

State of Alaska  
Board of Massage Therapists

Board Packet

June 18-19, 2020

Videoconference

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> <i>Licensed Massage Therapist</i>	January 23, 2017	March 1, 2022
<b>Kristin Tri</b> <i>Licensed Massage Therapist</i>	03/02/2020	03/02/2024
<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)?

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?

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

<p style="text-align: center;"><b>CONFIDENTIAL</b> <b>REQUEST FOR ETHICS DETERMINATION</b></p>
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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.*

# Review of Agenda

# Previous Tasks

# Allied Health Career Institute

1. Approval for Qualifying Education
2. Letter of Intent for Remedial Education



# U.S. Career Institute

## 1. Approval for Qualifying Education

# Is It an Approved Massage Therapy School or Program?

"Approved massage school" means a massage therapy school or program that

- ① has an authorization to operate from the Alaska Commission on Postsecondary Education or a similar entity in another state; or
- ② is accredited by a nationally recognized accrediting agency

## ① Is it a massage therapy school or program?

### ➔ Can it demonstrate that the instruction covers the practice of massage therapy?

AS 08.61.100(5):

**"Practice of massage therapy" means:**

the provision, for compensation, of a service involving the systematic manipulation and treatment of the soft tissues, including the muscular and connective tissues of the human body, to enhance the functions of those tissues and promote relaxation and well-being;

In this paragraph, **"manipulation and treatment"**

- **includes** manual techniques applied with the intent to physically affect local soft tissues, such as pressure, friction, stroking, percussion, kneading, vibration, muscular assessment by palpation, range of motion for purposes of demonstrating muscle exertion for muscle flexibility, nonspecific stretching, and application of superficial heat, cold, water, lubricants, or salts;
- **does not include** diagnosis, the prescription of drugs or medicines, the practice of physical therapy, attempts to manipulate any articulation of the body or spine, or mobilization of these articulations by use of a thrusting force.

### ➔ Does the instruction reasonably prepare a student to meet the requirements for licensure?

AS 08.61.030(3): Qualifications for licensure include 500 hours of in-class supervised massage instruction and clinical work in massage therapy

## ② Is it accredited?

### ➔ Is it authorized or accredited by:

- Alaska Commission on Postsecondary Education?
- Similar entity in another state?
- Nationally recognized accrediting agency?

**If the board determines that the school or program meets both criteria, the school should be approved.**

December 1, 2017

# Division/Financial Update

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 - 3rd QTR
	<b>Revenue</b>									
Revenue from License Fees	\$ -	\$ 660	\$ 660	\$ 586,230	\$ 228,015	\$ 814,245	\$ 346,505	\$ 89,770	\$ 436,275	\$ 338,365
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>\$ 339,225</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	70,998
2000 - Travel	-	6,585	6,585	17,726	10,216	27,942	9,646	10,277	19,923	5,437
3000 - Services	-	12,627	12,627	52,528	34,055	86,583	96,155	60,787	156,942	6,963
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	83,398
Investigation Expenditures										
1000-Personal Services	-	879	879	11,039	36,787	47,826	93,529	63,771	157,300	45,053
2000 - Travel	-	-	-	-	-	-	-	-	-	(707)
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	167
4000 - Commodities	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	-	879	879	11,039	69,740	80,779	111,840	67,184	179,024	44,513
<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>127,911</b>
Indirect Expenditures										
Internal Administrative Costs	-	3,689	3,689	33,476	37,540	71,016	53,488	43,601	97,089	32,701
Departmental Costs	-	7,130	7,130	25,405	24,679	50,084	35,578	32,777	68,355	24,583
Statewide Costs	-	5,605	5,605	9,698	8,596	18,294	16,888	15,627	32,515	11,720
<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>69,004</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>\$ 196,915</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)		142,310
Ending Cumulative Surplus (Deficit)	\$ -	\$ (69,926)		\$ 261,412	\$ 265,127		\$ 231,543	\$ 8,652		\$ 150,962
<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>									

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

Summary of All Professional Licensing  
Schedule of Revenues and Expenditures

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

Sum of Expenditures Object Name (Ex)	Object Type Name (Ex)			Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	
1011 - Regular Compensation	59,573.19			59,573.19
1014 - Overtime	96.34			96.34
1023 - Leave Taken	9,537.79			9,537.79
1028 - Alaska Supplemental Benefit	4,251.14			4,251.14
1029 - Public Employee's Retirement System Defined Benefits	2,090.26			2,090.26
1030 - Public Employee's Retirement System Defined Contribution	3,141.17			3,141.17
1034 - Public Employee's Retirement System Defined Cont Health Reim	2,326.42			2,326.42
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	787.95			787.95
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	6,880.31			6,880.31
1039 - Unemployment Insurance	227.38			227.38
1040 - Group Health Insurance	23,288.90			23,288.90
1041 - Basic Life and Travel	34.38			34.38
1042 - Worker's Compensation Insurance	625.69			625.69
1047 - Leave Cash In Employer Charge	1,530.75			1,530.75
1048 - Terminal Leave Employer Charge	911.38			911.38
1053 - Medicare Tax	967.46			967.46
1063 - GGU Business Leave Bank Usage	-			-
1069 - SU Business Leave Bank Contributions	2.28			2.28
1077 - ASEA Legal Trust	115.26			115.26
1079 - ASEA Injury Leave Usage	15.75			15.75
1080 - SU Legal Trst	6.79			6.79
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			181.85	181.85
3046 - Advertising			1,199.14	1,199.14
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			2,702.00	2,702.00
1016 - Other Premium Pay	2.28			2.28
2017 - Out-State Non-Employee Airfare			685.43	685.43
<b>Grand Total</b>	<b>116,052.28</b>	<b>4,730.13</b>	<b>7,129.96</b>	<b>127,912.37</b>

Investigative Case Review  
&  
Probation Report



**PROBATION REPORT**

**DATE:** June 1, 2020  
**TO:** Board of Massage Therapists  
**THROUGH:** Sonia Lipker, Senior Investigator *SL*  
**FROM:** Karina Medina, Investigator  
**SUBJECT:** Probation Report for the June 18-19, 2020 meeting.

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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
Janea Knight	12/20/2017	05/09/2022
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: N/A**

END OF REPORT

# Inspection Allotment for Compliance

1. Therapists
2. Establishments



In Relation to:

Department of Labor & FBI Inspections

Investigations Feedback:

"No Investigations Needed"

# Board Training/ Refresher

Roles and Responsibilities  
of  
Reviewing Board Members

Inv. Jacobs

# Robert's Rules of Order

## ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

## PROCEDURE FOR HANDLING A MAIN MOTION

**NOTE:** Nothing goes to discussion without a motion being on the floor.

### Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

### How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes his seat.
- Another member seconds the motion: *I second the motion* or *I second it* or *second*.
- The chair states the motion: *It is moved and seconded that ... Are you ready for the question?*

### Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

### The chair puts the motion to a vote

1. The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'. (Pause for response.) Those opposed, say 'Nay'. (Pause for response.) Those abstained please say 'Aye'.*

### The chair announces the result of the vote.

1. *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

### WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite

# HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

## MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion.
- Member: "Madame Chairman, I move that \_\_\_\_\_."

## AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Madame Chairman, I move that the motion be amended by adding the following words \_\_\_\_\_."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words \_\_\_\_\_."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, \_\_\_\_\_, and adding in their place the following words \_\_\_\_\_."

## REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

## POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Madame Chairman, I move to postpone the question until \_\_\_\_\_."

## PREVIOUS QUESTION

You think discussion has gone on for too long and you want to stop discussion and vote.

- After recognition, "Madam President, I move the previous question."

## LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker."



## **POSTPONE INDEFINITELY**

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

## **POSTPONE INDEFINITELY**

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

## **RECESS**

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

## **ADJOURNMENT**

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

## **PERMISSION TO WITHDRAW A MOTION**

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

## **CALL FOR ORDERS OF THE DAY**

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

## **SUSPENDING THE RULES**

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

## **POINT OF PERSONAL PRIVILEGE**

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."

## COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition, "Madame Chairman, I move that we go into a committee of the whole."

## POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."

## POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

## POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

## APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

### Rule Classification and Requirements

Class of Rule	Requirements to Adopt	Requirements to Suspend
Charter	Adopted by majority vote or as proved by law or governing authority	Cannot be suspended
Bylaws	Adopted by membership	Cannot be suspended
Special Rules of Order	Previous notice & 2/3 vote, or a majority of entire membership	2/3 Vote
Standing Rules	Majority vote	Can be suspended for session by majority vote during a meeting
Modified Roberts Rules of Order	Adopted in bylaws	2/3 vote

# Meetings 101

# Professional Licensing Meetings 101

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Guidance for members of professional licensing boards and commissions from the  
Division of Corporations, Business and Professional Licensing  
October 2019

Governmental bodies—especially those with quasi-judicial capacity like professional licensing boards—adhere to different rules than other types of “boards of directors.” Serving on a licensing board is unlike most other state, non-profit, or corporate boards. This document, along with other [guidance](#) issued by the division, will aid in your understanding of the statutes, regulations, and administrative policies that pertain to your work.

Regarding meetings, we have to make sure to read the guidance fully and in context:  
First, let’s look at the definitions in AS 44.62.310. To whom does the Open Meetings Act apply?

**AS 44.62.310(h)(1)** "governmental body" means an assembly, council, board, commission, committee, or other similar body of a public entity with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity; "governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members

The establishment of a meeting has three “ingredients”: **Who** is present, **how many** are present, and **what** they are doing:

**AS 44.62.310(h)(2)** "meeting" means a gathering of members of a governmental body when

- (A) more than three members or a majority of the members, whichever is less, are present, a matter upon which the governmental body is empowered to act is considered by the members collectively, and the governmental body has the authority to establish policies or make decisions for a public entity; or
- (B) the gathering is prearranged for the purpose of considering a matter upon which the governmental body is empowered to act and the governmental body has only authority to advise or make recommendations for a public entity but has no authority to establish policies or make decisions for the public entity;

So, these types of meetings must be publicly noticed:

**BOARD MEETING:** If a group is gathering that IS a quorum of the board OR three or more members of a board AND is considering a matter on which they have the power to act.

**SUBCOMMITTEE MEETING:** If a group is gathering that is NOT a quorum of a board OR three or more members of a board AND is recognized by the board/division AND has authority to advise the board/division, AND is considering a matter for recommendation to a board.

## Meeting administration

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Meetings are administered by division staff according to state laws and policies. Questions about meeting logistics should be directed to staff.

Staff work with the board chair to create the agenda for each meeting. This collaboration depends on the program, the level of experience of staff, and the personality of the board chair. Ideally, this is an engaged conversation driven by:

1. Pending business from the last meeting
2. Mandatory business, such as disciplinary considerations and license application review
3. Items for consideration from board members
4. Items for consideration from the public
5. Alignment with the statutory authority, strategic plan, and goals of the board
6. Available time to address these issues.

It is the chair's responsibility to set the agenda. Where there is an executive administrator for a board, that person may assume a primary responsibility for populating the agenda, with the chair's consent. At the very least, the board chair should review and approve the agenda for distribution. Items requiring document review, in-depth discussion, or advance notice to the public should not be added at the time of the meeting. Committee meetings should also be managed through staff but may have less formal agendas than regular board meetings.

All meetings should generally follow *Robert's Rules of Order*. Action is only determined by a vote of the body. Public input during a board meeting is appropriate during the public comment section of the meeting and when invited by the chair or on the agenda. A public comment period is encouraged, but not required, at committee meetings.

Additional detailed information about meeting management can be found in the [CBPL Guide to Excellence in Regulation](#).

## **TIMEFRAMES AND METHOD OF PUBLIC NOTICE**

Boards are not authorized to gather as a body to conduct business unless the meeting has been public noticed; this includes exam workshops, committee meetings, email discussions, and conference calls.

AS 44.62 and AS 08.01 require that all board meetings, examinations, and other board proceedings be noticed. AS 44.62.310(e) establishes the criteria for adequate public notice of meetings. Generally, this means publication in a state newspaper of major circulation and in the Alaska Online Public Notice System (OPN):

1. Regularly scheduled in-person board meeting in one newspaper of general circulation no later than ten days in advance of the meeting.
2. Teleconference board meeting in one newspaper of general circulation no later than five days in advance of the meeting.
3. Subcommittee/advisory committee/working group/etc. meetings
  - a. The first meeting of a committee must be published in one newspaper of general circulation at least five days in advance of the meeting.
    - i. The initial notice shall contain a statement that subsequent meeting date(s) and location(s) for the committee may be obtained from the Alaska Online Public Notice System or the division office, and that notice of future meetings will be published with at least three days of advance notice on the Online Public Notice System only.
    - ii. The committee meeting notice(s) shall include the name, address and phone number of the staff member who will be responsible for providing the special notice to those interested parties.

- iii. Interested parties may contact the program's dedicated staff member to be placed on a special notification (email/phone) list for the notice of the committee meetings.
- b. Since only three days of advance notice is required for subsequent meetings, staff will publish the meeting in the OPN and make every attempt to notify all interested parties on the special notification list.

Public noticing in the newspaper is a mandatory expense, so the division combines all notices into one shared monthly publication on or about the 15<sup>th</sup> of each month. Aim to communicate meeting details to the director's assistant well ahead of this deadline so your meeting is included. Special meeting notices will be charged fully to the requesting program.

Publishing the announcement through private lists, newsletters, and other means can supplement the original announcement; however, these are not official channels of communication. Licensees should always be directed to staff, the official state listserv for that program, and web site for meeting information.

### **EXCEPTION TO PUBLIC NOTICE OF A MEETING**

In accordance with 44.62.310(d), public notice of meetings called for the sole purpose of making a decision on an adjudicatory proceeding is not required. (Meeting minutes, however, are still required to record the official action taken.)

Adjudicatory proceedings include board consideration of hearing officer decisions, petitions for reconsideration filed in accordance with AS 44.62, stipulations, memoranda of agreement, license surrenders, and summary suspensions.

## **How Do Committees Operate?**

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A subcommittee, advisory committee, working group, or similar group by another name that consists of two or more individuals which is recognized by the public entity and has authority to advise or make recommendation to the public entity is considered a "government body" under AS 44.62.310(h)(I). Committee meetings are prearranged, are open to the public, and must be publicly noticed.

The membership of a subcommittee, advisory committee, working group, or similar group by another name may not include a quorum of a board. Any meeting that includes a quorum of a board is considered a board meeting and must be noticed accordingly.

### **FORMATION OF A COMMITTEE**

Since committees are authorized by the board or commission, their operation falls under state laws and procedures guiding board activities. The following steps will assist in getting a committee up and running:

**During a board meeting, vote on establishing the committee, its mission, and what it looks like:**

**Formally create the committee.** Once the motion is on the floor, the rationale for the committee can be presented and discussed, and ultimately decided by a vote of the board. The board should provide a clear mission for the committee and, if necessary, establish an ending date for the project or report. Standing committees should be well-defined and may live without a sunset date.

**Formally appoint a committee chairperson, ideally a board member.** This person will organize the committee meeting with staff, set committee agendas and meeting content, and serve as the liaison to the board on committee activity. Additional board members may serve on the committee, but any meeting where a quorum of the board is present should be noticed as a board meeting.

**Formally agree on committee membership standards.** Establishing parameters for participation helps ensure a fair, transparent process and minimizes disenfranchisement or “playing favorites.” The goal of a committee is to advise the board or commission and, ultimately, make a recommendation for action. The board should safeguard this process to ensure it receives impartial, quality advice from the committee it has sanctioned.

The board may decide that anyone can participate on the committee, which means the invitation should be issued widely—through licensee email lists, the program listserv, and on the web site. If membership has criteria—for example, if the board wants people with certain experience or credentials on the committee, that should be stated plainly in the motion. Will there be an application process? Should people contact staff to nominate themselves? Does the board want the chair to appoint someone and then have that ratified by the board...or not? Just be certain to place the process on the record and use the official channels managed by staff to solicit participation.

**Ensure the public can participate.** Follow all laws and policies on public notices. Hold the meeting in a publicly accessible location (such as a state conference room or other public location). Ensure that a teleconference line is available on site and that the number is published to interested parties through staff or the web site.

**Present recommendations to the board.** The committee should work with staff to ensure there is adequate time on the agenda for updates and discussion of findings/recommendations. A committee member should take basic notes during the meeting and provide a typed copy to staff, who will provide them to the board well in advance of the meeting. If there is more data or documentation to present, it should also be forwarded to staff at least three weeks before the board meeting so it can be included in the board meeting material.

Staff will work with the board chair on the final meeting agenda and documents. The chair could consider adding a standing section of each meeting agenda for all committee reports.

Committees should remember that their work is important, though always advisory. The authorizing board retains jurisdiction over the committee, and the committee may not act on its own. Boards should place value on the time and effort of the committee and show appreciation for the work of its members. However, a board or commission should not feel beholden or pressured to adopt a committee’s recommendation. If the board rejects a committee recommendation, it is advisable to explain its concerns or ask for additional information.

## Is it really a meeting?

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When determining whether a gathering is a meeting, ask the following questions. These combine all the considerations included in **AS 44.62.310(h)(2)**:

1. **Will a quorum of a board be present?** If YES, it’s a board meeting if they are considering board business.
2. **Will three or more members of a board be present?** If YES, it’s a board meeting if they are considering board business.
3. **Is the entity recognized by the board/division?** If YES, it’s a subcommittee meeting.

4. **Does the entity have authority to advise/make recommendation to the board/division?** If YES, it's a subcommittee meeting.

Below are some theoretical examples. As with the rest of this document, it is intended to provide general guidance but cannot cover every situation. Please contact staff with concerns about specific situations.

- A. **The board votes to approve a working group on a potential regulation and bring it back to the next meeting.** YES to #3 and #4: Subcommittee meeting.
- B. **The board publicly notices a subcommittee meeting, and three board members show up.** YES to #2, #3, and #4 (and maybe #1, depending on the size of the board). It's now a board meeting, must be adjourned and re-noticed for a later date if the members wish to participate.
- C. **Two board members have coffee and talk about board business.** NO to all four. Not a meeting.
- D. **Three board members have coffee and talk about board business.** YES to #2 and maybe #1. They don't have to go home, but they shouldn't finish that coffee together.
- E. **Three board members have coffee and talk about the weather.** NO to all four because they are not talking about board business. So, technically it's not a violation. However, a licensee walks into the coffee shop and sees them and posts on Facebook that there was a secret board meeting at Starbucks, files an inquiry under the Alaska Public Records Act, and ignites legal dispute over a current topic. This costs the board thousands of dollars, a lot of extra time, and their reputation. Probably best that the three avoid having coffee together because of the public's reasonable perception that it is a board meeting.
- F. **Twenty disgruntled licensees get together to plan a protest of the next board meeting.** NO to all four, assuming none are board members.
- G. **Two board members email each other with general questions about upcoming item on the meeting agenda.** NO to all four. Not a meeting.
- H. **The two members in Example G decide they need more information and email the board chair.** YES to #2 and maybe #1. The chair should not respond but should ask staff to assist with providing needed information to the entire board.
- I. **One of the two board members in Example G is the Reviewing Board Member of a case that is to be decided at the meeting.** NO to all four, but since they have veered into ex parte communication, they need to cease the conversation for reasons outside the Open Meetings Act. Depending on what s/he heard, the non-reviewing board member may wish to declare a potential conflict of interest at the meeting and ask the chair for a ruling on whether the member should be allowed into the discussion and vote on the case.
- J. **A board member attends an industry association meeting and speaks on the board's behalf without prior authorization on topics the board has not voted on.** NO to all four, but the member should be counseled by the chair that this is improper and that the information provided could be inaccurate or misleading. Depending on the situation, the chair may want to write a letter to the association to clear up the matter. This type of representation is inappropriate in any kind of medium, including a newsletter, email list, or legislative testimony.



