>	<b>\$ 314,452</b>	<b>\$ 695,702</b>	<b>\$ 128,070</b>
<b>Cumulative Surplus (Deficit)</b>										
Beginning Cumulative Surplus (Deficit)	\$ -	-	-	\$ (69,926)	\$ 261,412		\$ 265,127	\$ 231,543		\$ 8,652
Annual Increase/(Decrease)	-	(69,926)		331,338	3,715		(33,584)	(222,891)		194,195
Ending Cumulative Surplus (Deficit)	\$ -	\$ (69,926)		\$ 261,412	\$ 265,127		\$ 231,543	\$ 8,652		\$ 202,847
										*
<b>Statistical Information</b>										
Number of Licensees				756	1,482		1,498	1,277		-
<b>Additional information:</b>										
<ul style="list-style-type: none"> <li>• Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses *</li> <li>• Most recent fee change: Fee reduction FY17</li> <li>• Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.</li> </ul>										

Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	MAS1

Sum of Expenditures	Object Type Name (Ex)			
Object Name (Ex)	1000 - Personal Services	2000 - Travel	3000 - Services	Grand Total
1011 - Regular Compensation	39,459.84			39,459.84
1014 - Overtime	96.34			96.34
1023 - Leave Taken	4,189.96			4,189.96
1028 - Alaska Supplemental Benefit	2,687.21			2,687.21
1029 - Public Employee's Retirement System Defined Benefits	1,281.16			1,281.16
1030 - Public Employee's Retirement System Defined Contribution	1,995.19			1,995.19
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,484.84			1,484.84
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	500.56			500.56
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	4,363.21			4,363.21
1039 - Unemployment Insurance	143.51			143.51
1040 - Group Health Insurance	14,188.81			14,188.81
1041 - Basic Life and Travel	20.43			20.43
1042 - Worker's Compensation Insurance	388.88			388.88
1047 - Leave Cash In Employer Charge	993.32			993.32
1048 - Terminal Leave Employer Charge	554.78			554.78
1053 - Medicare Tax	610.74			610.74
1063 - GGU Business Leave Bank Usage	-			-
1077 - ASEA Legal Trust	72.48			72.48
1079 - ASEA Injury Leave Usage	15.75			15.75
1080 - SU Legal Trst	5.73			5.73
1970 - Personal Services Transfer	(360.59)			(360.59)
2000 - In-State Employee Airfare			1,111.81	1,111.81
2001 - In-State Employee Surface Transportation			140.33	140.33
2002 - In-State Employee Lodging			1,013.98	1,013.98
2003 - In-State Employee Meals and Incidentals			588.00	588.00
2005 - In-State Non-Employee Airfare			184.55	184.55
2007 - In-State Non-Employee Lodging			387.00	387.00
2008 - In-State Non-Employee Meals and Incidentals			150.00	150.00
2009 - In-State Non-Employee Taxable Per Diem			48.00	48.00
2010 - In-State Non-Employee Non-Taxable Reimbursement			167.04	167.04
2020 - Out-State Non-Employee Meals and Incidentals			203.00	203.00
2022 - Out-State Non-Employee Non-Taxable Reimbursement			50.99	50.99
2970 - Travel Cost Transfer			-	-
3000 - Training/Conferences			998.00	998.00
3035 - Long Distance			4.46	4.46
3045 - Postage			97.60	97.60
3046 - Advertising			1,112.10	1,112.10
3069 - Commission Sales			36.00	36.00
3085 - Inter-Agency Mail			1,076.60	1,076.60
3088 - Inter-Agency Legal			541.31	541.31
3094 - Inter-Agency Hearing/Mediation			390.60	390.60
3100 - Inter-Agency Safety			386.00	386.00
1016 - Other Premium Pay	2.28			2.28
2017 - Out-State Non-Employee Airfare			685.43	685.43
<b>Grand Total</b>	<b>72,694.43</b>	<b>4,730.13</b>	<b>4,642.67</b>	<b>82,067.23</b>

**From:** [Wales, Marylene H \(CED\)](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Cc:** [Dumas, Melissa L \(CED\)](#); [Chambers, Sara C \(CED\)](#); [Walsh, Sharon J \(CED\)](#); [Spencer, Cynthia R \(CED\)](#)  
**Subject:** MAS Non Renewal Fee Analysis  
**Date:** Thursday, February 20, 2020 10:33:06 AM  
**Attachments:** [MAS Fee Analysis 02.20.2020\\_To Board.pdf](#)  
[MAS Fee Analysis 02.20.2020\\_To Board.xlsx](#)  
[image003.png](#)

Hi Dawn,

Please email attached Fee Analysis Tool in excel format to MAS board members for their review for their meeting on March 2 to 3 and **kindly encourage them to experiment with fee changes in the Fee Adjustment fields under the "Proposed by board" column to see how changes affect the Ending Cumulative Surplus or Deficit under the Calculations Based on Board's Proposal column.** The Fee Adjustment fields in the "Proposed by Board" column is unlocked so they can enter values. These adjustments and ending balances can be compared to the "Calculations Based on Current Fees" and "Calculations Based on Division's Proposal" columns.

The Division proposed change in fees this time (see Proposed By Division column).

Fee Type	Current fee schedule			Proposed by board				Proposed by division				Adjustments			In System
	Current Fee	Projected Units	Projected Revenue	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment for Estimated Prorated Renewals	Projected Units*	Projected Revenue Loss	
Application Initial License	200	247	\$ 49,320		\$ 200	\$ 49,320	0%	100	\$ 300	\$ 73,980	50%				Application Initial
New Massage Therapists	290	247	71,514		290	71,514	0%	260	550	135,630	90%	(275)	129	(35,475)	New Massage The
Renewed Massage Therapists**	290	1069	309,993		290	309,993	0%	260	550	587,917	90%				Renewed Massagi
Fingerprint Processing Fee	60	247	14,796		60	14,796	0%	15	75	18,495	25%				Fingerprint Proces
New Establishment Registration	300	26	7,800		300	7,800	0%		300	7,800	0%				New Establishmen
Renew Establishment Registration***	300	26	7,800		300	7,800	0%	-	300	7,800	0%				Renew Establishm
Centralized Fees	4,392	1	4,392		4,392	4,392			4,392	4,392					
			\$ 465,615			\$ 465,615				\$ 836,014				\$ (35,475)	Cole
*Units based on FY2019 renewal, per 12 AAC 02.030															
**Estimated as Business License Download_INC tab + Business License Download_LLC tab															
Beginning Cumulative Surplus must be from FY2018															
	CALCULATIONS BASED ON CURRENT FEES				CALCULATIONS BASED ON BOARD'S PROPOSAL				CALCULATIONS BASED ON DIVISION'S PROPOSAL						
	FY2018/2019 Actuals	FY2018/2019 Actuals	Projected FY2020/2021	Projected FY2022/2023	Projected FY2024/2025	FY2018/2019 Actuals	Projected FY2020/2021	Projected FY2022/2023	Projected FY2024/2025	FY2018/2019 Actuals	Projected FY2020/2021	Projected FY2022/2023	Projected FY2024/2025		
Revenues and Expenditures															
Revenue	814,245	439,227	457,815	457,815	457,815	439,227	457,815	457,815	457,815	439,227	828,214	828,214	828,214		
Expenses	(479,192)	(695,702)				(695,702)	-				(695,702)	-			
Adjustments															
Expenses adjusted for 2% biennial increase			(709,616)	(723,808)	(738,285)		(709,616)	(723,808)	(738,285)		(709,616)	(723,808)	(738,285)		
Fee adjustment for pro-rated renewal			(35,475)	(35,475)	(35,475)		(35,475)	(35,475)	(35,475)		(35,475)	(35,475)	(35,475)		
Projected Net		(256,475)	(287,276)	(301,468)	(315,945)	(256,475)	(287,276)	(301,468)	(315,945)	(256,475)	83,123	68,931	54,455		
Beginning Cumulative Surplus (Deficit)		265,127	8,652	(278,624)	(580,093)	265,127	8,652	(278,624)	(580,093)	265,127	8,652	91,775	160,706		
Ending Cumulative Surplus (Deficit)		8,652	(278,624)	(580,093)	(896,037)	8,652	(278,624)	(580,093)	(896,037)	8,652	91,775	160,706	215,161		

Please let us know if you or the Board have any further question on this.

Thank you.

Sincerely,

Marylene

**Marylene Honor Wales**  
 CBPL Accountant  
 Department of Commerce, Community and Economic Development  
 Division of Corporations, Business and Professional Licensing  
 PO Box 110806, Juneau, AK 99811-0806  
 ☎(907)465-4743

Board of Massage Therapists (MAS)

Analysis last updated: 2/19/2020

Renewal Deadline: 9/30/2021

Presented to Board: 3/2-3/2020

Nonrenewal year analysis

Fee Type	Current fee schedule			Proposed by board				Proposed by division				Adjustments			In System 10.01.2017 to 09.30.2019	
	Current Fee	Projected Units	Projected Revenue	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment for Estimated Prorated Renewals	Projected Units*	Projected Revenue Loss		
Application Initial License	200	247	\$ 49,320		\$ 200	\$ 49,320	0%	100	\$ 300	\$ 73,980	50%	(275)	129	(35,475)	Application Initial License	247
New Massage Therapists	290	247	71,514		290	71,514	0%	260	550	135,630	90%				New Massage Therapists	247
Renewed Massage Therapists**	290	1069	309,993		290	309,993	0%	260	550	587,917	90%				Renewed Massage Therapists**	847
Fingerprint Processing Fee	60	247	14,796		60	14,796	0%	15	75	18,495	25%				Fingerprint Processing Fee	246.6
New Establishment Registration	300	26	7,800		300	7,800	0%		300	7,800	0%				New Establishment Registration	26
Renew Establishment Registration***	300	26	7,800		300	7,800	0%	-	300	7,800	0%				Renew Establishment Registration***	26
Centralized Fees	4,392	1	4,392		4,392	4,392			4,392	4,392						
			\$ 465,615			\$ 465,615				\$ 836,014					\$ (35,475)	Calculating Projected Units

\*Units based on FY2019 renewal, per 12 AAC 02.030

\*\*Estimated as Business License Download\_INC tab + Business License Download\_LLC tab

Beginning Cumulative Surplus must be from FY2018

Calculating Projected Units  
Initial: PY new applications  
New: PY new applications  
Renew: PY renewed + 90% PY new  
Temporary: PY temporary  
Courtesy: PY courtesy  
Centralized: PY revenue x .01

	CALCULATIONS BASED ON CURRENT FEES				
	FY2016/2017 Actuals	FY2018/2019 Actuals	Projected FY2020/2021	Projected FY2022/2023	Projected FY2024/2025
Revenues and Expenditures					
Revenue	814,245	439,227	457,815	457,815	457,815
Expenses	(479,192)	(695,702)			
Adjustments					
Expenses adjusted for 2% biennial increase			(709,616)	(723,808)	(738,285)
Fee adjustment for pro-rated renewal			(35,475)	(35,475)	(35,475)
Projected Net		(256,475)	(287,276)	(301,468)	(315,945)
Beginning Cumulative Surplus (Deficit)		265,127	8,652	(278,624)	(580,093)
Ending Cumulative Surplus (Deficit)		8,652	(278,624)	(580,093)	(896,037)

CALCULATIONS BASED ON BOARD'S PROPOSAL			
FY2018/2019 Actuals	Projected FY2020/2021	Projected FY2022/2023	Projected FY2024/2025
439,227	457,815	457,815	457,815
(695,702)	-		
	(709,616)	(723,808)	(738,285)
	(35,475)	(35,475)	(35,475)
(256,475)	(287,276)	(301,468)	(315,945)
265,127	8,652	(278,624)	(580,093)
8,652	(278,624)	(580,093)	(896,037)

CALCULATIONS BASED ON DIVISION'S PROPOSAL			
FY2018/2019 Actuals	Projected FY2020/2021	Projected FY2022/2023	Projected FY2024/2025
439,227	828,214	828,214	828,214
(695,702)	-		
	(709,616)	(723,808)	(738,285)
	(35,475)	(35,475)	(35,475)
(256,475)	83,123	68,931	54,455
265,127	8,652	91,775	160,706
8,652	91,775	160,706	215,161

31st Legislature (2019-2020)

Alaska Admin Code

12 AAC 02.396

12 AAC 02.396. Board of Massage Therapists

The following fees are established for massage therapists:

- (1) nonrefundable application fee for initial license, \$200;
- (2) massage therapy license fee for all or part of the initial biennial licensing period, \$290;
- (3) massage therapy biennial license renewal fee, \$290;
- (4) nonrefundable fingerprint processing fee, \$60.

SEARCH

Board of Massage Therapists (MAS)				Nonrenewal year analysis												
Analysis last updated: 02/19/2020																
Renewal Deadline: 09/30/2021																
Presented to Board: 3/2-3/2020																
Fee Type	Current fee schedule			Proposed by board				Proposed by division				Adjustments			In System 10.01.2017 to 09.30.2019	
	Current Fee	Projected Units	Projected Revenue	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment for Estimated Prorated Renewals	Projected Units*	Projected Revenue Loss		
Application Initial License	200	247	\$ 49,320		\$ 200	\$ 49,320	0%	100	\$ 300	\$ 73,980	50%	(275)	129	(35,475)	Application Initial License	247
New Massage Therapists	290	247	71,514		290	71,514	0%	260	550	135,630	90%				New Massage Therapists	247
Renewed Massage Therapists**	290	1069	309,993		290	309,993	0%	260	550	587,917	90%				Renewed Massage Therapists**	847
Fingerprint Processing Fee	60	247	14,796		60	14,796	0%	15	75	18,495	25%				Fingerprint Processing Fee	246.6
New Establishment Registration	300	26	7,800		300	7,800	0%		300	7,800	0%				New Establishment Registration	26
Renew Establishment Registration***	300	26	7,800		300	7,800	0%	-	300	7,800	0%				Renew Establishment Registration***	26
Centralized Fees	4,392	1	4,392		4,392	4,392			4,392	4,392						
			\$ 465,615			\$ 465,615				\$ 836,014				\$ (35,475)	Calculating Projected Units	

\*Units based on FY2019 renewal, per 12 AAC 02.030

\*\*Estimated as Business License Download\_INC tab + Business License Download\_LLC tab

Beginning Cumulative Surplus must be from FY2018

	CALCULATIONS BASED ON CURRENT FEES				
	FY2016/2017 Actuals	FY2018/2019 Actuals	Projected FY2020/2021	Projected FY2022/2023	Projected FY2024/2025
Revenues and Expenditures					
Revenue	814,245	439,227	457,815	457,815	457,815
Expenses	(479,192)	(695,702)			
Adjustments					
Expenses adjusted for 2% biennial increase			(709,616)	(723,808)	(738,285)
Fee adjustment for pro-rated renewal			(35,475)	(35,475)	(35,475)
Projected Net		(256,475)	(287,276)	(301,468)	(315,945)
Beginning Cumulative Surplus (Deficit)		265,127	8,652	(278,624)	(580,093)
Ending Cumulative Surplus (Deficit)		8,652	(278,624)	(580,093)	(896,037)

CALCULATIONS BASED ON BOARD'S PROPOSAL			
FY2018/2019 Actuals	Projected FY2020/2021	Projected FY2022/2023	Projected FY2024/2025
439,227	457,815	457,815	457,815
(695,702)	-		
	(709,616)	(723,808)	(738,285)
	(35,475)	(35,475)	(35,475)
(256,475)	(287,276)	(301,468)	(315,945)
265,127	8,652	(278,624)	(580,093)
8,652	(278,624)	(580,093)	(896,037)

CALCULATIONS BASED ON DIVISION'S PROPOSAL			
FY2018/2019 Actuals	Projected FY2020/2021	Projected FY2022/2023	Projected FY2024/2025
439,227	828,214	828,214	828,214
(695,702)	-		
	(709,616)	(723,808)	(738,285)
	(35,475)	(35,475)	(35,475)
(256,475)	83,123	68,931	54,455
265,127	8,652	91,775	160,706
8,652	91,775	160,706	215,161

Calculating Projected Units  
Initial: PY new applications  
New: PY new applications  
Renew: PY renewed + 90% PY new  
Temporary: PY temporary  
Courtesy: PY courtesy  
Centralized: PY revenue x .01

31st Legislature (2019-2020)

Alaska Admin Code

12 AAC 02.396

SEARCH

12 AAC 02.396. Board of Massage Therapists

The following fees are established for massage therapists:

- (1) nonrefundable application fee for initial license, \$200;
- (2) massage therapy license fee for all or part of the initial biennial licensing period, \$290;
- (3) massage therapy biennial license renewal fee, \$290;
- (4) nonrefundable fingerprint processing fee, \$60.

# Investigative Case Review & Probation Report





THE STATE  
of **ALASKA**

Department of Commerce, Community,  
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND  
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500  
Anchorage, AK 99501-3567  
Main: 907.269.8160  
Fax: 907.269.8156

**MEMORANDUM**

DATE: February 14, 2020  
TO: Board of Massage Therapists  
THRU: Greg Francois, Chief Investigator *GR*  
FROM: Carl Jacobs, Investigator  
RE: Investigative Report for the March 02, 2020 Meeting

The following information was compiled as an investigative report to the Board for the period of November 28, 2019 thru February 14, 2020; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegal in Juneau, regarding continuing education audits and license action resulting from those matters are not covered in this report.

**OPEN - 26**

<b><u>Case Number</u></b>	<b><u>Violation Type</u></b>	<b><u>Case Status</u></b>	<b><u>Status Date</u></b>
<b>MASSAGE THERAPIST</b>			
2019-000887	Unlicensed practice or activity	Intake	08/21/19
2019-001067	License application problem	Intake	09/27/19
2019-001110	License application problem	Intake	10/04/19
2019-001159	Unlicensed practice or activity	Intake	10/09/19
2019-001260	Sexual misconduct	Intake	10/31/19
2019-001262	Unlicensed practice or activity	Intake	10/31/19
2019-001328	Unlicensed practice or activity	Intake	11/21/19
2019-001329	Sexual misconduct	Intake	11/21/19
2019-001399	Unlicensed practice or activity	Intake	12/11/19
2019-001410	Unlicensed practice or activity	Intake	12/13/19
2019-001458	Unlicensed practice or activity	Intake	12/24/19
2020-000060	Unlicensed practice or activity	Intake	01/17/20

2020-000170	Unlicensed practice or activity	Intake	02/11/20
2019-000437	Unlicensed practice or activity	Complaint	12/02/19
2019-000989	Violation of board order	Complaint	09/18/19
2019-001101	Falsified application	Complaint	10/04/19
2019-001166	License application problem	Complaint	10/09/19
2019-001465	Unlicensed practice or activity	Complaint	01/10/20
2020-000032	License application problem	Complaint	01/10/20
2019-000635	Falsified application	Investigation	12/20/19
2020-000088	Compliance	Investigation	01/23/20
2020-000090	Compliance	Investigation	01/23/20
2020-000095	Compliance	Investigation	01/23/20
2020-000098	Compliance	Investigation	01/23/20
2020-000099	Compliance	Investigation	01/23/20
2020-000100	Compliance	Investigation	01/23/20

**Closed - 4**

<b><u>Case #</u></b>	<b><u>Violation Type</u></b>	<b><u>Case Status</u></b>	<b><u>Closed</u></b>	<b><u>Closure</u></b>
<b>MASSAGE THERAPIST</b>				
2019-001180	License application problem	Closed-Intake	02/12/20	Review Complete
2019-001316	Sexual misconduct	Closed-Intake	12/30/19	Incomplete Complaint
2019-001352	License application problem	Closed-Intake	01/08/20	Review Complete
2019-001412	License application problem	Closed-Intake	01/06/20	Review Complete

***END OF REPORT***



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,  
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS, AND  
PROFESSIONAL LICENSING  
Anchorage Office

550 West Seventh Avenue, Suite 1500  
Anchorage, AK 99501-3567  
Main: 907.269.8160  
Fax: 907.269.8195

**PROBATION REPORT**

**DATE:** February 19, 2020

**TO:** Board of Massage Therapists

**THROUGH:** Sonia Lipker, Senior Investigator *SL*

**FROM:** Karina Medina, Investigator *KM*

**SUBJECT:** Probation Report for the March 2, 2020 meeting.

The following is a complete list of individuals on probation for this Board. All individuals are in compliance with their agreements.

<b><u>NAME</u></b>	<b><u>START DATE</u></b>	<b><u>END DATE</u></b>
Jerry Blueford	08/21/2017	08/21/2022
Bayinna Ballard	04/09/2019	04/09/2023
Tammy Joe	01/31/2017	HOLD (Lapsed)
Jalisa Jarrett	06/11/2019	09/30/2023
Uros Knezevic	12/20/2017	12/20/2021
Jannea Knight	12/20/2017	HOLD (Lapsed)
Vicki Marrs	01/31/2017	HOLD (Lapsed)
Amy Thompson	03/09/2018	03/09/2022
Jessica Toth	06/11/2019	06/11/2021

**REQUESTS to Board:**

END OF REPORT

**From:** [Chambers, Sara C. \(CED\)](#)  
**To:** [mtb.motz@gmail.com](mailto:mtb.motz@gmail.com)  
**Cc:** [Francois, Greg A \(CED\)](#); [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** FW: Question about Investigations  
**Date:** Friday, February 7, 2020 12:10:06 PM

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Greetings, Jill. Thank you for your question. Ultimately, my recommendation is for the board to continue to work with the division's investigative team to prioritize the circumstances, condition, and frequency of investigations of the program. This will help the division understand the board's objectives for regulation and enforcement, and the division will be able to explain the resources and responsibilities involved in those activities.

Specifically, here are my concerns:

- A quota of investigations would arbitrarily exclude any situations that may come to light outside that number. For example, if the board said it wanted ten investigations a year, and we learn that there may be illicit activity occurring after completing that quota, then we would fail to protect the public by not pursuing investigation number eleven (or beyond).
- The board/division are required to enforce the provisions regulated in this title. By regulating the items in AS 08.61, there is a responsibility to enforce those standards—two sides of the same coin, so to speak.
- Further, state law provides the department, not the board, investigative authority over programs in AS 08. Yielding that power to the board would not be permissible under AS 08.01.087.

Excellent communication between the board and our division investigators will help each party improve its understanding of the goals and resources required to fulfill our partnership. Please continue to include the board's investigator (Mr. Jacobs) and his supervisors (Ms. Lipker and Chief Francois) in all conversations pertaining to enforcement of AS 08.61 and the regulations adopted under its authority. With adequate notice, I'm always happy to be a part of these discussions.

Please let me know if you have any further questions.

Sincerely,

Sara Chambers  
*Division Director*

**Alaska Division of Corporations, Business and Professional Licensing**

*Inspiring public confidence through balanced regulation of competent professional and business services*

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P.O. Box 110806, Juneau, AK 99811-0806

[commerce.alaska.gov/web/cbpl](http://commerce.alaska.gov/web/cbpl)

Phone: (907) 465-2144

FAX: (907) 465-2974

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**From:** Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>  
**Sent:** Tuesday, February 4, 2020 10:40 AM  
**To:** Chambers, Sara C (CED) <sara.chambers@alaska.gov>  
**Subject:** FW: Question about Investigations

Hello Sara,

This was requested to be send to you by MAS board member Jill Motz.

Best Regards,

*Dawn Dulebohn*

Licensing Examiner  
Board of Massage Therapists  
Corporations, Business, and Professional Licensing  
P.O. Box 110806  
Juneau, AK 99811-0806  
PH: 907-465-3811  
Fax: 907-465-2974  
[Board of Massage Therapists Webpage](#)  
[Dawn.Dulebohn@alaska.gov](mailto:Dawn.Dulebohn@alaska.gov)

**From:** Jill Motz [<mailto:mtb.motz@gmail.com>]  
**Sent:** Wednesday, January 29, 2020 9:20 AM  
**To:** Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>  
**Subject:** Question about Investigations

Dawn,

Could you forward this email to Mrs. Chambers?

I would like to know if it is possible for the board to set a minimum and/or maximum number of investigations that the division can do in a year. This was we can control the cost to licensees but also allow latitude to investigators some freedom in when they investigate.

The email you sent out today is a perfect example. A brothel/illicit business isn't going to have clients who complaint about getting illegal services. The community can complain about suspicious activity but it is my understanding that the way the board has left it right now (complaint driven), suspicious activity is not a first hand complaint.

I think this could perhaps be a happy middle ground and would like to know what Mrs. Chambers

thinks. If it is an option I'd like to add it to the agenda for the March meeting.

Thank you,

Jill Motz

Massage Establishment

Standards of Operation

(Compliance Inspection Checklist)

# New Business



HB 225/SB 165



Governor Michael J. Dunleavy  
STATE OF ALASKA

January 24, 2020

The Honorable Bryce Edgmon  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to sex trafficking and human trafficking; establishing the crime of "Patron of a Victim of Sex Trafficking;" and creating a process for a victim of sex trafficking who has been convicted of prostitution to have that conviction vacated.

Alaska's sex trafficking and human trafficking statutes do not adequately address the serious nature of these offenses or provide sufficient protections for underage victims. The language in these statutes is archaic and no longer addresses the realities faced by individuals who are forced into the labor or sex trade; creating situations where victims are unaided and perpetrators go undetected.

The proposed legislation will restructure the human trafficking and sex trafficking statutes to better address the realities of how these offenses are committed and protect underage victims. The bill increases the penalties for all forms of trafficking, leaving the most serious classification for those who use force or traffic an underage person. Additionally, sex trafficking of all degrees will be a sex offense subject to the increased penalties for sex offenses and require registration as a sex offender. The legislation also establishes the new crime of "Patron of a Victim of Sex Trafficking." While it is crucial to target those who traffic individuals, it is equally important to address those who create a demand for victims of sex trafficking; specifically underage victims of sex trafficking.

Finally, the legislation establishes a mechanism by which a person who has been convicted of prostitution can get that conviction vacated if they were a victim of sex trafficking at the time of the prostitution offense. The threat of being charged with a crime is often a tactic that traffickers will use to continue to control their victims. It is important for society to recognize that these victims often have no other choice, and they should not be treated as criminals when they are, in fact, victims themselves.

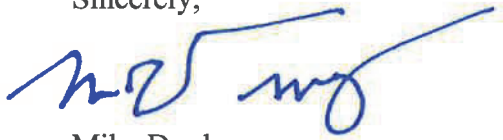
The Honorable Bryce Edgmon

January 24, 2020

Page 2 of 2

Human trafficking and sex trafficking are insidious, and these crimes ruin lives. It is time that our laws adequately address the devastation this predatory conduct has on our society and protect those who need it most. I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy", with a long horizontal stroke extending to the right.

Mike Dunleavy  
Governor

Enclosure

**HOUSE BILL NO. 225**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/27/20

Referred: State Affairs, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to sex trafficking; establishing the crime of patron of a victim of sex  
2 trafficking; relating to the crime of human trafficking; relating to sentencing for sex  
3 trafficking and patron of a victim of sex trafficking; establishing the process for a  
4 vacation of judgment for a conviction of prostitution; and providing for an effective  
5 date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 \* **Section 1.** AS 04.06.110 is amended to read:

8 **Sec. 04.06.110. Peace officer powers.** The director and the persons employed  
9 for the administration and enforcement of this title may, with the concurrence of the  
10 commissioner of public safety, exercise the powers of peace officers when those  
11 powers are specifically granted by the board. Powers granted by the board under this  
12 section may be exercised only when necessary for the enforcement of the criminally  
13 punishable provisions of this title, regulations of the board, and other criminally

1 punishable laws and regulations, including investigation of violations of laws against  
 2 [PROSTITUTION AND] sex trafficking described in AS 11.41.340 - 11.41.347,  
 3 patron of a victim of sex trafficking under AS 11.41.350, prostitution under  
 4 AS 11.66.100, [AS 11.66.100 - 11.66.135] and laws against gambling, promoting  
 5 gambling, and related offenses described in AS 11.66.200 - 11.66.280. Unless  
 6 authorized by a search warrant described in AS 12.35, nothing in this section  
 7 authorizes the use of metal keys, magnetic card keys, or identification cards to access  
 8 private clubs.

9 \* **Sec. 2.** AS 11.41.340 is amended by adding new sections to read:

10 **Sec. 11.41.340. Sex trafficking in the first degree.** (a) A person commits the  
 11 crime of sex trafficking in the first degree if the person

12 (1) as other than a patron of a victim of sex trafficking, induces or  
 13 causes another person to engage in commercial sexual conduct through the use of  
 14 force or threat of force against any person;

15 (2) violates AS 11.41.345 and the victim is under 20 years of age;

16 (3) induces or causes a person in that person's legal custody to engage  
 17 in commercial sexual conduct; or

18 (4) manages, supervises, controls, or owns, either alone or in  
 19 association with others, a prostitution enterprise or a place of prostitution.

20 (b) Sex trafficking in the first degree is an unclassified felony.

21 **Sec. 11.41.345. Sex trafficking in the second degree.** (a) A person commits  
 22 the crime of sex trafficking in the second degree if, as other than a patron of a victim  
 23 of sex trafficking and with the intent to promote sex trafficking, the person recruits,  
 24 entices, or otherwise induces or causes another person to engage in commercial sexual  
 25 conduct.

26 (b) Sex trafficking in the second degree is a class A felony.

27 **Sec. 11.41.347. Sex trafficking in the third degree.** (a) A person commits the  
 28 crime of sex trafficking in the third degree if, as other than a patron of a victim of sex  
 29 trafficking, the person provides services, resources, or other assistance in furtherance  
 30 of a violation of AS 11.41.340 or 11.41.345.

31 (b) Sex trafficking in the third degree is a class B felony if the value of the

1 services, resources, or other assistance provided is \$200 or more.

2 (c) Sex trafficking in the third degree is a class C felony if the value of the  
3 services, resources, or other assistance provided is less than \$200.

4 **Sec. 11.41.350. Patron of a victim of sex trafficking.** (a) A person commits  
5 the crime of being a patron of a victim of sex trafficking if the person solicits  
6 commercial sexual conduct

7 (1) with reckless disregard that the person engaging in the sexual  
8 conduct is a victim of sex trafficking; or

9 (2) from a person who is under 18 years of age.

10 (b) Patron of a victim of sex trafficking is a class C felony if the person  
11 violates (a)(1) of this section.

12 (c) Patron of a victim of sex trafficking is a class B felony if the person  
13 violates (a)(2) of this section.

14 (d) In a prosecution under (c) of this section, it is an affirmative defense that at  
15 the time of the alleged offense the defendant

16 (1) reasonably believed the person to be 18 years of age or older; and

17 (2) undertook reasonable measures to verify that the person was 18  
18 years of age or older.

19 \* **Sec. 3.** AS 11.41.360(a) is amended to read:

20 (a) A person commits the crime of human trafficking in the first degree if the  
21 person

22 **(1)** [COMPELS OR] induces **or causes** another person to engage in  
23 [SEXUAL CONDUCT,] adult entertainment [,] or labor [IN THE STATE] by force or  
24 threat of force against any person;

25 **(2) violates AS 11.41.365 and the victim is under 20 years of age** [,  
26 OR BY DECEPTION].

27 \* **Sec. 4.** AS 11.41.360(c) is amended to read:

28 (c) Human trafficking in the first degree is **an unclassified** [A CLASS A]  
29 felony.

30 \* **Sec. 5.** AS 11.41.365(a) is amended to read:

31 (a) A person commits the crime of human trafficking in the second degree if

under circumstances not proscribed under AS 11.41.340 - 11.41.350 and with the intent to promote human trafficking, the person recruits, entices, or otherwise induces or causes another person to engage in adult entertainment or labor by

(1) exposing or threatening to expose confidential information or a secret, whether true or false, tending to subject a person to hatred, contempt, or ridicule;

(2) destroying, concealing, or threatening to destroy or conceal an actual or purported passport or immigration document or another actual or purported identification document of any person;

(3) threatening to report a person to a government agency for the purpose of arrest or deportation;

(4) threatening to collect an unlawful debt;

(5) instilling a fear that the person will withhold from any person lodging, food, clothing, or medication;

(6) providing or withholding controlled substances from the person; or

(7) deception as defined in AS 11.81.900 [OBTAINS A BENEFIT FROM THE COMMISSION OF HUMAN TRAFFICKING UNDER AS 11.41.360, WITH RECKLESS DISREGARD THAT THE BENEFIT IS A RESULT OF THE TRAFFICKING].

\* **Sec. 6.** AS 11.41.365(b) is amended to read:

(b) Human trafficking in the second degree is a class A [B] felony.

\* **Sec. 7.** AS 11.41 is amended by adding new sections to read:

**Sec. 11.41.366. Human trafficking in the third degree.** (a) A person commits the crime of human trafficking in the third degree if the person provides services, resources, or other assistance in furtherance of a violation of AS 11.41.360 or 11.41.365.

(b) Human trafficking in the third degree is a class B felony if the value of the services, resources, or other assistance provided is \$200 or more.

(c) Human trafficking in the third degree is a class C felony if the value of the services, resources, or other assistance provided is less than \$200.

1           **Sec. 11.41.367. Corroboration of certain testimony not required.** In a  
 2 prosecution under AS 11.41.340 - 11.41.366, it is not necessary that the testimony of  
 3 the person whose conduct is alleged to have been compelled or promoted be  
 4 corroborated by the testimony of any other witness or by documentary or other types  
 5 of evidence.

6           **Sec. 11.41.368. Forfeiture.** Property used to institute, aid, or facilitate, or  
 7 received or derived from, a violation of AS 11.41.340 - 11.41.366 may be forfeited at  
 8 sentencing.

9    \* **Sec. 8.** AS 11.41.370 is amended by adding new paragraphs to read:

10                   (4) "adult entertainment" means the conduct described in  
 11 AS 23.10.350(f)(1) - (3)(A) and (B);

12                   (5) "commercial sexual conduct" means sexual conduct for which  
 13 anything of value is given or received by any person; in this paragraph, "anything of  
 14 value" does not include compensation for reasonably apportioned shared expenses of a  
 15 residence;

16                   (6) "place of prostitution" means any place where a person engages in  
 17 commercial sexual conduct;

18                   (7) "prostitution enterprise" means an arrangement in which two or  
 19 more persons are organized to render commercial sexual conduct;

20                   (8) "services, resources, or other assistance" includes financial support,  
 21 business services, lodging, transportation, providing false identification documents or  
 22 other documentation, equipment, facilities, or any other service or property regardless  
 23 of whether the person is compensated; in this paragraph, "services, resources, or other  
 24 assistance" does not include charitable or humanitarian aid provided directly to a  
 25 victim of sex trafficking;

26                   (9) "sexual conduct" means participating in, observing, or requiring  
 27 another person to observe sexual contact, sexual penetration, or the conduct described  
 28 in AS 11.61.140(f);

29                   (10) "sexual contact" has the meaning given in AS 11.81.900;

30                   (11) "sexual penetration" has the meaning given in AS 11.81.900;

31                   (12) "victim of sex trafficking" means a person who has been induced



1 or caused to engage in commercial sexual conduct by the conduct of another person,  
2 including

3 (A) force or the threat of force against any person;

4 (B) exposing or threatening to expose confidential information  
5 or a secret, whether true or false, tending to subject a person to hatred,  
6 contempt, or ridicule;

7 (C) destroying, concealing, or threatening to destroy or conceal  
8 an actual or purported passport or immigration document or another actual or  
9 purported identification document of any person;

10 (D) threatening to report a person to a government agency for  
11 the purpose of arrest or deportation;

12 (E) threatening to collect a debt;

13 (F) instilling a fear that the person will withhold from any  
14 person lodging, food, clothing, or medication;

15 (G) providing or withholding controlled substances from the  
16 person;

17 (H) deception as defined in AS 11.81.900; or

18 (I) the conduct described in AS 11.41.345.

19 \* **Sec. 9.** AS 11.41.530(a) is amended to read:

20 (a) A person commits the crime of coercion if, under circumstances not  
21 proscribed under AS 11.41.340 - 11.41.366, the person compels another to engage in  
22 conduct from which there is a legal right to abstain or abstain from conduct in which  
23 there is a legal right to engage, by means of instilling in the person who is compelled a  
24 fear that, if the demand is not complied with, the person who makes the demand or  
25 another may

26 (1) inflict physical injury on anyone, except under circumstances  
27 constituting robbery in any degree, or commit any other crime;

28 (2) accuse anyone of a crime;

29 (3) expose confidential information or a secret, whether true or false,  
30 tending to subject a person to hatred, contempt, or ridicule or to impair the person's  
31 credit or business repute;

(4) take or withhold action as a public servant or cause a public servant to take or withhold action;

(5) bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the person making the threat or suggestion purports to act;

(6) testify or provide information or withhold testimony or information with respect to a person's legal claim or defense.

\* **Sec. 10.** AS 11.66.100(c) is amended to read:

(c) A person may not be prosecuted under (a)(1) of this section if the

(1) person witnessed or was a victim of, and reported to law enforcement in good faith, one or more of the following crimes:

(A) murder in the first degree under AS 11.41.100;

(B) murder in the second degree under AS 11.41.110;

(C) manslaughter under AS 11.41.120;

(D) criminally negligent homicide under AS 11.41.130;

(E) assault in the first degree under AS 11.41.200;

(F) assault in the second degree under AS 11.41.210;

(G) assault in the third degree under AS 11.41.220;

(H) assault in the fourth degree under AS 11.41.230;

(I) sexual assault in the first degree under AS 11.41.410;

(J) sexual assault in the second degree under AS 11.41.420;

(K) sexual assault in the third degree under AS 11.41.425;

(L) sexual assault in the fourth degree under AS 11.41.427;

(M) sexual abuse of a minor in the first degree under AS 11.41.434;

(N) sexual abuse of a minor in the second degree under AS 11.41.436;

(O) sexual abuse of a minor in the third degree under AS 11.41.438;

(P) sexual abuse of a minor in the fourth degree under AS 11.41.440;

- 1 (Q) robbery in the first degree under AS 11.41.500;  
 2 (R) robbery in the second degree under AS 11.41.510;  
 3 (S) extortion under AS 11.41.520;  
 4 (T) coercion under AS 11.41.530;  
 5 (U) distribution of child pornography under AS 11.61.125;  
 6 (V) possession of child pornography under AS 11.61.127;  
 7 (W) sex trafficking in the first degree under AS 11.41.340  
 8 [AS 11.66.110];  
 9 (X) sex trafficking in the second degree under AS 11.41.345  
 10 [AS 11.66.120];  
 11 (Y) sex trafficking in the third degree under AS 11.41.347  
 12 [AS 11.66.130]; or  
 13 (Z) sex trafficking in the fourth degree under AS 11.66.135;  
 14 (2) evidence supporting the prosecution under (a)(1) of this section  
 15 was obtained or discovered as a result of the person reporting the crime to law  
 16 enforcement; and  
 17 (3) person cooperated with law enforcement personnel.

18 \* **Sec. 11.** AS 11.66.100(d) is amended to read:

19 (d) **Prostitution** [EXCEPT AS PROVIDED IN (e) OF THIS SECTION,  
 20 PROSTITUTION] is a class B misdemeanor.

21 \* **Sec. 12.** AS 11.66.100 is amended by adding a new subsection to read:

22 (f) In this section, "sexual conduct" has the meaning given in AS 11.41.370.

23 \* **Sec. 13.** AS 11.81.250(a) is amended to read:

24 (a) For purposes of sentencing under AS 12.55, all offenses defined in this  
 25 title, except murder in the first and second degree, attempted murder in the first  
 26 degree, solicitation to commit murder in the first degree, conspiracy to commit murder  
 27 in the first degree, murder of an unborn child, **sex trafficking in the first degree**  
 28 **under AS 11.41.340, human trafficking in the first degree under AS 11.41.360,**  
 29 sexual assault in the first degree, sexual abuse of a minor in the first degree,  
 30 misconduct involving a controlled substance in the first degree, [SEX TRAFFICKING  
 31 IN THE FIRST DEGREE UNDER AS 11.66.110(a)(2),] and kidnapping, are

classified on the basis of their seriousness, according to the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. Except for murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, sex trafficking in the first degree under AS 11.41.340, human trafficking in the first degree under AS 11.41.360, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, [SEX TRAFFICKING IN THE FIRST DEGREE UNDER AS 11.66.110(a)(2),] and kidnapping, the offenses in this title are classified into the following categories:

(1) class A felonies, which characteristically involve conduct resulting in serious physical injury or a substantial risk of serious physical injury to a person;

(2) class B felonies, which characteristically involve conduct resulting in less severe violence against a person than class A felonies, aggravated offenses against property interests, or aggravated offenses against public administration or order;

(3) class C felonies, which characteristically involve conduct serious enough to deserve felony classification but not serious enough to be classified as A or B felonies;

(4) class A misdemeanors, which characteristically involve less severe violence against a person, less serious offenses against property interests, less serious offenses against public administration or order, or less serious offenses against public health and decency than felonies;

(5) class B misdemeanors, which characteristically involve a minor risk of physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency;

(6) violations, which characteristically involve conduct inappropriate to an orderly society but which do not denote criminality in their commission.

\* **Sec. 14.** AS 11.81.250(b) is amended to read:

(b) The classification of each felony defined in this title, except murder in the

first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, **sex trafficking in the first degree under AS 11.41.340, human trafficking in the first degree under AS 11.41.360**, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, [SEX TRAFFICKING IN THE FIRST DEGREE UNDER AS 11.66.110(a)(2),] and kidnapping, is designated in the section defining it. A felony under the law of this state defined outside this title for which no penalty is specifically provided is a class C felony.

\* **Sec. 15.** AS 12.10.010(a) is amended to read:

(a) Prosecution for the following offenses may be commenced at any time:

- (1) murder;
- (2) attempt, solicitation, or conspiracy to commit murder or hindering the prosecution of murder;
- (3) felony sexual abuse of a minor;
- (4) sexual assault that is an unclassified, class A, or class B felony or a violation of AS 11.41.425(a)(2) - (4);
- (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458, AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person who, at the time of the offense, was under 18 years of age;
- (6) kidnapping;
- (7) distribution of child pornography in violation of AS 11.61.125;
- (8) sex trafficking in violation of **AS 11.41.340 and 11.41.345** [AS 11.66.110 - 11.66.130 THAT IS AN UNCLASSIFIED, CLASS A, OR CLASS B FELONY OR THAT IS COMMITTED AGAINST A PERSON WHO, AT THE TIME OF THE OFFENSE, WAS UNDER 20 YEARS OF AGE];
- (9) human trafficking in violation of **AS 11.41.360 and 11.41.365** [AS 11.41.360 OR 11.41.365].

\* **Sec. 16.** AS 12.37.010 is amended to read:

**Sec. 12.37.010. Authorization to intercept communications.** The attorney general, or a person designated in writing or by law to act for the attorney general,

may authorize, in writing, an ex parte application to a court of competent jurisdiction for an order authorizing the interception of a private communication if the interception may provide evidence of, or may assist in the apprehension of persons who have committed, are committing, or are planning to commit, the following offenses:

- (1) murder in the first or second degree under AS 11.41.100 - 11.41.110;
- (2) kidnapping under AS 11.41.300;
- (3) a class A or unclassified felony drug offense under AS 11.71;
- (4) sex trafficking [IN THE FIRST OR SECOND DEGREE] under AS 11.41.340 and 11.41.345 [AS 11.66.110 AND 11.66.120]; or
- (5) human trafficking [IN THE FIRST DEGREE] under AS 11.41.360 and 11.41.365.

\* **Sec. 17.** AS 12.55.035(b) is amended to read:

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than

(1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, sex trafficking in the first degree under AS 11.41.340, human trafficking in the first degree under AS 11.41.360, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, [SEX TRAFFICKING IN THE FIRST DEGREE UNDER AS 11.66.110(a)(2),] or misconduct involving a controlled substance in the first degree;

- (2) \$250,000 for a class A felony;
- (3) \$100,000 for a class B felony;
- (4) \$50,000 for a class C felony;
- (5) \$25,000 for a class A misdemeanor;
- (6) \$2,000 for a class B misdemeanor;
- (7) \$500 for a violation.

\* **Sec. 18.** AS 12.55.078(f) is amended to read:

(f) The court may not suspend the imposition or entry of judgment and may

1 not defer prosecution under this section of a person who

2 (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260  
3 - 11.41.320, 11.41.340 - 11.41.370 [11.41.360 - 11.41.370], 11.41.410 - 11.41.530,  
4 AS 11.46.400, or AS 11.61.125 - 11.61.128 [, OR AS 11.66.110 - 11.66.135];

5 (2) uses a firearm in the commission of the offense for which the  
6 person is charged;

7 (3) has previously been granted a suspension of judgment under this  
8 section or a similar statute in another jurisdiction, unless the court enters written  
9 findings that by clear and convincing evidence the person's prospects for rehabilitation  
10 are high and suspending judgment under this section adequately protects the victim of  
11 the offense, if any, and the community;

12 (4) is charged with a violation of AS 11.41.230, 11.41.250, or a felony  
13 and the person has one or more prior convictions for a misdemeanor violation of  
14 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction  
15 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a  
16 felony in this state; for the purposes of this paragraph, a person shall be considered to  
17 have a prior conviction even if

18 (A) the charges were dismissed under this section;

19 (B) the conviction has been set aside under AS 12.55.085; or

20 (C) the charge or conviction was dismissed or set aside under  
21 an equivalent provision of the laws of another jurisdiction; or

22 (5) is charged with a crime involving domestic violence, as defined in  
23 AS 18.66.990.

24 \* **Sec. 19.** AS 12.55.085(f) is amended to read:

25 (f) The court may not suspend the imposition of sentence of a person who

26 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260  
27 - 11.41.320, 11.41.340 - 11.41.370 [11.41.360 - 11.41.370], 11.41.410 - 11.41.530,  
28 AS 11.46.400, or AS 11.61.125 - 11.61.128 [, OR AS 11.66.110 - 11.66.135];

29 (2) uses a firearm in the commission of the offense for which the  
30 person is convicted; or

31 (3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony

1 and the person has one or more prior convictions for a misdemeanor violation of  
 2 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction  
 3 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a  
 4 felony in this state; for the purposes of this paragraph, a person shall be considered to  
 5 have a prior conviction even if that conviction has been set aside under (e) of this  
 6 section or under the equivalent provision of the laws of another jurisdiction.

7 \* **Sec. 20.** AS 12.55.125(b) is amended to read:

8 (b) A defendant convicted of attempted murder in the first degree, solicitation  
 9 to commit murder in the first degree, conspiracy to commit murder in the first degree,  
 10 kidnapping, human trafficking in the first degree, or misconduct involving a  
 11 controlled substance in the first degree shall be sentenced to a definite term of  
 12 imprisonment of at least five years but not more than 99 years. A defendant convicted  
 13 of murder in the second degree or murder of an unborn child under  
 14 AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of imprisonment of at  
 15 least 15 years but not more than 99 years. A defendant convicted of murder in the  
 16 second degree shall be sentenced to a definite term of imprisonment of at least 20  
 17 years but not more than 99 years when the defendant is convicted of the murder of a  
 18 child under 16 years of age and the court finds by clear and convincing evidence that  
 19 the defendant (1) was a natural parent, a stepparent, an adoptive parent, a legal  
 20 guardian, or a person occupying a position of authority in relation to the child; or (2)  
 21 caused the death of the child by committing a crime against a person under  
 22 AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and "position of  
 23 authority" have the meanings given in AS 11.41.470.

24 \* **Sec. 21.** AS 12.55.125(i) is amended to read:

25 (i) A defendant convicted of  
 26 (1) sexual assault in the first degree, sex trafficking in the first  
 27 degree, sexual abuse of a minor in the first degree, or unlawful exploitation of a minor  
 28 under AS 11.41.455(c)(2) [, OR SEX TRAFFICKING IN THE FIRST DEGREE  
 29 UNDER AS 11.66.110(a)(2)] may be sentenced to a definite term of imprisonment of  
 30 not more than 99 years and shall be sentenced to a definite term within the following  
 31 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:



1 (A) if the offense is a first felony conviction, the offense does  
 2 not involve circumstances described in (B) of this paragraph, and the victim  
 3 was

4 (i) less than 13 years of age, 25 to 35 years;

5 (ii) 13 years of age or older, 20 to 30 years;

6 (B) if the offense is a first felony conviction and the defendant  
 7 possessed a firearm, used a dangerous instrument, or caused serious physical  
 8 injury during the commission of the offense, 25 to 35 years;

9 (C) if the offense is a second felony conviction and does not  
 10 involve circumstances described in (D) of this paragraph, 30 to 40 years;

11 (D) if the offense is a second felony conviction and the  
 12 defendant has a prior conviction for a sexual felony, 35 to 45 years;

13 (E) if the offense is a third felony conviction and the defendant  
 14 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40  
 15 to 60 years;

16 (F) if the offense is a third felony conviction, the defendant is  
 17 not subject to sentencing under (I) of this section, and the defendant has two  
 18 prior convictions for sexual felonies, 99 years;

19 (2) unlawful exploitation of a minor under AS 11.41.455(c)(1),  
 20 enticement of a minor under AS 11.41.452(e), sex trafficking in the second degree,  
 21 or attempt, conspiracy, or solicitation to commit sexual assault in the first degree, sex  
 22 trafficking in the first degree, sexual abuse of a minor in the first degree, or  
 23 unlawful exploitation of a minor under AS 11.41.455(c)(2) [OR SEX  
 24 TRAFFICKING IN THE FIRST DEGREE UNDER AS 11.66.110(a)(2)] may be  
 25 sentenced to a definite term of imprisonment of not more than 99 years and shall be  
 26 sentenced to a definite term within the following presumptive ranges, subject to  
 27 adjustment as provided in AS 12.55.155 - 12.55.175:

28 (A) if the offense is a first felony conviction, the offense does  
 29 not involve circumstances described in (B) of this paragraph, and the victim  
 30 was

31 (i) under 13 years of age, 20 to 30 years;

(ii) 13 years of age or older, 15 to 30 years;

(B) if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not involve circumstances described in (D) of this paragraph, 25 to 35 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 30 to 40 years;

(E) if the offense is a third felony conviction, the offense does not involve circumstances described in (F) of this paragraph, and the defendant is not subject to sentencing under (I) of this section, 35 to 50 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (I) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(3) sexual assault in the second degree, **sex trafficking in the third degree under AS 11.41.347(b), patron of a victim of sex trafficking under AS 11.41.350(c),** sexual abuse of a minor in the second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the first degree under AS 11.41.458(b)(2), or distribution of child pornography under AS 11.61.125(e)(2), **or attempt, conspiracy, or solicitation to commit sex trafficking in the second degree or unlawful exploitation of a minor under AS 11.41.455(c)(1)** may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, five to 15 years;

(B) if the offense is a second felony conviction and does not involve circumstances described in (C) of this paragraph, 10 to 25 years;

(C) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 15 to 30 years;

(D) if the offense is a third felony conviction and does not involve circumstances described in (E) of this paragraph, 20 to 35 years;

(E) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years;

(4) sexual assault in the third degree, sex trafficking in the third degree under AS 11.41.347(c), patron of a victim of sex trafficking under AS 11.41.350(b), sexual abuse of a minor in the third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under AS 11.41.458(b)(1), indecent viewing or production of a picture under AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR (2)], possession of child pornography, distribution of child pornography under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual assault in the second degree, sex trafficking in the third degree under AS 11.41.347(b), patron of a victim of sex trafficking under AS 11.41.350(c), sexual abuse of a minor in the second degree, [UNLAWFUL EXPLOITATION OF A MINOR,] or distribution of child pornography, may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction and does not involve the circumstances described in (B) or (C) of this paragraph, two to 12 years;

(B) if the offense is a first felony conviction under AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this paragraph, four to 12 years;

(C) if the offense is a first felony conviction under AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create a mechanism for multi-party sharing or distribution of child pornography, or received a financial benefit or had a financial interest in a child pornography sharing or distribution mechanism, six to 14 years;

(D) if the offense is a second felony conviction and does not involve circumstances described in (E) of this paragraph, eight to 15 years;

(E) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 12 to 20 years;

(F) if the offense is a third felony conviction and does not involve circumstances described in (G) of this paragraph, 15 to 25 years;

(G) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years.

\* **Sec. 22.** AS 12.55.185(10) is amended to read:

(10) "most serious felony" means

(A) arson in the first degree, [SEX TRAFFICKING IN THE FIRST DEGREE UNDER AS 11.66.110(a)(2),] enticement of a minor under AS 11.41.452(e), or any unclassified or class A felony prescribed under AS 11.41; or

(B) an attempt, or conspiracy to commit, or criminal solicitation under AS 11.31.110 of, an unclassified felony prescribed under AS 11.41;

\* **Sec. 23.** AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sex trafficking in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the second degree, sex trafficking in the third degree, [SEX TRAFFICKING IN THE FIRST DEGREE,] sexual assault in the second degree, sexual abuse of a minor in the second degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor, indecent viewing or production of a picture under AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR (2),] distribution of child pornography, patron of a victim of sex trafficking, sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes;

\* **Sec. 24.** AS 12.62.900(23) is amended to read:

(23) "serious offense" means a conviction for a violation or for an attempt, solicitation, or conspiracy to commit a violation of any of the following laws, or of the laws of another jurisdiction with substantially similar elements:

(A) a felony offense;

(B) a crime involving domestic violence;

(C) AS 11.41.410 - 11.41.470;

(D) AS 11.51.130 or 11.51.200 - 11.56.210;

(E) AS 11.61.110(a)(7) or 11.61.125;

(F) [AS 11.66.100 - 11.66.130;

(G)] former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160; or

(G) [(H)] former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 - 11.40.420, if committed before January 1, 1980.

\* **Sec. 25.** AS 12.63.100(7) is amended to read:

(7) "sex offense" means

(A) a crime under AS 11.41.100(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100(a)(3);

(B) a crime under AS 11.41.110(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

(i) sexual assault in the first degree;

(ii) sexual assault in the second degree;

(iii) sexual abuse of a minor in the first degree; or

(iv) sexual abuse of a minor in the second degree;

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction:

(i) AS 11.41.410 - 11.41.438;

(ii) AS 11.41.440(a)(2);

(iii) AS 11.41.450 - 11.41.458;

(iv) AS 11.41.460 or AS 26.05.900(c) if the indecent exposure is before a person under 16 years of age and the offender has previously been convicted under AS 11.41.460 or AS 26.05.900(c);

(v) AS 11.61.125 - 11.61.128;

1 (vi) [AS 11.66.110, 11.66.130(a)(2)(B), OR]  
 2 AS 26.05.900(b) if the person who was induced or caused to engage in  
 3 prostitution was under 20 years of age at the time of the offense;  
 4 (vii) former AS 11.15.120, former 11.15.134, or assault  
 5 with the intent to commit rape under former AS 11.15.160, former  
 6 AS 11.40.110, or former 11.40.200;  
 7 (viii) AS 11.61.118(a)(2) if the offender has a previous  
 8 conviction for that offense;  
 9 (ix) [AS 11.66.100(a)(2) IF THE OFFENDER IS  
 10 SUBJECT TO PUNISHMENT UNDER AS 11.66.100(e);  
 11 (x)] AS 26.05.890 if the person engaged in sexual  
 12 penetration or sexual contact with the victim;  
 13 (x) [(xi)] AS 26.05.890 if, at the time of the offense, the  
 14 victim is under a duty to obey the lawful orders of the offender,  
 15 regardless of whether the offender is in the direct chain of command  
 16 over the victim;  
 17 (xi) [(xii)] AS 26.05.893 if the person engaged in sexual  
 18 penetration or sexual contact with the victim;  
 19 (xii) [(xiii)] AS 26.05.900(a)(1) - (4) if the victim is  
 20 under 18 years of age at the time of the offense;  
 21 (xiii) [(xiv)] AS 26.05.900 if, at the time of the offense,  
 22 the victim is under a duty to obey the lawful orders of the offender,  
 23 regardless of whether the offender is in the direct chain of command  
 24 over the victim; or  
 25 (xiv) [(xv)] AS 11.61.123 if the offender is subject to  
 26 punishment under AS 11.61.123(g)(1) or (2);  
 27 (xv) AS 11.41.340 and 11.41.345; or  
 28 (xvi) AS 11.41.350 [AS 11.61.123(f)(1) OR (2)];  
 29 (D) an offense, or an attempt, solicitation, or conspiracy to  
 30 commit an offense, under AS 26.05.935(b), or a similar law of another  
 31 jurisdiction, if the member of the militia commits one of the following

1 enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform  
2 Code of Military Justice):

3 (i) child pornography; or

4 (ii) pandering and prostitution if the person who is  
5 induced, enticed, caused, or procured to engage in a sexual act is under  
6 20 years of age at the time of the offense; or

7 (E) an offense in which the person is required to register as a  
8 sex offender under the laws of another jurisdiction;

9 \* **Sec. 26.** AS 12 is amended by adding a new chapter to read:

10 **Chapter 74. Vacation of Judgment.**

11 **Sec. 12.74.010. Vacation of judgment of conviction for prostitution.** A  
12 person convicted of prostitution under AS 11.66.100(a)(1) or a similar ordinance of a  
13 municipality may petition the court to vacate the judgement if, at the time of the  
14 offense, the person was or would have been a victim of sex trafficking under  
15 AS 11.41.340 or 11.41.345.

16 **Sec. 12.74.020. Filing of petition for a vacation of conviction for**  
17 **prostitution.** (a) A petition under this chapter must be filed with the clerk at the court  
18 location where the underlying criminal case was filed and a copy must be served on  
19 the prosecuting authority responsible for obtaining the conviction.

20 (b) The prosecuting authority shall file a response within 45 days after service  
21 of the petition.

22 **Sec. 12.74.030. Limitations on petitions for a vacation of judgment.** A  
23 petition under this chapter may not be filed until a judgment has been entered or, if the  
24 conviction was appealed, until the court's decision is final under the Alaska Rules of  
25 Appellate Procedure.

26 **Sec. 12.74.040. Burden of proof in vacation of judgment proceedings.** The  
27 person petitioning the court for a vacation of judgment for a conviction of prostitution  
28 under AS 11.66.100(a)(1) must prove all factual assertions by a preponderance of the  
29 evidence.

30 **Sec. 12.74.050. Vacation of judgment.** If the court grants the petition for a  
31 vacation of judgment

(1) the judgment of conviction for prostitution under AS 11.66.100(a)(1) or a similar ordinance of a municipality shall be vacated;

(2) the Alaska Court System may not publish on a publicly available website the court records of the conviction for prostitution under AS 11.66.100(a)(1) or a similar ordinance of a municipality; and

(3) the Department of Public Safety may not release information related to the conviction for prostitution under AS 11.66.100(a)(1) or a similar ordinance of a municipality in response to a request under AS 12.62.160(b)(6), (8), or (9).

\* **Sec. 27.** AS 18.67.101 is amended to read:

**Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The board may order the payment of compensation in accordance with the provisions of this chapter for personal injury or death that resulted from

(1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of crime; [OR]

(2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses:

(A) murder in any degree;

(B) manslaughter;

(C) criminally negligent homicide;

(D) assault in any degree;

(E) kidnapping;

(F) sexual assault in any degree;

(G) sexual abuse of a minor;

(H) robbery in any degree;

(I) threats to do bodily harm;

(J) driving while under the influence of an alcoholic beverage, inhalant, or controlled substance or another crime resulting from the operation of a motor vehicle, boat, or airplane when the offender is under the influence of an alcoholic beverage, inhalant, or controlled substance;



(K) arson in the first degree;

(L) [SEX TRAFFICKING IN VIOLATION OF AS 11.66.110  
OR 11.66.130(a)(2)(B);

(M)] human trafficking in any degree; or

(M) [(N)] unlawful exploitation of a minor; or

(3) the applicant being a victim of sex trafficking under  
AS 11.41.370(12)(A) - (H).

\* Sec. 28. AS 28.15.046(c) is amended to read:

(c) The department may not issue a license under this section to an applicant

(1) who has been convicted of any of the following offenses:

(A) a violation, or an attempt, solicitation, or conspiracy to  
commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,  
11.41.340 - 11.41.370 [11.41.360 - 11.41.370], 11.41.410 - 11.41.470, or  
11.41.500 - 11.41.530;

(B) a felony violation of endangering the welfare of a child in  
the first degree under AS 11.51.100;

(C) felony indecent viewing or production of a picture under  
AS 11.61.123;

(D) distribution of child pornography under AS 11.61.125;

(E) possession of child pornography under AS 11.61.127;

(F) distribution of indecent material to minors under  
AS 11.61.128;

(G) [FELONY PROSTITUTION UNDER AS 11.66.100(e);

(H) SEX TRAFFICKING IN THE FIRST, SECOND, OR  
THIRD DEGREE UNDER AS 11.66.110 - 11.66.130;

(I)] a felony involving distribution of a controlled substance  
under AS 11.71 or imitation controlled substance under AS 11.73;

(H) [(J)] a felony violation under AS 28.35.030(n) or  
28.35.032(p); or

(2) who has been convicted of any of the following offenses and less  
than two years have elapsed since the applicant's date of conviction for the offense:

- (A) assault in the fourth degree under AS 11.41.230;
- (B) reckless endangerment under AS 11.41.250;
- (C) contributing to the delinquency of a minor under AS 11.51.130;
- (D) misdemeanor prostitution under AS 11.66.100(a)(2);
- (E) a misdemeanor violation of endangering the welfare of a child in the first degree under AS 11.51.100.

\* **Sec. 29.** AS 34.03.360(10) is amended to read:

(10) "illegal activity involving a place of prostitution" means a violation of AS 11.41.340 - 11.41.347 [AS 11.66.120(a)(1) OR 11.66.130(a)(2)(A) OR (D)];

\* **Sec. 30.** AS 43.23.005 is amended by adding a new subsection to read:

(i) The provisions in (d) of this section do not apply if an individual's conviction was vacated during the qualifying year under AS 12.74. If an individual becomes eligible under this subsection, the individual is eligible to receive a permanent fund dividend only for the qualifying year in which the conviction was vacated and each subsequent qualifying year that the individual is otherwise eligible under this section.

\* **Sec. 31.** AS 47.10.990(33) is amended to read:

(33) "sexual abuse" means the conduct described in AS 11.41.410 - 11.41.460; conduct constituting "sexual exploitation" as defined in AS 47.17.290, and conduct prohibited by AS 11.41.340 - 11.41.350 [AS 11.66.100 - 11.66.150];

\* **Sec. 32.** AS 47.12.110(d) is amended to read:

(d) Notwithstanding (a) of this section, a court hearing on a petition seeking the adjudication of a minor as a delinquent shall be open to the public, except as prohibited or limited by order of the court, if

(1) the department files with the court a motion asking the court to open the hearing to the public, and the petition seeking adjudication of the minor as a delinquent is based on

(A) the minor's alleged commission of an offense, and the minor has knowingly failed to comply with all the terms and conditions

1 required of the minor by the department or imposed on the minor in a court  
2 order entered under AS 47.12.040(a)(2) or 47.12.120;

3 (B) the minor's alleged commission of

4 (i) a crime against a person that is punishable as a  
5 felony;

6 (ii) a crime in which the minor employed a deadly  
7 weapon, as that term is defined in AS 11.81.900(b), in committing the  
8 crime;

9 (iii) arson under AS 11.46.400 - 11.46.410;

10 (iv) burglary under AS 11.46.300;

11 (v) distribution of child pornography under  
12 AS 11.61.125;

13 (vi) sex trafficking [IN THE FIRST DEGREE] under  
14 AS 11.41.340 and 11.41.345 [AS 11.66.110]; or

15 (vii) misconduct involving a controlled substance under  
16 AS 11.71 involving the delivery of a controlled substance or the  
17 possession of a controlled substance with intent to deliver, other than  
18 an offense under AS 11.71.040 or 11.71.050; or

19 (C) the minor's alleged commission of a felony and the minor  
20 was 16 years of age or older at the time of commission of the offense when the  
21 minor has previously been convicted or adjudicated a delinquent minor based  
22 on the minor's commission of an offense that is a felony; or

23 (2) the minor agrees to a public hearing on the petition seeking  
24 adjudication of the minor as a delinquent.