- K. **The entire board attends an industry association meeting. They take great care not to sit together or huddle together in a darkened corner of the hallway.** NO to all four, and good job making sure they did not give the appearance of conducting board business.
- L. **The entire board attends an industry association meeting. They get upset about an issue raised by one of the speakers and meet later that day in a small, empty conference room to discuss the board's position on the issue.** YES to #1 and #2. Not good judgment on their part.

There's also the question about what "prearranged" means. This brief guidance suggests that board and subcommittee members should avoid "spontaneous" discussions about their official business when these thresholds are met. A chance meeting at a social event that turns into an hour-long conversation about official business is avoidable and, by sustaining the conversation over a period of time, may not be considered by a court to be a spontaneous conversation.

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Questions about meetings? Want to see something added to this guidance?

Contact your board staff or email [license@alaska.gov](mailto:license@alaska.gov).

# Public Communications as Board Members

Chair

## **Public Social Media Communication**

All communications with the public as a board member reflect on the board as a whole. Interactions on social media as a board member must be carefully navigated. Social media interactions regarding massage therapy board related subject matter is something I discourage. To speak to any subject matter as a member of the public and a massage therapist is a right of all board members. It is my opinion, if you are known as a board member, that regardless of the subject matter those involved in the conversation are going to understand your communication as that of a board member regardless of any preemptive disclaimer.

It is important that public communication is always a voice from the board. If a board member chooses to speak to subject matter related to the board, it is best practice to refer questions to the licensing examiner or resources that are publicly available on the board website.

David Edwards-Smith

# CBPL Legislative Guidance

# Division of Corporations, Business and Professional Licensing

## 2019 Legislative Guidance for Professional Licensing Board & Commission Members

As a member of a professional licensing board or commission, you have considerable latitude—as well as responsibility—to recommend changes to your licensing program’s enabling statutes. Members of the public, consumers, other professionals, and your industry’s association confidently approach members of the legislature to affect the change they wish to see in your practice. Whether taking the initiative or reacting to an active bill, board members also need to be prepared to champion their cause!

### **THE OPEN MEETINGS ACT ALWAYS APPLIES**

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject on which the body is authorized to act and set policy and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact in any location, including the office of a legislator or an industry gathering.

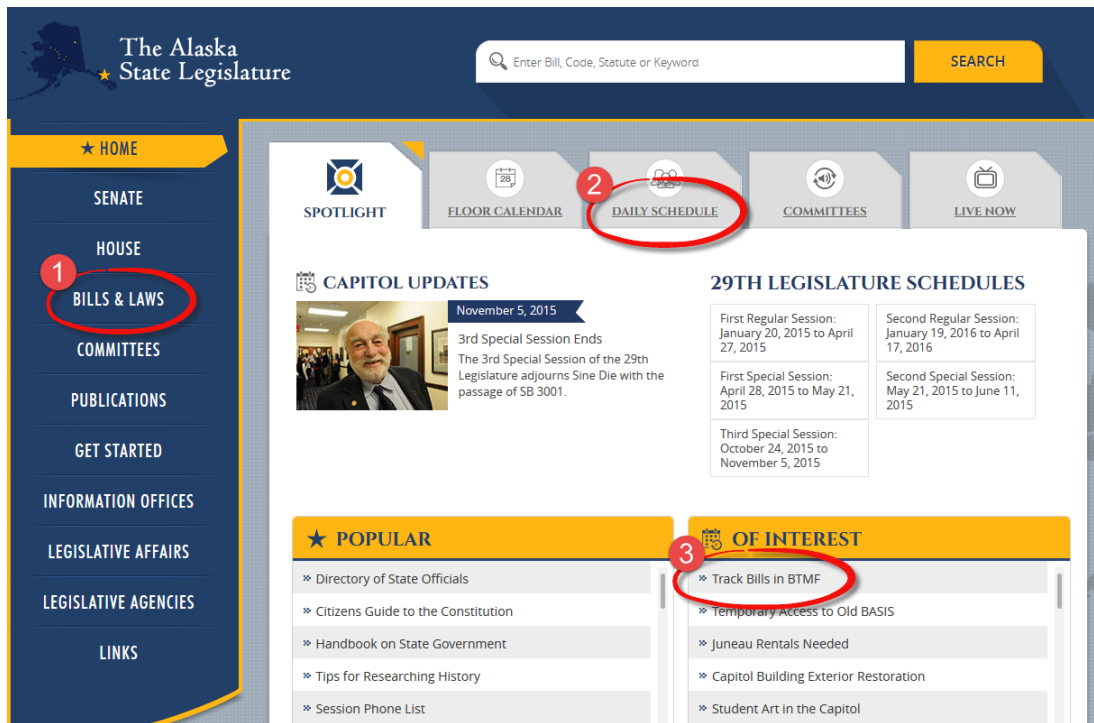
Members of boards and commissions should take care not to conduct business over email, lest the public be removed from the process. Board members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged and publicly noticed. Remember, all board member email correspondence is discoverable, and your board business is also the public’s business.

This information is contained in the *CBPL Guide to Excellence in Regulation*. Board members are provided a bound copy of this guidance manual; however, if you need another copy, you may download it here:  
[https://www.commerce.alaska.gov/web/Portals/5/pub/CBPL\\_Board.Commission.Guide.pdf](https://www.commerce.alaska.gov/web/Portals/5/pub/CBPL_Board.Commission.Guide.pdf).

### **BE INFORMED: IF NOT YOU, THEN WHO?**

- Ahead of the legislative season, select on the record a member who will serve as the point person for legislative activity. In the absence of this person, the division will look to the chair of the board for input and interpretation. If the board is championing a piece of legislation, a history of the meeting minutes reflecting the issues and board’s perspective should be compiled by this leader and made available to board members and division management, who will be at every hearing. This research and history will be especially helpful to new board members who are appointed.
- When a bill is filed, division management will alert program staff. The examiner or executive should ensure that their board members are made aware of legislation that is filed that will affect them. With sometimes more than 50 bills to track, analyze, and testify on, division management may not be able to keep the board apprised of every late-breaking detail. Division management will periodically send updates to staff regarding legislation or request discussion with the board.
- That said, know where to find your bill using the Alaska State Legislature’s web page: [akleg.gov](http://akleg.gov). (See graphic below.)
  1. The **BILLS & LAWS** section on the sidebar links to a searchable list of documents. If you know the bill number, you can search using the bar at the top of the screen.
  2. The **DAILY SCHEDULE** shows all committee activity for the day you choose. It is subject to change, but it is a good starting place to see what is happening where.

3. The **BTMF**—or Bill Tracking Management Facility is your best friend when trying to keep up with a bill. Take the time to set up your profile and register the bill you want to track, then you will receive email updates when its status changes or is scheduled for a hearing.



## GUIDELINES FOR BOARD MEMBER TESTIMONY

- Encourage the board to become engaged: Track the bill online, participate in hearings, write a letter supporting the board’s official position, and discuss the legislation in a public meeting. It is a best practice for organizations to speak with “one voice.” Any testimony or correspondence by a board member on behalf of a board must represent deliberation and action taken on the record in a public meeting.
- Staff may not express opinions on behalf of the board or discuss legislation with elected officials without prior arrangements with division management and clearance from the Governor’s Legislative Office. If the board has published a resolution or letter regarding the legislation as a result of a vote at a public meeting, staff may provide that document to legislators per department procedures.
- Individual board members may offer their personal or professional opinions on the legislation by clarifying that while they are appointed to a board, they do not speak on behalf of the board.
- Boards must provide a member to testify telephonically (or in person, if in Juneau) at every hearing when being considered for reauthorization per AS 08.03. Without member interest and advocacy for the board or commission’s continuation, it is possible that the sponsor could withdraw the bill and the board could sunset.
- The chair or elected board spokesperson should be prepared to answer questions posed by staff or legislators, testify telephonically (or in person, if in Juneau) on bills that require subject matter expertise or upon request, and otherwise be available on short notice to engage in this process.
- Be sure to differentiate the state licensing board from the industry association. Sometimes, they share the same goals. Sometimes, they do not. Legislators must keep track of a lot of names and organizations, so be sure that you are clear that you represent the State of Alaska.

- Nervous? Don't worry! Please email or call the division director or deputy director to discuss tips or even run through some potential questions/roleplay.

## **LEGISLATIVE TESTIMONY CALL-IN DO'S AND DON'TS**

**Do** remember this "off-net" system is designed to serve those who do not have any other way to testify or have a legitimate reason for using the system.

**Do** remember that off-net calls to the committee must be authorized prior to the meeting by the chairman. A minimum of 24 hours in advance is appreciated. Please work through the Director, Division Operations Manager, or the committee chairman's office for authorization.

**Do** use the streaming video available at <http://akl.tv/> to watch for your bill to come up. The chairman will announce the order of bills at the beginning of the meeting. Callers may be disconnected from the meeting if they call in prior to their bill being taken up. If video streaming is not an option for you, please contact the committee aide to make arrangements to call in early. Once the bill is before the committee, call 844-586-9085, give your name, bill number and ask to be connected to the \_\_\_\_\_ Committee.

**Do Not** call in before the bill you are testifying on comes before the committee.

**Do** remember the off net call-in lines are for testifiers only. If you wish to listen in, please use the live streaming at <http://akl.tv/>.

**Do** use the "mute" function of your phone until called on to testify. If this function is not available on your phone, ask the Legislative Information Office (LIO) moderator to mute your call.

**Do Not** use the "hold" function.

**Do** try to be in a quiet room without distractions or interruptions. Car noise, open windows, and barking dogs can all be heard by the legislative committee and guests at the hearing. These avoidable disturbances will detract from the credibility of your message. Please treat the important responsibility of testifying with utmost respect and professionalism.

**Do** remember that everything transmitted over your phone will be broadcast directly into the meeting room and recorded to become part of the permanent record.

**Do** remember to be in a location with good reception if using a cell phone. Disruptions coming into the meeting via the phone lines will result in all callers being disconnected from the system. This will require testifiers to call back to be reconnected. Turn off your computer or TV speakers if listening online so you do not create an audio "loop."

**Do** try to adhere to time limits imposed by the chairman.

**Remember:** There are a limited number of phone lines coming into the Capitol. These lines are also used by LIOs around the state. When all the phone lines are used up, an LIO may not be able to call in with a room full of people.

Review/ Update

Disciplinary Matrices

&

"No Investigations Needed" list



**MAS Disciplinary Matrix/Fine Schedule**

Adopted in September 19-20, 2019 board meeting

The board reserves the right to deviate from their matrix if they find a violation is especially egregious or beyond what is normally encountered.

<b><u>Statute/ Regulation</u></b>	<b><u>Violation</u></b>	<b><u>Time Frame</u></b>	<b><u>Disciplinary Action</u></b>	<b><u>Fine</u></b>
AS 08.61.070	Unlicensed Practice	≤ 90 days	Fine	\$500 per offense
		91 days-1 year	Fine	\$1000 per offense
		> 1 year	Fine	\$2500 per offense
12 AAC 79.900	Code of Ethics Violation	1 <sup>st</sup> Offense	Letter of Advisement and/or Fitness to Practice Interview	n/a
		2 or more Offenses	Fine and/or Fitness to Practice Interview	\$250 per offense
AS 08.61.060	Fraud or Misrepresentation in Securing a License	1 <sup>st</sup> Offense	Imposition of Civil Fine	\$250
		2 or more offenses	Imposition of Civil Fine	\$250 per offense
12 AAC 79.900	Standard of Practice Violation  (refer to SOP)	1 <sup>st</sup> Offense	Letter of Advisement	n/a
		2 or more Offenses	Fine	\$250 per offense
AS 08.61.060	Engaged in Deceit, Fraud, or Intentional Misrepresentation in the Course of Providing Massage Services	1 <sup>st</sup> Offense	Letter of Advisement OR Fine	\$250-\$2500
		2 or more Offenses	Consent Agreement, Fine, Ethics Course, Suspension, or Revocation	\$1000-\$2500 per offense
AS 08.61.060	False or Misleading Massage Advertisement	1 <sup>st</sup> Offense	Letter of Advisement	n/a
		2 or more Offenses	Consent Agreement, Fine, Ethics Course, Suspension, or Revocation	\$250-\$1000 per offense

<u>Statute/ Regulation</u>	<u>Violation</u>	<u>Time Frame</u>	<u>Disciplinary Action</u>	<u>Fine</u>
AS 08.61.060	Convicted of Felony or Crime that Affects Ability to Practice Competently and Safely	Initial Application	Fitness to Practice Interview which could result in: Denial or Consent Agreement, Ethics Course, Probation	n/a
		2 or more Offenses	Consent Agreement with 4 years of Suspension or Revocation	n/a
AS 08.61.060	Intentionally or Negligently Engaged (or allowed another under your supervision to engage) in Client Care that Did Not Meet Minimum SOP (injury or not)	1 <sup>st</sup> Offense	Consent Agreement, Probation, Ethics Course	n/a
		2 or more Offenses	Consent Agreement, Fine, Suspension, or Revocation	\$100- \$2500 per offense
AS 08.61.060	Failure to Comply with a Provision of this Chapter, Regulation, or Order of the Board	1 <sup>st</sup> Offense	Letter of Advisement OR Consent Agreement w/ Probation	n/a
		2 or more Offenses	Consent Agreement, Fine, Suspension, Probation	\$100-\$2500 per offense
AS 08.61.060	Continued to Practice After Becoming Unfit (professional/addiction)	n/a	Consent Agreement w/ 5-year probation, mandatory treatment	n/a
AS 08.61.060	Engaged in Un-Ethical or Sexual Misconduct in Connection with the Delivery of Massage to a Client	n/a	Fine, Ethics Course, Probation, Suspension, or Revocation	\$500-\$5000 per offense

CRIMES OF MORAL TURPITUDE

<u>Statute/ Regulation</u>	<u>Violation</u>	<u>Time Frame</u>	<u>Disciplinary Action</u>	<u>Fine</u>
AS 08.61.030, AS 08.61.040  12 AAC 79.910	Crimes of Moral Turpitude as defined by 12 AAC 79.910-May 2019	Initial Application	Fitness to Practice Interview which could result in: Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	Fitness to Practice Interview which could result in: Consent Agreement w/ Ethics Course & Probation, Fine, Suspension, or Revocation	\$500-\$2500 per offense

## Continuing Education Disciplinary Matrix

Adopted by the Board of Massage Therapists on March 8, 2018

PROGRAM	REMEDIAL CE REQUIREMENT	MANDATORY AUDIT REQUIREMENT	REPRIMAND	FINE	IMPOSITION OF CIVIL FINE USED IN SOME CASES	LETTER OF ADVISEMENT APPROVED IN SOME CASES**
MAS-Massage	Yes. Licensee must make up the deficient hours.	Yes	Yes	\$50 for each deficient hour.	No	Yes.

This matrix was created and adopted by the Board of Massage Therapists on March 8, 2018. It will be used in relation to any infraction that includes continuing education in regards to audits or reinstatement of licensure.

For details, please see the March 8-9, 2018 meeting minutes which are available on the Board's webpage.

For licensees who fail their audit or to meet the continuing education requirements for reinstatement of licensure, there are two options:

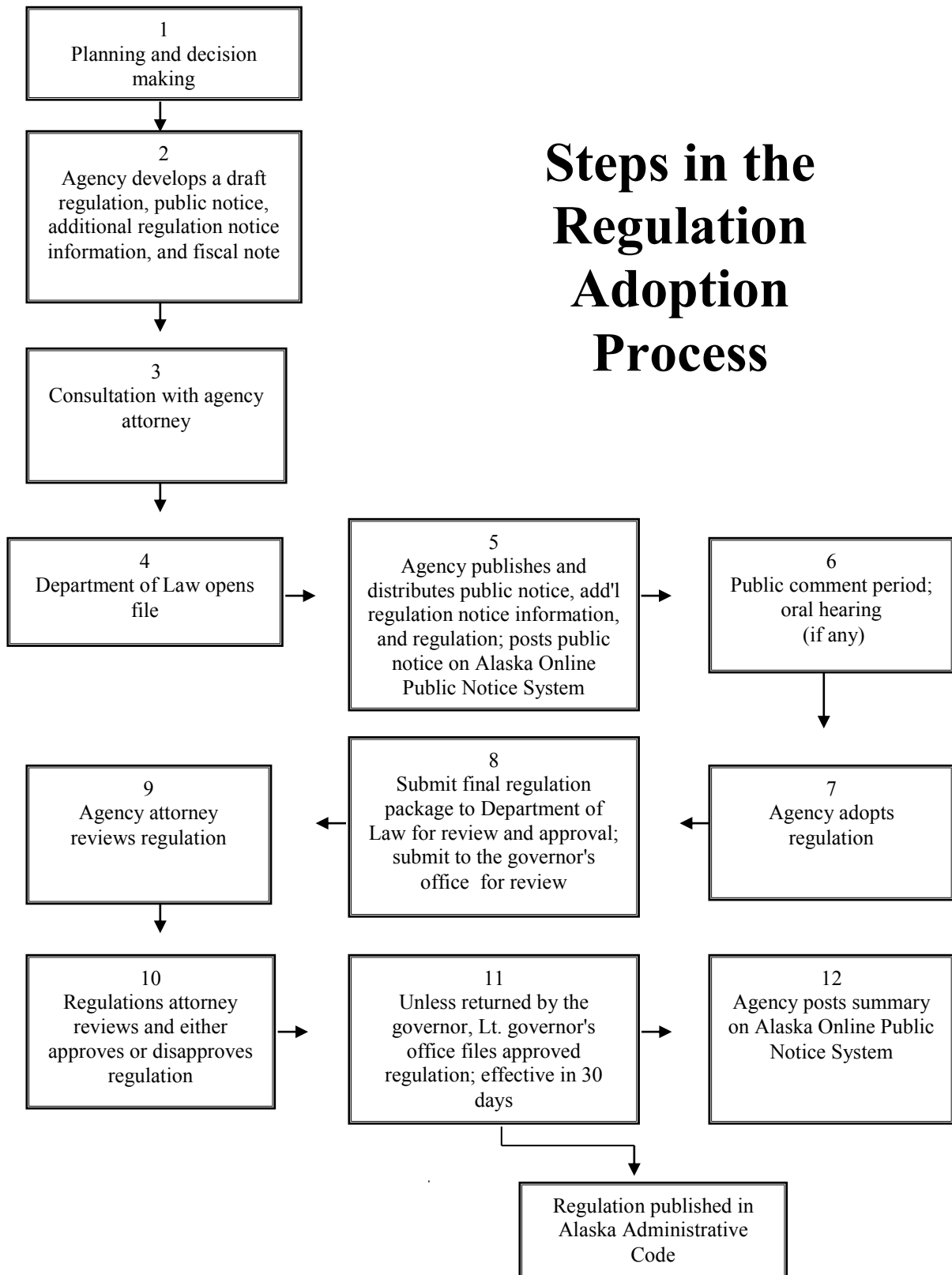
- 1) **Licensee can voluntarily surrender their license.** Should they choose to come back:
  - Licensee must wait a minimum of a year but not more than 5 years
  - Licensee would have to satisfy the audit by entering into a consent agreement including continuing education for each year they didn't have a license.
  - Licensee would not have to reapply unless they cannot meet the requirements of the audit.
- 2) **Consent Agreement-** Would include:
  - Completion of Remedial Continuing Education- any deficient from the audit would need to be satisfied
  - Fine- amount to be determined by the Board. Could be a set amount (for violation of the inaccurate statement on their application) with the option to suspend for completion of the CE **OR** a dollar amount for each hour not completed.
  - Reprimand- will go on the licensees record
  - Mandatory Audit Participation- for two licensing periods

***\*\*At the Board's discretion, a letter of advisement may be issued for licensees that fail to complete up to 1 hour of continuing education.***

Regulations Training

Regulations Specialist Zinn

# Steps in the Regulation Adoption Process



## Steps in the Regulation Process for a Board and Commission (board)<sup>1</sup>

### Beginning the Process

1. At an open meeting, the board initiates and votes on proposed regulation changes.
2. **Reason:** Identify the reason for the proposed action, such as compliance with new or changed state law. If applicable, identify the law, order, decision, or other action of the federal government, or federal or state court, if that is the basis for the proposed action. The description need only be a sentence or two.
3. **Cost information:** In the meeting minutes there must be estimated costs in the aggregate to comply with the proposed action to:
  - A private person
  - Another state agency
  - A municipality

Cost information is described simply as an estimate of annual costs within the board's ability to determine due to its familiarity with the regulated community.