25 \* **Sec. 33.** AS 47.12.315(a) is amended to read:

26 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this  
27 section, the department shall disclose information to the public, on request, concerning  
28 a minor subject to this chapter who was at least 13 years of age at the time of  
29 commission of

30 (1) a felony offense against a person under AS 11.41;

31 (2) arson in the first or second degree;

- 1 (3) burglary in the first degree;  
 2 (4) distribution of child pornography;  
 3 (5) sex trafficking under AS 11.41.340 and 11.41.345 [IN THE  
 4 FIRST DEGREE];  
 5 (6) misconduct involving a controlled substance in the first, second, or  
 6 third degrees involving distribution or possession with intent to deliver; or  
 7 (7) misconduct involving weapons in the first through fourth degrees.

8 \* **Sec. 34.** AS 47.17.290(18) is amended to read:

9 (18) "sexual exploitation" includes

10 (A) allowing, permitting, or encouraging a child to engage in  
 11 commercial sexual conduct prohibited by AS 11.41.340 - 11.41.350 or  
 12 prostitution prohibited by AS 11.66.100 [AS 11.66.100 - 11.66.150], by a  
 13 person responsible for the child's welfare;

14 (B) allowing, permitting, encouraging, or engaging in activity  
 15 prohibited by AS 11.41.455(a), by a person responsible for the child's welfare.

16 \* **Sec. 35.** AS 11.31.120(h)(2)(E), 11.31.120(h)(2)(F); AS 11.41.360(b); AS 11.66.100(b),  
 17 11.66.100(c)(1)(Z), 11.66.100(e), 11.66.110, 11.66.120, 11.66.130, 11.66.135, 11.66.140,  
 18 11.66.145, and 11.66.150 are repealed.

19 \* **Sec. 36.** The uncoded law of the State of Alaska is amended by adding a new section to  
 20 read:

21 **APPLICABILITY.** (a) The following sections apply to offenses committed on or after  
 22 the effective date of those sections:

- 23 (1) AS 11.41.340 - 11.41.350, enacted by sec. 2 of this Act;  
 24 (2) AS 11.41.360(a), as amended by sec. 3 of this Act;  
 25 (3) AS 11.41.360(c), as amended by sec. 4 of this Act;  
 26 (4) AS 11.41.365(a), as amended by sec. 5 of this Act;  
 27 (5) AS 11.41.365(b), as amended by sec. 6 of this Act;  
 28 (6) AS 11.41.366 - 11.41.368, enacted by sec. 7 of this Act;  
 29 (7) AS 11.41.370(4) - (12), enacted by sec. 8 of this Act;  
 30 (8) AS 11.41.530(a), as amended by sec. 9 of this Act;  
 31 (9) AS 11.66.100(c), as amended by sec. 10 of this Act;

- (10) AS 11.66.100(d), as amended by sec. 11 of this Act;
- (11) AS 11.66.100(f), enacted by sec. 12 of this Act;
- (12) AS 11.81.250(a), as amended by sec. 13 of this Act;
- (13) AS 11.81.250(b), as amended by sec. 14 of this Act;
- (14) AS 12.10.010(a), as amended by sec. 15 of this Act;
- (15) AS 12.37.010, as amended by sec. 16 of this Act.

(b) The following sections apply to sentences imposed on or after the effective date of those sections for conduct occurring on or after the effective date of those sections:

- (1) AS 12.55.035(b), as amended by sec. 17 of this Act;
- (2) AS 12.55.078(f), as amended by sec. 18 of this Act;
- (3) AS 12.55.085(f), as amended by sec. 19 of this Act;
- (4) AS 12.55.125(b), as amended by sec. 20 of this Act;
- (5) AS 12.55.125(i), as amended by sec. 21 of this Act;
- (6) AS 12.55.185(10), as amended by sec. 22 of this Act;
- (7) AS 12.55.185(16), as amended by sec. 23 of this Act;
- (8) AS 12.62.900(23), as amended by sec. 24 of this Act.

(c) AS 12.63.100(7), as amended by sec. 25 of this Act, applies to the duty to register as a sex offender for offenses committed on or after the effective date of this Act.

(d) AS 12.74.010 - 12.74.050, enacted by sec. 26 of this Act, applies to petitions filed on or after the effective date of this Act for conduct occurring before, on, or after the effective date of this Act.

(e) AS 28.15.046(b), as amended by sec. 28 of this Act, applies to license applications submitted to the department on or after the effective date of this Act for conduct occurring on or after the effective date of this Act.

\* **Sec. 37.** This Act takes effect July 1, 2020.

HB 216/SB 157

**SENATE BILL NO. 157**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**Introduced: 1/22/20**

**Referred: Labor and Commerce, Health and Social Services, Resources, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to professional licensing; relating to temporary licenses for some**  
2   **professions; relating to audiologists and speech-language pathologists; relating to the**  
3   **regulation of hair braiding; relating to the demonstration of traditional Alaska Native**  
4   **tattoo techniques; relating to home inspector licensing; relating to collection agency**  
5   **licensing; relating to hearing aid dealer licensing; repealing requirements for**  
6   **certification of professional geologists; repealing the requirements for registration of**  
7   **concert promoters; repealing the athletic commission; relating to boxing, sparring and**  
8   **wrestling contests, matches, and exhibitions; relating to dental radiological equipment;**  
9   **repealing certain oil and gas business bonding and cash deposit requirements; and**  
10   **providing for an effective date."**

11   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

12    \* **Section 1.** AS 08.01.020 is amended to read:

1           **Sec. 08.01.020. Board organization.** Board members are appointed by the  
 2 governor and serve at the pleasure of the governor. Unless otherwise provided, the  
 3 governor may designate the chair of a board, and all other officers shall be elected by  
 4 the board members. Unless otherwise provided, officers of a board are the chair and  
 5 the secretary [. A BOARD MAY PROVIDE BY REGULATION THAT THREE OR  
 6 MORE UNEXCUSED ABSENCES FROM MEETINGS ARE CAUSE FOR  
 7 REMOVAL].

8       \* **Sec. 2.** AS 08.01.062 is repealed and reenacted to read:

9           **Sec. 08.01.062. Temporary licenses.** (a) Except as otherwise provided by law,  
 10 the department shall issue an applicant a temporary license under this section to  
 11 engage in a profession regulated under this chapter if

12                       (1) the applicant

13                               (A) is licensed or credentialed to practice the profession in  
 14 another state or territory of the United States or a foreign country, territory, or  
 15 province that

16                                       (i) has requirements for a license to practice the  
 17 profession that are substantially equivalent to or greater than the  
 18 requirements listed in the applicable chapter of this title; or

19                                       (ii) authorizes a scope of practice substantially  
 20 equivalent to the scope of practice of the corresponding license in the  
 21 state;

22                               (B) meets the qualifications and requirements for a license as  
 23 listed in the applicable chapter of this title and resides in a state or territory of  
 24 the United States or in a foreign country, territory, or province that does not  
 25 license individuals to practice that profession;

26                               (C) is awaiting the results of an examination required for  
 27 licensure in a profession regulated under this chapter and meets the remaining  
 28 qualifications and requirements listed in the applicable chapter; or

29                               (D) if applicable, meets the qualifications and requirements for  
 30 a license under the applicable chapter of this title through military education,  
 31 training, and service under AS 08.01.064(a) and does not already hold a license



1 to practice that profession in another jurisdiction as a member of the armed  
2 forces listed in AS 08.01.064(a)(2);

3 (2) at the time of the application, the applicant is not subject to  
4 disciplinary action related to the profession in another jurisdiction or the subject of an  
5 ongoing review or disciplinary proceeding by the profession's licensing entity in that  
6 jurisdiction;

7 (3) within 10 years before submitting an application, the applicant has  
8 not committed an act in another jurisdiction that would have constituted grounds for  
9 the denial or revocation of a license, certificate, or permit to practice that occupation  
10 under this title at the time the act was committed; and

11 (4) the applicable fees are paid.

12 (b) If the department or applicable board requires that an applicant for a  
13 professional license undergo a criminal history record check, the applicant for a  
14 temporary license will be subject to the same requirements. The department may  
15 consider an application and grant a temporary license before obtaining any resulting  
16 report. If the department subsequently receives criminal record information that would  
17 authorize the department or board to take disciplinary action, the department or board  
18 shall exercise that authority.

19 (c) A temporary license issued under this section is valid for 180 days. An  
20 applicant may apply for one 180-day extension, which will be approved at the  
21 department's discretion.

22 (d) Notwithstanding any other provision of law, a temporary license issued  
23 under this section for an occupation listed in AS 08.01.010, excluding the professions  
24 regulated under AS 08.54 and AS 08.62, satisfies the requirements to temporarily  
25 practice the profession for which a license was granted within the scope designated by  
26 the board or department.

27 (e) A temporary license holder may apply for a license with the department or  
28 applicable board at any point.

29 (f) The department may exempt an applicant for a temporary license under  
30 (a)(1)(C) of this section from the 180-day temporary license limitation in (c) of this  
31 section if the applicant shows that the required professional training period is longer

1 than 180 days.

2 (g) The department shall set fees for temporary licenses under AS 08.01.065.

3 \* **Sec. 3.** AS 08.01.064(c) is amended to read:

4 (c) The department [OR APPLICABLE BOARD] shall expedite the procedure  
5 for issuance of a license or certificate under AS 08.01.062 [(b) OF THIS SECTION]  
6 for an applicant who is on active duty or is the spouse of an active duty member of  
7 the armed forces of the United States.

8 \* **Sec. 4.** AS 08.01.065(h) is amended to read:

9 (h) Notwithstanding (c) of this section, the department shall establish fee  
10 levels under (a) of this section so that the total amount of fees collected by the Board  
11 of Barbers and Hairdressers approximately equals the total regulatory costs of the  
12 department, the board, and the Department of Environmental Conservation for all  
13 occupations regulated by the board. For purposes of this subsection, the regulatory  
14 costs of the Department of Environmental Conservation for the occupations regulated  
15 by the board include the cost of inspections under AS 08.13.210(b), the cost of  
16 developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing,  
17 [HAIR BRAIDING,] manicuring, esthetics, body piercing, ear piercing, tattooing, and  
18 permanent cosmetic coloring establishments, and the cost to the Department of  
19 Environmental Conservation of enforcing the regulations for body piercing, tattooing,  
20 and permanent cosmetic coloring establishments [. THE DEPARTMENT SHALL  
21 SET THE FEE LEVELS FOR THE ISSUANCE AND RENEWAL OF A  
22 PRACTITIONER'S LICENSE ISSUED UNDER AS 08.13.100 SO THAT THE  
23 LICENSE AND LICENSE RENEWAL FEES ARE THE SAME FOR ALL  
24 OCCUPATIONS REGULATED BY THE BOARD OF BARBERS AND  
25 HAIRDRESSERS].

26 \* **Sec. 5.** AS 08.01.065 is amended by adding a new subsection to read:

27 (k) Notwithstanding (c) of this section, the department shall establish fee  
28 levels under (a) of this section so that the total amount of fees collected by the Board  
29 of Dental Examiners approximately equals the total regulatory costs of the department,  
30 the board, and the Department of Health and Social Services for all occupations  
31 regulated by the board. For purposes of this subsection, the regulatory costs of the

1 Department of Health and Social Services for the occupations regulated by the board  
2 include the cost of inspecting dental radiological equipment under AS 08.36.075.

3 \* **Sec. 6.** AS 08.01.077 is amended by adding new subsections to read:

4 (b) Notwithstanding any other provision of this title, a charge, indictment, or  
5 arrest that does not lead to a conviction may not alone be grounds for denial or  
6 nonrenewal of a license or for disciplinary action.

7 (c) Each licensing board and the department shall specify in regulation each  
8 criminal conviction that will disqualify an applicant from obtaining or renewing a  
9 license. Each licensing board and the department shall define good moral character  
10 and moral turpitude in regulation if either standard is used by the licensing board or  
11 department in determining whether to issue or renew a license.

12 (d) In determining whether to deny a license to an applicant with a criminal  
13 conviction not listed in regulation under (c) of this section, the board or department  
14 shall consider

- 15 (1) the nature and seriousness of the crime;  
16 (2) the amount of time that has passed since the conviction;  
17 (3) the relationship between the nature of the crime and the duties and  
18 responsibilities of the occupation for which the license is sought; and  
19 (4) evidence of rehabilitation or treatment undertaken by the applicant  
20 since the conviction.

21 (e) An individual with a conviction of record may petition the licensing board  
22 or department for a determination of whether the individual's conviction will  
23 disqualify the individual from obtaining a license. The licensing board or department  
24 may charge a reasonable fee for each petition.

25 (f) If denying an application, the board or the department must find, by  
26 substantial evidence in light of the whole record, that an applicant's criminal  
27 conviction is a disqualifying conviction and document how the conviction is related to  
28 the duties and responsibilities of the licensed occupation. The board or department  
29 shall make written findings for each of the factors under (d) of this section for  
30 convictions not specified under (c) of this section.

31 (g) If the board or department denies an application based on an applicant's

prior criminal conviction, the board or department shall notify the applicant

- (1) of the grounds and reasons for the denial or disqualification;
- (2) of the applicant's right to a hearing;
- (3) of the earliest date the applicant may reapply for the license; and
- (4) that evidence of rehabilitation or treatment may be considered upon reapplication.

\* **Sec. 7.** AS 08.01.080 is amended to read:

**Sec. 08.01.080. Department regulations.** The department shall adopt regulations to carry out the purposes of this chapter, including describing

- (1) how an examination is to be conducted;
- (2) what is contained in application forms;
- (3) how a person applies for an examination or license;

**(4) the attendance and participation thresholds for removal of a board member.**

\* **Sec. 8.** AS 08.11.010 is amended by adding a new paragraph to read:

(5) meets any additional requirements provided in regulation adopted by the department.

\* **Sec. 9.** AS 08.11.015 is amended by adding a new paragraph to read:

(6) meets any additional requirements provided in regulation adopted by the department.

\* **Sec. 10.** AS 08.11.043(a) is amended to read:

(a) The department shall register an individual as a speech-language pathologist assistant if the individual submits an application on a form approved by the department, pays the required fee, and

(1) submits proof satisfactory to the department that the individual has successfully completed

(A) an associate of applied science degree in disabilities with a speech-language support emphasis [EITHER] from an [THE UNIVERSITY OF ALASKA ANCHORAGE IN AFFILIATION WITH PRINCE WILLIAM SOUND COMMUNITY COLLEGE OR FROM ANOTHER] approved program; or

(B) a bachelor's degree in speech-language pathology from an accredited institution; [AND]

(2) submits proof satisfactory to the department that the individual has successfully completed 100 hours of field work supervised by a licensed speech-language pathologist; **and**

**(3) meets any additional requirements provided by the department in regulation.**

\* **Sec. 11.** AS 08.11.070 is amended to read:

**Sec. 08.11.070. Dealing in hearing aids.** An audiologist may deal in hearing aids as a hearing aid dealer without being licensed as a hearing aid dealer under AS 08.55, but shall comply with AS 08.55.050, 08.55.070, 08.55.100, 08.55.110(a), **(b)(3), and (c) - (h)** [08.55.110(b)(3) AND (c) - (h)], and **08.55.130(7) - (12)** [08.55.130(7) - (13)] when dealing in hearing aids.

\* **Sec. 12.** AS 08.11.090(c) is amended to read:

(c) The department may summarily suspend a license **or registration** before final hearing or during the appeals process if the department finds that the licensee **or registrant** poses a clear and immediate danger to the public welfare and safety if the licensee **or registrant** continues to practice. An individual whose license **or registration** is suspended under this subsection is entitled to a hearing conducted by the office of administrative hearings (AS 44.64.010) not later than seven days after the effective date of the order. The individual may appeal the suspension after the hearing to the superior court.

\* **Sec. 13.** AS 08.11.200 is amended by adding a new paragraph to read:

(13) "field work" means engaging in activities permitted under AS 08.11.042(d)(1) - (5) under the supervision of a licensed speech pathologist but does not require observation hours.

\* **Sec. 14.** AS 08.13.030(b) is amended to read:

(b) The board shall

(1) examine applicants and approve the issuance of licenses and permits to practice;

(2) authorize the issuance of licenses for schools of barbering,

1 hairdressing, manicuring, and esthetics;

2 (3) develop written instructions and notices that tattooing, permanent  
3 cosmetic coloring, and body piercing shop owners and practitioners are required to  
4 give or display under AS 08.13.215;

5 (4) enforce the provisions of this chapter, regulations adopted under  
6 this chapter, and regulations relating to barbering, hairdressing, [HAIR BRAIDING,]  
7 manicuring, and esthetics adopted under AS 44.46.020(a)(5)(C).

8 \* **Sec. 15.** AS 08.13.120(b) is amended to read:

9 (b) The regulations adopted under (a) of this section must include provisions  
10 under which the board may issue a temporary shop license to a person who has a  
11 license or temporary permit [UNDER THIS CHAPTER] to practice tattooing,  
12 permanent cosmetic coloring, or body piercing. The temporary shop license authorized  
13 under this subsection may only be issued to cover a site where the practitioner intends  
14 to hold a workshop or to demonstrate techniques as part of a convention or other  
15 special event, as defined by the board, that includes other practitioners of tattooing,  
16 permanent cosmetic coloring, or body piercing. Each practitioner of tattooing,  
17 permanent cosmetic coloring, or body piercing who holds a workshop or demonstrates  
18 techniques at a convention or special event shall have a separate temporary shop  
19 license and a license or temporary permit [UNDER THIS CHAPTER] to practice  
20 tattooing, permanent cosmetic coloring, or body piercing. The board shall issue a  
21 temporary shop license upon receipt of an application from a practitioner  
22 demonstrating compliance with the regulations adopted under this section and  
23 payment of the appropriate fee; however, the temporary shop license may be  
24 summarily revoked, without refunding of the fee, if the Department of Environmental  
25 Conservation determines after an inspection that the cleanliness or sanitation  
26 conditions at the site covered by the temporary license pose a clear and immediate  
27 danger to the public health or safety. A licensee may appeal a summary revocation  
28 under this subsection to the superior court.

29 \* **Sec. 16.** AS 08.13.150 is amended to read:

30 **Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license**  
31 **or permit.** The board may, in addition to the actions authorized under AS 08.01.075,

1 refuse, suspend, or revoke a license, temporary shop license, student permit, or  
 2 temporary license under AS 08.01.062 [, OR TEMPORARY PERMIT] for failure to  
 3 comply with this chapter, with a regulation adopted under this chapter, with a  
 4 regulation adopted by the Department of Environmental Conservation under  
 5 AS 44.46.020, or with an order of the board.

6 \* **Sec. 17.** AS 08.13.160(d) is amended to read:

7 (d) The licensing and permit provisions of this chapter do not apply to

8 (1) a person practicing barbering, hairdressing, hair braiding,  
 9 manicuring, or esthetics in a community having a population of less than 1,000 people  
 10 that is not within 25 miles of a community of more than 1,000 people and who does  
 11 not use chemicals or uses only chemicals available to the general public;

12 (2) a licensed health care professional;

13 (3) a person licensed or permitted in another [BY ANOTHER  
 14 LICENSING] jurisdiction in a field of practice regulated [LICENSED] by this  
 15 chapter while demonstrating techniques or products to persons holding licenses or  
 16 permits under this chapter;

17 (4) a person practicing tattooing, permanent cosmetic coloring, or body  
 18 piercing solely on the person's own body;

19 (5) the practice of manicuring by a student as part of instruction in a  
 20 12-hour course approved under AS 08.13.110(d);

21 (6) a person demonstrating traditional Alaska Native tattoo  
 22 techniques at a special event who holds a temporary shop license issued under  
 23 AS 08.13.120(b).

24 \* **Sec. 18.** AS 08.13.175 is amended to read:

25 **Sec. 08.13.175. Temporary license.** A person who receives a temporary  
 26 license under AS 08.01.062 must work [MEETS THE REQUIREMENTS OF  
 27 AS 08.13.080(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO BE TEMPORARILY  
 28 LICENSED AFTER APPLYING FOR EXAMINATION UNDER THIS CHAPTER  
 29 IF THE APPLICANT WORKS] under the direct supervision, and within the physical  
 30 presence, of a person who is licensed in the area of practice for which the applicant  
 31 has applied for examination [. A TEMPORARY LICENSE ISSUED UNDER THIS

SECTION IS VALID FOR 120 DAYS AND IS NONRENEWABLE. A PERSON MAY NOT RECEIVE MORE THAN ONE TEMPORARY LICENSE FOR EACH AREA OF PRACTICE LICENSED UNDER THIS CHAPTER. AN APPLICATION FOR A TEMPORARY LICENSE MUST BE SIGNED BY THE SUPERVISING LICENSEE AND ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER AS 08.13.185].

\* **Sec. 19.** AS 08.13.190(a) is amended to read:

(a) A person who practices barbering, hairdressing, hair braiding, esthetics, tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or operates a school of barbering, hairdressing, or esthetics, or teaches in a school of barbering, hairdressing, or esthetics, without a license, [TEMPORARY PERMIT,] temporary license under AS 08.01.062, or student permit and who is not exempt under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

\* **Sec. 20.** AS 08.13.195(f) is amended to read:

(f) If a person fails to pay a civil penalty not later than [WITHIN] 30 days after entry of an order under (a) of this section, or if the order is stayed pending an appeal, not later than [WITHIN] 10 days after the court enters a final judgment in favor of the board of an order appealed under (e) of this section, the board shall notify the attorney general. The attorney general may commence a civil action to recover the amount of the penalty.

\* **Sec. 21.** AS 08.18.022(a) is amended to read:

(a) The department shall issue a certificate of registration as a home inspector for new homes, existing homes, or both, as appropriate, to an individual who

(1) passes the appropriate home inspection examination; for purposes of this paragraph, the appropriate home inspection examination for an individual who applies to be registered for inspection of

(A) existing homes is the examination offered by the American Society of Home Inspectors [OR NATIONAL ASSOCIATION OF HOME INSPECTORS];

(B) new homes or for a joint registration is the examination offered by the International Code Council;



(2) meets the educational and experience requirements adopted by the department in regulations for the type of registration applied for;

(3) submits a complete application for registration either  
 (A) within three years after passing the examination required under (1) of this subsection; or

(B) accompanied by documentation that the applicant has completed continuing education requirements established by the department;

(4) within the seven years preceding the date of application, has not been under a sentence for an offense related to forgery, theft in the first or second degree, extortion, or defrauding creditors or for a felony involving dishonesty;

(5) has not had the authority to perform home inspections revoked in this state or in another jurisdiction;

(6) is not the subject of an unresolved criminal complaint or unresolved disciplinary action before a regulatory authority in this state or in another jurisdiction related to real estate or home inspection matters; and

(7) pays the appropriate fees.

\* **Sec. 22.** AS 08.18.031(c) is amended to read:

(c) A certificate of registration as a home inspector may not be renewed unless the home inspector has complied with the continuing competency requirements established by the department in regulation [. THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING THE CONTINUING COMPETENCY REQUIREMENTS. THE DEPARTMENT SHALL REQUIRE AT LEAST EIGHT HOURS OF CONTINUING COMPETENCY ACTIVITY FOR EACH LICENSING PERIOD. THE REGULATIONS MUST PROVIDE THAT A CONTINUING COMPETENCY ACTIVITY APPROVED BY ONE OF THE FOLLOWING ENTITIES SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF THIS SUBSECTION IF THE ACTIVITY MEETS THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT IN REGULATIONS ADOPTED UNDER THIS SUBSECTION:

(1) ALASKA HOUSING FINANCE CORPORATION;

(2) UNIVERSITY OF ALASKA;

1 (3) AMERICAN SOCIETY OF HOME INSPECTORS ALASKA  
2 CHAPTER;

3 (4) A CHAPTER OF THE INTERNATIONAL CODE COUNCIL  
4 ALASKA;

5 (5) ALASKA STATE HOME BUILDING ASSOCIATION; OR

6 (6) A STATE AGENCY THAT OFFERS AN ACTIVITY THAT  
7 MEETS THE REQUIREMENTS SET BY THE DEPARTMENT].

8 \* **Sec. 23.** AS 08.20.180(a) is amended to read:

9 (a) An applicant for an examination, reexamination, issuance of a temporary  
10 permit under AS 08.01.062 [AS 08.20.160, ISSUANCE OF A LOCUM TENENS  
11 PERMIT UNDER AS 08.20.163], issuance of a license by credentials under  
12 AS 08.20.141, one-time issuance of a retired status license, or initial issuance or  
13 renewal of an active or inactive license shall pay a fee established under  
14 AS 08.01.065.

15 \* **Sec. 24.** AS 08.24.110 is amended to read:

16 **Sec. 08.24.110. Qualification for operator's license.** (a) To qualify for an  
17 operator's license, the applicant shall

18 (1) be a high school graduate, or have the equivalent education of a  
19 high school graduate;

20 (2) [BE OF GOOD MORAL CHARACTER;

21 (3)] not have been convicted of violating this chapter, nor have any  
22 unsettled complaints under this chapter against the applicant;

23 (3) [(4)] not have been convicted of a felony or a crime of larceny or  
24 embezzlement or a crime involving moral turpitude within 10 years before applying;

25 (4) [(5)] be 19 years of age or older at the time of application;

26 (5) [(6)] not be a disbarred attorney [OR HAVE FILED  
27 BANKRUPTCY];

28 (6) [(7)] pay the biennial license fee.

29 (b) The commissioner may waive or modify the requirements specified in  
30 (a)(1) - (3) and (5) [(a)(1), (3), (4) AND (6)] of this section for good cause shown.

31 \* **Sec. 25.** AS 08.24.240 is amended to read:

**Sec. 08.24.240. Failure to file statement.** If the annual statement of collection is not filed as required under AS 08.24.210, the failure to file constitutes grounds for the immediate suspension of the collection agency license of the licensee failing to file the statement, and the department shall notify the licensee [BY REGISTERED OR CERTIFIED MAIL] that the license of the licensee will be suspended upon the expiration of 30 [15] days after the date on which the notice was mailed unless the licensee complies with the provisions of AS 08.24.210. However, for good cause shown and upon satisfactory proof furnished by the licensee that the failure to file the statement was due to a condition not within the control, or was due to excusable neglect, of the licensee, the department may permit the filing of the statement after the time limited and excuse the failure to file the statement within the time limited. If the statement required by AS 08.24.210 is not filed as required by this section, the department shall revoke the license.

\* **Sec. 26.** AS 08.24.290 is amended to read:

**Sec. 08.24.290. Suspension, revocation, or refusal to renew or grant a license or certificate.** The department may suspend, revoke, or refuse to renew or grant a license issued or applied for under this chapter if the licensee or applicant or a partner, associate, or major stockholder of a collection agency has [SINCE THE DATE OF THE APPLICATION] been disbarred from the practice of law or been convicted of fraud, embezzlement, obtaining money under false pretenses, a crime involving moral turpitude, extortion, conspiracy to defraud, violation of a provision of this chapter, or violation of a regulation adopted under authority of this chapter.

\* **Sec. 27.** AS 08.24.340 is amended to read:

**Sec. 08.24.340. Statement of persons employed by agency.** (a) A [WITHIN 15 DAYS AFTER LICENSURE UNDER THIS CHAPTER, A] collection agency shall submit annually to the department a list of all persons employed by the agency [. THEREAFTER, UPON HIRING A NEW EMPLOYEE, THE COLLECTION AGENCY SHALL, WITHIN 15 DAYS AFTER THE HIRING, SUBMIT TO THE DEPARTMENT THE NAME OF THE NEWLY HIRED EMPLOYEE AND THE FURTHER INFORMATION REQUIRED BY (b) OF THIS SECTION].

(b) There shall be submitted in the annual report with the name of each

1 [THE] employee employed by the collection agency the following information:

2 (1) the employee's residence address;

3 (2) the employee's length of residence in the state;

4 (3) a statement of any [THE] new employee's previous employment in  
5 the last year;

6 (4) further information which the department may require.

7 (c) Any statement of previous employment [THE STATEMENT] shall be  
8 verified by the employee before a notary public or other person authorized to  
9 administer oaths.

10 (d) The owner or licensed operator of the collection agency shall also state on  
11 [UPON] the form submitted the date on [UPON] which any [THE] new employee was  
12 hired and that the new employee is an employee of the collection agency at the time  
13 the form is executed.

14 \* **Sec. 28.** AS 08.36.075(a) is amended to read:

15 (a) The Department of Health and Social Services [BOARD] shall establish  
16 standards that comply with applicable federal law for the registration, use, and  
17 inspection of dental radiological equipment, including standards for record keeping  
18 relating to the control panels and the use of the equipment [ . THE BOARD MAY  
19 CHARGE A FEE FOR DENTAL RADIOLOGICAL EQUIPMENT REGISTERED  
20 UNDER THIS SECTION].

21 \* **Sec. 29.** AS 08.36.100 is amended to read:

22 **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238 [AND  
23 08.36.254], a person may not practice, or attempt to practice, dentistry without a  
24 license.

25 \* **Sec. 30.** AS 08.42.085(c) is amended to read:

26 (c) The department shall issue a temporary license under AS 08.01.062  
27 [PERMIT VALID FOR ONE YEAR] to an applicant who meets the requirements of  
28 this section [ . THE DEPARTMENT SHALL RENEW A PERMIT FOR ONE YEAR  
29 IF THE TRAINEE APPLIES FOR RENEWAL ON A FORM PROVIDED BY THE  
30 DEPARTMENT AND SHOWS THAT THE TRAINING ACTIVITY CONTINUES  
31 TO SATISFY THE REQUIREMENTS OF THIS SECTION]. The department shall

1 charge a fee for processing applications and renewals under this section that will be  
2 sufficient to cover administrative costs.

3 \* **Sec. 31.** AS 08.55.010(b) is amended to read:

4 (b) An individual who is a physician or an audiologist may deal in hearing  
5 aids without being licensed under this chapter, but shall comply with AS 08.55.050,  
6 08.55.070, 08.55.100, 08.55.110(a), and 08.55.130(7) - (12) [08.55.130(7) - (13)]  
7 when dealing in hearing aids.

8 \* **Sec. 32.** AS 08.55.020(b) is amended to read:

9 (b) On or before the expiration of a license under this chapter, a licensee may  
10 apply for renewal of the license, and the department shall renew the license if the  
11 licensee pays the renewal fee [, HAS A CURRENT BUSINESS LICENSE TO ACT  
12 AS A HEARING AID DEALER UNDER AS 43.70.020,] and provides evidence  
13 satisfactory to the department that the individual has not engaged in conduct that is a  
14 ground for imposing disciplinary sanctions under AS 08.55.130.

15 \* **Sec. 33.** AS 08.55.110(b) is amended to read:

16 (b) In addition to the other rights and remedies the purchaser or lessee of a  
17 hearing aid may have, the purchaser or lessee of a hearing aid has the right to cancel  
18 the sale or lease by giving written notice of the cancellation to the hearing aid dealer if

19 (1) the hearing aid dealer is not a physician or an audiologist, and  
20 within 60 days from the receipt by the purchaser or lessee of the hearing aid or the  
21 notice to be provided under (c) of this section, whichever receipt is later, a physician  
22 or an audiologist advises the person in writing to cancel the sale or lease and specifies  
23 in writing the medical or audiological reason for the advice; or

24 (2) the hearing aid dealer, if not a physician or audiologist, has violated  
25 a provision of this chapter in the sale or lease of the hearing aid to the person;

26 (3) the hearing aid dealer who is a physician or audiologist has violated  
27 (a) or (c) - (h) of this section or AS 08.55.050, 08.55.070, 08.55.100, or 08.55.130(7) -  
28 (12) [08.55.130(7) - (13)] in the sale or lease of the hearing aid to the person.

29 \* **Sec. 34.** AS 08.64.279 is amended to read:

30 **Sec. 08.64.279. Interview for permits.** An applicant for an intern permit, a  
31 resident permit, or a temporary permit under AS 08.01.062 [FOR LOCUM TENENS

PRACTICE] may be interviewed in person by the board, a member of the board, the executive secretary of the board, or a person designated for that purpose by the board.

\* **Sec. 35.** AS 08.84.010(b) is amended to read:

(b) The board shall control all matters pertaining to the licensing of physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants and the practice of physical therapy and the practice of occupational therapy. The board shall

(1) pass upon the qualifications of applicants;

(2) provide for the examination of applicants;

(3) issue [TEMPORARY PERMITS AND] licenses to persons qualified under this chapter;

(4) suspend, revoke, or refuse to issue or renew a license under AS 08.84.120;

(5) keep a current register listing the name, business address, date, and number of the license of each person who is licensed to practice under this chapter;

(6) adopt regulations under AS 44.62 (Administrative Procedure Act) necessary to carry out the purposes of this chapter including regulations establishing qualifications for licensure and renewal of licensure under this chapter.

\* **Sec. 36.** AS 08.84.150 is amended to read:

**Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person to practice physical therapy without being licensed under this chapter unless the person is

(1) a student in an accredited physical therapy program;

(2) a graduate of a foreign school of physical therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of a physical therapist; or

(3) issued a temporary [LIMITED] permit under AS 08.01.062 [AS 08.84.075].

(b) A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is

(1) a student in an accredited occupational therapy program or in a

1 supervised field work program;

2 (2) a graduate of a foreign school of occupational therapy fulfilling the  
3 internship requirement of AS 08.84.032, and then only unless under the continuous  
4 direction and immediate supervision of an occupational therapist;

5 (3) an occupational therapist or occupational therapy assistant  
6 employed by the United States government while in the discharge of official duties;

7 (4) granted a **temporary** [LIMITED] permit under **AS 08.01.062**  
8 [AS 08.84.075];

9 (5) licensed under this title and uses occupational therapy skills in the  
10 practice of the profession for which the license is issued; or

11 (6) employed as a teacher or teacher's aide by an educational  
12 institution and is required to use occupational therapy skills during the course of  
13 employment, if

14 (A) the occupational therapy skills are used under a program  
15 implemented by the employer and developed by a licensed occupational  
16 therapist;

17 (B) the employer maintains direct supervision of the person's  
18 use of occupational therapy skills; and

19 (C) the person does not represent to

20 (i) be an occupational therapist or occupational therapy  
21 assistant; and

22 (ii) practice occupational therapy.

23 \* **Sec. 37.** AS 08.98.120(a) is amended to read:

24 (a) A person may not practice veterinary medicine, surgery, or dentistry unless  
25 the person is licensed as a veterinarian under this chapter or has a temporary permit  
26 issued under **AS 08.01.062** [AS 08.98.186], except that a person may perform  
27 functions authorized by

28 (1) regulation of the board if the person is licensed as a veterinary  
29 technician; or

30 (2) a permit issued under AS 08.02.050 if the person is employed by  
31 an agency that has a permit issued under AS 08.02.050.

1     \* **Sec. 38.** AS 08.98.165(a) is amended to read:

2             (a) An applicant is qualified to receive a license as a veterinarian who

3                 (1) is a graduate of an accredited veterinary school or who has  
4 successfully completed a foreign graduate certification process approved by the  
5 board [THE EDUCATIONAL COMMISSION FOR FOREIGN VETERINARY  
6 GRADUATES CERTIFICATION PROCESS];

7                 (2) has, within the 60 months preceding application for the license,  
8 passed a national examination for veterinarians approved by the board;

9                 (3) has passed the written examination of the state on specific Alaska  
10 issues of veterinary practice;

11                (4) is in good standing, as defined by the board in regulations; and

12                (5) has paid required fees.

13     \* **Sec. 39.** AS 08.98.180 is amended to read:

14             **Sec. 08.98.180. Temporary license.** A person who is granted a temporary  
15 license by the department under AS 08.01.062 must work [MEETS THE  
16 REQUIREMENTS OF AS 08.98.165(a)(1), (4), AND (5) IS ENTITLED TO BE  
17 TEMPORARILY LICENSED AFTER APPLYING FOR EXAMINATION IF THE  
18 PERSON WORKS] under the supervision of a licensed veterinarian [. A LICENSE  
19 ISSUED UNDER THIS SECTION IS VALID UNTIL THE RESULTS OF THE  
20 EXAMINATIONS ARE PUBLISHED. A PERSON MAY NOT RECEIVE MORE  
21 THAN ONE TEMPORARY LICENSE. AN APPLICATION FOR A TEMPORARY  
22 LICENSE MUST BE SIGNED BY THE SUPERVISING VETERINARIAN AND  
23 ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER  
24 AS 08.98.190].

25     \* **Sec. 40.** AS 09.65.290(e)(4) is amended to read:

26             (4) "sports or recreational activity"

27                 (A) means a commonly understood sporting activity, whether  
28 undertaken with or without permission, including baseball, softball, football,  
29 soccer, basketball, hockey, boxing, mixed martial arts, sparring or  
30 wrestling matches, bungee jumping, parasailing, bicycling, hiking,  
31 swimming, skateboarding, horseback riding and other equine activity, farm



1 touring, dude ranching, mountain climbing, river floating, whitewater rafting,  
 2 canoeing, kayaking, hunting, fishing, backcountry trips, mushing, backcountry  
 3 or helicopter-assisted skiing, alpine skiing, Nordic skiing, snowboarding,  
 4 telemarking, snow sliding, snowmobiling, and off-road and all-terrain vehicle  
 5 use;

6 (B) does not include

7 (i) [BOXING CONTESTS, SPARRING OR  
 8 WRESTLING MATCHES, OR EXHIBITIONS THAT ARE  
 9 SUBJECT TO THE REQUIREMENTS OF AS 05.10;

10 (ii)] activities involving the use of devices that are  
 11 subject to the requirements of AS 05.20; or

12 (ii) [(iii)] skiing or sliding activities at a ski area that are  
 13 subject to the requirements of AS 05.45.

14 \* **Sec. 41.** AS 31.05.009(a) is amended to read:

15 (a) Members shall be qualified as follows:

16 (1) one member shall be a petroleum engineer who

17 (A) holds a certificate of registration as an engineer under  
 18 AS 08.48 and, under regulations adopted to implement that chapter, has  
 19 qualified as a petroleum engineer; or

20 (B) has earned a degree from a university in the field of  
 21 engineering and has at least 10 years of professional subsurface experience in  
 22 the oil and gas industry in drilling, well operations, production process  
 23 operations, reservoir engineering, or a combination thereof; for the purposes of  
 24 this subparagraph, a person meets the requirement of earning a degree in the  
 25 field of engineering if the person obtains an undergraduate or graduate degree  
 26 in engineering that meets the requirements for program accreditation by the  
 27 Engineering Accreditation Commission of the Accreditation Board for  
 28 Engineering and Technology and the person completes university or industry  
 29 training specific to petroleum engineering that illustrates application of  
 30 engineering principles to the problems encountered and methods used in the  
 31 petroleum industry, including drilling, production, reservoir engineering, fluid

1 flow through subsurface formations, and hydrocarbon transportation;

2 (2) one member shall be a geologist who

3 (A) holds a national certification as a professional geologist **by**  
 4 **the American Institute of Professional Geologists** [UNDER AS 08.02.011]  
 5 and has professional experience in the field of petroleum geology; or

6 (B) has earned a degree in the field of geology from a  
 7 university accredited in the field of geology and has a minimum of 10 years  
 8 professional experience in the field of petroleum geology; and

9 (3) one member who shall have training or experience that gives the  
 10 person a fundamental understanding of the oil and gas industry in the state.

11 \* **Sec. 42.** AS 44.29.020 is amended by adding a new subsection to read:

12 (d) The Department of Health and Social Services shall establish standards  
 13 that comply with federal law for the registration, use, and inspection of dental  
 14 radiological equipment, including standards for record keeping relating to equipment  
 15 control panels and use.

16 \* **Sec. 43.** AS 44.46.020(a) is amended to read:

17 (a) The Department of Environmental Conservation shall

18 (1) have primary responsibility for coordination and development of  
 19 policies, programs, and planning related to the environment of the state and of the  
 20 various regions of the state;

21 (2) have primary responsibility for the adoption and enforcement of  
 22 regulations setting standards for the prevention and abatement of all water, land,  
 23 subsurface land, and air pollution, and other sources or potential sources of pollution  
 24 of the environment, including by way of example only, petroleum and natural gas  
 25 pipelines;

26 (3) promote and develop programs for the protection and control of the  
 27 environment of the state;

28 (4) take actions that are necessary and proper to further the policy  
 29 declared in AS 46.03.010;

30 (5) adopt regulations for

31 (A) the prevention and control of public health nuisances;

(B) the regulation of sanitation and sanitary practices in the interest of public health;

(C) standards of cleanliness and sanitation in connection with the construction, operation, and maintenance of a camp, cannery, food handling establishment, food manufacturing plant, mattress manufacturing establishment, industrial plant, school, barbershop, hairdressing, [HAIR BRAIDING,] manicuring, esthetics, tattooing, permanent cosmetic coloring, body piercing, or ear piercing establishment, soft drink establishment, beer and wine dispensaries, and for other similar establishments in which lack of sanitation may create a condition that causes disease;

(D) the regulation of quality and purity of commercially compressed air sold for human respiration.

\* **Sec. 44.** AS 44.46.029 is amended to read:

**Sec. 44.46.029. Dental radiological equipment.** This chapter does not authorize the department to register, inspect, test, or otherwise regulate dental radiological equipment or records relating to dental radiological equipment regulated by the **Department of Health and Social Services** [BOARD OF DENTAL EXAMINERS] under **AS 44.29.020** [AS 08.36.075].

\* **Sec. 45.** AS 05.05.010, 05.05.020, 05.05.030, 05.05.040; AS 05.10.010, 05.10.020, 05.10.030, 05.10.040, 05.10.050, 05.10.060, 05.10.070, 05.10.080, 05.10.090, 05.10.100, 05.10.110, 05.10.120, 05.10.130, 05.10.140, 05.10.150, 05.10.160, 05.10.170; AS 08.01.010(4), 08.01.010(13), 08.01.010(21), 08.01.063, 08.01.064(b), 08.01.064(d); AS 08.02.011; AS 08.11.020, 08.11.025; AS 08.13.160(a), 08.13.160(b), 08.13.170, 08.13.220(14); AS 08.15.030; AS 08.20.160, 08.20.163; AS 08.24.370; AS 08.26.050; AS 08.36.254; AS 08.45.035(a), 08.45.035(b); AS 08.55.010(a)(4), 08.55.010(a)(6)(D), 08.55.130(13); AS 08.63.130; AS 08.64.101(b)(2), 08.64.270, 08.64.275; AS 08.68.210; AS 08.70.130; AS 08.80.150, 08.80.155; AS 08.84.065, 08.84.075; AS 08.86.135, 08.86.166; AS 08.92.010, 08.92.020, 08.92.030, 08.92.035, 08.92.040, 08.92.050, 08.92.060, 08.92.070, 08.92.080, 08.92.090; AS 08.95.125; AS 08.98.050(8), 08.98.186, 08.98.190(6), 08.98.190(7); AS 25.27.244(s)(2)(A)(i); AS 43.70.025, 43.70.028; and AS 44.29.027 are repealed.

1     \* **Sec. 46.** The uncoded law of the State of Alaska is amended by adding a new section to  
2 read:

3           TRANSITION: REGULATIONS; BONDS. (a) The Department of Commerce,  
4 Community, and Economic Development, the Department of Health and Social Services, and  
5 the Department of Environmental Conservation may adopt regulations necessary to  
6 implement the changes made by this Act. The regulations take effect under AS 44.62  
7 (Administrative Procedure Act), but not before the effective date of the law implemented by  
8 the regulation.

9           (b) Notwithstanding the repeal of a statute by this Act, the Department of Commerce,  
10 Community, and Economic Development may amend or repeal regulations adopted by the  
11 athletic commission established in AS 05.05.010, as that section read the day before the  
12 effective date of this Act, as necessary to carry out this Act.

13           (c) The Department of Commerce, Community, and Economic Development shall  
14 account for any licensee bond filed under AS 05.10.090 or AS 08.92.030, repealed by sec. 45  
15 of this Act, and take any action necessary to release a bond under AS 05.10.090 or  
16 AS 08.92.030, repealed by sec. 45 this Act.

17     \* **Sec. 47.** The uncoded law of the State of Alaska is amended by adding a new section to  
18 read:

19           TRANSITION: SAVINGS CLAUSE. (a) Litigation, hearings, investigations, appeals,  
20 and other proceedings pending under a law amended or repealed by this Act, or in connection  
21 with functions transferred by this Act, continue in effect and may be continued and completed  
22 notwithstanding a transfer or amendment or repeal provided for in this Act.

23           (b) Certificates, orders, permits, and regulations issued or adopted under authority of  
24 a law amended or repealed by this Act remain in effect for the term issued, or until revoked,  
25 vacated, or otherwise modified under the provisions of this Act.

26           (c) Contracts, rights, liabilities, and obligations created by or under a law amended or  
27 repealed by this Act, and in effect on the effective date of this Act, remain in effect  
28 notwithstanding this Act's taking effect. Records, equipment, appropriations, and other  
29 property of agencies of the state whose functions are transferred under this Act shall be  
30 transferred to implement the provisions of this Act.

31     \* **Sec. 48.** Sections 46 and 47 of this Act take effect immediately under AS 01.10.070(c).

1      \* **Sec. 49.** Except as provided in sec. 48 of this Act, this Act takes effect January 1, 2021.

## Professional Licensing Reform: Overview

This bill reduces barriers to practice in a variety of professions and moves toward “right-sizing” government without placing the public at risk.

Creates Improved Regulatory Solutions	Key Features
<p><b>Universal Temporary Licensure:</b> Requires the department to issue a 180-day temporary license for qualified individuals seeking licensure in one of more than 100 professions licensed in AS 08.</p>	<ul style="list-style-type: none"> <li>• This legislation will allow temporary license-holders to work in their field while completing ancillary requirements for full licensure.</li> <li>• It reduces paperwork burdens on military spouses.</li> <li>• It allows healthcare facilities to quickly hire much-needed staff.</li> <li>• It mandates the department to issue temporary licenses to qualified individuals. Currently, the law gives this option to professional licensing boards, and many have not adopted regulations to do so.</li> <li>• It allows the department to renew the license for an additional 180 days.</li> </ul>
<p>Moves regulation of dental radiological equipment to the Department of Health and Social Services.</p>	<ul style="list-style-type: none"> <li>• Will provide qualified oversight of dental radiological equipment.</li> <li>• Reduces a potential public safety hazard.</li> <li>• Has not historically been enforced by the Board of Dental Examiners because it is not within their scope of knowledge.</li> </ul>
Removes Barriers to Licensure	Key Features
<p>Adds a “reasonable basis review” of applicants with criminal convictions.</p>	<ul style="list-style-type: none"> <li>• Requires a review to associate time since conviction, relevance to profession, rehabilitation, nature and seriousness of the crime.</li> <li>• Allows an applicant to request a determination prior to application.</li> <li>• Requires the department and licensing boards to define nebulous phrases like “good moral character” in regulations.</li> </ul>
<p>Corrects collection agency statutes to align with federal law and equalizes the fees for in-state and out-of-state collection agencies.</p>	<ul style="list-style-type: none"> <li>• Reduces paperwork burden on licensees and staff.</li> <li>• Reduces potential for wrongful license denial.</li> </ul>
<p>Makes administrative changes to hearing aid dealer license requirements.</p>	<ul style="list-style-type: none"> <li>• Aligns with federal law and opens opportunities for additional practitioners.</li> </ul>
<p>Eliminates a defunct credentialing association from home inspector licensing and clarifies renewal requirements.</p>	<ul style="list-style-type: none"> <li>• Reduces confusion and potential for application fraud.</li> </ul>
<p>Eliminates outdated requirements for obtaining a speech-language pathology license.</p>	<ul style="list-style-type: none"> <li>• Expands the pathway to licensure.</li> <li>• Defines “field work”.</li> <li>• Provides flexibility to the department to keep up with current standards.</li> </ul>
<p>Eliminates nebulous requirement for the Board of Veterinary Examiners to collect data on the practice of veterinary technology.</p>	<ul style="list-style-type: none"> <li>• Intent is unclear; and as a result, this requirement has never been formally implemented.</li> </ul>
Removes Unnecessary Bureaucracy and Inefficiency	Key Features
<p>Repeals bond or cash deposit for certain businesses</p>	<ul style="list-style-type: none"> <li>• Removes expectation that DCCED will implement an impossible statute.</li> </ul>
<p>Eliminates the Athletic Commission and regulation of boxing and wrestling.</p>	<ul style="list-style-type: none"> <li>• Has not been operational since 2002 due to statutory lack of funding.</li> </ul>
<p>Eliminates regulation of geologists.</p>	<ul style="list-style-type: none"> <li>• There is no state requirement to hold a geologist license. The current requirement for state licensure is simply verification of certification from the national organization.</li> </ul>
<p>Eliminates regulation of concert promoters.</p>	<ul style="list-style-type: none"> <li>• Available current market technology makes this requirement unnecessary.</li> </ul>

# FSMTB REACH

**From:** [FSMTB](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** FSMTB Launches REACH  
**Date:** Friday, January 24, 2020 10:58:15 AM

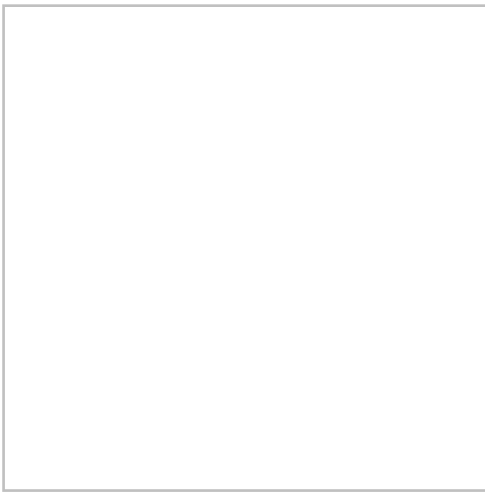


**FSMTB LAUNCHES  
REGULATORY EDUCATION AND COMPETENCE HUB (REACH)**

☐ FSMTB is pleased to announce the launch of a new member service, the Regulatory Education and Competence Hub (REACH), available at [www.reach4ce.org](http://www.reach4ce.org).

REACH is an online education center that offers continuing education courses that support required learning to sustain





therapist competence and desired professional development, as well as directed learning to support state regulatory requirements and disciplinary actions. REACH was developed as a way

to provide additional educational resources to massage and bodywork therapy professionals and assist state massage boards.

All REACH courses meet FSMTB Continuing Education Standards, which were created by expert representatives from regulatory boards. Course completion results for licensed massage therapists will automatically load into FSMTB's Massage Therapy Licensing Database (MTLD). MTLD provides a comprehensive view of massage and bodywork therapists regulated in the United States to facilitate the role of public protection among state licensing boards/agencies and to support licensure portability.

The first course to be offered is *Cultural Competence: Bias* which addresses implicit and explicit bias, the impact of bias on others, and the effect of bias within the massage and bodywork profession in the United States.

Let us know how we may be able to assist with your upcoming continuing education or disciplinary requirement needs. If you have any questions, please contact FSMTB at [reach@fsmtb.org](mailto:reach@fsmtb.org).

LEARN MORE

#### FSMTB

7300 College Boulevard, Suite 650  
Overland Park, KS 66210

#### STAY CONNECTED



FSMTB | 7300 College Boulevard, Suite 650, Overland Park, KS 66210

[Unsubscribe dawn.dulebohn@alaska.gov](mailto:Unsubscribe.dawn.dulebohn@alaska.gov)

[Update Profile](#) | [About Constant Contact](#)

Sent by [dpersinger@fsmtb.org](mailto:dpersinger@fsmtb.org) in collaboration with



Try email marketing for free today!

Lunch

# Public Comment

The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak; the licensing examiner will keep track of the time and notify the individual when they have 1 minute left.

This is not the time for the board to respond to the comments. The board can choose to respond to any comments at the end of the comment period; they can choose to send a letter with their responses to the individual; or they can choose to not respond.

# Reviews

# Audits

# Tabled Applications

# Administrative Business



# Administrative Statistics

Administrative Business

Meeting Calendar

# STATE OF ALASKA 2020

## State Holidays

Date	Holiday
01/01	New Year's Day
01/20	MLK Jr.'s Birthday
02/17	Presidents' Day
03/30	Seward's Day
05/25	Memorial Day
07/04	Independence Day (observed 7/3)
09/07	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/26	Thanksgiving Day
12/25	Christmas Day

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

**Holiday**

**Nearly Unavailable**

**Unavailable**

Updated 08/28/2019

**MAS Meeting**



State calendar maintained by the  
Division of Finance,  
Department of Administration  
<http://doa.alaska.gov/calendars.html>  
Revised 04/16/2018

# HOLIDAY CALENDAR

## JANUARY

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# STATE OF ALASKA 2021

## State Holidays

Date	Holiday
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02/15	Presidents' Day
03/29	Seward's Day
05/31	Memorial Day
07/04	Independence Day (observed 7/5)
09/06	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/25	Thanksgiving Day
12/25	Christmas Day (observed 12/24)
01/01/22	New Year's Day (observed 12/31/21)

Holiday

Nearly Unavailable

Unavailable

MAS Meeting Date

Updated:



State calendar maintained by the  
Division of Finance,  
Department of Administration  
<http://dos.alaska.gov/calendars.html>  
Revised 12/16/2019

# HOLIDAY CALENDAR

## JANUARY

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Review/Approve Past Meeting Minutes

December 2019

1 State of Alaska  
2 Department of Commerce, Community and Economic Development  
3 Division of Corporations, Business and Professional Licensing  
4

5 BOARD OF MASSAGE THERAPISTS  
6

7 MINUTES OF THE MEETING  
8 December 2-3, 2019  
9

10 *These are DRAFT minutes prepared by the staff of the Division of Corporations, Business, and Professional Licensing.*

11 *These minutes have not been reviewed or approved by the board.*

12 *Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For*  
13 *a more detailed account, please request a copy of the meeting's audio recording at:*  
14 *<https://www.commerce.alaska.gov/web/cbpl/PublicRecordsRequests.aspx>.*  
15  
16  
17  
18

19 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a  
20 scheduled meeting of the Board of Massage Therapists was held by video conference on  
21 December 2-3, 2019.  
22

23 **Agenda Item 1** **Call to Order/Roll Call:**  
24

25 *On the record at 9:06 a.m.*  
26

27 **Board Members present, constituting a quorum:**  
28

29 David Edwards-Smith- Board Chair, Licensed Massage Therapist  
30 Traci Gilmour- Vice Chair, Licensed Massage Therapist  
31 Jill Motz, Licensed Massage Therapist  
32 Julie Endle, Public Board Member  
33

34 **Division Staff present:**  
35

36 Dawn Dulebohn, Occupational Licensing Examiner  
37 Sara Chambers, Director of Corporations, Business, and Professional Licensing  
38 Sher Zinn, Regulations Specialist II  
39

40 **Joining Telephonically:**  
41

42 Carl Jacobs, Investigator III  
43 Billy Homestead, Investigator II/Probation Monitor  
44  
45

46 **Agenda Item 2** **Outreach and Education Subcommittee Meeting**  
47

**Subcommittee Agenda Item 1 Strategies to Communicate with the Public**

**Topic 1- Transparency, Proactively, Clearly**

Chair Edwards-Smith begins the subcommittee referencing the recent directive from the Governor as relayed by Director Sara Chambers in the September 2019 meeting. In the September meeting, the board determined it was necessary to put more effort into communication with the public to maintain transparency. Mr. Edwards- Smith referred to a Letter to the Editor to Anchorage Daily News posted September 12, 2019 as a reminder that the board could work to improve education and communications to the licensees and the public about board strategies, policies, and constant evolution of needed regulations.

**Topic 2- Identification of Topics for Increased Communication**

**2. Online Community Networks**

Chair Edwards- Smith begins by identifying the mediums that could be used to increase communications with the public. The first is “online community networks” or social media. He asks the board who have used social media to educate the public. Chair Edwards- Smith recognized board member Jill Motz for her efforts to educate the public using social media. Vice Chair Gilmour weighs in that she does not utilize social media because she is a board member and feels that allowing local therapists to engage in social media has worked well in the past. She goes on to state that OLE Dulebohn is capable of educating the public on any confusing subject matter or lack of understanding and has used tools such as newsletters to make general statements and disseminate material to the public via e-mail, if they have opted in for paperless communication by application or by registering with MyLicense. She goes on to state that what frequently happens is that therapists rely on other therapist’s interpretation of information such as proposed regulations and if the board could brainstorm other ways to inject correct information to the public such as an online Town Hall, everyone would benefit. Ms. Gilmour continues that one of the biggest detriments to the board is the lack of understanding on behalf of the public and the Town Halls are helpful but having them only once a year is not enough.

Board Member Motz joins the conversation by asking OLE Dulebohn if she is aware of other boards that use social media to communicate with the public. OLE Dulebohn replies that she knows of other boards that use Town Halls but none that correspond with the public using social media. OLE Dulebohn continues that she has been discouraged by division to use social media to speak with the public because it quickly becomes combative so she sticks to more traditional methods like e-mail, letters, and the telephone. Ms. Motz states that when she engages the public on social media, she identifies as an individual and not a board member, she mainly uses it to direct the public to publicly available resources such as board packets, meeting minutes, statutes and regulations, and division forms, and the board website to alleviate confusion and educate the public.

Chair Edwards-Smith asks the board if they want to develop a board social media policy. Vice Chair Gilmour discourages an official board policy on the subject as she feels any interaction of a board member with the public on social media (even if they identify that they are speaking as an individual and not as a board member) would still be seen as

correspondence from a board member. Mr. Edwards-Smith also goes on the record stating that he personally discourages the use of social media to have dialogue with the public.

Ms. Motz states that she feels the board would be missing an opportunity to connect with the public by not utilizing social media. She goes on to state that as long as board members only discuss things that are a matter of public record, to not use this method would be detrimental as there are certain people who make it a habit of spreading misinformation. Ms. Motz states that the current administration has made a point that communication with the public is important and online forums are a wonderful tool. She believes that if the only information the board gives out is to call the licensing examiner, it will not give them any immediate answers and it will also discourage them from forming the habit of researching their own answers.

Chair Edward-Smith sums up the conversation by stating that, as licensed massage therapists, they should have every right to go into a social media group and represent themselves and point conversations that are going on online to relevant information that can possibly bring clarity. That being said, the board as a group has restraints, and there is a reason that a single board member is not allowed to represent the board as a whole. Ms. Motz elaborates that there are constant complaints from the licensees that they do not receive communications from the division and the board but looking at the administrative statistics from the September meeting, you can see that half of the licensee base has not opted in for paperless communication. The Chair states that he believes it would be useful for the board to develop social media guidelines to help current and future board members navigate the waters of this subject. The board does agree that the one thing that they should stay away from during social media discussions is explaining board intent on a subject.

The board discusses how drafting a social media protocol would be beneficial to future board members. They discuss the need to do a yearly board training as a refresher to current members and informational to new members. They would like this training to occur in the first meeting of every year. The training should include the role of the board, goals of the board, the proper way for members to present themselves, and how the individual board members should talk to the public.

**TASK: OLE Dulebohn will add Board Training to March meeting agenda**

3. Newsletter

Mr. Edwards-Smith discusses the possibility of reviving the board's newsletter. Ms. Gilmour states that she would like the board to continue with the subcommittee meetings and as an extension, possibly see bi monthly postings that are created by the board go out to the public. This would be an effort on the board's part to get information out to the public to counter or head off the inevitable misinformation that will be distributed by the few individuals stirring the pot. A sentiment echoed by some board members is that there are a small number of people out there that want to disrupt the general public by misrepresenting things happening in the massage industry. This newsletter could include items such as:

- Recent meeting minutes



- Continuing education needed for the 2021 renewal
- Current regulations projects with an emphasis on establishment regulations
- Renewal Fingerprints- when they will start and why they will start on that date
- What is Zoom and what role does the GCI phone line play in meetings now
- Include applicable links for the reader to use

**TASK:** Board members will divide the research/blurb that will go into the next newsletter. Dave will write the continuing education (reference recent regulations were not about continuing education) blurb, qualifications, regulations projects (ethics), and Zoom/GCI information. Traci will gather the e-mail address of the applicable Alaska legislators, Julie will write the information on renewal fingerprints.

The newsletter would be done quarterly and would go out to all interested parties including licensees, applicants, Alaska schools, related organizations, and legislators. Chair Edwards-Smith wants the board to be more committed to the compilation of the newsletter and will ask the OLE only format the information and distribute. He would like the board to be vigilant of possible newsletter topics that come up during meetings.

#### 1. Anchorage Daily News- Letter to the Editor

The board briefly discusses the Letter to the Editor in September 2019 concerning the Board of Massage Therapists. Chair Edwards-Smith shares that he believes that any published opinion will have an impact on the public. The board speaks of the letter being a barometer of the current climate and appreciate it coming to their attention.

#### 4. Town Hall Meeting

The board discusses the implementation of Town Hall meetings in 2019. The board feels that the Town Hall meetings have been successful in engaging and educating the public. The consensus is the board would like to continue hosting Town Hall meetings at their annual in person meeting in Anchorage.

#### 5. Legislator Update

Chair Edwards-Smith broaches the idea that the board should find a way to reach out to legislators since, with spending cuts, mean that they will not be doing any face to face meetings this session. He suggests adding the legislators to the newsletter distribution list and having someone write an update to HB110. Vice Chair Gilmour also suggests that board members reach out to their representatives to remind them of the massage board, the bills that have been passed regarding massage therapists, and what the board does to serve the public. OLE Dulebohn reminds the board that the current fiscal situation has mandated that board's only have one in-person meeting a year and that needs to be in the most economically feasible location. It has been made known that travel to Juneau (board meeting or otherwise) will not be considered unless the board has a potential bill that is being introduced or decided upon but Ms. Dulebohn will submit as many requests as the board would like to division.