Example: The Board of Chiropractic Examiners is proposing to add three CE credits to their continuing competency requirements for a biennial license renewal. The proposal may cost

- A private person: \$50 per applicant/licensee
  - Another state agency: None known
  - A municipality: None known
4. Within 10 days of the meeting, board staff must transmit board minutes<sup>2</sup> or an excerpt of the minutes, draft language or proposals, and a completed Regulations FAQ Worksheet for the proposed regulation changes requested by the board to the Regulations Specialist.

### What comes next: Regulations Specialist

5. The Regulations Specialist determines if there is authority in statute to adopt the proposed regulation changes.
6. The Regulations Specialist prepares a draft of regulation changes, using the Department of Law's *Drafting Manual for Administrative Regulations* for conformity and style, and works with board staff before submitting the final draft to the board for review/approval. In some instances the draft regulation changes will be reviewed by an AAG before the final draft is submitted to the board for review/approval.
7. Once completed, the draft proposed regulation changes are presented to the board at its next public meeting to review and approve the final draft, amends if needed, and requests that the approved draft be finalized and public noticed.

## Public Notice

8. NOTE: The board must **always** provide an opportunity for submission of written comments in the regulation-adoption process. Also, the board should determine if it wants to hold a public hearing on the proposed regulation changes at its next meeting. If it does, the location, date and time of the hearing needs to be included in the public notice. Public hearings are usually held in conjunction with a regularly-scheduled meeting of the board and are always recorded. Oral public hearing is optional; however, answering the following questions will help the board determine if an oral public hearing is needed:
- Are the regulations controversial and is there likely to be substantial public interest in them?
  - Would those most affected by the regulations be better able to participate if an oral hearing were held?
  - Would the board benefit from a face-to-face or teleconferenced opportunity to receive comments on the proposed regulations from interested persons?
9. Regulations Specialist sends notice to Alaska Dispatch News (or other newspapers if warranted) for publication, all interested parties, and licensees, if warranted. The Regulations Specialist posts the notice on the Alaska Online Public Notice System, electronically transmits a copy of the notice and proposed regulation changes to all incumbent legislators and the Legislative Affairs Agency, House & Senate Labor & Commerce Committees, the Administrative Regulation Review Committee, Legislative Council, Lt. Governor, Governor, and Department of Law (Law). It is also emailed to board members and affected staff, including the commissioner's office. Public notice will be posted on the board's webpage.

## Comment Period

10. The Regulations Specialist or board staff shall make a good faith effort to answer relevant questions received at least 10 days before the end of the public comment period. Questions must be in writing or asked at the legally noticed public meeting. The Regulations Specialist or board staff shall answer questions in writing and make the questions and answers available on the Alaska Online Public Notice System and the board's webpage. FAQs will be posted on the board's webpage and updated when relevant questions are answered. The Regulations Specialist or board staff may, but are not required to, answer written questions received after the 10-day cutoff date.
11. After the comment deadline (at least 30 days in duration), comments received on proposed regulation changes are compiled and copied by the Regulations Specialist and given to board staff to include in the board packets for the next open board meeting to be considered prior to adopting. Comments received after the deadline should not be forwarded to the board and comments should not be taken at the board meeting from the public prior to adoption unless a hearing was noticed and the comments are heard by the board during the comment period.

## Adoption

12. The board's options regarding the proposed regulation changes at its next meeting are:



- a. It can adopt the proposed regulation changes as written/publicly noticed, amend, and adopt them; or
  - b. Choose to take no action on them.
  - c. Substantive changes may require additional drafting and public notice (see Step 7 above).
13. When making a motion to adopt the regulations, the board is required to state on the record that it has reviewed any comments received, and considered the cost to private persons of the regulatory action being taken.
14. When regulation changes are adopted:
  - a. The chair signs the adoption/certification order; and
  - b. The board staff signs an affidavit of board action and/or affidavit of oral hearing (if applicable) and attaches it to the relevant minutes or an excerpt of the minutes and forwards to the Regulations Specialist.

### **Finalizing the regulation change process**

15. Regulations Specialist prepares the final regulation package for transmittal to Department of Law for final review/approval, which includes the adopted regulations, certain affidavits, and other appropriate documents.
16. Assigned agency attorney reviews the regulations.
17. Regulations attorney reviews and either approves or disapproves regulation changes. Law reviews and will occasionally make edits. (On rare occasions, this may require the edited version to be re-adopted by the board at a subsequent meeting.) At the same time, the adopted regulations are submitted to the governor for review, and to the chair and all members of Administrative Regulation Review Committee (ARRC), together with any fiscal note if required. The ARRC chair has 10 days to submit to the governor comments on the regulations.
18. Unless returned by the governor, when the governor, the ARRC, and Law's review are complete, the adopted regulations are forwarded to the Lt. Governor for filing. Regulation changes are effective 30 days after filing unless a later effective date is specified in the adoption order.

### **Once regulations are effective**

19. Agency posts summary of approved regulation changes on Alaska Online Public Notice System.
20. Agency updates statutes and regulations board webpage.
21. Lt. Governor's office sends regulations to ARRC.
22. Regulation published in Alaska Administrative Code.

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<sup>1</sup> The process may take six months to a year or longer to complete. It may be expedited if a board meets often or holds a teleconference following the written comment period to adopt the final regulations. Department of Law workload also plays a big part in the timeframe.

<sup>2</sup> Board minutes reflecting concisely what the project entails plays an important part in getting a project rolling. This is true for the initial stages and the final motion adopting the regulations following the public comment period due to the relevant minutes or an excerpt of the minutes being forwarded to the Department of Law with the final project.

# Steps in the Board Regulation Adoption Process

<i>Day 1</i>	<p><b>1</b> At an open meeting, the board votes on language to change regulations. This motion is forwarded to the Division Regulations Specialist for drafting.</p>	<i>Day 65</i>	<p><b>7</b> Division Regulations Specialist compiles answers to questions and posts FAQ on the program web page.</p>	<p><i>Once Regulations Are Effective</i></p>	
<i>Day 30</i>	<p><b>2</b> Once drafting is complete, the board holds another public meeting to edit or approve draft for public notice.</p>	<i>Day 75</i>	<p><b>8</b> Regulations Specialist compiles public comments for distribution to board.</p>		<p><b>14a</b> Agency posts summary on Alaska Online Public Notice System</p>
	<p><b>3</b> Approved language is reviewed by Division attorney.</p>	<i>Day 90</i>	<p><b>9</b> Board holds an open meeting to review public comments, make minor changes, and adopt regulations. Substantive changes may require additional drafting and public notice (Step 2).</p>		<p><b>14b</b> Regulation published in Alaska Administrative Code</p>
	<p><b>4</b> Department of Law opens file.</p>		<p><b>10</b> Division submits final regulation package to Department of Law for review and approval. Regulations Specialist submits to the Governor's office.</p>	<p><b>14c</b> Forms &amp; FAQ updated on program web page</p>	
<i>Day 45</i>	<p><b>5</b> Division publishes and distributes public notice, additional regulation notice information, and proposed regulation to all licensees and interested parties. Public notice posted in newspaper and on Alaska Online Public Notice System</p>		<p><b>11</b> Agency attorney reviews regulation</p>		
	<p><b>6</b> Public comment period and/or hearing (if applicable).</p>	<i>Day 110</i>	<p><b>12</b> Regulations attorney reviews and either approves or disapproves regulation</p>		
		<i>Day 150</i>	<p><b>13</b> Unless returned by the Governor, Lt. Governor's office files approved regulation; regulations become effective in 30 days</p>		

All timeframes are estimated, dependent upon staff and attorney workflow and board scheduling.

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.

# Investigative Training for Continuing Education Audits

Paralegal Zimmerman

**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 to 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; 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.

**12 AAC 79.200. LICENSE RENEWAL.** (a) A massage therapy license must be renewed biennially on or before September 30 of odd-numbered years. A renewal reminder document will be mailed to each currently licensed massage therapist at least 30 days before the renewal date. Failure to receive a renewal notice does not relieve a licensee from the responsibility of renewing a license on time.

(b) An applicant for renewal of a massage therapy license must meet the requirements of AS 08.61.050 and this section. A massage therapist applying for license renewal must submit

- (1) a completed renewal application on a form provided by the department;
- (2) the applicant's fingerprint information described in 12 AAC 79.130;
- (3) the fingerprint processing fee and the license renewal fee specified in 12 AAC 02.396;
- (4) a current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
- (5) documentation that the massage therapist satisfied the continuing education requirements in 12 AAC 79.210.

**12 AAC 79.210. CONTINUING EDUCATION REQUIREMENTS.** (a) An applicant for renewal of a massage therapy license,

(1) for a biennial licensing period that begins on or after July 1, 2015, must document at least six continuing education credits, all of which may be met through Internet-based continuing education courses;

**(2) for a biennial licensing period that begins on or after July 1, 2017, must document at least 16 continuing education credits, all of which may be met through Internet-based continuing education courses.**

(b) An applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of hands-on cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

(c) An applicant for renewal under (a)(2) of this section may receive four hours of continuing education credit for completion of a bloodborne pathogens and universal and standard precautions course once every six years.

(d) Continuing education must be completed through a

- (1) board-approved massage therapy or bodywork therapy school or training program;

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

(3) local, state, or national professional organization that serves the massage therapy profession, including

- (A) Associated Bodywork and Massage Professionals;
- (B) the American Massage Therapy Association;
- (C) the Federation of State Massage Therapy Boards; and
- (D) the National Certification Board for Therapeutic Massage and Bodywork.

(e) For the purposes of this section,

(1) one continuing education credit equals one hour of classroom instruction between instructor and participant;

(2) one academic semester credit equals 15 contact hours; and

(3) one academic quarter credit equals 10 contact hours.

(f) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make the records available to the board upon request under 12 AAC 79.220. Records must be retained for four years from the date the contact hours were obtained.

(g) An applicant for renewal under (a) of this section may receive one continuing education credit for attending at least 80 percent of a regularly scheduled board meeting once every biennial licensing period.

(h) An applicant for renewal under (a) of this section who has been licensed more than 90 days but less than 12 months of the concluding biennial license period is not required to submit proof of completion of continuing education.

**12 AAC 79.220. AUDIT AND DOCUMENTATION.** A licensee shall comply with all applicable requirements of 12 AAC 02.960 and 12 AAC 02.965. If selected for an audit of continuing education activities, the licensee shall cooperate with the department and shall submit all requested verifications of continuing education activities claimed by the licensee.



**12 AAC 79.200. LICENSE RENEWAL.** (a) A massage therapy license must be renewed biennially on or before September 30 of odd-numbered years. A renewal reminder document will be mailed to each currently licensed massage therapist at least 30 days before the renewal date. Failure to receive a renewal notice does not relieve a licensee from the responsibility of renewing a license on time.

(b) An applicant for renewal of a massage therapy license must meet the requirements of AS 08.61.050 and this section. A massage therapist applying for license renewal must submit

(1) a completed renewal application on a form provided by the department;

(2) beginning October 1, 2017, and at least once every six years thereafter, the applicant's fingerprint information described in 12 AAC 79.130 and the fingerprint processing fee specified in 12 AAC 02.396;

(3) the license renewal fee specified in 12 AAC 02.396;

(4) documentation of current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and

(5) documentation that the massage therapist satisfied the continuing education requirements in 12 AAC 79.210, during the concluding licensing period.

(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.

**12 AAC 79.210. CONTINUING EDUCATION REQUIREMENTS.** (a) An applicant for renewal of a massage therapy license,

(1) for a biennial licensing period that begins on or after July 1, 2015, must document at least six continuing education credits, all of which may be met through Internet-based continuing education courses;

(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;

(3) for every other biennial licensing period that begins on or after October 1, 2019, must document that a minimum of two of the 16 continuing education credits required under (2) of this subsection are in ethics.

(b) An applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of hands-on cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

(c) On or before June 30, 2019, an applicant for renewal under (a)(2) of this section may receive four hours of continuing education credit for completion of a bloodborne pathogens and universal and standard precautions course once every six years.

(d) On or after July 1, 2019, an applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of a bloodborne pathogens and universal and standard precautions course once every six years.

(e) Continuing education must be completed through a

(1) board-approved massage therapy or bodywork therapy school or training program;

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

(3) local, state, or national professional organization that serves the massage therapy profession, including

(A) Associated Bodywork and Massage Professionals;

(B) the American Massage Therapy Association;

(C) the Federation of State Massage Therapy Boards; and

(D) the National Certification Board for Therapeutic Massage and Bodywork.

(f) For the purposes of this section,

(1) one continuing education credit equals one hour of classroom instruction between instructor and participant;

(2) one academic semester credit equals 15 contact hours; and

(3) one academic quarter credit equals 10 contact hours.

(g) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make the records available to the board upon request under 12 AAC 79.220. Records must be retained for four years from the date the contact hours were obtained.

(h) An applicant for renewal under (a) of this section may receive one continuing education credit for attending at least 80 percent of a regularly scheduled board meeting once every biennial licensing period.

(i) An applicant for renewal under (a) of this section who has been licensed more than 90 days but less than 12 months of the concluding biennial license period is not required to submit proof of completion of continuing education.

**12 AAC 79.220. AUDIT AND DOCUMENTATION.** A licensee shall comply with all applicable requirements of 12 AAC 02.960 and 12 AAC 02.965. If selected for an audit of continuing education activities, the licensee shall cooperate with the department and shall submit all requested verifications of continuing education activities claimed by the licensee.



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  
(907) 465-2550 • Email: [BoardofMassageTherapists@Alaska.Gov](mailto:BoardofMassageTherapists@Alaska.Gov)  
Website: [ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists](http://ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists)

**MAS**

FOR DIVISION USE ONLY

## Massage Therapist License Renewal

### October 1, 2019 — September 30, 2021

<b>Renewal Fee:</b>	<input type="checkbox"/> Biennial License Renewal <i>(for licenses first issued on or before September 30, 2018)</i>	<b>\$290.00</b>
	<input type="checkbox"/> Prorated License Renewal <i>(for licenses first issued on or after October 1, 2018)</i>	<b>\$145.00</b>

<b>Alaska Massage Therapist License Number:</b>	
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<b><u>A current CPR certificate is Required.</u></b> <i>Have you included a copy of your current CPR Certificate?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--	---

<b>Full Legal Name:</b>	
<i>If you have had a legal name change since your last application, submit a copy of the legal name change document.</i>	

<b>Mailing Address:</b> This is an address change: <input type="checkbox"/>	
<b>Contact Phone:</b>	
<b>Birthdate:</b>	

<b>EMAIL AGREEMENT:</b> By choosing to receive correspondence on any matter affecting my license or other business with the Alaska Division of Corporations, Business and Professional Licensing, I agree to maintain an accurate email address through the MY LICENSE web page. I understand that failure to check my email account or to keep the email address in good standing may result in an inability to receive crucial information, potentially resulting in my inability to obtain or maintain licensure.		
<b>Email Address:</b>	<input type="checkbox"/> Send my Correspondence by Email <input type="checkbox"/> Send my Correspondence by US Mail	

<b>SOCIAL SECURITY NUMBER:</b> AS 08.01.100 requires you to provide your United States Social Security Number. It is considered confidential information and will not be publicly disclosed; it may be used to verify inter-state licensure.	
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## Professional Fitness Questions

The following questions must be answered. "Yes" answers may not automatically result in license denial.

If you answer "Yes" to any of the questions, please provide full details (dates, locations, type of action, organizations or parties involved and specific circumstances) on a separate sheet of paper, signed and dated.

Also send any supporting documents that are applicable (court records, judgments, charging documents, board or license actions, etc.).

Applications submitted without the appropriate attachments will be considered incomplete and delay renewal of your license.

### WHEN IN DOUBT, DISCLOSE AND EXPLAIN

#### Since the date your last Alaska Massage Therapist license was issued or renewed:

1. 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, but not limited to, 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. Yes  No

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2. Have you had a professional license denied, revoked, suspended, or otherwise restricted, conditioned, or limited or have you surrendered a professional license, been fined, placed on probation, reprimanded, disciplined, or entered into a settlement with a licensing authority in connection with a professional license you have held in any jurisdiction including Alaska and including that of any military authorities or is any such action pending? Yes  No

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3. Have you been treated for substance abuse, or have you been addicted to, or excessively or illegally used, alcohol or a controlled substance which may impair or interfere with your ability to practice as a massage therapist? Yes  No

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4. Have you been disciplined by an employer or national certifying organization for care that did not conform to minimum professional standards, for unethical conduct or for sexual misconduct in connection with the delivery of massage therapy services to a client as defined in 12 AAC 79.900. Yes  No

#### Compliance Statement

Do NOT submit CE documentation unless it is requested for audit.



By checking the appropriate box below, you are verifying your compliance with the continuing competency requirements of 12 AAC 79.210. Please do not send your CE at this time.

**Renewal for licenses first issued on or before September 30, 2018.**

I certify that I have successfully completed the required 16 hours of continuing education during the concluding licensing period of Oct. 1, 2017, through September 30, 2019, and none of the course topics are on the [Board's List of Unacceptable Continuing Education](#).