186  
187 **Topic 3- Identification of Governmental, Non-Profit Resources to Increase**  
188 **Communication**  
189

190 **TASK: Chair Edwards-Smith would like the following organizations added to the**  
191 **newsletter mailing list: Alaska State Legislators, Department of Wage and Labor, Local**  
192 **American Massage Therapy Association, Covenant House, the Alaska Human Trafficking**  
193 **Workgroup, and the Rotary Club.**  
194

195 Through discussion, it was suggested that Associated Bodywork & Massage Professionals  
196 (ABMP) should be added to the newsletter mailing list, that Covenant House is a resource to  
197 human trafficking victims, and the Alaska Human Trafficking Workgroup has been  
198 disbanded.  
199

200 Mr. Edwards- Smith did suggest that board members may want to contact their local Rotary  
201 Club to see if they would be allowed to present to the group information on regulations and  
202 licensing as part of the community outreach. Ms. Gilmour supports this suggestion and  
203 thinks it is a valuable idea. She contributes that Pillars of America is an Rotary sponsored  
204 event in Juneau every year where people who have overcome adversities are selected to  
205 present their inspirational stories to the public. She believes that Pillars of America could be  
206 contacted to see if they have a potential speaker who was involved in human trafficking to  
207 help shine a light on this issue.  
208

209 **TASK: Traci Gilmour will contact Pillars of America to request a speaker related to**  
210 **human trafficking be showcased for their upcoming event.**  
211

212 Ms. Gilmour suggests that in the next subcommittee meeting the board should clarify what  
213 their message should be now that they have identified what agencies will be helpful in  
214 outreach and education.  
215

216 **Subcommittee Agenda Item 2 Review and Prioritize Changes to Statutes and Regs**  
217

218 **Topic 1- Streamline, Modernize, and Reduce Barriers to Qualified Individuals**  
219

220 Board Member Jill Motz begins the conversation on application review in regard to  
221 curriculum. Ms. Motz speaks about how, when a board member approves an application  
222 pending completion of deficit hours, the only option the applicant has is to attend a in  
223 person school in accordance with AS 08.61.030. She goes on to state that statute says that  
224 applicants must graduate from massage therapy programs and she wants to know if the  
225 board is “streamlining, modernizing, and reducing barriers” by telling people that live in rural  
226 Alaska communities that they need to leave their community to go to one of the three  
227 Alaska Commission on Post-Secondary Education (ACPE) approved schools? Ms. Motz  
228 asks the board if continuing education could fill those deficits if the applicant graduated  
229 from an approved massage therapy school or program in accordance with statute? OLE  
230 Dulebohn reminds Ms. Motz that the board has a regulation that has just finished public  
231 comment to include online massage therapist schools that are state approved or nationally  
232 accredited to “in class supervised”. Ms. Motz continues that her argument is for applicants

that have graduated from a 625-hour program but according to the board's curriculum breakdown are deficit hours in a specific category. Mr. David Edwards-Smith believes that local schools could create a remedial program online for persons who are determined by the board to have deficits but Ms. Motz's stresses that it would be unfair to make people wait for local schools to develop online programs. Ms. Gilmour joins the conversation and counsels that the board needs to have more foresight when creating regulations because their curriculum breakdown is causing problems for applicants that are seeking licensure. She states that she has looked and cannot find any online school that offers partial online courses at this time. Ms. Gilmour states that the board needs to find more schools that will offer online courses that the board can refer applicants to in order to complete educational deficits. She agrees with Ms. Motz that the board should help people find a better way to get the online education (once the regulation has been passed).

**In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a roll call vote, Jill Motz is appointed to contact national organizations, US Career Institute, Alaska Career College, and Alaska Institute for Oriental Medicine, Acupuncture, and Massage Therapy for online course possibilities.**

**TASK: Jill Motz will contact US Career Institute in Colorado in an official board capacity, to see if they will offer programs by module. Jill Motz will also contact Alaska Career College (ACC), Alaska Massage Therapy Association (AMTA), National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), and Commission on Massage Therapy Association (COMTA), and Associated Bodywork & Massage Professionals (ABMP) to see if they have any resources for online education.**

Ms. Endle reiterates that the purpose of the online research is to make the application process/requirements less burdensome for the applicant. She hopes that streamlining the application process will be better for everyone involved. Ms. Motz interjects that she doesn't think it's fair to ask Ms. Endle to analyze transcripts, as a public member of the board. OLE Dulebohn states for the record that in the September 2019 meeting, Ms. Endle did a wonderful job of breaking down transcripts and on a few applications, her attention for detail surpassed the others on the board. For that reason, OLE Dulebohn found no issue in assigning Ms. Endle a rotation in analyzing transcripts, despite one of those being fairly complicated. But, if Ms. Endle would be more comfortable, OLE Dulebohn would find no issue in asking one of the licensed massage therapists on the board to collaborate.

## **Topic 2- Fingerprinting at Initial and Renewal Cycles**

Chair Edwards-Smith believes that previously background reports were a barrier to qualified individuals but recently it has been going very smoothly. He asks the board if they would be supportive of a legislative change to implement Live Scan. Live Scan is an inkless, electronic means of capturing fingerprints in a digitized format that then transmits them to a state repository. Vice Chair Gilmour comments that she believes the board would be supportive of Live Scan but she believes that the bill would be introduced by the Department of Public Safety. OLE Dulebohn suggests that the board could write a position statement in support

of Live Scan and that way if and when they hear that the legislation is coming up, it would be ready to e-mail to the appropriate group.

**TASK: Chair David Edwards-Smith will write a positive position statement on Live Scan to be reviewed and approved by the board in the March 2020 meeting.**

Ms. Motz brings up the issue that the board has not decided when renewal fingerprints will be implemented. Ms. Gilmour suggests that topic would be better discussed during the regular board meeting after the conclusion of the subcommittee.

#### **Topic 4- Continuing Education Requirements**

Chair Edwards-Smith states that he doesn't believe that any licensee is having difficulties meeting the continuing education requirements. Ms. Motz believes that a statement in the newsletter would help clarify that the recently proposed regulatory changes to qualifying education did not pertain to continuing education. OLE Dulebohn states that since the 2019 audit has not been completed yet, she has no recent information on the subject. Ms. Motz states that she believes that the board is fulfilling the directive to modernize, streamline, and reduce barriers by allowing the licensees to choose their own topics and not have the board assign categories.

#### **Topic 3- Massage School Requirements of 625 Hours**

Chair Edwards-Smith asks that OLE Dulebohn do more research into how many applicants have applied under the 625-hour pathway since it was implemented on July 1, 2019? He further would like her to distinguish how many have been licensed and how many have been approved pending completion of deficit hours.

**TASK: OLE Dulebohn will research how many applicants have been approved under the 625-hour program and how many that applied under the 625-hour program are approved pending?**

The subcommittee is concluded with the board members setting their next subcommittee meeting for January 13, 2019 at 10:30 a.m. by video conference.

**TASK: Chair Edwards-Smith will draft the subcommittee agenda and submit it to OLE Dulebohn within 10 business days.**

*Chair Edwards-Smith calls for a short break.*

*Off the record at 10:08 a.m.*

*Back on the record at 10:27 a.m.*

#### **Agenda Item 3 Ethics Reporting**

The Board Chair opened the floor to any Board member that may have an ethics violation or inquiry. None were presented.

**Agenda Item 4**                      **Review/Approve Agenda**

The board reviewed the agenda and discussed any proposed changes. Ms. Gilmour reminds the board that Ms. Motz would like the board to set the schedule for the next renewal fingerprints. Ms. Gilmour suggests adding the renewal fingerprint discussion under Old Business on December 3, 2019.

Chair Edwards-Smith would like to have a Disciplinary Matrix review added to the Investigative Case Review slotted for 11:30 a.m. today. Specifically, he would like to discuss the “Misrepresentation/Fraud in Securing a License” section with the investigative team.

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

**Agenda Item 5**                      **Review/Approve Past Meeting Minutes**

Vice Chair Gilmour begins with mentioning that she has already sent OLE Dulebohn an e-mail with possible corrections and typos. OLE Dulebohn states that she has reviewed the e-mail but have not made any of the suggested changes. Ms. Gilmour went over her suggestions and it was found that most of the suggested typo corrections were unwarranted. Ms. Gilmour did clarify her intent in one instance from the September 2019 meeting regarding the open meetings act and setting future meetings in current meetings. OLE Dulebohn stated that she would review that section and make it clearer as to what Ms. Gilmour’s frustration was directed at was not the pending subcommittee. This topic sparked a discussion the Open Meetings Act, board communication outside of a publicly noticed meeting, recusal of board members with ethical conflicts, and recusal of board members who are delegated as a reviewing board member by Investigations. The board asks that in the March 2020 agenda, there is a place to do a board member etiquette training review.

**TASK:            OLE Dulebohn will include a board training section in the March 2020 meeting to include board communication outside of publicly noticed meetings, etiquette of Investigations Reviewing Board Members, and voting decorum for board members with ethical conflicts.**

**In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the September 19-20, 2019 meeting minutes as amended.**

*Chair Edwards-Smith calls for a short break.*

*Off the record at 10:44 a.m.*

*Back on the record at 10:48 a.m.*

**Agenda Item 6**                      **Old Business**

**Task List from September 19-20, 2019 Meeting**

Chair Edwards-Smith allows OLE Dulebohn to present the September 19-20, 2019 Task List. She states that due to renewals being in the last two weeks when the September meeting occurred that

some of the items she was assigned to did not get done in a timely manner and she apologizes to the board. OLE Dulebohn asks that, for future renewal years, the board not have a meeting that coincides with the end of renewals. Going over tasks that were completed:

- After conferring with Accountant III, Marylene Wales, OLE Dulebohn confirmed that all revenue generated by applications (fingerprint fees, application fees, and licensing fees) is deposited into the board's account. Then the board's account is debited for expenses such as fingerprint processing, staff time, and board meetings.
- The regulations questionnaire for the Medical and Military extensions for continuing education needs to be completed so it may go to Regulations Specialist Zinn. Ms. Gilmour states that she will complete it this meeting, with assistance from OLE Dulebohn.
- The board approved Transcript Analysis Form has been approved by Supervisor Hannasch and was included in the Application by Examination as of October 30, 2019.
- Ms. Gilmour drafted a revised FAQ on chart notes and it is available for board review and approval.
- OLE Dulebohn contacted Alaska Commission on Postsecondary Education to have all board members added to the mailing list for their newsletter.

#### Establishment Registration Renewals

OLE Dulebohn is directed to present the section on Establishment Registration Renewals to the board. She states that Director Chambers, while compiling the fee analysis for establishment registration, inquired whether the board was planning on having establishments renew their registration. In a conversation with Chair Edwards-Smith, he conveyed that he didn't believe the board would be opposed to a re-registration with a fee. Having establishments re-register would ensure they remain self-funded, do not take away funds from the massage therapists coffers, and would help maintain a current and up to date list of non-exempt establishments.

The board discusses that the both the registration and renewal fee for establishments are set by division. They also discuss when the registration renewal would take place. Board member Julie Endle states for the record that she believes the proposed establishment registration fee of \$300 is burdensome and too expensive. Ms. Gilmour joins the conversation by agreeing that the fee is too high and that the way it was worded in the regulations announcement was an instant alarm to many massage therapists who did not understand that registration for establishments would not include the following currently licensed professions:

- Acupuncturist
- Chiropractor
- Naturopath
- Massage Therapist
- Physician, osteopath, paramedic, or physician's assistant
- Direct-entry midwife
- Advanced practice registered nurse
- Physical or occupational therapist

Ms. Gilmour reminds the board that in their initial meetings concerning licensing or registering establishments, the board wanted no fee or a very small fee but understands why this is not the case

as the board does not want to fund establishment registration out of the money collected from massage therapist applications. Registration of massage establishments will allow complaint driven investigations that are costly and those costs need to be self-funded by the income generated by the establishment registration fees. Ms. Gilmour continues that, to save the establishment's save money, that the renewal be more than two years apart. Additionally, she believes that any change outside of a renewal year (such as a change in staffing or location) be on a paper form that is sent in to division and has no cost associated with submitting them.

Chair Edwards-Smith agrees that a onetime fee to register establishments is considerable and he believes there needs to be a minimum of 3 years between initial registration and renewals. He believes that the establishment renewal fee should be minimal compared to the initial fee but reminds the board that they do not get to decide the fees as they are set by division. Chair Edwards-Smith continues that the board does not have any knowledge as to what the cost of implementing this registration will be since it is brand new. The board has been tasked with upholding statute and writing regulations for AS 08.61.020 and they will do so in a way that creates as little impact on the licensed massage therapist business owners as possible.

Ms. Endle continues her opposition by stating that she feels like if a large initial registration fee is imposed, the cost will be relayed to the public utilizing the massage services. She advocates for making the registration fee as low as it can to cover costs but not be a burden to the establishments and the public.

OLE Dulebohn joins the conversation stating, to her understanding, the \$300 initial establishment fee is the lowest possible estimate at this time as determined by Director Sara Chambers. Ms. Dulebohn reminds the board that fees are constantly being analyzed and have the option of being lowered or raised based on need.

*Investigator Carl Jacobs joins the meeting at 11:07 a.m.*

Ms. Motz summarizes that, as a business owner, she knows that there are costs associated with doing business and she would not pass those on to her clients, therapists, or independent contractors. She knows that there are people that do those things but the board does not get to legislate the morality of people's actions. Ms. Motz continues that she is in support of establishment renewals with a renewal fee. If an establishment only had one time contact with the board, how would the board monitor staff, location, and standards of operation.

The board discusses a 6-year renewal cycle for establishments as long as the establishment continues to keep division updated on any changes in staff, location, etc.. The discussion then goes to a renewal cycle of not less than 3 years but the board worries what the renewal fee would look like if they do a shorter renewal cycle. Chair Edwards-Smith reminds the board that they are stipulating on the unknown and then will need to adjust accordingly. Ms. Gilmour would like the board to find a way to do less harm and less conversation in the future by brainstorming some possible problems now. OLE Dulebohn suggests the board ask some of their questions to Ms. Chambers who is slotted to present the board's financial update at 1:15 p.m. that day.

Investigator Jacobs joins the conversation by volunteering some Investigative perspective on establishment renewals. He states that a large number of issues that comes into play when an

inspection is occurring is that the name of the business has changed, the address has changed, and the license file does not reflect that. If the board chooses to implement a 6-year renewal cycle, he believes it will impact those minor compliance issues significantly. To reduce the fiscal drain those compliance issues, create within Investigations, Investigator Jacobs suggest shortening the cycle or tying it in to the business license renewal. Mr. Edwards-Smith reevaluates his position on the establishment renewal cycle by seeing the advantages to aligning the renewal with the professional license renewal which is on a 2-year cycle. The board discusses how business licenses are issued either biannually or yearly. Ms. Gilmour thanks Investigator Jacobs for his input but does not want establishments to have to pay a renewal fee every two year. She understands the cost of doing business but does not want to make the cost prohibitive and cause businesses to close. OLE Dulebohn chimes in that the board has a statute that is in place, the board has written the regulations to implement the registration of establishments, and all the costs associated with the cost of doing business will happen. The only thing left for the board to discuss is whether they will implement a renewal that will help ensure that establishments are charged enough to cover the costs of regulating them or will the costs come out of the money paid by massage therapists? She reminds the board that Investigator Jacobs informed them that there will be a waste of money if the establishments are not reminded to keep their information up to date by having a renewal. Ms. Gilmour remarked that Ms. Dulebohn's assessment was a good observation. Chair Edwards-Smith summarizes that all the board members feel that a renewal is important but they just don't feel good about the costs. Mr. Edwards-Smith would like to pend the discussion until Ms. Chambers can be consulted during the Financial Update at 1:15 p.m.

OLE Dulebohn suggest that the board move the Travel Summary from FSMTB until later in the meeting to allow for the last bullet point which involves Investigations. Chair Edwards-Smith agreed and the board proceeded with the last topic on this agenda item.

#### Example of Why It's Important to Be Consistent with Investigative Reviews

OLE Dulebohn presented the board with an e-mail she sent them on October 25, 2019 and included in the meeting packet at the request of Chair Edwards-Smith. OLE Dulebohn reminds the board that they have gone to great lengths to create consistency in reviewing case files and have even gone through the time and effort to create and revamp a disciplinary matrix in order to streamline the process for the board and Investigations and to also provide clarity for the people that are being investigated. The email OLE Dulebohn sent to the board showcases snippets of a correspondence that she received from an applicant who was had been sent to Investigations for failing to disclose a criminal conviction on her application. According to the applicant, she was then informed by Investigations that she in fact did not need to disclose her criminal convictions and therefore had been delayed in her application process for no reason. Because of this inconsistency on behalf of the reviewing board member, this applicant is furious and blames the board for these defunct policies that kept her waiting for no reason.

OLE Dulebohn continues that this not the only case that has gone against the board's current disciplinary matrix for someone failing to disclose a criminal conviction.

Ms. Gilmour asks the board how they can fix having a reviewing board member go against the wishes of the board's disciplinary matrix? Ms. Motz asks for clarification of the situation of the 1<sup>st</sup> case reference and OLE Dulebohn replied that the applicant had a controlled substance conviction



in 2014 which the applicant did not disclose on their application. The non-disclosure caused the applicant's file to be sent to Investigations, the Investigator enlisted a Reviewing Board Member, and the Reviewing Board Member determined that the applicant did not violate the licensing regulations despite them being listed in AS 08.61.060 and 12 AAC 79.910(10). Investigations then contacted the applicant and informed her that she made no error on her application. The result is an indignant applicant who feels like her time was wasted for no good reason.

Chair Edwards-Smith weighs in that he agrees that someone shouldn't be penalized for something that is outdated and not relevant to them practicing massage therapy but the board has put in place a disciplinary matrix that clearly states that regardless of the timeframe or crime, if the applicant fails to disclose a criminal conviction, that there is a fine assigned. He asks the board if the disciplinary matrix should be redone again in order to take into account time frame and crimes the board has determined are not a threat to the practice of massage therapy. Ms. Gilmour agrees that if the Reviewing Board Member is going to go against the matrix and no action is going to be taken for failure to disclose, then there is no reason the application file was held up in Investigations and the applicant is right to be mad. Ms. Gilmour believes the board needs to give OLE Dulebohn and Investigator Jacobs better direction despite the fact that Investigator Jacobs was following the Reviewing Board Member's direction. Chair Edwards-Smith would like to see a motion during this board meeting if the board finds that changes need to be made to the disciplinary matrix.

Ms. Endle questions the clarity of the statement on the application regarding Professional Fitness Questions. Ms. Motz disagrees that the application is very clear and even goes so far to state "if in doubt, disclose". OLE Dulebohn asks the board if she may interject in order to show them the precise language on the application that states: *Failure to fully disclose information pertaining to a "yes" answer may cause a delay in the processing time of your application. A "yes" answer may not prejudice your application, however, failure to report honestly may.* Then Professional Fitness Question #1 states: *Have you been convicted of a crime or are you currently charged with committing a crime? For purposes of this question, "crime" includes a misdemeanor, felony, or a military offense, including a conviction involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. "Convicted" includes having been found guilty by verdict of a judge or jury, having entered a plea of guilty, nolo contendere or no contest, or having been given probation, a suspended imposition of sentence, or a fine.*

OLE Dulebohn continues that she reviews background reports and should there be a charge that is dismissed, it is not referred to Investigations. Items that are on a background report and are missing a disposition are sent to Investigations in order for them to discover the outcome of the charge. All applicants are expected to answer the Professional Fitness Questions honestly. Ms. Gilmour suggests expanding on this subject using an FAQ.

**TASK: OLE Dulebohn will expand on applicant's responsibility to disclose all criminal convictions or current charges in their application and the Investigative process by drafting an FAQ.**

Ms. Endle expresses appreciation for Ms. Dulebohn's explanation of the PFQ's and what leads to an investigative referral. Chair Edwards-Smith expands that the board needs to understand that if an applicant fails to disclose even a minor infraction, despite the time that has passed, it is still a \$250 civil fine unless the board decides to make a change to the disciplinary matrix. OLE Dulebohn reminds the board that they opted to no longer have the option of Letters of Advisement because

the Reviewing Member of the board was making a decision that the rest of the board would later disagree with. That was when the decision to implement a civil fine came into play.

*Investigator Billy Homestead joins the meeting at 11:30 a.m.*

Investigator Jacobs joins the conversation and speaks on behalf of himself, Senior Investigator Lipker, and Chief Francois in reaffirming that however the board chooses to maintain their disciplinary matrix is within the powers of the board but from Investigation's perspective the Reviewing Board Member still has the option to order a Non-Disciplinary Letter of Advisement for any case, even if it deviates from the matrix, provided that the Reviewing Board Member provides a rationale for why they are deviating for the record. Inv. Jacobs states that he has had multiple board member come to him since the adoption of the disciplinary matrix in September and indicate that the board did not intend it to apply to a 20 year old offense that did not meet the definition of a crime of moral turpitude but that it was intended for persons who knowingly falsifies their license in the attempt to obtain a license. Inv. Jacobs states that it is unique to this board that those two situations would be looked at under the same disciplinary scope. He continues that he cannot recall another board that is implementing an imposition of civil fine for what Investigations considers an "application matter". Inv. Jacobs states that he has had feedback from applicants that expressed an imposition of civil fine for failing to disclose criminal offenses would be an additional cost of doing business and possibly prohibitive. OLE Dulebohn expands on what Inv. Jacobs said by reminding the board that the reason the board wanted to the disciplinary matrix the way it currently stands is for the consistency. The board historically has had issues with one Reviewing Board Member making decisions on discipline on behalf of the entire board and once the entire board reviewed it, found that the entire board did not agree with their actions. Additionally, an issue with one person deciding that a Non-Disciplinary Letter of Advisement should go out to the applicant is once it is sent, the board's hands are tied in regard to any future discipline it may decide to implement as a board on that matter. She reminds the board that the matrix was created in collaboration with what the entire board decided was the best course of action at the time and if Reviewing Board Members start to differ from the matrix, the board is back to the issues that caused them to create the matrix in the first place. Ms. Gilmour agrees with the reasons the matrix was first created but also feels like the board should be able to trust each other's judgement. Ms. Gilmour suggest a change to the matrix that reflects the "No Investigations Needed" list the board has created that states the charges or convictions that the board doesn't feel is a hinderance to the practice of massage therapy to include failure to disclose. In the interest of respecting the time of the two investigators, Chair Edwards-Smith makes a decision to pend this discussion until Old Business on December 3<sup>rd</sup> at 9:30 a.m.

#### **Agenda Item 7**                      **Investigative Case Review and Probation Reports**

Investigator Homestead begins with the Probation Report. He states there are 9 licensees on probation and everyone is complying. 3 of the individuals on the list have a lapsed license which means that they will not accrue any time towards their probation while their license is not current and active. Investigator Homestead asks for any questions and the board reports that they have none.

Investigator Jacobs begins the Investigative Case Review with the permission of the Board Chair for the period of September 11, 2019 through November 27, 2019. Inv. Jacobs states that the division opened 15 matters and closed 12. Mr. Jacobs disclosed that Investigations continues to review and

complete compliance inspections and have received referrals for compliance issues in the Anchorage area. Inv. Jacobs reveals that Investigations is currently setting up some regional compliance inspections in conjunction with another board simultaneously. He states that he believes he may have some additional cases stemming from those regional inspections to present to the board during their next meeting. Investigator Jacobs invites questions for himself and Investigator Homestead.

OLE Dulebohn asks Inv. Jacobs if the regional inspections that were planned at the time of the board's September meeting are the ones that he was referring to in this meeting. Mr. Jacobs replies that Investigations has not done any inspections outside of the Anchorage area since September 2019 due to travel authorization. He continues that Investigations has an inspection trip authorized and coming up soon. Mr. Jacobs ask that the board include Investigations on any upcoming discussion on the disciplinary matrix so they may provide guidance as needed.

*Investigators Jacobs and Homestead left the meeting at 11:43 a.m.*

#### **Agenda Item 6** **Old Business (continued)**

##### **Example of Why It's Important to Be Consistent with Investigative Reviews (continued)**

Ms. Motz asks the board to refer to the 2<sup>nd</sup> case example of a Reviewing Board Member (RBM) not following the direction of the Disciplinary Matrix. As the RBM, she explains to the board that a serious offense was disclosed but a less serious, traffic related offense was not. Ms. Motz states that she was advised by Senior Investigator Lipker to reevaluate her initial evaluation that was in line with the matrix because, should the case go to trial, it would be hard to prove that the applicant tried to secure their license through fraud or deceit when they had disclosed a more serious conviction. Ms. Motz states that she was strongly encouraged to make an exception to the disciplinary matrix and, based on that, she made the choice to deviate from the matrix. Ms. Motz also disclosed that Senior Investigator Lipker also inferred that if the case went before an administrative hearing that it would be unlikely that the board would win. Ms. Motz states that she made it clear to the investigators that the rest of the board would not be happy with her deviation from the board approved matrix.

In light of the board discussion, OLE Dulebohn shares that should an applicant disclose all criminal history that is confirmed as correct with the receipt of the background reports, that conviction would not have been included in the Investigations referral. It is only due to the non-disclosure that it was sent to Investigations. OLE Dulebohn muses that maybe the disciplinary matrix doesn't need to change but the policy of what is sent to Investigations needs to be modified. For example, if someone doesn't disclose something that is more than 10 years old and isn't on the Moral Turpitude list, it shouldn't be sent to Investigations. This modification would be a change to what the board doesn't care isn't disclosed. If the board wants to make a flat policy to avoid discrepancies with Investigations/Reviewing Board Members concerning crimes that the board has deems does not impact a practicing massage therapist, it may be accomplished by not sending it to Investigations in the first place. Board Edwards- Smith asks that OLE Dulebohn send the board the policies and procedures excerpt and the "No Investigations Needed" list for their review and consideration.

#### **Agenda Item 8** **Lunch**

*Chair Edwards-Smith calls a lunch break at 11:49 a.m.  
Back from lunch at 1:18 p.m. with board members David Edwards-Smith, Traci Gilmour, Jill Motz, and Julie Endle and Director Sara Chambers present.*

**Agenda Item 9**                      **Division/Financial Update**

Sara Chambers, Director of Corporations, Business, and Professional Licensing, will present the Division/Financial Update to the board. Director Chambers begins by directing the board to the 1<sup>st</sup> Quarter of FY2020.

Ms. Chambers goes over the finances of the board for 1st Quarter of FY2020 which ran from July 1, 2019- September 30, 2019 and the 4<sup>th</sup> Quarter of FY 2019 which ran from April 1, 2019- June 30, 2019.

**FY 2019 4<sup>th</sup> Quarter- FY 2020 1<sup>st</sup> Quarter- Schedule of Revenues and Expenditures**

MAS	2019	2020
<b>Licensing Revenue</b>	<b>\$91,561</b>	<b>\$244,490</b>
Direct Expenditures	222,447	33,153
Indirect Expense	92,005	23,001
<b>TOTAL EXPENSES</b>	<b>\$314,452</b>	<b>\$56,154</b>
Annual Surplus (Deficit)	(222,891)	188,336
Beginning Cumulative Surplus	\$231,543	\$8,652
<b>Ending Cumulative Surplus</b>	<b>\$8,652</b>	<b>\$196,988</b>

The Division website has Quarterly Reports for all boards.

Ms. Chamber shows the board that changes have been made to the Quarterly Statement in terms of formatting changes. Division has added a breakdown of Expenditures into “Investigation” and “Non- Investigation”. Ms. Chambers states that this change was at the request of other boards will high investigation costs. Director Chambers also directs the board to see that the Indirect Expenditures column is also broken down into more details that include “Internal Administrative Costs”, “Departmental Costs”, and “Statewide Costs”.

Director Chambers goes over the revenue generated by the 2019 renewals but is clear that there will still be more income that has yet to be reported. OLE Dulebohn explains to the board that, after a consultation with Accountant Marylene Wales, she was informed that there would still be quite a lot of revenue to be added to the board account as a significant number of licensees did not renew their licenses until the last two weeks of renewals or even after October 1, 2019.

After Ms. Chambers goes over the travel expenses for July 1- September 30, 2019, Chair Edwards-Smith asks about the travel expenses relating to Investigations as there is nothing in the 2000 field under the Investigation Expenditures. Ms. Chambers states that if those expenses were reconciled after September 30, 2019, they would show up in the 2<sup>nd</sup> Quarter statement.

Chair Edwards-Smith expresses that he is happy to see the breakdown such as it is especially considering the cost that will be recouped due to the inspections of establishments that are on the horizon. Vice Chair Gilmour asks Director Chambers how the board can direct the public to this breakdown and how they can help the public understand how their money is being spent. Ms. Chambers advises that the best way for the public to understand the Division/Financial Update is to call in during this portion of the meeting so they can follow along as it is presented to the board and not be overwhelmed by the amount of information on that report.

**TASK: OLE Dulebohn will locate the 2<sup>nd</sup> page of Indirect Expenditures and distribute it to the board for their convenience.**

Chair Edwards-Smith asks about the highlighted portion on the Schedule of Revenues and Expenditures that show “Fee Analysis Recommended” in yellow. Ms. Chambers explains that this is a new feature which will show in green, yellow, or red. If the program has in reserve \$1- the previous year’s expenses, the color will be yellow. If the board has in reserve one year’s expenses or higher, the color will be green. If the board has less than \$1 in reserve the color will be red. Division’s goal is to see boards have 1 year of expenses in the “bank” in order to cover expenses such as Investigations and Administrative Hearings. Having this surplus keeps the board from any unexpected fiscal surprises and allows division not to have to raise and lower fees frequently. Ms. Gilmour reminds the board that they lobbied the division to not raise fees in order to keep costs down for massage therapists and were aware that they would carry less revenue than recommended. OLE Dulebohn also reminds the board that they were counseled by division to carry less in surplus in 2018 but then the board had a few very expensive lawsuits that drained their surplus so the balance evened out.

Having no more questions about the Division/Financial Update, the board asks for Ms. Chambers counsel regarding establishment registration and renewals. Ms. Motz begins by asking Ms. Chambers how the fees for establishment registration were calculated, when the board should ask those registrations to be renewed, and how much the renewal registration fee would be? Ms. Chambers asks OLE Dulebohn to recap the establishment registration conversation for her reference. OLE Dulebohn reminds Director Chambers that division has sent a \$300 initial registration fee to accompany the establishment registration regulations that include only those not on the exempt list and that just returned from public comment, a \$2000 inspection fee for non-exempt establishments that failed to register, and there was a possibility to be brought to the board of renewing the registration to continue to fund the costs associated with the establishment registration but to also ensure that establishment information remains current. Ms. Chambers discloses that there is a formula for setting fees based on estimated costs including inspections, staff time, and potential discipline. Chair Edwards-Smith asks if there are any other programs such as Barbers and Hairdressers, that have compliance inspections that the board could use as a barometer for what they could expect to pay for inspections? Ms. Chambers discloses that division just got authorization to inspect Barbers and Hairdresser establishments in the last year as it was previously carried out by the Department of Environmental Conservation (DEC). Ms. Chambers states that

the DEC has previously billed division \$15,000 to inspect approximately 100 tattoo establishments. She believes that the board could possibly surmise the cost of inspections based on how many massage establishments the board anticipates registering.

Chair Edwards-Smith relays that the board believes that renewing the registration of establishments is necessary, but they would like guidance on the most efficient way of doing those renewal and whether it should be tied to an existing licensing period. Ms. Chambers suggest the board consult OLE Dulebohn on that matter but believes it makes sense to tie the renewal to business licensing renewals as that would make the most sense to a business owner.

Vice Chair Gilmour joins the conversation with a question about how the proposed \$300 registration fee will be broken up. OLE Dulebohn reviews the document that went out to the public and it states that the \$300 is a one-time, nonrefundable registration fee. The fee would be used for all things related to the registration of massage establishments including application processing and investigative costs. Ms. Chambers explains to the board why a onetime fee for a registration that is in perpetuity would not work well and why renewals that include even a token renewal fee is preferred, if not for any other reason than to keep the list of massage establishments in Alaska current. Ms. Gilmour expresses that she would not want to see all massage establishments inspected every year and that she feels a random inspection approach would work better for this particular program. Ms. Chambers informs the board that they can determine in regulation the frequency of inspections and recommends they do so. Chair Edwards-Smith brings up that the board has relied on complaint driven inspections up to this point to keep the cost and burden to a minimum. OLE Dulebohn brings up the point that the board has nothing in regulations that mandates how many or what kind of inspections should be taking place and yet Investigator Jacobs has disclosed that there are two regional inspections planned in FY 2020. Ms. Dulebohn asks who authorizes those inspections to be scheduled if the board has not been consulted. Ms. Chambers states that the board needs to give their directive on inspections to staff as it is tied to their revenue. Ms. Chambers also believes that directive would help consistency and the making of a fiscal plan. Ms. Chambers also brings up, for the board's consideration, what would happen if the investigators receive a complaint in Barrow or somewhere else that is fairly inaccessible? Would the board want Investigations to pursue such a complaint with an inspection?

Ms. Chambers suggests the board start on conversation on regional inspections with Chief Francois and Investigator Jacobs. The discussion should include the board's permission to inspect establishments and licensee, Investigation's vision from a policy and safety standpoint, and fiscal conversation on the budget the board would like to stay within. Chair Edwards-Smith agrees that the meeting with Investigations would be a logical next step. OLE Dulebohn reiterates that there has been a disconnect between the Investigations Unit and the board/board staff for quite a while, she asks if the board would like her to send an invitation to their investigative team since there is a regional inspection that will cost the board money that has already been scheduled in the not-to-distant future and the board has never been consulted when it comes to the scheduling of these inspections? Ms. Chambers is consulted as to whether the board should have a say in the scheduling of these regional inspection and she replies that she believes that scheduling a meeting with Investigations is a good idea as Investigations may believe that they have received a directive from the board and are pursuing that course. Ms. Chambers does remind the board that, at the end, division will have the final say on how the resources are allocated for inspections.

TASK: OLE Dulebohn was asked to send out an e-mail request to Misters Francois and Jacobs to meet with the board on December 3<sup>rd</sup> at 1:30 p.m..

*Regulations Specialist Sher Zinn joins the meeting at 2:12 p.m.*

Ms. Motz brings the board back to the conversation about establishment registration costs. Ms. Motz asks Ms. Chambers if the board will recoup any of the \$2000 that will be assessed for establishments that are not registered to offset the investigative costs. Ms. Chambers explains that when the fees were proposed, the \$2000 was defined as a fee for investigation of unregistered establishments so it will be deposited in the board's account. Ms. Chambers continues that division has the authority to set investigative fees, and this has been proposed for establishments that are not in compliance to cover their investigation. This assessment will also help ensure that those that are registered and in compliance, do not have to pay the higher \$2000 fee. Ms. Chambers is very clear that the \$2000 fee is not a fine or it would be part of the disciplinary matrix and that fine would go to the general fund. The board expresses interest in the ability to assess fees that would help cover costs and ask whether there are any other places they can utilize this. Ms. Chambers replies that this is the first time that she can recall this being done but she sees it as a work around to legislation not coming around to fines being used to cover board costs of investigations. Ms. Chambers states that this investigative fee was proposed because of the structure surrounding the potential issue is of noncompliance and the need of the investigation. Ms. Motz states that she is glad to hear that the cost associated with people that are not in compliance will not fiscally impact registered establishments or licensed massage therapists.

*Sara Chambers left the meeting at 2:22 p.m.*

#### **Agenda Item 10 Regulations Public Comments**

Board Chair Edwards-Smith directs the board to the items that went out for public comment since the September 2019 meeting. Mr. Edwards-Smith asks Ms. Zinn to present the documents she submitted for board review. Ms. Zinn tells the board that she has brought the proposed language for regulations as well as the public comments she has received on the subjects. Ms. Zinn reminds the board that they may make changes based on the public comments but any significant changes or restrictions would need to go back out for public comment.

Ms. Zinn informs the board that since the fees were assessed for establishment registration by division after the board had drafted the language on that subject, the board needs to make a motion on regulations on renewal of the registration and on the \$2000 investigative fee for non-registered establishments. Ms. Zinn also suggests the board require that if the business is no longer in operation, the owner notify division so the business can be taken off the registry. Ms. Gilmour states that the board would find out who was still in operation when the establishment is required to renew their registration. Ms. Zinn suggests that the board divide their review to the regulations that have already gone out and the renewal registrations.

Chair Edwards-Smith shares his observation that the majority of the comments on the currently proposed regulations seemed to be misunderstandings by the public that Ms. Zinn worked hard to direct the commenter to the correct information. Ms. Gilmour respectfully directs the conversation

to ensuring the board members have read all the public comments and to ask if there were any questions or suggested changes concerning the proposed regulations by the board.

Ms. Motz joins the discussion by pointing out that the majority of public comments submitted were ones that were based on misinformation and that Ms. Zinn did an amazing job of clarifying any submitted questions. Ms. Zinn relayed to the board that the majority of the public's comments that she received revolved around people misinterpreting that Section 100 involved continuing education (which it did not) and that massage establishment registration had to be done by licensed massage therapists (which it does not). Ms. Gilmour asked if Ms. Zinn received any comments by the people that would actually be impacted by the registration of massage establishments and Ms. Zinn replied that she only received comments from one e-mail address that may be affected but she does not believe that individual has a LLC or even a business license. Ms. Zinn shared with the board that she cast a wide net when it came to informing the public of the upcoming establishment registration. She used the business licensing data base to send the notice to anyone who owned a spa, hair salon, barber shop, tattoo establishment, chiropractors, physicians, massage therapists, B & B's, hotels, and lodges and had a certain NAICS code.

Chair Edwards-Smith would like the board to start drafting a motion for establishment renewals that include fees, renewal timeframe, that registered businesses notify division in the event they cease operations, and investigative fee for non-registered establishments. Ms. Zinn explains to the board that the purpose of requiring a business to notify division in the event they cease to operate is so that if someone makes a complaint to Investigations, division has the most up to date information on that business. Additionally, it will help ensure that the list of registrants is current. OLE Dulebohn shares possible motion language for the board's consideration.

Board member Julie Endle joins the conversation by referencing her opposition to the \$300 establishment registrations fee set by division and the 10-business day deadline for registered massage establishments to notify division if they have a change in ownership or physical location of the massage therapy establishment. Ms. Endle also asks the board if, as a business owner of a B&B, if she would be required to register her business as a massage establishment would one of her clients choose to bring a massage therapist to the B&B for treatment. Board member Traci Gilmour would like to reassure Ms. Endle that a B&B business whose client chooses to engage a massage therapist would not be required to register as a massage establishment. A B&B would only need to register if it employs or has contracted the services of a massage therapist. Ms. Gilmour reveals to the board that, after some reflection, she supports the \$300 initial registration fee for establishments. The reason being is that she wants establishments to be self-supported and does not want to see the fees for their investigations and inspections come out of the massage therapist fees. Ms. Motz also supports the initial registrations fee of \$300 which breaks down to \$12.50 a month, assuming the renewal of the registration is the same amount as the initial registration. As a business owner, she doesn't not feel that such an amount would be prohibitive to business. Ms. Motz reminds the board that the end game in registering establishments is to curb human trafficking which why the board created a list of exempted professions from having to register. Mr. Edwards-Smith asks Ms. Zinn if it is necessary for the board to quote the amount of the initial registration fee in regulation or if it could just be referred to as "fee as set by division". Ms. Zinn replies that citing the regulation is enough and to avoid future regulations projects the board does not need to cite the specific dollar amount. Ms. Zinn continues that the actual registration renewal fees can change based on the cost of inspections and how many people register their businesses with division. Ms.



Gilmour expresses to the board how she believes the \$2000 inspection fee for unregistered establishments will help to ensure that the specific functions are covered by their assigned fees. OLE Dulebohn reminds the board that it may be a challenge to get unlicensed professionals that have not registered their massage establishment to pay the \$2000 investigation fee and that they should not count on that income to cover the investigative costs those investigations incur.

Ms. Gilmour is prepared to make a motion regarding the proposed regulations that Ms. Zinn will draft and come back to the board for review and possible approval.

**In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to** for the Regulations Specialist to draft potential regulations pertaining to:

1. **A non-registered massage therapy establishment that has been investigated by division will pay a \$2000 investigation fee to Corporations, Business, and Professional licensing per 12 AAC 02.396.**
2. **A registration fee for establishments will be set by division.**
3. **There will be an establishment registration renewal with a fee as set by division.**

Chair Edwards-Smith asks if the board needs to set a timeline for establishment registration renewals. Ms. Zinn informs the board that if they do not set a renewal date for registrations that is different than their current renewal date for licensure, the date to renew registration will automatically default to their licensing renewal date. Ms. Zinn asks the board what they would like included in the renewal form. The board states that they believe that to renew the registration, the establishment owner will need to fill out the form created by division, that form will include questions about ownership, location, attestation that they are following standard operating procedures and standards of practice, and a self-inspection sheet, and pay the fee as set by division. Ms. Zinn states that a renewal application does not need to be notarized as division is trying to make renewing online the standard.

**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 following items for the Regulations Specialist to draft into regulations language:**

1. **A non-registered massage therapy establishment that has been investigated by division will pay a \$2000 investigation fee to Corporations, Business, and Professional licensing per 12 AAC 02.396.**
2. **A registration fee for establishments will be set by division.**
3. **There will be an establishment registration renewal with a fee as set by division**

*Regulations Specialist Zinn joined the meeting at 2:20 p.m.*

The board reviewed the proposed regulations changes that ended public comment on November 29, 2019. The board discusses changes to deadlines to notify division in change of ownership or physical location, requiring 2 of the 16 required continuing education hours be in Ethics to support public safety be done every other biennial licensing period instead of every licensing period, and some housekeeping errors brought to their attention by Ms. Zinn.

After the board read and considered these comments, the following changes were recommended for the existing regulations document:

- Change the deadline to notify division of establishment change in ownership or physical location from 10 business days to 30 days.
- Amend 12 AAC 79.100(d)(2) by putting the word “must” before “meet”.
- Insert reference of 12 AAC 79.900 before semi-colon in 12 AAC 79.930(2).
- Amend 12 AAC 79.210 (2)(3) to read “every other biennial licensing period beginning on or after October 1, 2019”. The ethics requirement would begin the 2019 licensing period and be included in the CE audit in 2021.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was **RESOLVED** to **ADOPT** the regulations that closed public comment on November 29, 2019 as amended.

**TASK:** OLE Dulebohn will submit Board Certifying Order and Examiner Affidavit to Ms. Zinn.

*Regulations Specialist Zinn left the meeting at 3:32 p.m*

#### Agenda Item 6 Old Business(continued)

##### Travel Summary from FSMTB Annual Meeting

Vice Chair Gilmour, who was elected to attend the Federation of State Massage Therapy Board (FSMTB) Annual Conference, gives the board a presentation on her experience. Ms. Gilmour states that she was very impressed with the conference. Ms. Gilmour imparts to the board that one of the best takeaways is the networking opportunities given to the delegates. The way that FSMTB structures the event allows multiple opportunities for state delegates to speak with other approximately 40 other districts on topics such as regulation, investigations, policies, education requirements, licensing, and human trafficking issues. Ms. Gilmour also shares with the board the information that she received on “exam mills” in Mississippi where students do not learn about massage therapy and only cram for the MBLEx from stolen test questions. These mills are related to human trafficking and when they are discovered by law enforcement, they begged the investigators not to do anything for fear of what the repercussions may be from their “handlers”. Ms. Gilmour imparts information about deregulations tactics which are attempting to get boards disbanded. She cautions that the board should make sure they are aware of any bills that are being introduced that could impact the board so they can be prepared to lobby the legislature.

Ms. Gilmour inquired about the pros and cons of the Alaska Board joining the Federation of Associations of Regulatory Boards (FARB) while at FSMTB since Debra Persinger, the Executive Director of FSMTB, is on the FARB board. Ms. Persinger believes it is necessary for the Alaska Board to join FARB but Ms. Gilmour is still against the board paying for that membership and maintains that the state should pay for it.

Speaking of deregulation, Ms. Motz reminds the board of the agenda item for tomorrow regarding HB0169 and how it is important that the board formulate a position statement to ensure their voice is heard. Chair Edwards-Smith believes that the opinion letter written to Anchorage Daily News is also a warning sign of a tide of deregulation and how it is a warning to boards to be more aware of

the climate. The board feels that the more the public is educated, the more that everyone will understand that this board has no intention to overreach but to ensure that public safety is maintained.

**Agenda Item 11**                      **Adjourn or Recess**

Chair Edwards-Smith recesses the meeting until December 3, 2019 at 9:30 a.m.

*Off the record at 3:46 p.m.*

**Tuesday, December 3, 2019**

**Agenda Item 12**                      **Call to Order/Roll Call**

*On the record at 9:35 a.m.*

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

David Edwards-Smith, Board Chair-Licensed Massage Therapist  
Traci Gilmour, Licensed Massage Therapist  
Jill Motz Licenses Massage Therapist  
Julie Endle, Public Board Member

**Division Staff present:**

Dawn Dulebohn, Occupational Licensing Examiner

**Joining Telephonically**

Carl Jacobs, Investigator III  
Sonia Lipker, Senior Investigator III

**Agenda Item 13**                      **Review Agenda**

Chair Edwards-Smith starts the day reminding the board that this meeting would have been board member Ron Gibbs' last as his term expires on March 1, 2020 and Mr. Gibbs has shown no intention of renewing his place. Ms. Gilmour suggests the board contact Boards and Commissions to see if there has been any interest expresses in the position. Chair Edwards-Smith asks what the board can do to express their appreciation of Mr. Gibbs time on the board? OLE Dulebohn states that she believes division sends out a certificate of appreciation. The board considers other ways to show Mr. Gibbs their gratitude of his time.

Chair Edwards-Smith states that he has spoken with Investigator Jacobs about meeting with the board today at 1:30 p.m. to discuss the board's disciplinary matrix and the regional inspections. Mr. Edwards-Smith relays that Investigator Jacobs did not confirm that Chief Francois would be joining the meeting but believes that is the intent.

The board reviewed the amended agenda from yesterday. The amended agenda included adding a discussion for the implementation of renewal fingerprints to Agenda Item 15 at 9:30 a.m. and adding a discussion with Investigations regarding the board's disciplinary matrix and regional inspections at 1:30 p.m. between Agenda Item 18 and 19.

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 agenda as amended.

Agenda Item 14 Professional Licensing- Meetings 101

Chair Edwards-Smith states that it was fortuitous that this is on the agenda as the board was just discussing making items like this one part of an annual board training/refresher course. The board discusses the information contained in the handout that was drafted by Supervisor Dawn Hannasch and its content relating to meetings, subcommittees, opens meeting act, and quorums.

The board agrees that Meetings 101 is a great resource for the board and should but uploaded to Onboard Resources folder for the board's convenience.

**TASK:** OLE Dulebohn will add Meetings 101 to the Onboard Resources folder.

**Agenda Item 15** **Old Business (continued)**

## Review New FAQ's

Board Chair Edwards-Smith shares that he thought the FAQ drafted by Ms. Gilmour was great and that he suggests only one edit. He believes that the line “Files are generally kept locked in filing cabinets” should be removed. This may be different in a private clinic or home practice.” He suggests modifying the preceding line to read: “Keeping in compliance with HIPAA, files are kept secure.”

OLE Dulebohn informs the board that, in addition to Ms. Gilmour's newly crafted addition, she has updated all the existing FAQ's to make sure they are current. She asks the board to review and make note of any changes that be made or typos they may find. Chair Edwards-Smith comments that the FAQ's seem very thorough and he cannot think of any more information to add. He expresses concern of information overload and OLE Dulebohn reassures him that when the Publication's Specialist puts the information on the board's website, it is in an "accordion" format that allows them to see all the FAQ topics, but the answers are accessed by a "drop down" arrow. Ms. Gilmour commented that she has reviewed the current FAQ's on the board's website and the accordion format makes researching the FAQ's much easier and manageable.

## Board Compilation of State Authorizing and National Accreditation Entities

OLE Dulebohn reminds the board that all of the supporting documents in the board packet were from the September 2019 meeting. The board was tasked in the September meeting to research the accrediting entities to decide which, if any, they would like to recognize.

Chair Edwards-Smith states for the record that his research did not yield anything that he believes that the board would like to add to their “list” at this point. He felt like few states used the Commission on Massage Therapy Associations (COMTA) and most relied on state resources for their credentialing agencies.

Ms. Gilmour states that the National Accrediting Commission of Career Arts and Sciences (NACCAS) is the preferred agency of Juneau’s Alaska Academy of Advanced Cosmetology and it is recognized by the US Department of Education (USDOE). She suggests the board take a deeper look at it to see if it may be one it wants to utilize in the future.

Ms. Motz brings to the table the e-mail sent to the board from Alaska Commission on Postsecondary Education (ACPE) Program Coordinator Kierke Kussart and her stance on accreditation vs. approval. Ms. Motz relays that “accreditation” is a non-governmental, peer review process which sets standards for educational quality and the only one’s recognized by ACPE are the one’s recognized by the USDOE. Whereas “authorization” refers to the regulation of private postsecondary education by a state.

**TASK: OLE Dulebohn will upload the documents located in the Board Compilation of State Authorizing and National Accrediting Entities in the Onboard Board Resources folder.**

OLE Dulebohn reminds the board that the reason this topic is on the agenda is because it is a directive of the board per AS 08.61.020(6).

**TASK: OLE Dulebohn will continue to put State Authorizing and National Accrediting information in the board packet until the board has satisfied the directive of AS 08.61.020(6).**

#### Board Position Statement on HB0169A

Chair Edwards-Smith directs the board to HB0169A. The board reviews the bill on the record with the intent of formulating a position statement to support or oppose this proposed legislation.

Ms. Endle asks the purpose of the board writing a position statement for a non-massage therapist bill. OLE Dulebohn explains that position statement from boards are taken into consideration and help influence legislators on bills.

Some of the topics discussed for the bill are:

- Waiver of licensing fees depending on the applicant’s income- the general consensus of the board on this topic was negative. The Board of Massage Therapists is receipt funded. If it was a law that the board must waive all fees to people who meet certain criteria, the board would have to carry them and other licensees would be paying for their license to be issued. Reference page 2, line 26.
- Military Family- to the board’s knowledge, there are no massage therapist’s positions open with active, US military. HB90 ensured that military personnel and their spouses receive expedited application processing.

- Criminal Convictions- The bill would state that board cannot consider criminal history that is older than 3 years. It also lists items as barriers to licensure which the board has already found they do not have authorization to have per their statutes. Reference page 3, line 20.

Ms. Motz states that this bill seems to be a way to deregulate boards in a guise of removing barriers to licensure. Ms. Gilmour states that the board's interpretation of HB0169A is correct and they are coming to the understanding that HB0169A is not in the board's best interest.

**In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE a position statement be drafted opposing HB0169A after board review.**

**TASK: Chair David Edwards-Smith will draft and forward a position statement on the board's behalf opposing HB0169A to OLE Dulebohn. The position statement will include waiver of licensing fee, overreach into board purview (criminal history), apprenticeship programs (hours), and limitation of lobbying services. Ms. Dulebohn will then distribute the position statement on to the rest of the board for review and approval.**

#### Regulations Questionnaire for Military and Medical Extension

Vice Chair Traci Gilmour completed the Military and Medical Extension regulations questionnaire.

**TASK: OLE Dulebohn will forward the Military and Medical Extension questionnaire on to Regulations Specialist Zinn.**

#### Renewal Fingerprint Implementation Year

The board discusses the implementation of renewal fingerprint cards to coincide with AS 08.61.050(5) due to the passing of HB110 in 2018. That statute says that the board has the power to asks licensees to provide renewal fingerprint cards that will be used to generate state and federal background reports at least once every six years. The board discusses the pros and cons to implement in 2021 vs 2023 renewal periods. Ms. Gilmour was in favor of giving licensees the full 6 years from the date the statute went into effect which would be 2023. As the group was unable to recall the specific details as to why the board should implement the renewal fingerprints in 2021 instead of 2023, it was asked that OLE Dulebohn consult with Director Sara Chambers for some historical knowledge.

Chair Edwards-Smith called for a short break at 10:41 a.m.

Back on the record at 10:53 a.m.

OLE Dulebohn consulted with Director Sara Chambers and relayed to the board that the division historically allows applicants that are granted a license within 90 days of a license expirations date to be "morphed" into the next licensing period. Therefore, any person licensed from July 1, 2017-September 30, 2017 would not have been required to submit renewal fingerprints for 2017 and would be out of compliance with statute if they didn't implement renewal fingerprints again until 2023.

In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it was **RESOLVED to IMPLIMENT** renewal fingerprints starting in 2021 in accordance with AS 08.61.050(5) to ensure compliance of all licensees.

Chair Edwards-Smith stresses that the selection of 2021 for renewal fingerprints will ensure compliance of all licensees. The board would like to include a blurb in the upcoming newsletter as the reasoning being implementing the renewal fingerprint requirement in 2021.

**TASK:** Jill Motz will write the newsletter blurb regarding renewal fingerprint requirements to start in 2021 and why.

## Agenda Item 16 Administrative Business

### Administrative Statistics

The board reviews the administrative statistics that OLE Dulebohn has compiled for their convenience. The first page is actually generated by Program Coordinator Colleen Kautz regarding the recent massage therapist renewal statistics.

OLE Dulebohn presents to the board information on how division handled renewals. Division, in an effort to comply with the Governor's mandate regarding not delaying licensing to qualified individuals, has tested out online renewals which allows a licensee to immediately renew their license despite the requirement to submit proof of current CPR as stated in AS 08.61.050 and 12 AAC 79.200. That person could complete their renewal application online and upon completion and payment of the licensing fee, their renewal license would automatically generate and be mailed to that individual. Division added an attestation on the renewal application that the licensee "has proof of current CPR and will submit that proof no later than October 30, 2019" despite the licensing period ending on September 30, 2019. As referenced in the statistics, and estimate of 56 licensees did not comply with this requirement and therefore had their licenses lapsed on November 1, 2019 which is why the current number of active licensees is less than the number renewed in Ms. Kautz's breakdown.

OLE Dulebohn relays that she actually lobbied her superiors against this course and asked that renewals be done in line with regulations but she was overruled. As this process of not requiring the CPR prior to issuing the license has not turned out as hoped, Ms. Dulebohn hopes that it will not be repeated for the 2021 renewals. Additionally, OLE Dulebohn discusses with the board that regulation was just sent out for public comment to change "proof of CPR" to "documentation of a current certification in CPR..." at the urging of division. This change will allow division to place an attestation in the application that will take the place of requiring proof of current CPR completion. Ms. Dulebohn continues that since checking CPR certificates is not part of the renewal continuing education audit, there is a possibility that licensees will never had to show actual proof of CPR completion in the coming years. Chair Edwards-Smith expresses his dismay at CPR not being checked at audits as he feels that the audits would address all compliance issues. OLE Dulebohn explained that his point is shared by some in division and is still being discussed. Chair Edwards-Smith wonders what the point of having a CPR certificate is if it would never be checked. OLE Dulebohn checked in Centralized Regulations and the language on audits is as follows:

**12 AAC 02.960. AUDIT OF COMPLIANCE WITH CONTINUING COMPETENCY REQUIREMENTS.**

(a) Except as provided in (b) - (j) of this section, the department will audit compliance of licenses with continuing competency requirements in accordance with this section if

- (1) the licensee is required to meet continuing competency requirements under AS 08 or this title;
- (2) repealed 9/29/2005;
- (3) repealed 9/29/2005.

(b) A licensee subject to audit under (a) of this section and applying for license renewal shall

- (1) complete and sign a statement of compliance with continuing competency requirements; and
- (2) submit the statement to the department with the application for license renewal.

(c) Except as provided in (d) of this section, the department will select licensees for audit under (a) of this section as follows:

- (1) ten percent of the total number of licensees in that profession if the total number of licensees is less than 3,000; or
- (2) five percent of the total number of licensees in that profession if the total number of licensees is 3,000 or more.

(d) The department will require that a different percent of licensees be selected for audit, if the board that regulates the profession, or the department for a profession not regulated by a board or commission, finds that a different percent to be audited is necessary to protect public health and safety.

(e) A licensee selected for audit under (c) or (d) of this section will be notified by the department. Within 30 days of notification, the licensee shall submit to the department, documentation to verify completion of the continuing competency activities claimed on the statement submitted with the application for license renewal. The documentation must include a valid copy of a certificate or similar verification of satisfactory completion of the continuing competency activities claimed that provides

- (1) the name of the licensee;
- (2) the amount of continuing competency credit awarded;
- (3) a description of the continuing competency activity;
- (4) the dates of actual participation or successful completion; and
- (5) the name, mailing address and signature of the instructor, sponsor, or other verifier.

(f) A licensee subject to audit under (a) of this section is responsible for maintaining adequate and detailed records of all continuing competency activities completed and shall make the records available to the department on request. A licensee shall maintain the records until the later of

- (1) four years from the date of completion of the continuing competency activity; or
- (2) if the licensee was selected for audit, the date that the department notifies the licensee that the audit is completed.

(g) The department will extend the period for providing documentation of completion of continuing competency activities if the department finds that the licensee has good cause for the need for additional time to submit the documentation required in (e) of this section.

(h) The department will notify the respective board of a licensee's failure to comply with the department's request for records under (e) of this section.

(i) For professions licensed by the department, the department will consider the licensee's failure to comply with the department's request for records under (e) of this section as grounds for imposition of disciplinary sanctions to the extent allowed under AS 08 and this title.

(j) In this section, "successful completion" means the date that credit for the continuing competency activity is awarded by the instructor, sponsor, or other verifier for completion of the activity.

**Authority:** AS 08.01.050 AS 08.01.087 AS 08.01.100 AS 08.01.080

OLE Dulebohn relays that her supervisors have interpreted this regulation as only pertaining to continuing education and not CPR certification. The board believes that CPR should be included in CE audits since having to keep an updated CPR is continuing your education. Ms. Gilmour asks about how 12 AAC 79.210(b) allows hands on CPR to be submitted as part of the licenses continuing education credit. OLE Dulebohn explains that is an option to help fulfill CE requirement but is not mandatory.



The board expressed frustration at this new information and the impact on it's licensees.

**TASK:** Chair Edwards-Smith will contact Director Sara Chambers relating to the renewals not requiring proof of CPR prior to licenses being issued, the lapsing of the licenses of those who did not comply with the renewal requirements, and the reason why CPR is not included in the Continued Competency Requirement audit.

Traci Gilmour left at 11:10 a.m.

Back at 11:15 a.m.

Ms. Motz is concerned about the amount of people who have been practicing without a active license due to their non-compliance with this CPR issue. The licensed massage therapists on the board recall the section in their application about having to attest to having a current CPR certificate and wonder about what will happen to those who attested dishonestly and didn't obtain that certification before submitting their renewal application.

September 17- November 29, 2019

ITEM	AMOUNT	COST/ REVENUE
Initial Applications Received	16	
Applications Reviewed by the board	37	
Rolfers Issued Massage License using the Board's Curriculum Breakdown (not Grandfathered)	2	
Initial Licenses Issued	26	26 X \$550.00= \$14,300
Applications Denied	3	
Applications in Process	44	
Renewed Online using MyLicense (as of 10/27/2019)	823	
Total Renewed as of 11/29/2019	1067	1067 x \$290.00= \$309,430
Total Number Lapsed as of 11/29/2019 due to Non-Compliance with Renewal Requirements (CPR)	56	
# of Licensee's who have "opted in" for paperless communication	772	
Sent in Un-Necessary Fingerprint Cards for 2019 Renewal	46	
Phone Calls Received	442 (last period 472)	
E-mails Sent	1085 (last period 2464)	

Renewal Reminder Letter on 10/8/2019	322	322 x .55= \$177.10
Need CPR Letter on 10/8/2019	385	385 x .55= \$211.75
License Lapse due to CPR Letter on 11/1/2019	134	134 x .55= \$74.25

The board also discussed division's decision to allow licensees to renew online after September 30, 2019 without any additional compliance checks until October 30, 2019. OLE Dulebohn stated that this was not the process that was utilized for the 2017 renewals. Currently there has been no more direction on what will happen to the licensees who were allowed to renew their license without proof of current CPR and, as of this date, are not compliant and have had their licenses lapsed.

**TASK: OLE Dulebohn should check to ensure that meeting minutes from September 2018 are correct and not from another date.**

Ms. Endle asks if a certified letter can be sent to all the licensees that are out of compliance due to CPR. OLE Dulebohn stated that division could do that but it is very costly, some people will not sign for certified letters, or do not pick the certified letters up from their post office in the correct amount of time so they are returned to sender.

OLE Dulebohn informs the board that audit letter will go out soon which will result in more interaction from the division's paralegal. She hopes that with the paralegal's involvement, these issues may be resolved soon.

*Chair Edwards-Smith called a short break at 10:05 a.m.  
Back on the record at 10:17 a.m.*

#### Meeting Calendar Review

The board reviews the meeting dates that have been set for 2020.

#### Correspondence

Malenfant-

The board reviews correspondence sent in by Sara Malenfant regarding regulations for massage establishment specifically mentioning cleanliness standards. Ms. Gilmour expresses how grateful the board is for this level of response. Chair Edwards-Smith concurs with Ms. Gilmour.

**TASK: Julie Endle will draft a reply to Ms. Malenfant to thank her for her input and participation. Ms. Endle will forward it to OLE Dulebohn within 10 business days for distribution.**

KRDO News Article-

The board reviews a news article from KRDO that highlights licensing loopholes in Colorado involving state exam cheat sheets, falsified credentials, and fraudulent schools. Ms. Gilmour expands that she learned of these things happening in Mississippi as well during the FSMTB annual conference. This item was forwarded to the board for review for informational purposes only.

Chair Edwards-Smith believes this may be a good topic for the board's newsletter as well.

Santa Barbara Body Therapy Institute-

Correspondence was sent to the board from Cindy Anderson at Santa Barbara Body Therapy Institute regarding the board's curriculum breakdown located in regulations under 12 AAC 79.140. Ms. Anderson asks the board whether they would consider a course in Business Skills as part of the board's Ethics and Law requirements. The board's response is that Business Skills are not part of Ethics and Law but would be included under the Clinical Practice category.

**TASK: OLE Dulebohn will notify Santa Barbara Body Therapy of the board's reply to Ms. Anderson's questions.**

Ms. Endle asks the license massage therapists on the board to clarify what would be included as part of "Professional Boundaries". Ms. Motz describes "professional boundaries" as maintaining good healthy boundaries between clients and therapists, your professional and personal personas, and not getting romantically involved with clients. Ms. Endle thanks the rest of the board for their response and believes it will be helpful when she is evaluating transcripts.

#### Election of Reviewing Board Member for Continuing Education Audits

OLE Dulebohn explains to the board that Paralegal Marilyn Zimmerman would like the board to assign a reviewing board member (RBM) to consult during the upcoming continuing education audits. This RBM would only be consulted if it is determined that a licensee has not met the continuing education requirements as set out in 12 AAC 79.210 and Ms. Zimmerman needs a board member to consult on the remedial continuing education topic that is submitted.

**In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, the board ELECTS Jill Motz as the primary reviewing board member for continuing education audits and Ron Gibbs as a secondary.**

#### Agenda Item 19 Random Inspections Meeting with Investigations

Chair Edwards-Smith preps the board on information that he has gathered prior to the conversation that will occur after lunch with Investigations. He shares that he has learned that Investigations has already participated in random inspections in conjunction with the inspector of Barbers and Hairdressers in Fairbanks. Chair Edwards-Smith reiterates that the Board of Massage Therapists has always maintained that inspections should only be done in the event of a complaint to mitigate costs and focus on public protection. He encourages suggestions on how to set that policy with Investigations. As one of these random inspections has already taken place without the board's consent and without establishment regulations being in place, Mr. Edwards-Smith asked Investigator Jacobs to provide a checklist for the inspections, what were the costs associated with inspections,

and what were the outcomes. OLE Dulebohn suggests that the board jot down specific questions that they would like Investigations to answer so the conversation doesn't get sidetracked. The board agrees that their primary concern is the cost that unscheduled, regional inspections will cost licensees.