Please do not send in your CE documentation – only do so if you are selected for random audit.

— or —

**Renewal for licenses first issued on or after October 1, 2018.**

There are no continuing education requirements due at this renewal.

#### Signature

WARNING: The Division may deny, suspend or revoke the license or registration of a person who has obtained or attempted to obtain a license or registration by fraud or deceit. The person may also be subject to criminal charges for unsworn falsification. (AS 11.56.210)

By my signature below, I certify that all information furnished in this application is true and correct. I understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **!** General Information

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### **APPLICATION PROCESSING:**

The average time to process a paper application varies by program, but can take several weeks from the date it is received in this office, complete with all correct forms, supporting documents and appropriate fees paid. If the application is incomplete, the applicant will be notified of the incomplete and/or incorrect documents and fees. When the application is complete and correct and all supporting documents have been received and all fees have been paid the license will be issued and sent to you with a cover letter about Alaska statutory requirements. If the application is not approved for licensure, a written explanation of the basis of that denial and information on how to appeal the decision will be provided. Start the process far enough in advance to allow for processing time. Applications are reviewed in order of receipt in our office, and walk-in customers should not expect immediate review.

### **LICENSE TERM:**

There is no "inactive" status. If you choose not to renew your license, it will lapse. Licenses are issued for a two-year period and expire on September 30 of odd years, regardless of the date of issuance, except licenses issued within 90 days of the expiration date are issued to the next biennial expiration date. One renewal notice will be mailed at least 30 days before license expiration to the last known address of record. If your program offers temporary licenses, they are issued for either 30 consecutive days or until the end of the calendar year, whichever period is shorter.

### **"YES" RESPONSES:**

A "Yes" response in the application does not mean your application will be denied. If you have responded "Yes" to any professional fitness questions in the application, be sure to submit a signed and dated explanation, and both charging and closing court documentation.

### **DENIAL OF APPLICATION:**

Please be aware that the denial of an application of licensure may be reported to any person, professional licensing board, federal, state, or local governmental agency, or other entity making a relevant inquiry or as may be required by law.

### **RANDOM AUDIT:**

If your program requires continuing education, the Division will audit a percentage of the license renewals. If your license is randomly selected for audit, you will be sent a letter and required to submit copies of documentation and proof that you satisfied the continuing competency requirements as you stated on this renewal form. Please note that licensees are randomly selected by computer and may be randomly selected as often as the computer program chooses. You must save your documents for at least four years so you can respond to audits.

### **ADDRESS OR NAME CHANGE:**

In accordance with 12 AAC 02.900, it is the applicant's/licensee's responsibility to notify the Division, in writing, of changes of address or name. Name and address change notification forms are available on the Division's website. The address of record with the Division will be used to send renewals and all other official notifications and correspondence. The name appearing on the license must be your current legal name.

### **SOCIAL SECURITY NUMBERS:**

AS 08.01.060 and 08.01.100 require that a U.S. Social Security Number be on file with the Division before a professional license is issued or renewed for an individual. If you do not have a U.S. Social Security Number, please complete the Request for Exception from Social Security Number Requirement form located at [ProfessionalLicense.Alaska.gov](http://ProfessionalLicense.Alaska.gov) or contact the Division for a copy of the form.

### **STALE DOCUMENTS:**

If during the license application process certain documents become older than six months from the date the document was postmarked, that document will be considered stale and must be resubmitted. Affected documents include the current application, Verifications of Licensure from other licensing jurisdictions, the Criminal Background Report, CPR Certification, and Bloodborne Pathogens/Universal Precautions Certificate.

### **PUBLIC INFORMATION:**

Please be aware that all information on the application form will be available to the public, unless required to be kept confidential by state or federal law. Information about current licensees, including mailing addresses, is available on the Division's website at [ProfessionalLicense.Alaska.gov](http://ProfessionalLicense.Alaska.gov) under License Search.

### **ABANDONED APPLICATIONS:**

Under 12 AAC 02.910, an application is considered abandoned when 12 months have elapsed since correspondence was last received from or on behalf of the applicant. An abandoned application is denied without prejudice. At the time of abandonment, the Division will send notification to the last known address of the applicant, who has 30 days to submit a written request for a refund of biennial license and other fees paid. The application fee will not be refunded. If no request for refund is received within that timeframe, no refund will be issued and all fees will be forfeited.

### **PAYMENT OF CHILD SUPPORT AND STUDENT LOANS:**

If the Alaska Child Support Enforcement Division has determined that you are in arrears on child support, or if the Alaska Commission on Postsecondary Education has determined you are in loan default, you may be issued a nonrenewable temporary license valid for 150 days. Contact Child Support Services at (907) 269-6900, or the Postsecondary Education office at (907) 465-2962 or (800) 441-2962 to resolve payment issues.

### **BUSINESS LICENSES:**

The status of a professional license will directly impact the status of an associated business license. Renewal applications for business licenses are mailed separately. For more information about business licenses, call (907) 465-2550 or online at: [BusinessLicense.Alaska.gov](http://BusinessLicense.Alaska.gov)

### **STATUTES AND REGULATIONS:**

The complete set of statutes and regulations for this program are available by written request or online at the Division's website: [ProfessionalLicense.Alaska.Gov](http://ProfessionalLicense.Alaska.Gov)

If you would like to receive notice of all proposed regulation changes for your program, please send a request in writing with your name, preferred contact method (mail or email), and the program you want to be updated on to:

**REGULATIONS SPECIALIST**  
Email: [RegulationsAndPublicComment@Alaska.Gov](mailto:RegulationsAndPublicComment@Alaska.Gov)  
Department of Commerce, Community, and Economic Development  
Division of Corporations, Business and Professional Licensing  
P.O. Box 110806  
Juneau, Alaska 99811-0806

# Regulations

**SEC. 08.61.050. STANDARDS FOR LICENSE RENEWAL.** (a) 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 to 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.

**12 AAC 79.200. LICENSE RENEWAL.** (a) A massage therapy license must be renewed biennially on or before September 30 of odd-numbered years. A renewal reminder document will be mailed to each currently licensed massage therapist at least 30 days before the renewal date. Failure to receive a renewal notice does not relieve a licensee from the responsibility of renewing a license on time.

(b) An applicant for renewal of a massage therapy license must meet the requirements of AS 08.61.050 and this section. A massage therapist applying for license renewal must submit

- (1) a completed renewal application on a form provided by the department;
- (2) beginning October 1, 2017, and at least once every six years thereafter, the applicant's fingerprint information described in 12 AAC 79.130 and the fingerprint processing fee specified in 12 AAC 02.396;
- (3) the license renewal fee specified in 12 AAC 02.396;
- (4) a current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
- (5) documentation that the massage therapist satisfied the continuing education requirements in 12 AAC 79.210.

**Authority:** AS 08.61.020                      AS 08.61.050

**12 AAC 79.210. CONTINUING EDUCATION REQUIREMENTS.** (a) An applicant for renewal of a massage therapy license,

- (1) for a biennial licensing period that begins on or after July 1, 2015, must document at least six continuing education credits, all of which may be met through Internet-based continuing education courses;
- (2) for a biennial licensing period that begins on or after July 1, 2017, must document at least 16 continuing education credits, all of which may be met through Internet-based continuing education courses.

(b) An applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of hands-on cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

(c) An applicant for renewal under (a)(2) of this section may receive four hours of continuing education credit for completion of a bloodborne pathogens and universal and standard precautions course once every six years.

- (d) Continuing education must be completed through a
- (1) board-approved massage therapy or bodywork therapy school or training program;
  - (2) regionally or nationally accredited institution of higher education; a course, seminar, workshop, or other program through that institution must be approved by the board as directly related to the skills and knowledge required for the practice of massage therapy, and includes a bloodborne pathogens and universal and standard precautions course under (c) of this section; or
  - (3) local, state, or national professional organization that serves the massage therapy profession, including
    - (A) Associated Bodywork and Massage Professionals;
    - (B) the American Massage Therapy Association;
    - (C) the Federation of State Massage Therapy Boards; and
    - (D) the National Certification Board for Therapeutic Massage and Bodywork.

(e) For the purposes of this section,

- (1) one continuing education credit equals one hour of classroom instruction between instructor and participant;
- (2) one academic semester credit equals 15 contact hours; and
- (3) one academic quarter credit equals 10 contact hours.

(f) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make the records available to the board upon request under 12 AAC 79.220. Records must be retained for four years from the date the contact hours were obtained.

(g) An applicant for renewal under (a) of this section may receive one continuing education credit for attending at least 80 percent of a regularly scheduled board meeting once every biennial licensing period.

(h) An applicant for renewal under (a) of this section who has been licensed more than 90 days but less than 12 months of the concluding biennial license period is not required to submit proof of completion of continuing education.

**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.



THE STATE  
of **ALASKA**  
*Department of Commerce, Community, and Economic Development*  
*Division of Corporations, Business and Professional Licensing*

FOR DIVISION USE ONLY

State of Alaska  
Department of Commerce, Community, and Economic Development  
Division of Corporations, Business and Professional Licensing  
PO Box 110806, Juneau, AK 99811  
Phone: (907) 465-2550

## Credit Card Payment Form

All major credit cards are accepted. For security purposes, do not email credit card information. Include this credit card payment form with your application.

Name of Applicant or Licensee: \_\_\_\_\_

Program Type: \_\_\_\_\_ License Number (if applicable): \_\_\_\_\_

I wish to make payment by credit card for the following (check all that apply):

- |  | <b>AMOUNT</b> |
|--|---------------|
| <input type="checkbox"/> Application Fee: _____  | _____         |
| <input type="checkbox"/> License or Renewal Fee: _____   | _____         |
| <input type="checkbox"/> Other (name change, wall certificate, fine, duplicate license, exam, etc.): |               |
| 1. _____   | _____         |
| 2. _____   | _____         |

**TOTAL:** \_\_\_\_\_

Name (as shown on credit card): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email (optional): \_\_\_\_\_

Signature of Credit Card Holder: \_\_\_\_\_

08-4438

Rev 12/26/18

Credit Card Payment Form (all major cards accepted)

<b>CREDIT CARD INFO: Your payment cannot be processed unless all fields are completed!</b>	
<p>1. Account Number: _____</p> <p>2. Expiration Date: _____</p> <p>3. Billing ZIP Code: _____</p> <p>4. Security Code: _____</p>	<p>All four fields <b>MUST</b> be completed!</p> <p>This section will be destroyed after the payment is processed.</p>

12 AAC 02.960(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.



# Application by Credentials

**From:** [TK Gilmour](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Re: MAS- 9 Application(s) for Review- 04/03/2020  
**Date:** Tuesday, April 7, 2020 7:46:15 AM

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Question about last applicant. She is not currently licensed in Idaho. Her current license is valid in MT which is only a 500 hour state.  
Please advise.

On Fri, Apr 3, 2020 at 2:33 PM Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)> wrote:

Hello Board Members,

Please be advised that the “Mail Ballot MASTER” has been updated to include a recusal option.

There are **9** application(s) for you to review and vote on in OnBoard.

- Please remember that since the regulation went into effect on April 17, 2019, **all Application by Examination** (Applications by Credentials will **not** need their transcripts analyzed unless their qualifying education hours are less than 625) need to have their transcripts compared to the Massage Curriculum Breakdown (in the OnBoard “Resources” folder) to ensure they meet the board’s educational requirements.
- **Dave Edwards-Smith** will be our reviewing board member for transcripts this week. Dave, please ensure that all Applicants by Examination have transcripts that meet or exceed the Board’s Curriculum Breakdown located in the MAS- Board Resources Folder. If any do not, please vote accordingly in OnBoard then send in a mail ballot by e-mail describing the deficits that need to be made up before a license can be issued to that individual.
- There are quite a few applications that have information specific to them in the OnBoard Descriptions section. Please make sure you are reading the descriptions for this helpful information.

**Please read the OnBoard “Approval Description” in each of these applications thoroughly.**

These application(s) have a set time range for your votes/review. They open on April 3rd @ 5:00 p.m. and ends on April 10th @ 5:00 p.m. This is a 5 day business window.

If you have any questions, let me know. As a reminder, board members may not discuss board business (applications) outside of a publicly noticed board meeting and please return mail ballots only to me and do not “reply all” as to not influence other members decisions on the file.

As always, if you see any mistakes or have feedback, please bring them to my attention.

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)

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Traci K Gilmour, LMT  
TLC Massage Therapy  
AK License #102012  
(907) 7902337

801 Ms. Motz commented that she was very pleased with FAQ #8 and out it outlined the application  
802 process. Ms. Motz stated that she believes that board members should reference the FAQ's more  
803 and use it as a resource when licensees have questions.

804  
805 Ms. Motz added that the date of "2018" should be included with "December 6-7" on FAQ #34.

806  
807 Ms. Gilmour requested that there be a blurb about receiving continuing education credit for board  
808 meeting attendance to FAQ #30.

809  
810 **TASK: OLE Dulebohn will contact Publications Specialist Hamberg regarding the**  
811 **board recommended changes to their FAQ #5, #35, and #30.**

812  
813 Application by Credentials- Curriculum Breakdown

814  
815 Ms. Gilmour began this conversation with the board due to confusion surrounding AS 08.61.040(9)  
816 as it relates to licensure by credentials "currently licensed to practice massage therapy in another  
817 state or country that has licensing requirements that are substantially equal to or greater than the  
818 requirements of this state" and the recent implementation of 12 AAC 79.140 for applications by  
819 examination and the evaluation of their transcripts to determine that minimum education  
820 requirements have been met.

821  
822 OLE Dulebohn stated the different types of applications and the previous issue of not being able to  
823 get other states to verify education and examination completion when they apply by credentials.  
824 OLE Dulebohn went on to state that it has been impossible to verify what the requirements have  
825 been for other states when the applicant was licensed there and if the applicant was grandfathered in  
826 and did not have their education verified. OLE Dulebohn reminded the board that an applicant by  
827 credentials is not required to have a transcript submitted as it is not required in statute but to verify  
828 education, OLE Dulebohn revised the Alaska license verification form to include a place for other  
829 states to verify educational hours and exam completion. Unfortunately, Alaska cannot require other  
830 states to comply with our requests for information and many states have a form letter that they send  
831 and are not willing to provide anything more. OLE Dulebohn continued that, if education  
832 information cannot be verified by the state, then the burden of proof falls to the applicant and they  
833 in turn need to shoulder the cost and loss of time to have those transcripts and exam results sent  
834 directly to the State of Alaska. Ms. Dulebohn continued that if a transcript is submitted with an  
835 application by Credentials, then it is only there to verify that that applicant has obtained the  
836 minimum number of hours for the statute and not to be examined for content per 12 AAC 79.140.  
837 Ms. Dulebohn continued that should an applicant show by license verification form or transcript  
838 hours that they have not met the minimum 625 hours required by statute, that is when the transcript  
839 should be evaluated for content as part of the board review for educational deficits.

840  
841 **TASK: Chair Edwards-Smith will contact FSMTB regarding their list of educational**  
842 **hour requirements for all 50 states and also ask them to update their information on Alaska.**  
843 **He will also speak with them about the historical education requirements for all 50 states as**  
844 **a resource.**

845  
846 Ms. Gilmour stated that AS 08.61.040 does not say that the board cannot evaluate transcripts for  
847 content with an application by credentials. Ms. Dulebohn replied that there is nothing in statute

848 about the board's regulation regarding minimum education requirements. Ms. Dulebohn continued  
849 that the purpose for the creation of 12 AAC 79.140 was to allow a pathway to licensure for those  
850 that were deficit hours and applied by examination but was not intended for those who has the  
851 required number of hours and applied by credentials and was meant as a pathway and not a barrier  
852 to licensure. Chair Edwards-Smith directed the board to page 270 of the board packet and stated  
853 that the board needed an hour requirement per state. OLE Dulebohn reminded the board that  
854 FSMTB has already created a document with the current hours per state but that doesn't tell the  
855 board how many hours a person was required to have when they were licensed. OLE Dulebohn  
856 previously contacted FSMTB to create a document with historical knowledge of all state's hour  
857 requirements by year but it will be a big project and hasn't been completed yet. OLE Dulebohn  
858 asked the board to consider a cut-off of hour requirements to be licensed in Alaska should they not  
859 have a 625- hour education.

860

#### 861 Board Compilation of State Authorizing and National Accrediting Entities

862

863 OLE Dulebohn had included this item at the board's request and per AS 08.61.020(6). This item  
864 has been on many previous agendas without resolution.

865

866 The board reviewed the information compiled by former board member, Ron Gibbs. OLE  
867 Dulebohn reminded the board that, currently, the only out-of-state program approval agency they  
868 have stated that they would accept is California Massage Therapy Council (CAMTC). Ms. Dulebohn  
869 directed the board to review the list and identify any ACPE or COMTA equivalents from the list to  
870 allow for a resource when reviewing future applications per AS 08.61.020.

871

872 **TASK: Chair Edwards-Smith will develop a resource list for out-of-state educational**  
873 **approvals and national accreditations for the board to use as a resource by the June 18-19,**  
874 **2020 meeting.**

875

#### 876 Newsletter vs. List-Serve

877

878 OLE Dulebohn informed the board about the List-Serve option as directed by Division. OLE  
879 Dulebohn went on to inform the board that Director Chambers has made it clear that the board  
880 should be using the List-Serve. Board members Gilmour and Motz stated that they were told that  
881 the List-Serve was not technology that was being used anymore and that they have never received  
882 information by this platform. Ms. Gilmour continued that there were complaints from licensees in  
883 the past that they had signed up for List-Serve and yet were not receiving any information. OLE  
884 Dulebohn stated that she will do more research on the List-Serve and take the board's feedback into  
885 consideration.

886

887 The board reviewed the mock up newsletter that Chair Edwards-Smith had created. The board  
888 expressed that they wanted this newsletter to go out by e-mail ASAP and OLE Dulebohn informed  
889 them that the newsletter would have to be approved by Division before distribution.

890

891 **TASK: Chair Edwards-Smith will add the fingerprint information as provided by Ms.**  
892 **Endle regarding fingerprinting to the newsletter and send it to OLE Dulebohn to submit to**  
893 **Division for approval.**

894

Minimum Hours to Apply?

(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 to 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,

- (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).

**Authority:** AS 08.61.020 AS 08.61.030 AS 08.61.090

**Editor's note:** A copy of *The Core: Entry-Level Massage Education Blueprint*, published by the Coalition of 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 a 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.



# Application of 12 AAC 79.140

(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

(3) report to the board the results of the criminal justice information checks under (1) and (2) of this subsection.

(c) The request under (b) of this section for a criminal justice information report does not delay administrative processing of the applicant's license application. An application will not be considered complete until the criminal justice information required in (a) of this section is received by the board. If criminal justice information that raises questions about an applicant's qualifications for licensure is received after a license has been issued to the applicant, the department and the board will take action under AS 08.61 and AS 44.62 as appropriate.

**Authority:** AS 08.61.020 AS 08.61.030 AS 08.61.040

**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;
- (6) practical application, not to exceed 20 percent of the total hours of the massage program.