#### **Agenda Item 20** **Review Tabled Applications**

The board agrees to tackle some tabled applications in the extra time they have before lunch. In order to discuss the applications fully, the board decides to go into Executive Session.

**In a motion duly made by Jill Motz, seconded by Traci Gilmour, 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". OLE Dulebohn to remain during Executive Session.**

Off the record for Executive Session at 11:35 a.m.

Back on the record at 11:59 a.m.

After discussing the application for J.H.at length during executive session, the board has reached a decision on the application for licensure.

**In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the application of Jinyan Huang.**

After discussing the application for J.A. at length during executive session, the board has reached a decision on the application for licensure.

**In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the application of Julie Aurand PENDING receipt of completed Transcript Analysis Form, completion of an additional 31 hour of Ethics and Law, and completion of an additional 110 hours of Clinical Practice per 12 AAC 79.140.**

#### **Agenda Item 21** **Review Applications (pending)**

After discussing the application for M.C.at length during executive session, the board has reached a decision on the application for licensure.

**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 of Matthew Cabrigas PENDING receipt and board approval of completed Transcript Analysis Form, to show transcript content from Alaska Academy of Advanced Cosmetology per 12 AAC 79.140.**

After discussing the application for J.R. at length during executive session, the board has reached a decision on the application for licensure.

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 of Jessica Ryan **PENDING** receipt and board approval of completed Transcript Analysis Form, to show transcript content from Alaska Academy of Advanced Cosmetology per 12 AAC 79.140.

**Agenda Item 17** **Lunch**

*Chair Edwards-Smith calls a lunch break at 12:02 p.m.*

*Back from lunch at 1:15 p.m. with board members David Edwards-Smith, Traci Gilmour, Jill Motz, and Julie Endle present.*

**Agenda Item 18** **Public Comment**

The board prepares to hear public comment. During this time, Ms. Motz asks if the meetings that have both a GCI and Zoom option are open in both mediums simultaneously. OLE Dulebohn states that GCI is used only a backup and possibly for Executive Session. At the request of the board, she opens up the GCI line to check for anyone that may be calling in for public comment. OLE Dulebohn explains that division encourages Zoom use over GCI because Zoom meetings are free with the subscription to their site and GCI costs per use. Ms. Dulebohn discloses that should someone choose to call in to Zoom and not use the web link, it is not toll free but GCI is. The board asks if OLE Dulebohn would create an FAQ for the differences in GCI and Zoom and designate that Zoom is the primary method to attend the meetings.

**TASK: OLE Dulebohn will create a new FAQ for GCI vs. Zoom information.**

Hearing no one asking to be heard for public comment and after waiting approximately 5 minutes, Chair Edwards-Smith announced that Public Comment is now closed.

**Agenda Item 19** **Random Inspections Meeting with Investigations (continued)**

Prior to the meeting with Investigations, Chair Edwards-Smith asks OLE Dulebohn to distribute an e-mail he composed regarding the board's direction on Failure to Disclose on the Disciplinary Matrix. The e-mail expands on the board's "No Investigations Needed" list that states criminal convictions that the board has decided does not need to be referred to Investigations as it does not impact a person's ability to practice as a massage therapist competently and safely. Mr. Edward-Smith's proposed amendment to the "No Investigations Needed" list is:

**Failure to Disclose**

Failure to disclose on (or more) of the following convictions on an application (or in a criminal background check) **that occurred more than 10 or more years prior** will not result in a referral to Investigation unless the Division, in its discretion, reasonably believes that an attempt to secure a license through fraud, deceit, or misrepresentation has occurred **and will result in a letter of advisement of this Failure to Disclose.**

Chair Edwards-Smith states that his intention with this statement is to avoiding sending files to Investigations for a failure to disclose if the thing the applicant didn't disclose is not a crime the board sees as a danger to the public such as the ones on the "No Investigations Needed" list.

Adopting this policy would avoid having applications delayed by going to Investigations for something the board does not find prohibitive to licensure as it may have accidentally been omitted. Ms. Motz shares that the amendment Mr. Edwards-Smith has drafted is confusing. Mr. Edwards-Smith clarifies that the letter he is referencing would not be the “Non-Disciplinary Letter of Advisement” that are issued by Investigations but would be an informational letter sent out by the OLE letting the applicant know that they should have disclosed all criminal history as outlined in the application but that the board will not be issuing a license action or civil fine because of the content of the criminal history not disclosed.

OLE Dulebohn absorbs the intent of the Chair and after some discussion with the board, believes that, if this is something the board want to continue with, should be a policy similar to P&P 28 to avoid confusion on the part of the applicant. Ms. Gilmour agrees. OLE Dulebohn will consult her supervisor on making this an amendment to the divisions internal policy but is unsure if the OLE is able to send out any “letters of advisement”. Chair Edwards-Smith clarifies that the letter he envisions would not be so much a “letter of advisement” but an informational letter informing the applicant that they should have disclosed all of their criminal history and the board is aware that they didn’t and will not pursue license action as the content wasn’t considered by the board to be prohibitive to licensure. The board agrees that they like the direction this idea is taking and OLE Dulebohn states that she will speak to Supervisor Hoffard about implementing it.

**TASK: OLE Dulebohn will speak to Supervisor Hoffard regarding amending the board’s “No Investigations Needed” list to include evaluation of non-disclosures and the ability of the OLE to send out informational letters to those applicants that fail to disclose criminal history that the board has determined is not prohibitive to licensure.**

The board has a discussion recapping yesterday’s conversation on what the Professional Fitness Questions on the application require applicants to disclose in terms of their criminal history.

*Investigators Lipker and Jacobs joined the meeting at 1:40 p.m.*

Investigator Jacobs states that he and Senior Investigator Lipker are here at the board’s invitation to address questions on regional inspections to consult on any changes to the board’s disciplinary matrix. Inv. Jacobs asks OLE Dulebohn to forward the Massage Therapy Inspection Report that is used as a checklist during compliance inspections. He continues that the inspections conducted in Mat-Su earlier this year were chosen at random by who was open for business. Online reviews and comments are avoided to help maintain neutrality.

Investigator Jacobs states that, once onsite, investigators:

- Introduce themselves
- Disclose the board they are representing in the inspection
- Go over inspection process and checklist
- Provide technical assistance in any articles of non compliance
- If a significant violation occurs, Investigator goes back to office and opens a case.

Investigator Jacobs reports that in his research of the September and June 2019 minutes, the board expressed interest in having regional inspections. Investigations has proceeded with regional inspections in, what they believed was, following guidance from the board. He continued that regional inspections do not necessarily come from a complaint. Investigator Jacobs believes that random inspections are beneficial to the board. He cannot recall any complaint that has come to investigations in the last year that has alluded to human trafficking. Inv. Jacobs believes the best way to look for signs of human trafficking and ensure compliance with statutes and regulations is to go and conduct random inspections.

Investigator Jacobs acknowledges the board's concern over the costs associated with these inspections. Although he does not have any figures to report to the board at this time, he reminds the board that, while inspecting on behalf of the Board of Massage Therapists, the board will be billed for his time and his travel expenses. In the recent trip to Fairbanks, the investigations were in conjunction with another professional board, the costs were split between the two boards.

Chair Edwards-Smith asks for the outcome of the Fairbanks inspection. Inv. Jacobs revealed that approximately 20 compliance inspections were performed, 9 of those were for massage therapy. 1 case of unlicensed practice was created. The other inspections resulted in no significant violations and were therefore not referred to the board.

In terms of the Anchorage inspections, Inv. Jacobs relays that the majority of licensees seem to be complying with the majority of statutes and regulations. However, if the small percentage of the population that isn't in compliance can cause significant amount of damages and engage in inappropriate activity. He continues that Investigation hasn't found significant violations to refer to the board for review and potential disciplinary action.

Ms. Gilmour asks that, as the board is not necessarily consulted when inspections are being scheduled, that Investigations reports to the board in their quarterly meetings on how many places have been inspected. She states that it seems that random inspections have been going on for a while without the board's knowledge. Ms. Gilmour continues that it would be important to receive a report so it is on the record and that the public is informed that inspections are happening, what the outcomes are, and the money being spent on them.

Chair Edwards-Smith states that he doesn't share Ms. Gilmour's enthusiasm for the random inspections since the board's intention has always been to initiate inspections by complaint only. He is very concerned with the costs that may build over time and believes that the board, through research, determined that doing complaint based inspections would be the most efficient. Mr. Edwards-Smith isn't sure that the small outcomes of these investigations justifies the cost of doing them. Ms. Gilmour agrees with Chair Edwards-Smith's assessment and feels that giving better direction through a development of a policy would be beneficial. She explains to Investigator Jacobs that the board asked division to not increase the fees of massage therapists and therefore need to keep a sharp eye on expenses.

Investigator Jacobs thanks board members Gilmour and Edwards-Smith for their feedback and discloses that the Investigations team has no preference when it comes to random vs. complaint driven inspections. However, his understanding was that the board viewed random inspections as a positive thing, requested for them to be done, and potentially asked for additional staff to be hired

to be able to complete those inspections. He continues that if the board is actually recommending that no inspections be conducted unless a complaint is received, that is appropriate and Investigations will honor that direction. Inv. Jacobs informs the board that he cannot recall a instance where a member of the public has reported that a massage therapist is engaging in illicit or criminal behavior and request for investigations to become involved. Inv. Jacobs states that on every Investigations Report that the board receives, under the "Case Status" it states, "division inspection" and in the "Closure" column it will state "compliance" if the case was the result of an inspection. He apologizes if he hasn't done a sufficient job in explaining those differences to the board.

Ms. Gilmour continues that she doesn't doubt that Inv. Jacobs was doing what he believed to be the direction of the board but apparently the board isn't asking the correct questions and the board needs to set a policy concerning inspection. Inv. Jacobs advises the board that they do not need to create a policy involving inspections and could just give an outline as to the direction they would like to take. Inv. Jacobs relays that two more regional inspections are planned before the end of the fiscal year: one is within the next 60 days and one before June 30, 2020. He continues that if the board isn't interested in pursuing those inspections that it would better to know sooner rather than later. Ms. Motz expresses that she doesn't think the board is upset about the inspections as much as they were taken off guard since the September 2019 meeting was the first that they had been made aware that the regional inspections were taking place. Ms. Motz reiterates that cost is very important to the board and that information needs to be reviewed. She thinks that random inspections can be positive but there has to be a way for the board to maintain fiduciary responsibility. Ms. Motz also believes that more community outreach to inform the public of the existence of Investigations and it's role involving complaint driven inspections could be utilized. Chair Edwards-Smith agrees that the board expressed an interest in inspections but it was in conjunction with massage establishment regulations and those have yet to be adopted which the cause for the shock the board is expressing. Chair Edwards-Smith believes the power to perform inspections will allow the board to enter illicit establishments to help combat human trafficking but are not as useful if those establishment regulation tools are not yet in place.

Investigator Jacobs reminds the board that, although the establishment regulations are not in place yet, the board still has the authority to enter and inspect massage therapists which is something that law enforcement and the FBI do not have. Additionally, Inv. Jacobs has been working on a partnership with the Department of Labor to inspect for wage and labor related abuses. He continues that word spreads in communities and that he believes from experience that there will be a benefit to the board conducting non-complaint related inspections but can't speculate on whether there will be a cost benefit.

**TASK: OLE Dulebohn will research how much it costs the board for each random, regional inspection by consulting Accountant III Marylene Wales.**

Chair Edwards-Smith asks the board if they would like to set a cap for inspection costs and Vice Chair Gilmour replies that there are already two inspections scheduled for 2020 and that the board needs to review the financials and outcomes of these and discuss it in the board's March 2020 meeting.



**TASK: OLE Dulebohn will include on the March 2020 meeting agenda the topic of regional inspections vs complaint driven inspections.**

Investigator Jacobs relayed that the last inspection took place in August of 2019. OLE Dulebohn points out to the board that with the new format implemented by division on their Financial Update, the board should be able to see exactly how much the inspections cost the board.

Regarding the discussion previously had by the board about potentially changing the board's disciplinary matrix, Chair Edwards-Smith asked OLE Dulebohn to recap the discussion about amending the board's "No Investigations Needed" list to utilize P&P 28 in non-disclosure referrals of items that are determined by the board to not impact an applicant's ability to practice massage therapy. Investigator Jacobs relays that no other professional board in Alaska operates by allowing the administrative staff of the board to determine whether matters warrant investigative review in lieu of licensed members of the board. OLE Dulebohn replies by referencing P&P 28 and that it is something that is already utilized by all boards. Inv. Jacobs states that he will work with Investigations management to accommodate that policy. Chair Edwards-Smith asks OLE Dulebohn to send Inv. Jacobs the "No Investigations Needed" list. Ms. Dulebohn replies that the current version is available on the board's website but that she will send Inv. Jacobs the amended list once it is completed.

**TASK: OLE Dulebohn will send Inv. Jacobs the amended "No Investigations Needed" list.**

The board made the following motion:

**In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a roll call vote, it was RESOLVED to AMEND the board's "No Investigations Needed" list to add an internal direction that a "Failure to disclose convictions on an application that occurred 10 or more years ago will not result in a referral to Investigations unless division, in its discretion, reasonably believes that an attempt to secure a license through fraud, deceit, or misrepresentation has occurred. Division will send out an informational letter to applicants for failure to disclose.**

Ms. Gilmour explained to the investigators on the line why the board feels like this is a needed change. She references the letter the board reviewed from an upset applicant that had been sent to Investigations for Failure to Disclose, a Reviewing Board Member determined that the offense wasn't worthy of disciplinary action as the crime was listed on the board's "No Investigations Needed" list, and no action was taken. This lead the applicant to be very upset with the board and their processes because the waste of time and delay in her application processing.

*Investigators Jacobs and Lipker leave the meeting at 2:21 p.m.*

#### **Agenda Item 21                                      Review Applications (current) (continued)**

The board continues to review applications and deems going into Executive Session to be appropriate for this discussion.

In a motion duly made by Julie Endle, seconded by Jill Motz, 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 “matters which by law, municipal charter, or ordinance are required to be confidential”. OLE Dulebohn to remain during Executive Session.

*Off the record for Executive Session at 2:23 p.m.*

*Back on the record at 3:08 p.m.*

After discussing the application for J.B. at length during executive session, the board has reached a decision on the application for licensure.

In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it was **RESOLVED** to **APPROVE** the application of Jill Brekken.

After discussing the application for E.J. at length during executive session, the board has reached a decision on the application for licensure.

In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it was **RESOLVED** to **APPROVE** the application of Elizabeth Jansen **PENDING** the completion of 28 additional hours of Ethics and Law per 12 AAC 79.140.

After discussing the application for C.O. at length during executive session, the board has reached a decision on the application for licensure.

In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it was **RESOLVED** to **APPROVE** the application of Chaelin O’Brien.

After discussing the application for S.S. at length during executive session, the board has reached a decision on the application for licensure.

In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it was **RESOLVED** to **APPROVE** the application of Sharina Straughn.

After discussing the application for S.T. at length during executive session, the board has reached a decision on the application for licensure.

In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it was **RESOLVED** to **APPROVE** the application of Savannah Toone.

**TASK:** OLE Dulebohn will send documents to Chair David Edwards-Smith for signature and return.

**Agenda Item 23** **Adjourn**

OLE Dulebohn goes over the tasks assigned in the two-day meeting and assures the board that she will complete the minutes as time allows.

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MAS December 2-3, 2019 Minutes

Board member Julie Endle asks the board if they would like to continue having one reviewing board member for transcripts now that the Transcript Analysis Form is included in all applications by Examination. The board decided they will continue to use a rotating board member for transcript analysis and trust that the assigned individual is up to the task. Ms. Motz clarifies that when the other board members not assigned to transcript analysis are voting on the application, they are evaluating all of the other content and that should they find everything else acceptable, they would vote yes and rely on the reviewing board member to identify any educational deficits according to 12 AAC 79.140. OLE Dulebohn shows the board that in the Onboard application description it designates the reviewing board member and that information goes into an applicant's file. Ms. Gilmour sums up the discussion with the guidance that the only person that should pend an application because of the transcript should be that week's reviewing board member.

At this time, the board concluded all scheduled Board Business.

**In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously, it was RESOLVED to ADJOURN.**

Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended at 3:08 p.m.

**Respectfully Submitted,**

\_\_\_\_\_  
**Dawn Dulebohn, Licensing Examiner**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**David Edwards-Smith, Boards Chair**

\_\_\_\_\_  
**Date**

# Document Signing

Board member Julie Endle asks the board if they would like to continue having one reviewing board member for transcripts now that the Transcript Analysis Form is included in all applications by Examination. The board decided they will continue to use a rotating board member for transcript analysis and trust that the assigned individual is up to the task. Ms. Motz clarifies that when the other board members not assigned to transcript analysis are voting on the application, they are evaluating all of the other content and that should they find everything else acceptable, they would vote yes and rely on the reviewing board member to identify any educational deficits according to 12 AAC 79.140. OLE Dulebohn shows the board that in the Onboard application description it designates the reviewing board member and that information goes into an applicant's file. Ms. Gilmour sums up the discussion with the guidance that the only person that should pend an application because of the transcript should be that week's reviewing board member.

At this time, the board concluded all scheduled Board Business.

**In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously, it was RESOLVED to ADJOURN.**

Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended at 3:08 p.m.

**Respectfully Submitted,**

\_\_\_\_\_  
**Dawn Dulebohn, Licensing Examiner**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**David Edwards-Smith, Boards Chair**

\_\_\_\_\_  
**Date**

# Correspondence

# Old Business

# Review Updated FAQ's



# Board Compilation of State Authorizing and National Accrediting Entities

**CHAPTER 61.  
MASSAGE THERAPISTS.**

**Section**

- 10. Board established**
- 20. Duties and powers of board**
- 30. Qualifications for license**
- 40. Licensure by credentials**
- 50. Standards for license renewal**
- 60. Grounds for imposition of disciplinary sanctions**
- 70. Practice of massage therapy without license prohibited**
- 80. Exceptions to application of chapter**
- 90. Fees**
- 100. Definitions**

**Sec. 08.61.010. Board established.** The Board of Massage Therapists is established in the department. The board consists of five members appointed by the governor as follows:

- (1) four licensed massage therapists who have been engaged in the practice of massage therapy in the state for the three years immediately preceding appointment and who shall remain actively engaged in the practice of massage therapy while serving on the board; not more than one member appointed under this paragraph may have an ownership or partnership interest in a massage school; and
- (2) one public member; the governor may not appoint as a public member
  - (A) a licensed health care provider;
  - (B) an employee of the state; or
  - (C) a current member of another occupational licensing board established under AS 08.

**Sec. 08.61.020. Duties and powers of board.** In addition to the duties specified in AS 08.01, the board shall

- (1) provide for the examination of applicants by the board or through a nationally recognized competency examination approved by the board and issue licenses to applicants the board finds qualified;
- (2) adopt regulations governing
  - (A) licensing of massage therapists;
  - (B) the practice of massage therapy; and
  - (C) massage therapy establishments;
- (3) establish standards of professional competence and ethical conduct for massage therapists;
- (4) establish standards for continuing education for massage therapists; standards adopted by the board under this paragraph must allow for approval of Internet-based continuing education courses;
- (5) make available to the public a list of massage therapists licensed under this chapter;
- (6) determine which states have educational and licensing requirements equivalent to the requirements of this state;
- (7) enforce the provisions of this chapter and adopt and enforce regulations necessary to implement this chapter; and
- (8) approve one or more nationally recognized competency examinations and publish and periodically update the list of approved examinations.

**Sec. 08.61.030. Qualifications for license.** The board shall issue a license to practice massage therapy to a person who

- (1) applies on a form provided by the department;
- (2) pays the fees established under AS 08.61.090;
- (3) furnishes evidence satisfactory to the board that the person has completed a
  - (A) course of study of at least 625 hours of in-class supervised instruction and clinical work from an approved massage school; or
  - (B) board-approved apprenticeship program;
- (4) is 18 years of age or older;
- (5) has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.16 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;
- (6) has a current cardiopulmonary resuscitation certification;
- (7) has received at least two hours of safety education covering bloodborne pathogens and universal precautions in the two years preceding the application for the license; in this paragraph, "bloodborne pathogens" has the meaning given in AS 18.15.450;
- (8) has successfully completed a nationally recognized competency examination approved by the board; and

List of State Authorizing and National  
Accrediting Entities  
including DETC, ACICS, and ACCET  
Information

The **National Accrediting Commission of Career Arts and Sciences (NACCAS)** is an autonomous, independent accrediting commission constituted as a nonprofit Delaware corporation, with its main office located in Alexandria, Virginia. The Commission's origins date back to 1969, when two accrediting agencies in the field merged to form the Cosmetology Accrediting Commission (CAC). CAC changed its name to "NACCAS" in 1981.

NACCAS is recognized by the [U.S. Department of Education\(link is external\)](#) as a national agency for the institutional accreditation of postsecondary schools and departments of cosmetology arts and sciences, including specialized schools. It presently accredits approximately 1,300 institutions that serve over 120,000 students. These schools offer over thirty(30) courses and programs of study that fall under NACCAS' scope of accreditation.

### **Accrediting Commission of Career Schools and Colleges**

1967/2016/S2021

Scope of recognition: the accreditation of postsecondary, non-degree-granting institutions and degree-granting institutions in the United States, including those granting associate , baccalaureate and master's degrees, that are predominantly organized to educate students for occupational, trade and technical careers, and including institutions that offer programs via distance education.

Michale McComis, Executive Director  
2101 Wilson Boulevard, Suite 302  
Arlington, Virginia 22201  
Tel. (703) 247-4212, Fax (703) 247-4533  
E-mail address: [mccomis@accsc.org](mailto:mccomis@accsc.org)  
Web address: [www.accsc.org](http://www.accsc.org)

### **Accrediting Council for Continuing Education and Training**

1978/2013/S2018

Scope of recognition: the accreditation throughout the United States of institutions of higher education that offer continuing education and vocational programs that confer certificates or occupational associate degrees, including those programs offered via distance education.

**Title IV Note:** *Only those institutions classified by this agency as "vocational " may use accreditation by the agency to establish eligibility to participate in Title IV programs.*

William V. Larkin, Executive Director  
1722 N Street, NW  
Washington, DC 20036  
Tel. (202) 955-1113, Fax (202) 955-1118  
E-mail address: [wvlarkin@accet.org](mailto:wvlarkin@accet.org)  
Web address: [www.accet.org](http://www.accet.org)

### **Accrediting Council for Independent Colleges and Schools**

1956/2016/W2021

Scope of recognition: the accreditation of private postsecondary institutions offering certificates or diplomas, and postsecondary institutions offering associate, bachelor's, or master's degrees in programs designed to educate students for professional, technical, or occupational careers, including those that offer those programs via distance education.

Michelle Edwards, President  
750 First Street, NE, Suite 98  
0 Washington, DC 20002-4241

Tel. (202) 336-6780, Fax (202) 842-2593

E-mail address: [medwards@acics.org](mailto:medwards@acics.org)

Web address: [www.acics.org](http://www.acics.org)

### **Council on Occupational Education**

1969/2016/S2021

Scope of recognition: the accreditation and preaccreditation ("Candidacy Status") throughout the United States of postsecondary occupational education institutions offering non-degree and applied associate degree programs in specific career and technical education fields, including institutions that offer programs via distance education.

Gary Puckett, Executive Director

7840 Roswell Road, Building 300, Suite 325

Atlanta, Georgia 30350

Tel. (770) 396-3898, (800) 917-2081, Fax (770) 396-3790

E-mail address: [puckettg@council.org](mailto:puckettg@council.org)

Web address: [www.council.org](http://www.council.org)

### **Distance Education Accrediting Commission**

1959/2017/S2022

Scope of recognition: the accreditation of postsecondary institutions in the United States that offer degree and/or non-degree programs primarily by the distance or correspondence education method up to and including the professional doctoral degree, including those institutions that are specifically certified by the agency as accredited for Title IV purposes.

**Title IV Note:** *Only accredited institutions that are certified by the agency as accredited for Title IV purposes may use accreditation by this agency to establish eligibility of its degree and/or non-degree programs to participate in Title IV programs.*

Leah K. Matthews, Executive Director

1101 17th Street NW, Suite 808

Washington, DC 20036

Tel. (202) 234-5100, Fax (202) 332-1386

E-mail address: [info@deac.org](mailto:info@deac.org)

Web address: [www.deac.org](http://www.deac.org)

### **Commission on Massage Therapy Accreditation**

**Scope of Recognition:** the accreditation of institutions and programs in the United States that award postsecondary certificates, postsecondary diplomas, academic Associate degrees and occupational Associate degrees, in the practice of massage therapy, bodywork, and aesthetics/esthetics and skin care

**Title IV Note:** Only freestanding schools or colleges of massage therapy, body work and aesthetics/esthetics may use accreditation by this agency to establish eligibility to participate in Title IV programs.

Dawn Hogue, Acting Executive Director

Commission on Massage Therapy Accreditation 2101 Wilson Blvd, Ste 302

Arlington, VA 22201

Tel 1: (202) 888-6790  
Fax: 2028886787  
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Web address: [www.comta.org](http://www.comta.org)

## Southern Area Colleges and Schools

The following are the seven active regional accrediting agencies for educational institutions in the United States:<sup>[5][6]</sup>

- [Middle States Commission on Higher Education](#), formerly part of the [Middle States Association of Colleges and Schools](#) - Postsecondary institutions in [New York](#), [New Jersey](#), [Pennsylvania](#), [Delaware](#), [Maryland](#), the [District of Columbia](#), [Puerto Rico](#), and the [US Virgin Islands](#).
- [New England Association of Schools and Colleges](#) - Educational institutions in the six [New England](#) states ([Connecticut](#), [Maine](#), [Massachusetts](#), [New Hampshire](#), [Rhode Island](#), and [Vermont](#)).
- [Higher Learning Commission](#), formerly part of the [North Central Association of Colleges and Schools](#)<sup>[7]</sup> - Educational institutions in [Arkansas](#), [Arizona](#), [Colorado](#), [Iowa](#), [Illinois](#), [Indiana](#), [Kansas](#), [Michigan](#), [Minnesota](#), [Missouri](#), [North Dakota](#), [Nebraska](#), [New Mexico](#), [Ohio](#), [Oklahoma](#), [South Dakota](#), [Wisconsin](#), [West Virginia](#), and [Wyoming](#). Since 2006, the North Central Association has been part of AdvancED.
- [Northwest Commission on Colleges and Universities](#) (NWCCU) for postsecondary institutions in [Alaska](#), [Idaho](#), [Montana](#), [Nevada](#), [Oregon](#), [Utah](#), and [Washington](#). Since 2012, the [Northwest Accreditation Commission](#) for primary and secondary schools has been a division of AdvancED.
- [Southern Association of Colleges and Schools](#) - Educational institutions in [Alabama](#), [Florida](#), [Georgia](#), [Kentucky](#), [Louisiana](#), [Mississippi](#), [North Carolina](#), [South Carolina](#), [Tennessee](#), [Texas](#) and [Virginia](#).
- [Western Association of Schools and Colleges](#) - 4-year educational institutions in [California](#), [Hawaii](#), [Guam](#), [American Samoa](#), [Micronesia](#), [Palau](#), and [Northern Marianas Islands](#), as well as schools for American children in [Asia](#).
- [Accrediting Commission for Community and Junior Colleges](#), formerly part of the Western Association of Schools and Colleges - 2-year educational institutions in [California](#), [Hawaii](#), [Guam](#), [American Samoa](#), [Micronesia](#), [Palau](#), and [Northern Marianas Islands](#), as well as schools for American children in [Asia](#).

The seven organizations form the **Council of Regional Accrediting Commissions** (C-RAC).<sup>[8]</sup> Each regional accrediting commission's executive directors and commission chairs sit on C-RAC and periodically promulgate principles and guidelines which are followed by the regional commissions. Although the principles do not replace individual commission regulations, they provide a basis for assessing accreditation practice between regions.<sup>[9]</sup>

All regional agencies have accrediting authority for colleges and universities, 2-year, 4-year, or both. Some agencies also have accrediting authority over K-12 schools (primary and secondary schools). Both the northwestern and mid-Atlantic regions divide responsibility between two separate accreditation agencies with one focusing on primary and secondary schools and the other focusing on postsecondary institutions.<sup>[10][11][12]</sup> In the western region, there is a [separate commission](#) that accredits 2-year colleges.

**From:** [Kussart, Kierke A \(ACPE\)](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** accreditation  
**Date:** Tuesday, August 20, 2019 2:30:00 PM

---

Hello, Dawn,

Here is a link to my newsletter with the article about authorization vs. accreditation:

[https://acpe.alaska.gov/Portals/3/OTHER/Pubs/INstitution\\_INsight-Issue\\_13\\_Winter\\_2018.pdf?ver=2018-04-17-103250-510](https://acpe.alaska.gov/Portals/3/OTHER/Pubs/INstitution_INsight-Issue_13_Winter_2018.pdf?ver=2018-04-17-103250-510) It also has an article about Charter College being accredited by Accrediting Bureau of Health Education Schools (ABHES). ABHES accredits at least 7 massage schools in other states. <https://www.abhes.org/>

Here is a link to the USDOE list of recognized accreditors:

[https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg5.html](https://www2.ed.gov/admins/finaid/accred/accreditation_pg5.html)

Another accreditor that accredits Massage Therapy programs is the Accreditation Commission for Acupuncture and Oriental Medicine. [www.acaom.org](http://www.acaom.org)

And you've likely heard of COMTA. [www.comta.org](http://www.comta.org)

-

Let me know if you have any questions!

Regards,

Kierke A Kussart  
Institutional Authorization  
Alaska Commission on Postsecondary Education  
907-465-6741  
907-465-5316 (fax)

**From:** [Kussart, Kierke A \(ACPE\)](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** RE: accreditation  
**Date:** Friday, August 23, 2019 12:20:23 PM

---

No problem,

So, what bodies normally do is accept the USDOE recognized accreditors and just let the USDOE do the work.

I also noticed another task; Consult FSMTB to establish a list of ACPE equivalents in every state

I don't know who the FSMTB is but ACPE is a member of the National Association of State Administrators and Supervisors of Private Schools (NASASPS) and they have a list  
<https://nasasps.org/resources/state-contact-list/>

Have a great weekend!

Kierke A. Kussart  
ACPE

---

**From:** Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>  
**Sent:** Friday, August 23, 2019 11:41 AM  
**To:** Kussart, Kierke A (ACPE) <kierke.kussart@alaska.gov>  
**Subject:** RE: accreditation

Thank you Ms. Kierke! Much appreciated

Dawn

---

**From:** Kussart, Kierke A (ACPE) [<mailto:kierke.kussart@alaska.gov>]  
**Sent:** Tuesday, August 20, 2019 2:30 PM  
**To:** Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>  
**Subject:** accreditation

Hello, Dawn,

Here is a link to my newsletter with the article about authorization vs. accreditation:  
[https://acpe.alaska.gov/Portals/3/OTHER/Pubs/INstitution\\_INsight-Issue\\_13\\_Winter\\_2018.pdf?ver=2018-04-17-103250-510](https://acpe.alaska.gov/Portals/3/OTHER/Pubs/INstitution_INsight-Issue_13_Winter_2018.pdf?ver=2018-04-17-103250-510) It also has an article about Charter College being accredited by Accrediting Bureau of Health Education Schools (ABHES). ABHES accredits at least 7 massage schools in other states. <https://www.abhes.org/>

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And you've likely heard of COMTA. [www.comta.org](http://www.comta.org)

-

Let me know if you have any questions!