**Authority:** AS 08.61.020 AS 08.61.100

## **ARTICLE 2. LICENSE RENEWAL AND CONTINUING EDUCATION.**

### **Section**

#### **200. License renewal**

#### **210. Continuing education requirements**

#### **220. Audit and documentation**

**12 AAC 79.200. LICENSE RENEWAL.** (a) A massage therapy license must be renewed biennially on or before September 30 of odd-numbered years. A renewal reminder document will be mailed to each currently licensed massage therapist at least 30 days before the renewal date. Failure to receive a renewal notice does not relieve a licensee from the responsibility of renewing a license on time.

(b) An applicant for renewal of a massage therapy license must meet the requirements of AS 08.61.050 and this section. A massage therapist applying for license renewal must submit

- (1) a completed renewal application on a form provided by the department;
- (2) beginning October 1, 2017, and at least once every six years thereafter, the applicant's fingerprint information described in 12 AAC 79.130 and the fingerprint processing fee specified in 12 AAC 02.396;
- (3) the license renewal fee specified in 12 AAC 02.396;
- (4) documentation of current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
- (5) documentation that the massage therapist satisfied the continuing education requirements in 12 AAC 79.210, during the concluding licensing period.

(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.

**Authority:** AS 08.61.020 AS 08.61.050

**12 AAC 79.210. CONTINUING EDUCATION REQUIREMENTS.** (a) An applicant for renewal of a massage therapy license,

- (1) for a biennial licensing period that begins on or after July 1, 2015, must document at least six continuing education credits, all of which may be met through Internet-based continuing education courses;
- (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;
- (3) for every other biennial licensing period that begins on or after October 1, 2019, must document that a minimum of two of the 16 continuing education credits required under (2) of this subsection are in ethics.

(b) An applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of hands-on cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

(c) On or before June 30, 2019, an applicant for renewal under (a)(2) of this section may receive four hours of continuing education credit for completion of a bloodborne pathogens and universal and standard precautions course once every six years.

(d) On or after July 1, 2019, an applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of a bloodborne pathogens and universal and standard precautions course once every six years.

(e) Continuing education must be completed through a

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

# Out of State Verification Implication



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: [ProfessionalLicensing.Alaska.Gov/BoardOfMassageTherapists](http://ProfessionalLicensing.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.

**Name of Applicant:** \_\_\_\_\_

**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 <input type="checkbox"/> 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"/> <b>State Authorization:</b> _____ <input type="checkbox"/> <b>National Accreditation:</b> _____				
<b>National Exam (successfully completed)</b>	<input type="checkbox"/> <b>MBLEx</b> <input type="checkbox"/> <b>NCBTMB (on or before 1/31/2015)</b>		<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>					

BOARD SEAL	<b>Printed Name:</b> _____ <b>Sign and Date:</b> _____ <b>Title:</b> _____ <b>State Board:</b> _____ <b>Email:</b> _____ <b>Contact Phone Number:</b> _____
Check here <input type="checkbox"/> if there is no "board seal"	

# Regulation Projects

# Establishments



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

(907) 465-2550

Email: BoardOfMassageTherapists@Alaska.Gov

Website: ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists

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## Massage Establishment Registration Application Instructions

Please read the application and instructions carefully.

Failure to do so may cause additional correspondence and delay in the processing of your application.

### WHO MUST REGISTER THEIR MASSAGE ESTABLISHMENT?

Any owner of a massage therapy establishment who is not exempted under 12 AAC79.930(b) must register their massage therapy establishment.

The majority owner of a massage establishment is exempt from registering their massage therapy business if they hold an active, current professional license in Alaska for:

- (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.

### WHAT IS A MASSAGE THERAPY ESTABLISHMENT?

A "massage therapy establishment" means a fixed or mobile place of business that is:

- (1) owned by a natural person, 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.

### INITIAL APPLICATION

An owner must register each massage therapy establishment separately.

*The following must be received by the division before the application will be reviewed:*

- 1. APPLICATION**

A completed application, signed and notarized

- 2. FEES**

Payment of the required Non-Refundable Establishment Registration Fee of \$300.00.

- 3. SELF-INSPECTION REPORT & CHECKLIST**

A completed Self Inspection Report & Checklist (form #08.4733a), signed and notarized.

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**IT IS ILLEGAL TO OPERATE A MASSAGE ESTABLISHMENT  
IN ALASKA WITHOUT AN ACTIVE REGISTRATION.**

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**CHANGE OF OWNERSHIP**

An Establishment registration is not transferable to another person or entity. The new owner or entity must apply for a new Establishment Registration within 30 business days of acquiring the establishment and before conducting business.

**CHANGE OF PHYSICAL LOCATION**

If the physical location of an establishment changes, the owner or entity must apply for a new registration within 30 business days of the change and before conducting business.

**THERAPISTS IN CHARGE**

A Therapist-in-Charge (TIC) should be well versed in the massage therapist's statutes and regulations and be available as an educational resource for the owner. The TIC will also be a point of contact for the Licensing Examiner and the Investigative Staff should any questions arise.

**UNREGISTERED ESTABLISHMENTS**

Any establishment that is unregistered will be subject to an Investigative fee in the amount of \$2,000.00 per 12 AAC 02.396(6).

**BUSINESS LICENSE REQUIREMENTS**

A State Business License is required for a business operating in the state. Please contact the Business Licensing Section at [commerce.alaska.gov/web/cbpl/BusinessLicensing](http://commerce.alaska.gov/web/cbpl/BusinessLicensing) for information on obtaining a business license at 907-465-2550 in Juneau or 907-269-8160 in Anchorage.



THE STATE  
of **ALASKA**

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

**MAS**

FOR DIVISION USE ONLY

**Board of Massage Therapists**

PO Box 110806, Juneau, AK 99811-0806

(907) 465-2550

Email: [BoardOfMassageTherapists@Alaska.Gov](mailto:BoardOfMassageTherapists@Alaska.Gov)

Website: [ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists](http://ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists)

## Massage Establishment Registration Application

### PART I Payment of Fees

<b>Required Fees:</b>	<input type="checkbox"/> Non-Refundable Registration Fee	<b>\$300.00</b>
<b>Type of Application:</b>	<input type="checkbox"/> Initial <input type="checkbox"/> Change of Physical Location <input type="checkbox"/> Change in Ownership	

### PART II Owner Information

*Majority Partner/Owner information*

<b>Full Name:</b> This is a name change: <input type="checkbox"/>	<i>If you have had a legal name change since your last license was issued, you must complete a Change of Name form.</i>		
<b>Mailing Address:</b>	Street/PO Box	City	State      Zip
<b>Contact Phone:</b>		<b>Birthdate:</b>	
<b>Email Address:</b>			<input type="checkbox"/> Send my Correspondence by Email <input type="checkbox"/> Send my Correspondence by US Mail
<b>SOCIAL SECURITY NUMBER:</b> AS 08.01.060 requires you to provide your United States Social Security Number. It is considered confidential information and will not be publicly disclosed; it may be used to verify inter-state licensure.			

### Partner Information - *If Applicable*

*Attach additional pages if necessary*

<b>Full Name:</b> This is a name change: <input type="checkbox"/>	<i>If you have had a legal name change since your last license was issued, you must complete a Change of Name form.</i>		
<b>Mailing Address:</b>	Street/PO Box	City	State      Zip
<b>Contact Phone:</b>		<b>Birthdate:</b>	
<b>Email Address:</b>			<input type="checkbox"/> Send my Correspondence by Email <input type="checkbox"/> Send my Correspondence by US Mail
<b>SOCIAL SECURITY NUMBER:</b> AS 08.01.060 requires you to provide your United States Social Security Number. It is considered confidential information and will not be publicly disclosed; it may be used to verify inter-state licensure.			

### PART III Identification

<b>Doing Business As (DBA):</b>				
<b>Mailing Address of Establishment:</b>	Street/PO Box	City	State	Zip
<b>Physical Address of Establishment:</b>	Street	City	State	Zip
<b>Phone Number of Establishment:</b>				
EMAIL AGREEMENT: By choosing to receive correspondence on any matter affecting my license or other business with the Alaska Division of Corporations, Business and Professional Licensing, I agree to maintain an accurate email address through the MY LICENSE web page. I understand that failure to check my email account or to keep the email address in good standing may result in an inability to receive crucial information, potentially resulting in my inability to obtain or maintain licensure.				
<b>Email Address:</b>			<input type="checkbox"/> Send my Correspondence by Email <input type="checkbox"/> Send my Correspondence by US Mail	

### PART IV Establishment Information

<b>Do you own other establishments?</b> <i>Each establishment must be registered separately.</i>		
<input type="checkbox"/> <b>NO</b> , I do not own any other establishments.		
<input type="checkbox"/> <b>YES</b> , I own other establishments.	<b>Registration Number(s):</b>	



THE STATE  
of **ALASKA**

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

**MAS**

FOR DIVISION USE ONLY

**Board of Massage Therapists**

PO Box 110806, Juneau, AK 99811-0806

(907) 465-2550

Email: [BoardOfMassageTherapists@Alaska.Gov](mailto:BoardOfMassageTherapists@Alaska.Gov)

Website: [ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists](http://ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists)

**Notary Signature Page**

<b>Applicant Name:</b>	
------------------------	--

**PART V Agreement**

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted herewith are true and correct.

I understand that any falsification or misrepresentation of any item or response in this application, or any attachment hereto, or falsification or misrepresentation of documents to support this application, is sufficient grounds for denying, revoking, or otherwise disciplining a license or permit to practice in the state of Alaska.

I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

A person who makes a false statement on this application may be subject to civil and criminal penalties, including prosecution for perjury (AS 11.56.200 & AS 11.56.230).

<div style="border: 1px dashed black; padding: 10px; width: fit-content; margin: 0 auto;"> <p>Notary Stamp</p> </div>	<b>Applicant's Printed Name:</b>			
	<b>Applicant's Signature:</b>			
	<b>Notary Public for State of:</b>		<b>Subscribed and Sworn to Before me on this Day:</b>	
	<b>Notary's Signature:</b>		<b>My Commission Expires:</b>	



**Board of Massage Therapists**

PO Box 110806, Juneau, AK 99811-0806

(907) 465-2550

Email: BoardOfMassageTherapists@Alaska.Gov

Website: ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists

**Massage Establishment Self-Inspection Report & Checklist** *To be completed by owner*

<b>Establishment Name:</b>			
<b>Owner Name:</b>			
<b>Physical Location:</b>	Street	City	State Zip
<b>Phone Number:</b>		<b>Fax Number:</b>	
<b>Date of Self-Inspection:</b>	mm/dd/yyyy		

*Please Identify the therapist-in-charge as well as other massage therapists working in the establishment.*

<b>Massage Therapist-in-Charge:</b>		<b>License Number:</b>	
<i>List all additional employed massage therapists below:</i>			
Name of Massage Therapist		License Number	

## Massage Establishment Self-Inspection Report Checklist

Item	YES	NO	Comments
1. The owner has designated a licensed therapist who practices in this location as the Therapist-in-Charge.	<input type="radio"/>	<input type="radio"/>	
2. A current copy of the Code of Ethics, Standards of Practice, and Establishment Standards of Operation must be on the premises and made available to the public on request.	<input type="radio"/>	<input type="radio"/>	
3. In full public view, current massage licenses of all employed massage therapists.	<input type="radio"/>	<input type="radio"/>	
4. The owner has a written and or digital system of maintaining client records for at least five (5) years. This includes safeguarding verbal and written confidential information of the client, unless disclosure is required by law, court order or authorized by the client.	<input type="radio"/>	<input type="radio"/>	
5. The owner maintains all equipment used to perform massage therapy services on the premises in a safe and sanitary condition.	<input type="radio"/>	<input type="radio"/>	
6. The owner will maintain compliance with all applicable state and local building and fire codes.	<input type="radio"/>	<input type="radio"/>	
7. The owner will provide for removal of garbage and refuse in a sanitary manner.	<input type="radio"/>	<input type="radio"/>	
8. The owner will provide for safe storage cleaning, and/or removal of soiled linens.	<input type="radio"/>	<input type="radio"/>	
9. Rooms or any cubicle for massage or massage therapy practices may not be equipped with an externally locking door.	<input type="radio"/>	<input type="radio"/>	
10. Establishment shall not operate or be open for business between the hours of 12:00 a.m. and 5:00 a.m.	<input type="radio"/>	<input type="radio"/>	
11. No owner, operator, or employee shall allow television, video, or recording equipment in any room where massage services are being provided. A security surveillance monitor that can only receive images of the inside of the common areas of the establishment is allowed. With written client consent, a massage therapist may use video and photography equipment for therapeutic purposes.	<input type="radio"/>	<input type="radio"/>	
12. Will comply with the Standards of Operation at all times.	<input type="radio"/>	<input type="radio"/>	

***I certify that the above information is true and correct. A person who makes a false statement on this application may be subject to civil and criminal penalties, including prosecution for perjury (AS 11.56.200 & AS 11.56.230).***

NOTARY STAMP <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>	<b>Owner's Signature:</b>		
	<b>Owner's Name:</b>		
	<b>Notary Public for State of:</b>		<b>Subscribed and Sworn to Before me on this Day:</b>
	<b>Notary's Signature:</b>		<b>My Commission Expires:</b>



THE STATE  
of **ALASKA**  
*Department of Commerce, Community, and Economic Development*  
*Division of Corporations, Business and Professional Licensing*

FOR DIVISION USE ONLY

State of Alaska  
Department of Commerce, Community, and Economic Development  
Division of Corporations, Business and Professional Licensing  
PO Box 110806, Juneau, AK 99811  
Phone: (907) 465-2550

## Credit Card Payment Form

All major credit cards are accepted. For security purposes, do not email credit card information. Include this credit card payment form with your application.

Name of Applicant or Licensee: \_\_\_\_\_

Program Type: \_\_\_\_\_ License Number (if applicable): \_\_\_\_\_

I wish to make payment by credit card for the following (check all that apply):

- |  | <b>AMOUNT</b> |
|--|---------------|
| <input type="checkbox"/> Application Fee: _____  | _____         |
| <input type="checkbox"/> License or Renewal Fee: _____   | _____         |
| <input type="checkbox"/> Other (name change, wall certificate, fine, duplicate license, exam, etc.): |               |
| 1. _____   | _____         |
| 2. _____   | _____         |

**TOTAL:** \_\_\_\_\_

Name (as shown on credit card): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email (optional): \_\_\_\_\_

Signature of Credit Card Holder: \_\_\_\_\_

08-4438

Rev 12/26/18

Credit Card Payment Form (all major cards accepted)

<b>CREDIT CARD INFO: Your payment cannot be processed unless all fields are completed!</b>	
<p>1. Account Number: _____</p> <p>2. Expiration Date: _____</p> <p>3. Billing ZIP Code: _____</p> <p>4. Security Code: _____</p>	<p>All four fields <b>MUST</b> be completed!</p> <p>This section will be destroyed after the payment is processed.</p>

Therapist in Charge\*\*

\*\*Suggested for board review



**CHANGE OF OWNERSHIP**

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**CHANGE OF PHYSICAL LOCATION**

If the physical location of an establishment changes, the owner or entity must apply for a new registration within 30 business days of the change and before conducting business.

**THERAPISTS IN CHARGE**

A Therapist-in-Charge (TIC) should be well versed in the massage therapist's statutes and regulations and be available as an educational resource for the owner. The TIC will also be a point of contact for the Licensing Examiner and the Investigative Staff should any questions arise.

**UNREGISTERED ESTABLISHMENTS**

Any establishment that is unregistered will be subject to an Investigative fee in the amount of \$2,000.00 per 12 AAC 02.396(6).

**BUSINESS LICENSE REQUIREMENTS**

A State Business License is required for a business operating in the state. Please contact the Business Licensing Section at [commerce.alaska.gov/web/cbpl/BusinessLicensing](http://commerce.alaska.gov/web/cbpl/BusinessLicensing) for information on obtaining a business license at 907-465-2550 in Juneau or 907-269-8160 in Anchorage.



THE STATE  
of **ALASKA**

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

**Board of Pharmacy**

PO Box 110806, Juneau, AK 99811-0806

Phone: (907) 465-2550

Email: [BoardOfPharmacy@Alaska.Gov](mailto:BoardOfPharmacy@Alaska.Gov)

Website: [ProfessionalLicense.Alaska.Gov/BoardOfPharmacy](http://ProfessionalLicense.Alaska.Gov/BoardOfPharmacy)

PHA

FOR DIVISION USE ONLY

## Change of Facility Manager - *Incoming*

**Required Fee: \$5.00** (Payable to the State of Alaska)

**PHARMACIST-IN-CHARGE:** Within 10 days of appointment as the new pharmacist-in-charge, you must notify the division in writing by completing this form.

**CHANGE OF MANAGER FOR A WHOLESALE DISTRIBUTOR:** Within 30 days of a change in facility manager, the new facility manager must submit a resume and completed fingerprint cards for evaluation and investigation by the Department of Public Safety. Request fingerprint cards at [www.My.Alaska.Gov](http://www.My.Alaska.Gov) under the Professional License service link. (12 AAC 52.610(d)(1)).

**CHANGE OF FACILITY MANAGER FOR AN OUTSOURCING FACILITY OR THIRD-PARTY LOGISTICS PROVIDER:** Within 10 days of a change in facility manager, the new facility manager must submit a resume and completed fingerprint cards for evaluation and investigation by the Department of Public Safety. Request fingerprint cards at [www.My.Alaska.Gov](http://www.My.Alaska.Gov) under the Professional License service link. (12 AAC 52.696(c) and 12 AAC 52.697(c)).

<b>Name of Facility:</b>			
<b>Facility Alaska License #:</b>			
<b>License Type:</b>	<input type="checkbox"/> Retail/Institutional <input type="checkbox"/> Out-of-State Pharmacy <input type="checkbox"/> In-State Pharmacy	<input type="checkbox"/> Drug Room <input type="checkbox"/> Wholesale Drug Distributor (In-State) <input type="checkbox"/> Wholesale Drug Distributor (Out-State)	<input type="checkbox"/> Outsourcing Facility <input type="checkbox"/> Third-Party Logistics
<b>New Facility Manager:</b>		<b>Date of Appointment:</b>	
<b>License Number:</b>		<b>State:</b>	
<p><b>EMAIL AGREEMENT:</b> By choosing to receive correspondence on any matter affecting my license or other business with the Alaska Division of Corporations, Business and Professional Licensing, I agree to maintain an accurate email address through the MY LICENSE web page. I understand that failure to check my email account or to keep the email address in good standing may result in an inability to receive crucial information, potentially resulting in my inability to obtain or maintain licensure.</p>			
<b>Facility Email Address:</b>			
<b>Previous Facility Manager:</b>			

<b>Authorized Signature:</b>		<b>Date:</b>	
------------------------------	--	--------------	--

# Procedure and Fee for Change of Location\*\*

\*\*Suggested for board review

**CHANGE OF OWNERSHIP**

An Establishment registration is not transferable to another person or entity. The new owner or entity must apply for a new Establishment Registration within 30 business days of acquiring the establishment and before conducting business.

**CHANGE OF PHYSICAL LOCATION**

If the physical location of an establishment changes, the owner or entity must apply for a new registration within 30 business days of the change and before conducting business.

**THERAPISTS IN CHARGE**

A Therapist-in-Charge (TIC) should be well versed in the massage therapist's statutes and regulations and be available as an educational resource for the owner. The TIC will also be a point of contact for the Licensing Examiner and the Investigative Staff should any questions arise.

**UNREGISTERED ESTABLISHMENTS**

Any establishment that is unregistered will be subject to an Investigative fee in the amount of \$2,000.00 per 12 AAC 02.396(6).

**BUSINESS LICENSE REQUIREMENTS**

A State Business License is required for a business operating in the state. Please contact the Business Licensing Section at [commerce.alaska.gov/web/cbpl/BusinessLicensing](http://commerce.alaska.gov/web/cbpl/BusinessLicensing) for information on obtaining a business license at 907-465-2550 in Juneau or 907-269-8160 in Anchorage.



THE STATE  
of **ALASKA**

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

**MAS**

FOR DIVISION USE ONLY

**Board of Massage Therapists**

PO Box 110806, Juneau, AK 99811-0806

(907) 465-2550

Email: [BoardOfMassageTherapists@Alaska.Gov](mailto:BoardOfMassageTherapists@Alaska.Gov)

Website: [ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists](http://ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists)

## Massage Establishment Registration Application

### PART I Payment of Fees

<b>Required Fees:</b>	<input type="checkbox"/> Non-Refundable Registration Fee	<b>\$300.00</b>
<b>Type of Application:</b>	<input type="checkbox"/> Initial <input type="checkbox"/> <b>Change of Physical Location</b> <input type="checkbox"/> Change in Ownership	

### PART II Owner Information

*Majority Partner/Owner information*

<b>Full Name:</b> This is a name change: <input type="checkbox"/>	<i>If you have had a legal name change since your last license was issued, you must complete a Change of Name form.</i>		
<b>Mailing Address:</b>	Street/PO Box	City	State Zip
<b>Contact Phone:</b>		<b>Birthdate:</b>	
<b>Email Address:</b>			<input type="checkbox"/> Send my Correspondence by Email <input type="checkbox"/> Send my Correspondence by US Mail
<b>SOCIAL SECURITY NUMBER:</b> AS 08.01.060 requires you to provide your United States Social Security Number. It is considered confidential information and will not be publicly disclosed; it may be used to verify inter-state licensure.			

### Partner Information - *If Applicable*

*Attach additional pages if necessary*

<b>Full Name:</b> This is a name change: <input type="checkbox"/>	<i>If you have had a legal name change since your last license was issued, you must complete a Change of Name form.</i>		
<b>Mailing Address:</b>	Street/PO Box	City	State Zip
<b>Contact Phone:</b>		<b>Birthdate:</b>	
<b>Email Address:</b>			<input type="checkbox"/> Send my Correspondence by Email <input type="checkbox"/> Send my Correspondence by US Mail
<b>SOCIAL SECURITY NUMBER:</b> AS 08.01.060 requires you to provide your United States Social Security Number. It is considered confidential information and will not be publicly disclosed; it may be used to verify inter-state licensure.			



THE STATE  
of **ALASKA**

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

PHA

FOR DIVISION USE ONLY

**Board of Pharmacy**

PO Box 110806, Juneau, AK 99811-0806

Phone: (907) 465-2550

Email: [BoardOfPharmacy@Alaska.Gov](mailto:BoardOfPharmacy@Alaska.Gov)

Website: [ProfessionalLicense.Alaska.Gov/BoardOfPharmacy](http://ProfessionalLicense.Alaska.Gov/BoardOfPharmacy)

## In-State Pharmacy License Application

PART I		Payment of Fees	
New Application:	<input type="checkbox"/> Nonrefundable Application Fee	\$100.00	} \$300.00
	<input type="checkbox"/> Pharmacy License Fee	\$200.00	
Change Application:	<input type="checkbox"/> Ownership Change		\$300.00
	<input type="checkbox"/> Name Change Only	Existing Registration Number:	\$65.00
	<input type="checkbox"/> Location Change Only	-----	\$65.00

PART II		License Information		
Facility Type:	<input type="checkbox"/> Sterile Compounding	<input type="checkbox"/> Non-Sterile Compounding	<input type="checkbox"/> Hospital	
	<input type="checkbox"/> Community	<input type="checkbox"/> Mail-Order	<input type="checkbox"/> Internet	
Company/Owner Name:				
Pharmacy Name (DBA):				
Current License #:				
Mailing Address:				
Physical Address:				
Contact Phone:				
Toll-Free Phone:				

**EMAIL AGREEMENT:** By choosing to receive correspondence on any matter affecting your license or other business with the Alaska Division of Corporations, Business and Professional Licensing by email, you agree to notify the Division in writing when your email address changes. You understand that failure to check your email address or to keep it in good standing may result in an inability to receive crucial information, potentially resulting in the inability to obtain or retain licensure.

Email:	<input type="checkbox"/> Send my Correspondence by Email
	<input type="checkbox"/> Send my Correspondence by US Mail

# Proof of Business License Requirement\*\*

\*\*Suggested for board review

**CHANGE OF OWNERSHIP**

An Establishment registration is not transferable to another person or entity. The new owner or entity must apply for a new Establishment Registration within 30 business days of acquiring the establishment and before conducting business.

**CHANGE OF PHYSICAL LOCATION**

If the physical location of an establishment changes, the owner or entity must apply for a new registration within 30 business days of the change and before conducting business.

**THERAPISTS IN CHARGE**

A Therapist-in-Charge (TIC) should be well versed in the massage therapist's statutes and regulations and be available as an educational resource for the owner. The TIC will also be a point of contact for the Licensing Examiner and the Investigative Staff should any questions arise.

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Any establishment that is unregistered will be subject to an Investigative fee in the amount of \$2,000.00 per 12 AAC 02.396(6).

**BUSINESS LICENSE REQUIREMENTS**

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# Employees vs. Independent Contractors\*\*

\*\*Suggested for board review

- (11) prostitution;
- (12) sex trafficking;
- (13) murder;
- (14) human trafficking;
- (15) criminal sexual conduct;
- (16) incest;
- (17) robbery;
- (18) extortion;
- (19) forgery;
- (20) theft;
- (21) endangering the welfare of a child;
- (22) endangering the welfare of a vulnerable adult;
- (23) reckless endangerment.

**Authority:** AS 08.61.020 AS 08.61.030

**12 AAC 79.920. APPLICATION FORM AND VERIFICATIONS FOR LICENSURE.** (a) If, upon receipt by the division of the last document required to complete an application file, the file contains an application form or verification that has a postmark date that is more than six months old, the document will be considered to be stale and the applicant must resubmit the document or cause the document to be resubmitted as appropriate before the application will be considered by the board or the board's designee.

(b) Verifications from massage schools and programs will not be considered stale under (a) of this section.

(c) An applicant whose license application has been approved pending receipt of the license fee must submit the license fee to the department within six months after being notified that the license application was approved. An applicant who does not submit the license fee to the department within six months after being notified that the license application was approved must reapply for licensure.

(d) In this section, "application form or verification" means

- (1) an application for a license or permit;
- (2) a verification of licensure from an appropriate licensing authority in a state, territory, province, or other country; or
- (3) fingerprint information described in 12 AAC 79.130.

**Authority:** AS 08.61.020

**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 operations adopted by reference in 12 AAC 79.900; and
- (3) the fee required under 12 AAC 02.396.

(b) 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 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 30 business days following any change in ownership or physical location of the massage therapy establishment.

(d) The department will maintain a registry of all massage therapy establishments registered with the board;

(e) In this section, "massage therapy establishment" means a fixed or mobile place of business that

- (1) is owned by a natural person, 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.

**Authority:** AS 08.61.020

**12 AAC 79.990. DEFINITIONS.** (a) In AS 08.61 and this chapter,

- (1) "criminal justice information" has the meaning given in AS 12.62.900;

# Renewal Time Frame and Requirements

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

### Chapter 79. Board of Massage Therapy.

12 AAC 79.210(a) is amended by adding a new paragraph to read:

(4) must document completion of a cardiopulmonary resuscitation course as required by 12 AAC 79.200(b)(4).

(Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223; am 4/17/2019, Register 230; (Add am date after last reg project file) am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_)

**Authority:** AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.930 is amended by adding new subsections to read:

(f) A massage therapy establishment required to be registered under this section must renew the registration on or before September 30 of every odd-numbered year by submitting

(1) a complete registration renewal form; and

(2) the fee required under 12 AAC 02.396(5).

(g) A massage therapy establishment owner must notify the department in writing not later than 15 days after the establishment ceases operations.

(Eff. (Add this date after last reg project is filed); am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_)

**Authority:** AS 08.01.100 AS 08.61.020

12 AAC 79 is amended by adding a new section read:

# Notification of Close of Business

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

**Chapter 79. Board of Massage Therapy.**

12 AAC 79.210(a) is amended by adding a new paragraph to read:

(4) must document completion of a cardiopulmonary resuscitation course as required by 12 AAC 79.200(b)(4).

(Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223; am 4/17/2019, Register 230; (Add am date after last reg project file) am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.930 is amended by adding new subsections to read:

(f) A massage therapy establishment required to be registered under this section must renew the registration on or before September 30 of every odd-numbered year by submitting

- (1) a complete registration renewal form; and
- (2) the fee required under 12 AAC 02.396(5).

(g) A massage therapy establishment owner must notify the department in writing not later than 15 days after the establishment ceases operations.

(Eff. (Add this date after last reg project is filed); am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.01.100 AS 08.61.020

12 AAC 79 is amended by adding a new section read:

# Unregistered Establishment Investigation

**12 AAC 79.940. Unregistered massage therapy establishment investigation.** Unless exempt from registration under 12 AAC 79.930(b), if an inspection or complaint of an unregistered massage therapy establishment results in an investigation, the unregistered massage therapy establishment owner shall pay the investigation fee required by 12 AAC 02.396 to the department, for each investigation. (Eff. \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.61.020



**Authority:** AS 08.01.062 AS 08.87.110 AS 08.87.310  
AS 08.01.065 AS 08.87.120

**12 AAC 02.380. PAWNBROKERS.** The following fees are established for pawnbrokers:

- (1) nonrefundable application fee for initial license, \$250;
- (2) license fee for all or part of the initial biennial licensing period, \$100;
- (3) biennial license renewal fee, \$100.

**Authority:** AS 08.01.065 AS 08.76.110 AS 08.76.140

**12 AAC 02.390. BEHAVIOR ANALYSTS.** The following fees are established for behavior analysts and assistant behavior analysts:

- (1) nonrefundable application fee for initial license, \$200;
- (2) behavior analyst license fee for all or part of the initial biennial licensing period, \$250;
- (3) behavior analyst biennial license renewal fee, \$250;
- (4) assistant behavior analyst license fee for all or part of the initial biennial licensing period, \$150;
- (5) assistant behavior analyst biennial license renewal fee, \$150;
- (6) temporary license fee, \$100;
- (7) nonrefundable fingerprint processing fee, \$60.

**Authority:** AS 08.01.010 AS 08.15.020 AS 08.15.080  
AS 08.01.065

**12 AAC 02.395. ATHLETIC TRAINERS.** The following fees are established for athletic trainers:

- (1) nonrefundable application fee for initial license, \$200;
- (2) athletic trainer license fee for all or part of the initial biennial licensing period, \$100;
- (3) athletic trainer biennial license renewal fee, \$100.

**Authority:** AS 08.01.010 AS 08.07.020 AS 08.07.040  
AS 08.01.065

**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;
- (5) nonrefundable massage therapy establishment registration fee, \$300;
- (6) fee for each investigation of an unregistered massage therapy establishment, \$2,000.

**Authority:** AS 08.01.010 AS 08.01.065 AS 08.61.090

### **ARTICLE 3. EXAMINATION REVIEW PROCEDURES.**

#### **Section**

#### **400. Examination review**

**12 AAC 02.400. EXAMINATION REVIEW.** (a) The division will follow the examination review procedures established in this section unless the public or private organization that prepares and owns the examination has procedures for examination review that conflict with the procedures in this section. When there is a conflict, the division will follow the procedures of the public or private organization that prepares and owns the examination.

(b) An applicant who wishes to review a failed examination shall submit a written request, and the applicable examination review fee specified in this chapter, to the division within 30 days after the notice of examination results was mailed to the applicant.

(c) All examination reviews will be conducted in the presence of division staff or the division's designee at the time and location determined by the division. An examination review will not be conducted within 30 days of the next examination the applicant is scheduled to take.

(d) Only an applicant who has failed an examination may participate in the examination review and the applicant may review only his or her own examination.

(e) An applicant may use the same reference materials during an examination review that were allowed during the examination itself, but applicants may not use other materials or take notes or make copies of any kind. All materials brought to an examination review are subject to inspection by the division staff.

# Adding CPR to Continuing Education Requirement Regulation

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

**Chapter 79. Board of Massage Therapy.**

12 AAC 79.210(a) is amended by adding a new paragraph to read:

(4) must document completion of a cardiopulmonary resuscitation course as required by 12 AAC 79.200(b)(4).

(Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223; am 4/17/2019, Register 230; (Add am date after last reg project file) am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.930 is amended by adding new subsections to read:

(f) A massage therapy establishment required to be registered under this section must renew the registration on or before September 30 of every odd-numbered year by submitting

- (1) a complete registration renewal form; and
- (2) the fee required under 12 AAC 02.396(5).

(g) A massage therapy establishment owner must notify the department in writing not later than 15 days after the establishment ceases operations.

(Eff. (Add this date after last reg project is filed); am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 08.01.100 AS 08.61.020

12 AAC 79 is amended by adding a new section read:

# Online Distance Monitoring Program\*\*

\*\*Suggested for board review

**CHAPTER 79.  
MESSAGE THERAPISTS.**

**Article**

- 1. Licensing (12 AAC 79.100 – 12 AAC 79.140)**
- 2. License Renewal and Continuing Education (12 AAC 79.200 – 12 AAC 79.220)**
- 3. General Provisions (12 AAC 79.900 – 12 AAC 79.990)**

**ARTICLE 1.  
LICENSING.**

**Section**

- 100. Application for licensure by examination**
- 110. Application for licensure by credentials**
- 120. Application for transitional license**
- 130. Criminal justice information**
- 140. Massage school education requirements**

**12 AAC 79.100. APPLICATION FOR LICENSURE BY EXAMINATION.** (a) The board will issue a license by examination to practice massage therapy to an applicant who meets the requirements of AS 08.61.030 and this section.

- (b) An applicant for licensure by examination 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 of massage therapy education, sent directly from the school or program to the division office; verification must consist of
    - (A) on or before June 30, 2019, an official school transcript evidencing completion of a course of study of at least 500 hours of in-class supervised instruction and clinical work from a massage therapy school or program that
      - (i) has authorization to operate from the Alaska Commission on Postsecondary Education under AS 14.48 or from a similar agency of another state; or
      - (ii) is accredited by a nationally recognized accrediting agency;
    - (B) on or after July 1, 2019, an official school transcript evidencing completion of a course of study of at least 625 hours of in-class supervised instruction and clinical work from a massage therapy school or program that
      - (i) has authorization to operate from the **Alaska Commission on Postsecondary Education** under AS 14.48 or from a similar agency of another state; or
      - (ii) is accredited by a nationally recognized accrediting agency; or
    - (C) evidence satisfactory to the board of completion of an apprenticeship program that meets the requirements and standards of the **Commission on Massage Therapy Accreditation (COMTA)** and the requirements and standards of the Coalition of National Massage Therapy Organizations, Entry Level Analysis Project (ELAP) *Work Group, The Core: Entry-Level Massage Education Blueprint*, dated December 2013, and adopted by reference;
  - (3) verification, sent directly from the appropriate agency to the division office, of having passed
    - (A) the **Massage and Bodywork Licensing Examination (MBLEx)** administered by the Federation of State Massage Therapy Boards; or
    - (B) the **National Certification Examination for Therapeutic Massage** or the **National Certification Examination for Therapeutic Massage and Bodywork**, each administered by the National Certification Board for Therapeutic Massage and Bodywork, if the applicant took the examination before February 1, 2015;
  - (4) a current certification in cardiopulmonary resuscitation from the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
  - (5) the following:
    - (A) on or before June 30, 2019, verification of having completed at least four hours of safety education in bloodborne pathogens and universal precautions in the two years preceding the application; or
    - (B) on or after July 1, 2019, verification of having completed at least two hours of safety education in bloodborne pathogens and universal precautions in the two years preceding the application.
- (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;**

- (3) local, state, or national professional organization that serves the massage therapy profession, including
  - (A) Associated Bodywork and Massage Professionals;
  - (B) the American Massage Therapy Association;
  - (C) the Federation of State Massage Therapy Boards; and
  - (D) the National Certification Board for Therapeutic Massage and Bodywork.

(f) For the purposes of this section,

(1) one continuing education credit equals one hour of classroom instruction between instructor and participant;

(2) one academic semester credit equals 15 contact hours; and

(3) one academic quarter credit equals 10 contact hours.

(g) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make the records available to the board upon request under 12 AAC 79.220. Records must be retained for four years from the date the contact hours were obtained.

(h) An applicant for renewal under (a) of this section may receive one continuing education credit for attending at least 80 percent of a regularly scheduled board meeting once every biennial licensing period.

(i) An applicant for renewal under (a) of this section who has been licensed more than 90 days but less than 12 months of the concluding biennial license period is not required to submit proof of completion of continuing education.

**Authority:** AS 08.61.020 AS 08.61.030 AS 08.61.050

**12 AAC 79.220. AUDIT AND DOCUMENTATION.** A licensee shall comply with all applicable requirements of 12 AAC 02.960 and 12 AAC 02.965. If selected for an audit of continuing education activities, the licensee shall cooperate with the department and shall submit all requested verifications of continuing education activities claimed by the licensee.

**Authority:** AS 08.61.020 AS 08.61.050

### ARTICLE 3. GENERAL PROVISIONS.

**Section**

- 900. Code of ethics and standards of practice**
- 910. "Moral turpitude" defined**
- 920. Application form and verifications for licensure**
- 990. Definitions**

**12 AAC 79.900. CODE OF ETHICS, STANDARDS OF PRACTICE, AND ESTABLISHMENT STANDARDS OF OPERATION.** The *Alaska Board of Massage Therapists Code of Ethics, Standards of Practice, and Establishment Standards of Operation*, dated September 2019, 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.

**Authority:** AS 08.61.020

**Editor's note:** A copy of the *Alaska Board of Massage Therapists Code of Ethics, Standards of Practice, and Establishment Standards of Operation*, adopted by reference in 12 AAC 79.900, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Massage Therapists, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; phone (907) 465-3811; website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>.