Regards,

Kierke A Kussart

Institutional Authorization

Alaska Commission on Postsecondary Education

907-465-6741

907-465-5316 (fax)

**From:** [Lorena Haynes](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Accrediting Agencies  
**Date:** Friday, August 30, 2019 7:33:14 AM  
**Attachments:** [Accrediting Agencies - AK.pdf](#)

---

Hi Dawn,

This is the report on which states accept which accrediting agencies according to their statutes and/or rules. I added the currently recognized institutional accrediting agencies by the US DOE at the end. I hope this is useful. Please distribute as appropriate.

In service,

*Lorena Haynes*

Director of Government Relations  
Federation of State Massage Therapy Boards  
7300 College Boulevard, Suite 650  
Overland Park, KS 66210  
[lhaynes@fsmtb.org](mailto:lhaynes@fsmtb.org)  
[www.fsmtb.org](http://www.fsmtb.org)  
913.681.0380

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## Accepted Accrediting Agencies for States

State	US DOE	State DOE	COMTA	Other State DOE	Notes
Alabama		x	x	x	regional professional accrediting body, or accredited postgraduate training institute
Alaska	x	x		x	nationally recognized accrediting agency
Arizona	x	x		x	
Arkansas					Department of Health issues school licenses
California	x	x		x	<ul style="list-style-type: none"> <li>- Bureau for Private Postsecondary Education.</li> <li>- Department of Consumer Affairs</li> <li>- Accrediting Commission for Senior Colleges and Universities</li> <li>- Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges</li> </ul>
Colorado	x	x			<ul style="list-style-type: none"> <li>- private occupational school division</li> <li>- Colorado community college system</li> <li>- nationally recognized accrediting agency</li> </ul>
Delaware					Current state approval (does not specify)
DC	x		x	x	District of Columbia Educational Licensing Commission Accreditation Council for Continuing Education and Training Accrediting Commission of Career Schools and Colleges of Technology
Florida		x			public school system of the State of Florida
Georgia		x		x	<ul style="list-style-type: none"> <li>- Nonpublic Postsecondary Education Commission (NPEC) Authorization</li> <li>-NCBTMB school code number</li> </ul>
Hawaii		x			<ul style="list-style-type: none"> <li>-American Massage Therapy Association</li> <li>- Rolf Institute</li> </ul>
Idaho		x		x	
Illinois					Criteria acceptable to the Board
Indiana		x		x	<ul style="list-style-type: none"> <li>-Indiana commission on proprietary education</li> <li>-Institution of higher learning</li> </ul>
Iowa					<ul style="list-style-type: none"> <li>-board approved school</li> <li>-case by case basis</li> </ul>
Kentucky		x		x	<ul style="list-style-type: none"> <li>-Kentucky State Board for Proprietary Education</li> <li>-Council on Postsecondary Education</li> </ul>
Louisiana		x		x	-Board of Regents
Maine					BOMT approval – case by case basis
Maryland		x		X*	<ul style="list-style-type: none"> <li>- Maryland Higher Education Commission</li> <li>- *accrediting agency or organization that accredits both institutions of higher education and programs offering instruction in massage therapy</li> </ul>

## Accepted Accrediting Agencies for States

Massachusetts					- BOMT approval
Michigan	x				Council for Higher Education Accreditation
Mississippi	x		x		
Missouri	x	x		x	-Missouri Coordinating Board of Higher Education (CBHE) -Missouri Department of Elementary and Secondary Education (DESE) approved vocational program
Montana					-National Commission for Certifying Agencies -NCBTMB Curriculum guidelines
Nebraska					BOMT approved
Nevada		x			-Commission on Postsecondary Education
New Hampshire					BOMT curriculum case by case basis
New Jersey		x		x	-New Jersey Department of Education; -The New Jersey Department Labor and Workforce Development; -The New Jersey Commission on Higher Education
New Mexico		x		x	private post-secondary educational institutions
New York		x		x	- Department or equivalent registers schools -Council for Higher Education Accreditation
North Carolina	x	x		x	Southern Association of Colleges and Schools -North Carolina Community College System -The University of North Carolina Board of Governors
North Dakota	x				-BOMT approval
Ohio		x		x	-Ohio board of regents -state board of career colleges and schools -Ohio department of education, division of career/technical adult education
Oklahoma		x			State licensed school, no board approval
Oregon		x		x	-Division of Vocational Education -Higher Education Coordinating Commission -Northwest Accreditation Commission -Oregon Office of Educational Policy and Planning
Pennsylvania		x		x	-regionally accredited college or university -Pennsylvania private licensed school or its equivalent
Puerto Rico					-official bodies of the Commonwealth of Puerto Rico -General Education Council
Rhode Island	x	x	x	x	
South Carolina					Department Approved Massage School
South Dakota					Recognized facility -List of schools
Tennessee		x			-Tennessee Higher Education Commission

## Accepted Accrediting Agencies for States

					-Tennessee Board of Regents (transcripts must be in compliance, BOMT approves)
Texas				x	BOMT approves schools
Utah	x				Utah Department of Commerce, Division of Consumer Protection
Virginia	x	x		x	State Council of Higher Education
Washington	x	x		x	
West Virginia		x		x	NCB School Standards -West Virginia Higher Education Policy Commission
Wisconsin	x	x		x	Educational approval board Technical college

DOE US recognized institutional accrediting agencies as of 7/19/2019

[https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg6.html](https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html)

Accrediting Commission of Career Schools and Colleges

Accrediting Council for Continuing Education and Training

Accrediting Council for Independent Colleges and Schools

Council on Occupational Education

Distance Education Accrediting Commission

Higher Learning Commission

Middle States Commission on Higher Education

Middle States Commission on Secondary Schools

New England Commission of Higher Education

New York State Board of Regents, and the Commissioner of Education

Northwest Commission on Colleges and Universities

Southern Association of Colleges and Schools, Commission on Colleges

Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges

WASC Senior Colleges and University Commission

# Position Statements

HB 0169A & HB 225

February 4th, 2020

To Whom It May Concern:

The Alaska Board of Massage opposes the HB0169A. This proposed legislation will have a negative impact on licensees, weaken applicant review with criminal records, decrease competency requirements of apprenticeship applicants and weaken a municipalities ability to address the concerns of their citizens.

**Relating to occupational licensing fee for low-income workers and military families**

- Establishing waivers of licensing fees increases the burden of licensing expense on licensees as the full funding of the professional licensing program is derived from licensing fee.

**Relating to licensing of individuals with criminal records; relating to apprenticeship programs**

- The Board of massage therapists has established regulation and processes that ensure that public safety is assured through the crimes of moral turpitude and disciplinary matrix specific to the profession of massage therapy.
- The Board of Massage therapy utilizes the process of Fitness to Practice Reviews to determine that an applicant has rightful due process is safe and competent to practice in the State of Alaska.

**Relating to apprenticeship programs**

- The Board of Massage Therapists has established an apprentice program that meets industry standards of competency and safety to practice as a licensed massage therapist. An approved massage apprenticeship program acceptable curriculum is based upon competencies per subject matter and not a simple total of completed hours.

**Relating to lobbying**

- The Board understand the legislation of HB0169A specific target of lobby restrictions of municipalities is an overreach that does not serve the interests of Alaska citizens.

Best Regards,



David Edwards-Smith

Chair Alaska Board of Massage Therapists

January 31, 2020

To Whom It May Concern:

The Alaska Board of Massage strongly supports the request of the Governor's HB 225. This initiative in legislation establishes a mechanism that more effectively addresses the need for protections for victims of human and sex trafficking as it increases penalties for all forms of trafficking. This bill is an opportunity to diminish the impact of human and sex trafficking on Alaska's licensed massage therapists and their clients.

The Board of Massage Therapists has identified key points for consideration:

- The bill diminished the control of traffickers protecting the victims
- The bill imposes harsh penalties on patron who establish demand for trafficking
- The profession of massage therapy is exploited as a front to attract patrons of trafficking.
- The Board of Massage Therapists is working to develop massage establishment regulations that would serve as an additional tool to address illicit establishments and protect legitimate business.
- The necessary protections of the public increases the cost of doing business for legitimate massage establishment.
- Trafficking endangers legitimate professional licensed massage therapists as patrons of illicit massage activity have been to know attempt solicitation.
- Fraud in obtaining licensing is highly prevalent and increases administrative costs.

Best Regards,

A handwritten signature in blue ink, appearing to read 'David Edwards-Smith', with a stylized, flowing script.

David Edwards-Smith

Chair

Alaska Board of Massage Therapists



# Newsletter

# Alaska Board Of Massage Therapists

February 25, 2020

## Board Establishment Regulation Mission Statement:

"Massage establishment regulations will serve the purpose of safeguarding legitimate massage establishments, therapists, and the public from illicit massage establishments and human trafficking activity."

## QUICK LINKS

**December Minutes**

**Code of Ethics  
Standard of Practice  
and Establishment  
Operations**

**File a Complaint**

**Frequently Asked  
Questions**

## LMT Registration Exemption

This regulation requires the registration of massage establishments that are not listed as exempt. This exempt includes LMT owned and healthcare providers. Follow this link XXXXXX for the full list.

## Establishment Regulation Fees

**Fee's are not set by the Board.** Fee's are set by the State Division of Professional Licensing. In the State of Alaska all professional licensing programs are self-funded. Fee's are determined by sophisticated program analysis. Establishment Registration fees are potentially set at \$300.00

## File a Complaint

Unlicensed practice, inappropriate or unsafe practices impact public safety and LMTs. To file a complaint against a licensed or unlicensed professional, please check here LINK for more info.

You are encouraged to call Investigations office prior to submitting a complaint to ensure that we are able to assist you. NUMBER HERE

For more information on how to file a complaint with this Division's Investigations Unit go to Investigations LINK .

## Fingerprinting Cards Required in 2021

2021 licensing renewals will require the submitting of your fingerprinting cards. After the 2021 fingerprint card requirement fingerprints will not be required again until 2027.

## Fun Facts About Our Licensing Program

xxxx Licensed Massage Therapists in Alaska  
xxxx Phone called received during XXXX period  
xxxx Emails sent during XXXX period

**Next board meeting date here XXXX**

**Remember you can earn 1 ceu per period for attendance.**

"Questions? Comments?"

**We want to hear from you."**



Department of Commerce, Community,  
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS  
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500  
Anchorage, AK 99501-3567  
Main: 907.269.8160  
Fax: 907.269.8195

# Signed Regulations

**From:** [Zinn, Sher K \(CED\)](#)  
**To:** [dave@edwards-smith.com](mailto:dave@edwards-smith.com); [healingharbor@icloud.com](mailto:healingharbor@icloud.com); [1aklmt12@gmail.com](mailto:1aklmt12@gmail.com); [mtb.endle@gmail.com](mailto:mtb.endle@gmail.com); [mtb.motz@gmail.com](mailto:mtb.motz@gmail.com)  
**Cc:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** FW: Title 12 - Board of Massage Therapists regulations re: educational and continuing education requirements, ethics, standards, and massage therapy establishments  
**Date:** Tuesday, February 25, 2020 8:30:27 AM  
**Attachments:** [2018201001.pdf](#)  
[2019104243.pdf](#)

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Massage Therapist Board Members,

The massage therapy regulations pertaining to education and continuing education requirements, ethics, standards, and massage therapy establishments, have been filed by the Lt. governor. Please see attached filed regulations for both projects, which also includes the fees for the massage therapy establishments.

The effective date of the regulations is March 25<sup>th</sup>.

Let me know if you have any questions.

Thank you and have a great day!

*Sher Zinn*  
*Regulations Specialist*  
*Division of Corporations, Business*  
*And Professional Licensing*  
*907-465-1049*  
[Sher.zinn@alaska.gov](mailto:Sher.zinn@alaska.gov)

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV



530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Amy Demboski  
Department of Commerce Community and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor *AS*  
465.4081

**DATE:** February 24, 2020

**RE:** Filed Permanent Regulations: Board of Massage Therapists

Board of Massage Therapists regulations re: educational and continuing education requirements, ethics, standards, and massage therapy establishments (12 AAC 79.100; 12 AAC 79.110(b); 12 AAC 79.200; 12 AAC 79.210(a); 12 AAC 79.900; 12 AAC 79.930)

---

Attorney General File:	2018201001
Regulation Filed:	2/24/2020
Effective Date:	3/25/2020
Print:	233, April 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis  
Sher Zinn, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE BOARD OF MASSAGE THERAPY


The attached five pages of regulations, dealing with the educational requirements defining "in-class supervised instruction", the continuing education requirements, the Code of Ethics and Standards of Practice, and massage therapy establishments to implement amendments to AS 08.61 enacted under Chapter 10, SLA 2018 (HB 110), is certified to be a correct copy of the regulation changes that the Board of Massage Therapy adopted at its December 2, 2019 meeting, under the authority of AS 08.61.020; AS 08.61.030; AS 08.61.040; AS 08.61.050; AS 08.61.090, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

It is estimated that this action will not require an increased appropriation.

On the record, in considering public comments, the Board of Massage Therapy paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30<sup>th</sup> day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 12/03/2019

  
\_\_\_\_\_  
David Edwards-Smith, Chair

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on Febr. 24<sup>th</sup>, ~~2019~~<sup>2020</sup> at 2:23 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
\_\_\_\_\_  
Kevin Meyer, Lieutenant Governor

Effective: March 25, 2020

Register: 233, April 2020

**Chapter 79. Board of Massage Therapy.** <sup>2</sup> Therapists.

12 AAC 79.100 is amended by adding new subsections to read:

(c) In this section, “in-class supervised instruction” means education received either in a physical classroom or through online distance education.

(d) To meet the educational requirements of this section and 12 AAC 79.140(b), online distance education courses

(1) must be completed through a board-approved online distance education monitoring program;

(2) must meet the requirements of (b)(2)(B) of this section; and

(3) may not include the practical application hours described in

12 AAC 79.140(b)(6). (Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am

3 / 25 / 2020, Register 233)

**Authority:** AS 08.61.020 AS 08.61.030 AS 08.61.090

12 AAC 79.110(b)(2)(B) is amended to read:

(B) is certified by a [THE AMERICAN MASSAGE THERAPY

ASSOCIATION, THE NATIONAL CERTIFICATION BOARD FOR THERAPEUTIC

MASSAGE AND BODYWORK, OR OTHER] board-approved credentialing entity; and

(Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am 3 / 25 / 2020, Register 233)

**Authority:** AS 08.61.020 AS 08.61.040 AS 08.61.090

AS 08.61.030

12 AAC 79.200(b)(4) is amended to read:

(4) **documentation of** [A] current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and

12 AAC 79.200(b)(5) is amended to read:

(5) documentation that the massage therapist satisfied the continuing education requirements in 12 AAC 79.210, **during the concluding licensing period.**

12 AAC 79.200 is amended by adding new subsections to read:

(c) The board will reinstate a massage therapy license that has lapsed less than three years if the applicant meets the requirements of (b)(1), (2), and (3) of this section and submits

(1) proof of current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and

(2) proof satisfactory to the board of completion of all continuing education required by 12 AAC 79.210, during the concluding licensing period.

(d) A massage therapy license that has lapsed three years or more may not be reinstated.  
(Eff. 5/28/2016, Register 218; am 4/17/2019, Register 230; am 3/25/2020, Register 233)

**Authority:** AS 08.61.020 AS 08.61.050

12 AAC 79.210(a)(2) is amended to read:



(2) for a biennial licensing period that begins on or after July 1, 2017, must document **completion of** at least 16 continuing education credits **during the concluding licensing period**, all of which may be met through Internet-based continuing education courses; [.]

12 AAC 79.210(a) is amended by adding a new paragraph to read:

must document that (3) for every other biennial licensing period that begins on or after October 1, 2019, a minimum of two of the 16 continuing education credits required under Paragraph (2) of this subsection are ~~must be~~ in ethics.

(Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223; am 4/17/2019, Register 230; am 3 / 25 / 2020, Register 233)

**Authority:** AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.900 is amended to read:

**12 AAC 79.900. Code of ethics, [AND] standards of practice, and establishment standards of operation.** The *Alaska Board of Massage Therapists Code of Ethics, [AND] Standards of Practice, and Establishment Standards of Operation*, dated **September 2019** [DECEMBER 2018], is adopted by reference as the code of ethics for massage therapists in the state. In order to maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, massage therapists licensed in this state shall adhere to the code of ethics. (Eff. 1/17/2016, Register 217; am 5/1/2019, Register 230; am 3 / 25 / 2020, Register 233)

**Authority:** AS 08.61.020

*CC Publisher: Please update the editor's note that follows 12 AAC 79.900:  
(1) insert "Editor's note:", boldface, at the start of the note; (2) update the  
title of the referenced document to match the changes to the title in  
12 AAC 79.900.)))*

**12 AAC 79.930. Regulation of massage therapy establishments.** (a) A massage therapy establishment, unless exempted under (b) of this section, must register with the board by submitting

(1) a completed application form provided by the department;

(2) a notarized, completed self-inspection report form provided by the department, including certification of compliance with the Establishment Standards of Operation *(((lowercase)))* *(adopted by reference)* established by the board in 12 AAC 79.900; and

(3) the fee required under 12 AAC 02.396.

(b) *An owner of* ~~An owner of~~ *≡ Caf* a massage therapy establishment is exempt from complying with (a) and (c) of this section if the majority owner of the massage therapy establishment business is a currently licensed

(1) acupuncturist under AS 08.06;

(2) chiropractor under AS 08.20;

(3) naturopath under AS 08.45;

(4) massage therapist under AS 08.61;

(5) physician, osteopath, *(mobile intensive care)* paramedic, or physician assistant under AS 08.64;

(6) direct-entry midwife under AS 08.65;

(7) advanced practice registered nurse under AS 08.68; or

(8) physical or occupational therapist under AS 08.84.

(c) The owner *(or)* ~~and~~ manager of a massage therapy establishment shall notify the

department in writing by submitting the requirements of (a) of this section for a new registration not later than <sup>(30)</sup> ~~thirty~~ business days following any change in ownership or physical location of the massage therapy establishment.

<sup>(c) In</sup> ~~(d)~~ Under this section, <sup>means</sup> "massage therapy establishment" ~~is defined as~~ a fixed or mobile place of business that

(1) is owned by <sup>a</sup> ~~one or more~~ natural persons, <sup>8</sup> partnership, limited partnership, corporation, company, limited liability company, or other entity;

(2) engages in, conducts, or permits massage or massage therapy to be conducted for any form of compensation, or uses the word "massage" in any solicitation or advertisement.

<sup>(d)</sup> ~~(e)~~ The department <sup>will</sup> ~~shall~~ maintain a registry of all massage therapy establishments registered with the board. (Eff. 3 / 25 / 2020, Register 233)

**Authority:** AS 08.61.020

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Amy Demboski  
Department of Commerce Community and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** February 24, 2020

**RE:** Filed Permanent Regulations: Department of Commerce Community and Economic Development

Department of Commerce, Community, and Economic Development regulations re: fees for massage therapy establishments regulated by the Board of Massage Therapists (12 AAC 02.396)

---

Attorney General File:	2019104243
Regulation Filed:	2/24/2020
Effective Date:	3/25/2020
Print:	233, April 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis  
Sher Zinn, Regulations Specialist

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF COMMERCE,  
COMMUNITY, AND ECONOMIC DEVELOPMENT

The attached one page of regulations, dealing with occupational licensing fees for professions regulated by the Board of Massage Therapy, are adopted and certified to be a correct copy of the regulation changes that the Department of Commerce, Community and Economic Development adopts under the authority of AS 08.01.010, AS 08.01.065, and AS 08.61.090, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Commerce, Community, and Economic Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 17 Jan 20  
Juneau, Alaska

  
Sara Chambers, Director  
Division of Corporations, Business and  
Professional Licensing

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on Febr. 24<sup>th</sup>, 2020 at 2:24 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
Kevin Meyer, Lieutenant Governor

Effective: March 25, 2020.

Register: 233, April 2020.

**Chapter 02. General Occupational Licensing Functions.**

The introductory language of 12 AAC 02.396 is amended to read:

**12 AAC 02.396. Board of Massage Therapists.** The following fees are established for massage therapists and massage therapy establishments:

12 AAC 02.396(4) is amended to read:

(4) nonrefundable fingerprint processing fee, \$60; 1.]

12 AAC 02.396 is amended by adding new paragraphs to read:

(5) nonrefundable massage therapy establishment registration fee, \$300;

(6) fee for each investigation of an unregistered massage therapy establishment, 1100 \$2000. (Eff. 8/01/2015, Register 215; am 6/14/2017, Register 222; am 3 / 25 / 2020, Register 233)

**Authority:** AS 08.01.010      AS 08.01.065      AS 08.61.090

Application by Credentials

Curriculum Breakdown

(9) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or who has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely.

**Sec. 08.61.040. Licensure by credentials.** The board shall issue a license to practice massage therapy to a person who

- (1) is 18 years of age or older;
- (2) applies on a form provided by the department;
- (3) pays the fees established under AS 08.61.090;
- (4) has submitted the person's fingerprints and 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;
- (5) is not the subject of an unresolved complaint or disciplinary action before a regulatory authority in this state or another jurisdiction;
- (6) has not had a certificate or license to practice massage therapy revoked, suspended, or voluntarily surrendered in this state or another jurisdiction;
- (7) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely;
- (8) has a current cardiopulmonary resuscitation certification; and
- (9) is currently
  - (A) licensed to practice massage therapy in another state or country that has licensing requirements that are substantially equal to or greater than the requirements of this state; or
  - (B) certified by a certification entity approved by the board.

**Sec. 08.61.050. Standards for license renewal.** The board shall renew a license issued under this chapter to a licensee who

- (1) pays the required fee;
- (2) meets the continuing education requirements established by the board;
- (3) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely;
- (4) has a current cardiopulmonary resuscitation certification; and
- (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 at least once every six years; 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.

**Sec. 08.61.060. Grounds for imposition of disciplinary sanctions.** After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter if the board finds that the person

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing massage therapy services or engaging in massage therapy;
- (3) advertised massage therapy services in a false or misleading manner;
- (4) has been convicted of a felony or another crime that affects the licensee's ability to continue to practice competently and safely;
- (5) intentionally or negligently engaged in, or permitted a person under the licensed massage therapist's supervision to engage in, client care that did not conform to minimum professional standards, whether or not actual injury to the client occurred;
- (6) failed to comply with a provision of this chapter, a regulation adopted under this chapter, or an order of the board;
- (7) continued to practice after becoming unfit because of
  - (A) professional incompetence; or
  - (B) addiction or severe dependency on alcohol or another drug that impairs the ability to practice safely; or
- (8) engaged in unethical conduct or sexual misconduct in connection with the delivery of massage therapy services to a client.

**Sec. 08.61.070. Practice of massage therapy without license prohibited.** (a) A person may not practice massage therapy or represent that the person is a massage therapist unless the person holds a valid license under this chapter. In this subsection, a person represents that the person is a massage therapist when the person adopts or uses a title or description of services that incorporates one or more of the following terms or designations: massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology,



National Massage Therapy Organizations, adopted by reference in 12 AAC 79.100, may be obtained from the ELAP website: [http://www.elapmassage.org/\\_files/ELAP\\_Blueprint.pdf](http://www.elapmassage.org/_files/ELAP_Blueprint.pdf).

**12 AAC 79.110. APPLICATION FOR LICENSURE BY CREDENTIALS.** (a) The board will issue a license by credentials to practice massage therapy to an applicant who meets the requirements of AS 08.61.040 and this section.

(b) An applicant for licensure by credentials under this section must submit

- (1) a completed application, on a form provided by the department; the completed application must include
  - (A) the personal identification information requested on the form;
  - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
  - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
  - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;

(2) verification, sent directly from the appropriate agency to the division office, that the applicant

(A) holds a current license to practice massage therapy in another state, jurisdiction, or country where licensing requirements are substantially equal to or greater than the requirements of this state; or

(B) is certified by the American Massage Therapy Association, the National Certification Board for Therapeutic Massage and Bodywork, or other board-approved credentialing entity; and

(3) current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

**Authority:** AS 08.61.020 AS 08.61.040 AS 08.61.090  
AS 08.61.030

**12 AAC 79.120. APPLICATION FOR TRANSITIONAL LICENSE.** (a) The board will issue a license under this section to an applicant who applies for licensure before July 1, 2017, and who meets the requirements of AS 08.61.030(1), (2), (4) – (6), and (9) and this section.

(b) An applicant for licensure under this section must submit

- (1) a completed application, on a form provided by the department; the completed application must include
  - (A) the personal identification information requested on the form;
  - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
  - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
  - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;

(2) a current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and

(3) verification that the applicant owned, operated, or worked for a massage therapy business and performed the practice of massage therapy before July 1, 2015, by submitting

(A) a copy of the applicant's signed federal tax income tax returns for one of the five years immediately preceding July 1, 2015, listing the person's occupation as massage therapist in this state;

(B) copies of the applicant's signed schedule C federal income tax returns for one of the five years immediately preceding July 1, 2015, demonstrating that the person has reported income from the practice of massage therapy in this state;

(C) a sworn statement from the applicant's employer in this state attesting that the applicant has practiced massage therapy within the five years immediately preceding July 1, 2015, a copy of the business license of the applicant's employer, and a copy of the applicant's Form W-2 or Form 1099-MISC from the same employer;

(D) a copy of the municipal occupational license that was current on the day before July 1, 2015, from a municipality in this state, stating the applicant's occupation as a massage therapist;

(E) documentation that the person has, for at least one year immediately preceding July 1, 2015, been an active member, as a massage therapist, in a national professional massage therapy association that was established before January 1, 2000, offers professional liability insurance as a benefit of membership, and has an established code of professional ethics; or

(F) other documentation satisfactory to the board.

**Authority:** AS 08.61.020 AS 08.61.090 Sec. 10, ch. 114, SLA 2014  
AS 08.61.030

**12 AAC 79.130. CRIMINAL JUSTICE INFORMATION.** (a) An applicant for licensure under 12 AAC 79.100, 12 AAC 79.110, or 12 AAC 79.120 must submit with the application the applicant's fingerprints and other information required by the Department of Public Safety to obtain state and national criminal justice information under AS 12.62 and AS 12.64.

(b) The board will submit the fingerprints received under this section to the Department of Public Safety and request the Department of Public Safety to

(1) submit the fingerprints to the Federal Bureau of Investigation for a report on national criminal justice information;

(2) perform a check for state criminal justice information; and



THE STATE  
of

ALASKA

Department of Commerce, Community, and Economic Development  
Division of Corporations, Business and Professional Licensing

**Board of Massage Therapists**

PO Box 110806, Juneau, AK 99811-0806

Phone: (907) 465-2550 • Fax: (907) 465-2974

Email: [BoardOfMassageTherapists@Alaska.Gov](mailto:BoardOfMassageTherapists@Alaska.Gov)

Website: [ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists](http://ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists)

**Verification of Licensure / Certification**

Send to all states or jurisdictions in which you are currently or have ever been professionally licensed and/or certified.

<b>Name of Applicant:</b>	
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**TO STATE LICENSING BOARD:** I, the applicant, am applying for a license to practice as a massage therapist in the State of Alaska. The Alaska Board of Massage Therapists requires that this form be completed by each jurisdiction in which I hold or have held licenses/certificates.

AS 08.61.040 requires that if a person wants to apply for licensure by Credentials (with their license from another state), that state must have equal to or greater requirements than the State of Alaska. The state boards must complete the bottom section of this form and return it **directly to the above address**. The State of Alaska will also accept a standard computer verification that provides the same information

**THIS VERIFICATION TO BE COMPLETED BY THE MASSAGE THERAPY LICENSING BOARD**

<b>Name of Licensee / Certificate Holder</b>			<b>Birthdate:</b>		
<b>License/Certificate #</b>		<b>Original Issue Date:</b>		<b>State:</b>	
<b>Method Licensed By</b>	<input type="checkbox"/> Credentials/Reciprocity Please list state: _____ <input type="checkbox"/> Examination/Education		<input type="checkbox"/> Transition/Grandfathered <input type="checkbox"/> Misc./Other: _____		
<b>Education</b>	(name and location of school/program)		<b>Verified # of Completed Hours</b>		
<b>Verified School/Program Authorization (if any)</b>	<input type="checkbox"/> State Authorization: _____ <input type="checkbox"/> National Accreditation: _____				
<b>National Exam</b> (successfully completed)	<input type="checkbox"/> MBLEx <input type="checkbox"/> NCBTMB (on or before 1/31/2015)		<b>Date of Exam:</b>		
<b>Is the License / Certificate Current?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Lapse Date:</b>		<b>Expiration Date:</b>	
<b>Is the applicant the subject of an unresolved complaint or ongoing disciplinary action?</b>				<input type="checkbox"/> *YES <input type="checkbox"/> NO	
<b>Has the applicant's license/certificate ever been suspended, revoked, voluntarily surrendered, placed on probation, or restricted in any other way?</b>				<input type="checkbox"/> *YES <input type="checkbox"/> NO	
* If yes, please provide a copy of the disciplinary action document.					
<b>Comments (if any)</b>					
<b>BOARD SEAL</b>			<b>Printed Name:</b> _____		
			<b>Sign and Date:</b> _____		
			<b>Title:</b> _____		
			<b>State Board:</b> _____		
			<b>Email:</b> _____		
Check here <input type="checkbox"/> if there is no "board seal"			<b>Contact Phone Number:</b> _____		

**12 AAC 79.140. MASSAGE SCHOOL EDUCATION REQUIREMENTS.** (a) For applications submitted on or before June 30, 2019, applicants must show successful completion of at least 500 hours of education or instruction in massage therapy that includes the following subjects for the minimum number of hours specified:

- (1) anatomy, physiology, pathology, and kinesiology: 130 hours, including instruction in
    - (A) at least 40 hours in pathology, including indications and contraindications;
    - (B) the muscular system;
    - (C) the nervous system;
    - (D) osteology;
    - (E) the circulatory system; and
    - (F) kinesiology;
  - (2) massage theory and practical application: 220 hours, including instruction in
    - (A) basic massage therapy techniques dedicated to the study of massage therapy and various clinically related modalities; and
    - (B) assessment;
  - (3) clinical practice: 110 hours, including instruction in
    - (A) universal and standard precautions;
    - (B) self-care;
    - (C) body mechanics;
    - (D) draping;
    - (E) record keeping;
    - (F) business practice and professional development; and
    - (G) medical terminology;
  - (4) ethics and laws: 40 hours, including instruction in
    - (A) professional boundaries;
    - (B) therapeutic relationships; and
    - (C) local and state laws;
  - (5) not more than 50 hours in techniques that are exempt from license requirements;
  - (6) practical application, not to exceed 20 percent of the total hours of the massage program.
- (b) For applications submitted on or after July 1, 2019, applicants must show successful completion of at least 625 hours of education or instruction in massage therapy that includes the following subjects for the minimum number of hours specified:

- (1) anatomy, physiology, pathology, and kinesiology: 162 hours, including instruction in
  - (A) at least 40 hours in pathology, including indications and contraindications;
  - (B) the muscular system;
  - (C) the nervous system;
  - (D) osteology;
  - (E) the circulatory system; and
  - (F) kinesiology;
- (2) massage theory and practical application: 275 hours, including instruction in
  - (A) basic massage therapy techniques dedicated to the study of massage therapy and various clinically related modalities; and
  - (B) assessment;
- (3) clinical practice: 138 hours, including instruction in
  - (A) universal and standard precautions;
  - (B) self-care;
  - (C) body mechanics;
  - (D) draping;
  - (E) record keeping;
  - (F) business practice and professional development; and
  - (G) medical terminology;
- (4) ethics and laws: 50 hours, including instruction in
  - (A) professional boundaries;
  - (B) therapeutic relationships; and
  - (C) local and state laws;
- (5) not more than 50 hours in techniques that are exempt from license requirements;

# Establishment Registration Form

Massage Establishment

Standards of Operation

(Compliance Inspection Checklist)

Adjourn