**12 AAC 79.910. "MORAL TURPITUDE" DEFINED.** Under AS 08.61.030, a crime involving moral turpitude includes

- (1) homicide;
- (2) manslaughter;
- (3) assault;
- (4) stalking;
- (5) kidnapping;
- (6) sexual assault;
- (7) sexual abuse of a minor;
- (8) unlawful exploitation of a minor, including possession or distribution of child pornography;
- (9) indecent exposure;
- (10) unlawful distribution or possession for distribution of a controlled substance;

# Old Business

# FSMTB MTL D Update



Follow-Up on HB 225

Vice Chair Gilmour

Kiehl

**From:** [TK Gilmour](#)  
**To:** [Senator.Jesse.Kiehl@akleg.gov](mailto:Senator.Jesse.Kiehl@akleg.gov)  
**Cc:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Follow up from meeting with Traci Gilmour, LMT RE:HB225  
**Date:** Thursday, March 12, 2020 12:26:34 PM  
**Attachments:** [FSMTB Human Trafficking-report-final-web.pdf](#)  
[FBI Report on Human Trafficking.docx](#)

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Senator Kiehl,

Thank you so much for taking time with me. Please apologize to your staff member that called and left a message. I did not hear it until I returned home, sorry if you needed to reschedule or postpone and I didn't know. I have updated my phone number below with my Cell.

Please see attached link to the Human Trafficking Task Force Report that we discussed. I have also included a report from the FBI on Human Trafficking. Please contact David Edwards-Smith at the email above if you have further questions.

Take good care,

--

Traci K Gilmour, LMT  
TLC Massage Therapy  
AK License #102012  
(907) 2092371

# Story

**From:** [TK Gilmour](#)  
**To:** [Representative.Andi.Story@akleg.gov](mailto:Representative.Andi.Story@akleg.gov); [Smith, Gregory R \(LEG\)](#)  
**Cc:** [Dulebohn, Dawn L \(CED\)](#); [David Edwards-Smith](#)  
**Subject:** Followup on meeting with Traci Gilmour, LMT RE: HB225  
**Date:** Thursday, March 12, 2020 12:29:35 PM  
**Attachments:** [FSMTB Human Trafficking-report-final-web.pdf](#)  
[FBI Report on Human Trafficking.docx](#)

---

Representative Story, Greg Smith

Thank you for taking time to meet with me this morning and being so caring about our support of HB225 and what it may mean to the Massage Therapists in Alaska.

Please see attached link to the Human Trafficking Task Force Report that we discussed. I have also included a report from the FBI on Human Trafficking. Please contact David Edwards-Smith at the email above if you have further questions.

Take good care,

--

Traci K Gilmour, LMT  
TLC Massage Therapy  
AK License #102012  
(907) 7902337

Hannan

**From:** [TK Gilmour](#)  
**To:** [Representative.Sara.Hannan@akleg.gov](mailto:Representative.Sara.Hannan@akleg.gov)  
**Cc:** [David Edwards-Smith](#); [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Followup to meeting with Traci Gilmour, LMT RE: HB225  
**Date:** Thursday, March 12, 2020 4:48:42 PM  
**Attachments:** [FSMTB Human Trafficking-report-final-web.pdf](#)  
[FBI Report on Human Trafficking.docx](#)

---

Representative Hannan,

Thank you for your patience and spending a few minutes with me. I apologize for mixing up my appointment with you and getting the time wrong. I appreciate your time and allowing me to meet with you, if only for 10 minutes.

As discussed, attached are reports on Human Trafficking from national sources. We do support the bill as introduced and will watch for any changes and continue to weigh in if necessary.

Please contact David Edwards-Smith (email above) if you have any questions or concerns.

Take good care,

--

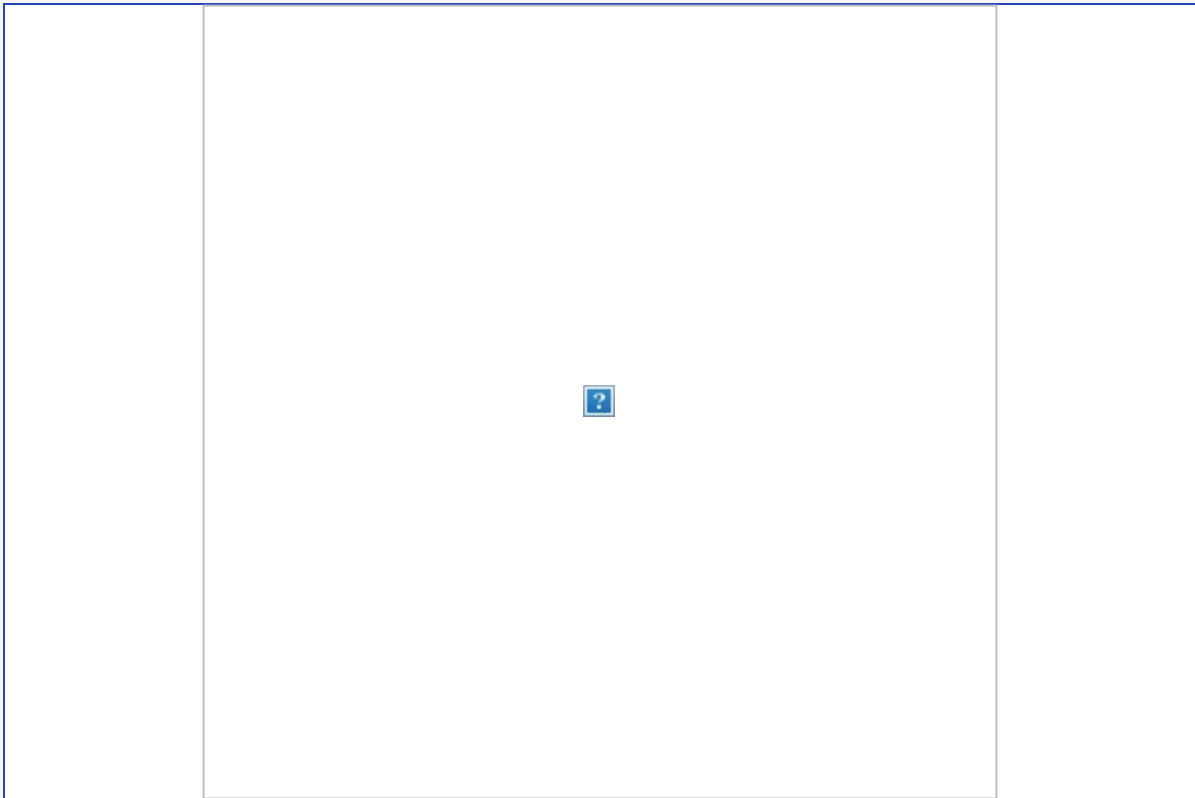
Traci K Gilmour, LMT  
TLC Massage Therapy  
AK License #102012  
(907) 2092371

# FSMTB Annual Meeting



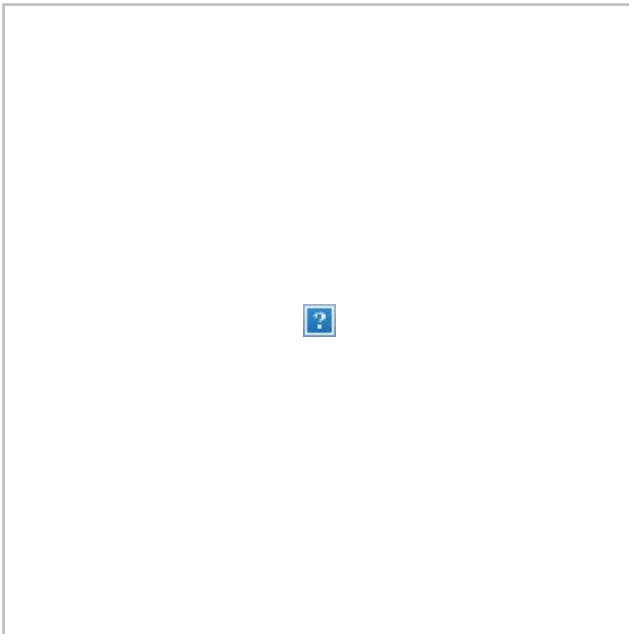
**From:** [FSMTB](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** FSMTB Annual Meeting Cancelled  
**Date:** Friday, May 29, 2020 1:02:39 PM

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## FSMTB Annual Meeting



After a great deal of deliberation, the FSMTB Board of Directors has made the difficult decision to cancel the in-person annual meeting scheduled October 15-17, 2020, in Chicago, Illinois.

The health and safety of the delegates, members and other interested parties is our greatest priority. Due to the ongoing uncertainty regarding the COVID-19 pandemic, and whether or not there will be a resurgence of diagnoses with

restrictions being lifted, the board determined cancellation to be the best path forward.

A virtual meeting to conduct the official business of FSMTB is being planned, so please be sure to select your voting delegate. The Board, staff and legal counsel are working together to ensure that the logistics for elections and voting are carried out in compliance with the FSMTB Bylaws. These details will be shared with the members, once finalized.

If you have any questions, please contact Lorena Haynes, director of government relations at [lhaynes@fsmtb.org](mailto:lhaynes@fsmtb.org).

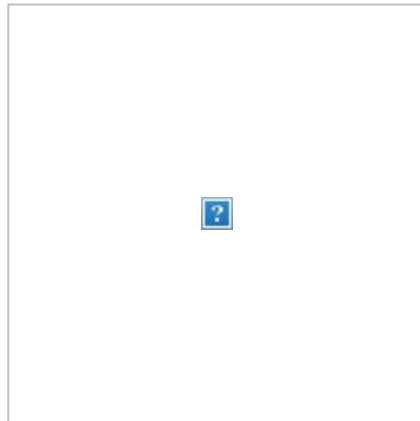
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FSMTB | 7300 College Boulevard, Suite 650, Overland Park, KS 66210

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

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**Thursday, October 15, 2020**

4:30 p.m.

**Registration Opens**

*Registered attendees are welcome to pick up their name badges and meeting materials. Onsite late registration is open on a space-available basis; members receive priority.*

5:00 p.m.

**Delegate Orientation**

*FSMTB is pleased to have all delegates join us and has dedicated a special session to help you get acclimated to annual meeting procedures and introduced to the FSMTB leadership and staff.*

6:00 – 7:30 p.m.

**Welcome Reception**

*Gather in a relaxed setting to greet colleagues and meet new acquaintances as we prepare to discuss matters of importance to the massage and bodywork regulatory community.*

**Friday, October 16, 2020**

7:15 – 8:15 a.m.

*BREAKFAST*

8:30 a.m.

**Opening Session**

*Presiding: Charlene Russell, 2019-2020 FSMTB President*  
Call to Order / Roll Call  
Approval of Agenda  
Welcome

8:45 a.m.

**President's Report**

*FSMTB President Charlene Russell, Mississippi State Board of Massage Therapy (former), will present an overview of FSMTB's activities during the past year meant to fulfill the Federation's mission and meet the needs of the state regulatory boards. President Russell will review current projects and work by FSMTB volunteer committees and supported by staff.*

9:15 a.m.

**Treasurer's Report**

*FSMTB Treasurer David Cox, Maryland State Board of Massage Therapy Examiners, will report on the financial status of FSMTB.*

9:30 a.m.

**Licensing Renewal Committee Report**

*FSMTB Licensing Renewal Committee Chair Becca Cauffman, Pennsylvania State Board of Massage Therapy, will provide an update on the launch and current status of the CE Registry.*

9:45 a.m.

**Massage Therapy Licensing Database (MTLD) Update**

*Sandra Anderson, Nevada State Board of Massage Therapists, will share her team's experience with the data population and use of the database.*

- 10:00 a.m.                    **FSMTB Establishment Task Force**  
*Tom Ryan, Wisconsin Department of Safety and Professional Services, will present on the work undertaken by the task force in the consideration of model language for establishment licensing.*
- 10:15 a.m.                    **Policy Committee Report**  
*FSMTB Policy Committee Chair Sandra Anderson, Nevada State Board of Massage Therapists, will report on 2020 policy changes.*
- 10:30 a.m.                    *NETWORKING BREAK*
- 11:00 a.m.                    **Presentation of Resolutions and Bylaws Amendments**  
*The Delegate Assembly of member boards provides direction and policy for the Federation. Member board resolution and bylaw amendment sponsors present proposals and rationale for adoption; the policy committee and board of directors provide recommendations and rationale.*
- 11:30 a.m.                    **Presentation of Slate of Candidates**  
*Nominating Committee Chair Lydia Nixon, Florida Board of Massage Therapy, will present the slate of candidates seeking election to the FSMTB Board of Directors. The Delegate Assembly will also hear from each candidate slated for election.*
- Noon                            *NETWORKING LUNCH*
- 1:00 p.m.                    **Member Board Reports (segment 1 of 2)**  
*The delegate from each FSMTB Member Board will present a summary of key regulatory initiatives and concerns in their state, for discussion of shared issues.*
- 2:00 p.m.                    **Regulatory Enforcement**  
*Discussion on methods and capabilities of enforcing regulation within massage therapy, including investigations and training.*
- 3:00 p.m.                    *NETWORKING BREAK*
- 3:30 p.m.                    **MEMBER Board Reports (segment 2 of 2)**
- 5:00 p.m.                    **Recess**
- 6:00 p.m.                    **Hosted Regulatory Networking Dinners**  
*Optional networking opportunity hosted by FSMTB Board of Directors. Reserved for FSMTB members only.*

**Saturday, October 17, 2018**

7:15 – 8:15 a.m.            *BREAKFAST*

8:30 a.m.                    **Reconvene**  
Call to Order / Roll Call

8:35 a.m.	<p><b>Elections</b>  <i>The FSMTB Delegate Assembly will vote to elect new members to the Board of Directors and to the Nominating Committee. During vote counting by member board representatives, the Board of Directors will recognize volunteers and announce the location of the 2022 Annual Meeting.</i></p>
9:15 a.m.	<p><b>Voting on Resolutions and Bylaws Amendments</b>  <i>The FSMTB Delegate Assembly will debate and vote on resolutions and bylaws amendments put forth by members in accordance with the FSMTB Bylaws.</i></p>
10:00 a.m.	<p>NETWORKING BREAK</p>
10:30 a.m.	<p><b>Human Trafficking</b>  <i>Presentation and discussion on updates of regulation and best practices for combatting the impact of human trafficking on the massage profession.</i></p>
11:30	<p><b>Regulatory Rumble</b>  <i>Best practices for working with other state agencies to modify and improve the licensure process, regulatory enforcement, and public protection.</i></p>
Noon	<p>NETWORKING LUNCH</p>
1:00 p.m.	<p><b>CBD Regulation</b>  <i>Discussion on the regulation of CBD and how it relates to massage therapy.</i></p>
2:00 p.m.	<p><b>Public Protection Panel</b>  <i>Discussion regarding the best practices for promoting public protection and consumer awareness of massage regulation.</i></p>
3:00 p.m.	<p>NETWORKING BREAK</p>
3:30 p.m.	<p><b>Past, Present, and Future of Massage Therapy Regulation</b>  <i>A reflection on the Federation's first 15 years, an assessment of the current – post pandemic – conditions, and a vision of the future of massage therapy regulation and how FSMTB can support its member boards.</i></p>
4:30 p.m.	<p><b>Closing Remarks from President Russell</b>  Adjournment</p>
Immediately Following	<p><b>Board of Directors Meeting (optional)</b>  Call to Order  Welcome New Board Members  Approval of Agenda  Conflicts of Interest  Officer Elections  2021 Board Meeting Schedule  Adjournment</p>

*\*Agenda subject to change*

Recess Until Next Day...

# 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> <i>Licensed Massage Therapist</i>	January 23, 2017	March 1, 2022
<b>Kristin Tri</b> <i>Licensed Massage Therapist</i>	03/02/2020	03/02/2024
<b>Julie Endle</b> <i>Public Member</i>	January 24, 2019	March 1, 2021



# Review of Agenda

# Review Tabled Applications

E.C.

L.L.

L.T.  
Reinstatement

M.V.

# Review Tabled Continuing Education Audits

M.C.



K.D.

Jo. H.

Je. H.

W.K.

E.K.

H.N.

B.P.

C.R.



T.S.

C.S.

J.V.

L.W.

*A.W.*

Lunch

# New Business

# Board Guidance on COVID- 19



Summary of  
Board of Chiropractic Examiners Meeting

Chair Edwards-Smith

Summary of  
Board Chair Weekly Meeting

Chair Edwards-Smith

# Administrative Business

# Administrative Statistics

# Administrative Business

## Meeting Calendar

# STATE OF ALASKA

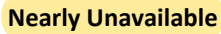
# 2020

## 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: 06/01/2020



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

# HOLIDAY CALENDAR

## JANUARY

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Blocked-Renewals

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# Document Signing



372 the board to request they rescind their motion regarding investigative referrals made at the  
373 December 2019 meeting and replace it with the suggested language change.

374  
375 **In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with**  
376 **a roll call vote, it was RESOLVED to RESCIND the motion from the December 2-3, 2019**  
377 **meeting, lines 1609-1615.**

378  
379 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**  
380 **a roll call vote, it was RESOLVED to AMEND the board’s “No Investigations Needed” list**  
381 **to add internal direction that a failure to disclose convictions on an application that**  
382 **occurred 10 or more years ago will not result in a referral to Investigations. Additionally,**  
383 **Division will send out an informational letter to applicants for failure to disclose.**

384  
385  
386 **Agenda Item 6 Adjourn**

387  
388 At this time, the board concluded all scheduled board business.

389  
390 **In a motion made by Ron Gibbs, seconded by Jill Motz, and passed unanimously, it was**  
391 **RESOLVED to ADJOURN.**

392  
393 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended  
394 at 10:34 a.m.

395  
396  
397 **Respectfully Submitted,**

398  
399  
400 \_\_\_\_\_  
401 **Dawn Dulebohn, Licensing Examiner** **Date** \_\_\_\_\_

402  
403  
404  
405 \_\_\_\_\_  
406 **David Edwards-Smith, Board Chair** **Date** \_\_\_\_\_  
407

639 included in the decision tree. Decision tree will be distributed with the board guidance on April 24,  
640 2020.

641

642 **Agenda Item 8** **Adjourn**

643

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

645

646 **In a motion made by Julie Endle, seconded by Kristin Tri, and passed unanimously, it was**  
647 **RESOLVED to ADJOURN.**

648

649 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended  
650 at 2:08 p.m.

651

652 **Respectfully Submitted,**

653

654

655

656 \_\_\_\_\_  
657 **Dawn Dulebohn, Licensing Examiner**

658

659

660

661 \_\_\_\_\_

662 **David Edwards-Smith, Board Chair**

663

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Date**

Review/Approve Past Meeting Minutes

January 13, 2020

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 **MINUTES OF THE MEETING**

7 **January 13, 2020**

8  
9  
10 *These are DRAFT minutes prepared by the staff of the Division of Corporations, Business, and Professional Licensing.*

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

13  
14  
15 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a  
16 scheduled meeting of the Board of Massage Therapists was held by video conference on  
17 January 13, 2020.  
18

19 **Agenda Item 1** **Call to Order/Roll Call:**

20  
21 *On the record at 9:00 a.m.*

22  
23 **Board Members present, constituting a quorum:**

24  
25 David Edwards-Smith- Board Chair, Licensed Massage Therapist  
26 Traci Gilmour- Vice Chair, Licensed Massage Therapist  
27 Jill Motz, Licensed Massage Therapist (joined at 9:41 a.m.)  
28 Ron Gibbs, Licensed Massage Therapist  
29 Julie Endle, Public Member  
30

31  
32 **Division Staff present:**

33  
34 Dawn Dulebohn, Occupational Licensing Examiner  
35 Sara Chambers, Director of Corporations, Business, and Professional Licensing  
36 Sher Zinn, Regulations Specialist II  
37

38 **Joining Telephonically:**

39  
40 Carl Jacobs, Investigator III  
41 Sonia Lipker, Senior Investigator III  
42

43 **Agenda Item 2** **Ethics Reporting**

44  
45 The Board Chair opened the floor to any board member that may have an ethics violation or  
46 inquiry. None were presented.  
47

48 Agenda Item 3 Review/Approve Agenda

49

50 The board reviewed the agenda and discussed any proposed changes.

51

52 **In a motion made by Ron Gibbs, seconded by Traci Gilmour, and passed unanimously with**  
53 **a roll call vote, it was RESOLVED to APPROVE the agenda as written.**

54

55 Agenda Item 4 Massage Establishments

56

57 *Director Chamber and Investigators Lipker and Jacobs joined the meeting at 9:10 a.m.*

58

59 Chair Edwards-Smith reviews the purpose of this special meeting was to discuss the pending  
60 regulation of massage establishment and the investigations that will be an integral part of that  
61 process. The Chair references a letter that he sent to Chief Investigator Greg Francois on January  
62 10, 2020 outlining the board's mission statement for regulating massage establishments, whether it is  
63 pertinent for the board to establish investigation guidelines, and the random inspections that have  
64 been carried out prior to the implementation of establishment regulations and without the board's  
65 expressed consent. Chair Edwards-Smith closes the letter asking for guidance on this subject.

66

67 Chair Edwards-Smith went on to state that in previous board meetings the board had expressed an  
68 intent that inspections be complaint driven. The board discovered that a policy of random  
69 inspections had been implemented by Investigations and believes the board should learn more about  
70 this new course of action. Mr. Edwards-Smith would like to discuss, once there is a plan for  
71 establishment inspections, what criteria will be included in those inspections. Ms. Gilmour stated  
72 the Division has always contributed to the board's mission in good faith but the board is not always  
73 made aware of those actions. Ms. Gilmour prepared a statement about information sharing which,  
74 after permission from the Chair, she read into the record:

75

76 "The inspection information will help the board with moving forward with massage establishment  
77 regulation in that we now know that inspections have been and will be held. I would like the  
78 board's OLE to be cc'd on approvals so she can keep the board abreast of coming inspections. I  
79 would also like the board to receive inspection reports, post inspection. This also helps us  
80 understand the meaning of financial statements and ask more informed questions of the Division  
81 during presentations. We have asked over time about expenditures and were not informed of any  
82 inspections held, nor follow up reports received as to how those went for the businesses, and  
83 infractions, or closures. I may have missed this in translation and I understand. I am not trying to  
84 accuse anyone or offend. As we move through our journey of learning all the arms of Division and  
85 how we work together and move towards a more cohesive relationship, sharing information that  
86 pertains to our work, and how we spend the licensee's dollars (for me, that is the biggest message:  
87 we do not understand in our financial statements...and we've asked for a better breakdown).  
88 Because we believed these were complaint driven inspections, we did not know this was happening.  
89 The travel report from Inspector Jacobs, we realized that this is the first time an establishment has  
90 been inspected. I love that there is inspections that have happened but we have not gotten any  
91 reports to tell us what has happened, and the establishments are ours. They are our information and  
92 our licensees and our dollars. We, as a board, are very frugal. I believe the state works in our best  
93 interest. We just need to be able to have that conversation. Poor Investigator Jacobs was really '...uhh,  
94 I thought I was doing my job'. To be fair to him (and he's great at his position) we need to be not

95 taken by surprise. After 5 years, we should have known inspections were happening and I would  
96 like to see the follow-up reports because we are not seeing those either. We are seeing the  
97 Investigative Report but we are not seeing any written information. I would love Dawn to be cc'd  
98 on travel approvals to give us a head's up so we know it's coming. Then we can informed questions  
99 and go: 'what'd you find out?' That's my take on it."

100  
101 Chair Edward- Smith thanks Ms. Gilmour and stated he wants to get the board on the same page  
102 with Investigations. Chair Edwards-Smith reminded everyone that the board's mission statement  
103 regarding establishments is: "Massage establishment regulations will serve the purpose of  
104 safeguarding legitimate massage establishments, therapists, and the public from illicit massage  
105 establishments and human trafficking activity."

106  
107 The Chair continued the board, in previous conversations, had determined that the best avenue to  
108 complete that mission was to have compliance checks be complaint driven. The board would  
109 educate the public on that process and that there are tools for complaint driven compliance checks.  
110

111 OLE Dulebohn stated she believes the problem between Investigations implementing random  
112 inspections and the board's wish to have all inspections be complaint driven is that the board has  
113 been actively discussing a change in inspections regarding establishments for the last year and a half.  
114 Ms. Dulebohn stated she believes that Investigations heard that once the establishment regulations  
115 were in place there would have to be compliance checks for the establishments as they are not  
116 licensed massage therapists and took that direction out of context and started establishment  
117 inspections before regulations were in place. In board conversations with Investigator Jacobs, he  
118 had stated that Investigations was carrying out the board's direction on inspections. Chair Edwards-  
119 Smith agreed with that assessment and stated these discrepancies are the reason for the scheduling  
120 of this meeting.  
121

122 Mr. Gibbs agreed the board should not be caught by surprise but, in the future, having only  
123 complaint driven referrals will probably not be very effective for the board. Mr. Gibbs went on to  
124 state that typically the clientele that go to an illicit establishment are not the client base that will file a  
125 complaint regarding that establishment. Mr. Gibbs suggested brainstorming other triggers for  
126 investigations such as online research. The Chair replied that the board had hoped to create more  
127 awareness of the complaint process so complaint driven investigations would be more effective.  
128 Chair Edwards-Smith directed the board back to the mission statement of protecting legitimate  
129 massage therapists. The Chair relayed that, with the implementation of random compliance checks,  
130 he hopes that the random investigation process would be honed. Ms. Gilmour expanded that clients  
131 of illicit establishments would not be the only member of the public to be able to submit complaints;  
132 members of the community will be able to submit complaints too. She continued that  
133 establishments registering should be easier to inspect since part of their application will be a self-  
134 inspection.  
135

136 Board member Julie Endle asked if random inspections would be for all massage establishments or  
137 just the ones registering as they are not owned by someone on the exempt list. Chair Edwards-  
138 Smith stated that the compliance checks would be for anyone. Chair Edwards-Smith stated that if  
139 the board is on the same page for complaint driven compliance checks, the next thing is to ensure  
140 the investigators have the tools necessary to carry out the compliance checks. He continued that the  
141 easiest method of doing this is to have a clear direction from the board. Referencing the draft

142 Standards of Operation (SOO), Chair Edwards-Smith stated there are many things on the list that  
143 are not “black and white” and would require specific training. He believes SOO items #4-7 are  
144 those that would require specific training in order to effectively perform a compliance check. The  
145 Chair suggested that there be a notation that says SOO 1-3 & 8-10 are subject to compliance checks.  
146 Mr. Gibbs interjected that he doesn’t believe specialized training is needed to know whether “safe  
147 storage” is being followed. Mr. Edwards-Smith asked if hazmat or bloodborne pathogens training  
148 should be provided for investigators? Mr. Edwards-Smith also asked the board how the  
149 investigators will know about how to ascertain “all applicable state and local building/fire codes”.  
150 Ms. Gilmour reminded the board that SOO #5 is not in their purview and would best be inspected  
151 by a fire marshal. Ms. Gilmour believes that giving the investigators more information may be all  
152 that is needed for them to fully complete everything on the board’s list. Ms. Gilmour continued that  
153 investigations have been conducted for Barbers and Hairdressers for a long time and what the  
154 massage board is asking is similar to what has already been done. At this time, Chair Edwards-Smith  
155 invited Investigators Lipker and Jacobs to join the conversation.

156  
157 Investigator Lipker stated that the Board of Barbers and Hairdressers (BAH) investigators do not  
158 look for violations regarding sanitary safety. These types of inspections are done by other  
159 departments such as OSHA. Ms. Lipker stated that she would be uncomfortable with Investigations  
160 trying to enforce sanitary regulations.

161  
162 Director Chambers joined the conversation to give context from Division’s standpoint. Ms.  
163 Chambers informed the board that investigators are trained in licensing violations for the 44  
164 licensing programs but safety and sanitation have never been under the jurisdiction of  
165 Investigations. Historically, the Department of Environmental Conservation (DEC) is the safety  
166 and sanitation inspecting body for the state. The DEC writes the standards for the Board of  
167 Barbers and Hairdressers (BAH) safety and sanitation according to statute and not the board. Ms.  
168 Chambers went on to state that, last year, Division received the authority to inspect in place of DEC  
169 and that is when the Board of Massage Therapists and the Board of Barbers and Hairdressers  
170 became involved with safety and sanitation. Ms. Chambers stated that she has spoken about the  
171 similarities between inspection and investigation with Chief Francois and believes that Division  
172 investigators are competent and capable of performing inspections. Ms. Chambers stated that the  
173 Division investigators conducting facility inspections is a brand-new facet of Investigations and not  
174 all investigators will receive inspection training. Director Chambers agreed with Chair Edwards-  
175 Smith that the Division needs to ensure that investigators are provided with training to ensure they  
176 can adequately enforce regulations since that is what the board has said is the law. Ms. Chambers  
177 stated that there is no point in having a regulation if it is not enforceable. Ms. Chambers continued  
178 that the Division has a legal responsibility to train teams to be able to inspect according to regulation  
179 and educate the public, licensees, and establishments so they are able to meet the standards. Ms.  
180 Chambers stated that it is our responsibility to ensure that the permit holder can meet all the  
181 standards and obtain any pertinent information. Ms. Chambers stated that the SOO look to be  
182 straight forward and are probably pretty accessible.

183  
184 Chair Edwards-Smith reminded meeting attendees that the establishment registrants will complete a  
185 self-inspection affidavit as part of their application. Chair Edwards-Smith stated he would like the  
186 board to evaluate the necessity of maintaining SOO #4-7 in terms of compliance checks. Ms.  
187 Chambers replied that if the board has concerns about Investigations being unable to complete their  
188 inspection standard checklist, there may be other agencies (such as the fire marshal for SOO #5)



189 that could be enlisted and perhaps the SOO could be changed to have language, for example,  
190 “Received fire inspection at least once every x number of years”.

191  
192 Ms. Gilmour stated the self-inspection report is a tool for massage establishments but will also  
193 provide a tool for investigators and should be a mirror of the SOO.

194  
195 **TASK: OLE Dulebohn will add item to March meeting for creation of Self Inspection**  
196 **checklist. Possibly invite BAH inspectors for aid once draft is assembled.**

197  
198 Ms. Chambers reminded the board that any SOO must be clear and defensible. If there are  
199 differences between the self-inspection report and what is found in an inspection, how can it be  
200 articulated should the inspection results be appealed? Director Chambers asks the board how they  
201 will ensure that people actually know what they are attesting that they are complying with, what  
202 generates an inspection, and what standards are being inspected? She feels it would be useful for the  
203 licensing staff and the investigator to meet to align the processes so that there is not two different  
204 trainings for the same goal.

205  
206 **TASK: Board will delve into SOO #4-7 for compliance and inspection requirements**  
207 **with the mission to make them “clear and defensible” and more “black and white”.**

208  
209 Ms. Gilmour requested a presentation from Investigations regarding their inspection process. Ms.  
210 Gilmour would also like to see Investigator Jacobs include concerns from licensees, gaps in  
211 compliance & understanding, and patterns in violations to the Investigative Report.

212  
213 Chair Edwards-Smith asks Director Chambers and Investigators Lipker and Jacobs if the board  
214 needs to make a motion to convey, at this time, inspections should only be complaint driven. Ms.  
215 Gilmour stated that she believes the board should “prefer” complaint driven inspections but also  
216 understand that Investigations has the opportunity to do inspections on the board’s behalf in  
217 conjunction with other boards. Ms. Gilmour went on to state it would be wrong to tie the hands of  
218 Investigations when it is possible for them to share investigative costs with other boards.

219  
220 OLE Dulebohn reminded the board that during the December 2019 meeting, the board asked the  
221 cost of Investigator Jacobs August 2019 trip to Fairbanks. After conferring with Accountant III,  
222 Marylene Wales, the board was informed the trip cost was \$855.00.

223  
224 Investigator Lipker joined the conversation and referenced Chair Edwards-Smith and Chief Francois  
225 spoke on this subject prior to the meeting. Investigator Lipker stated that Investigations will not be  
226 conducting any inspection unless a complaint is submitted regarding possible unlicensed practice.  
227 Ms. Lipker continued, at this point, establishment regulations have not been adopted so investigative  
228 staff cannot utilize any of the SOO and Investigations will just focus on current regulations for  
229 licensees. Ms. Lipker went on to state that they will report any onsite license checks at the board’s  
230 quarterly meetings but they will not be able to divulge specifics for open files.

231  
232 *Board Member Jill Motz joins the meeting at 9:41 a.m.*

233  
234 Ms. Gilmour asked Investigator Lipker if the board could see the details of the compliance checks  
235 once a case is closed and are no longer confidential? Ms. Lipker stated this information can be

236 shared via a public records request but isn't sure if it could be shared with the board. Ms. Lipker  
237 stated she will check with Chief Francois for confirmation. Ms. Chambers stated that it would be  
238 helpful if Investigator Jacobs includes in his board report what types of violations are they seeing  
239 and concerns they are hearing from licensees (registrants). Ms. Chambers stated the board would  
240 benefit more from the statistics and gaps in compliance (data driven decision making).

241  
242 **TASK: OLE Dulebohn will add Compliance Check to March board meeting agenda**  
243 **to include report from Investigations on data gathered in August 2019 random inspection**  
244 **and a workgroup session with Investigations on how to better improve methods to improve**  
245 **establishment compliance checks in the future.**

246  
247 OLE Dulebohn verified with Investigators Jacobs and Lipker that the upcoming compliance checks  
248 during the fiscal year of 2020 were no longer going to happen. Investigator Jacobs confirmed that,  
249 per the direction of the board, there are no scheduled or unscheduled inspections pending for the  
250 2020 fiscal year. Mr. Jacobs stated that investigative staff will still continue to perform complaint  
251 driven inspections.

252  
253 *Investigators Lipker and Jacobs and Director Chambers left the meeting at 9:50 a.m.*

254  
255 *Chair Edwards-Smith calls for a short break.*

256 *Off the record at 9:50 a.m.*

257 *Back on the record at 10:00 a.m.*

258

## 259 Agenda Item 5 Regulations

260

261 Regulations Specialist Sher Zinn joined the meeting at 10:00 a.m.

262

263 Board Chair Edwards-Smith directs the board to 12 AAC 79.200 which currently read "an applicant  
264 for renewal of a massage therapy license must meet the requirements of AS 08.61.050 and this  
265 section. A massage therapist applying for license renewal must submit (4) a current certification in  
266 cardiopulmonary resuscitation through the American Red Cross, American Heart Association,  
267 American Safety and Health Institute, or an equivalent organization." The board was given a  
268 suggestion by Division to change this language to read "(4) documentation of a current certification  
269 in cardiopulmonary resuscitation through the American Red Cross..." This suggested change would  
270 allow Division to accept an attestation from the licensee that they had a current cardiopulmonary  
271 resuscitation (CPR) certification but would not require the licensee provide proof.

272

273 After the board adopted the change to this regulation, Regulations Specialist Zinn and OLE  
274 Dulebohn discovered that CPR certification was not included in the board's continuing education  
275 audit and if a change was not made, there would never be a compliance check of the CPR  
276 certification requirement in accordance with AS 08.61.050. To fix this, Ms. Zinn proposed a change  
277 to the continuing education regulation 12 AAC 79.210 by adding a new paragraph to read: "(4)  
278 must document completion of a cardiopulmonary resuscitation course as required by 12 AAC  
279 79.210(b)(4)." Ms. Zinn informed the board that this change would ensure, if a licensee is audited,  
280 they would be required to submit proof of their current CPR certification.

281

282 Ms. Gilmour asked Ms. Zinn if this regulation change is necessary as she does not want to burden  
283 licensees with any additional regulation. Ms. Zinn replied that the board could choose to go back to  
284 the previous regulations project and remove the change to 12 AAC 79.100. Ms. Gilmour stated she  
285 does not want to change the renewal process for licensees again. OLE Dulebohn interjected that  
286 the regulation had not been changed to require the proof of CPR; the required proof of CPR for  
287 renewals just wasn't requested by Division for the 2017 renewal due to an oversight. OLE  
288 Dulebohn went on to state the board's adoption the change to 12 AAC 79.210 would be less of a  
289 burden to the licensee base by not requiring proof of CPR be submitted with a renewal application  
290 and instead would only require the proof of CPR upon audit. Ms. Dulebohn also states this change  
291 would also remove the need to hand process the CPR certificates for all licensees which would be a  
292 cost saving for the board. Ms. Zinn reminded Ms. Gilmour that the comments from the public on  
293 that change in the last regulation project was largely positive and in favor of not having to submit a  
294 current CPR card with renewal applications. Ms. Gilmour thanked Ms. Zinn for the feedback and  
295 withdrew her objection to the change in continuing education regulation regarding CPR.

296  
297 Ms. Gilmour stated at some point she wants to have a meeting in 2020 that does not include  
298 regulation project. Chair Edwards-Smith replied that, as a board, they will need to make changes  
299 and be continually adapting as there is growth in the industry. Ms. Gilmour agreed but stipulated  
300 regulations should be adopted for the right reasons and wonders if the board is perhaps not delving  
301 deep enough in their discussions to catch all the possible repercussions. Ms. Gilmour went on to  
302 state the board should be more familiar with their own statutes and regulations so some of the  
303 follow-up with regulation projects can be avoided.

304  
305 Ms. Zinn also presented the board with other regulations changes concerning massage  
306 establishments. Ms. Zinn informed the board that these amendments can go out together in one  
307 package at no additional expense to the board. Ms. Zinn advised the board they do not need to  
308 send these amendments out immediately unless there is a pressing need; the board can wait and send  
309 them out after the next board meeting. Chair Edwards-Smith reminded the board that they will be  
310 looking at their Standards of Operations during the March 2020 meeting and, should any changes be  
311 made, that would need to be in regulation 12 AAC 79.900. Ms. Zinn suggested the board wait to  
312 public notice today's amendments if they believe they will have another change after the March 2020  
313 meeting. Chair Edwards-Smith asked for a motion on the changes made earlier but will wait to send  
314 them out for public comment until the March 2020 meeting.

315  
316 Ms. Endle stated she would like to discuss the regulation amendment that addresses renewal fees for  
317 massage establishments. Ms. Gilmour and Mr. Edwards-Smith reminded Ms. Endle that the board  
318 does not set fees. Fees are set by Division and, at this time, a renewal fee has not been calculated.  
319 Ms. Gilmour stated the Division does take the board opinion on fees into consideration and once  
320 registrations happens, the renewal wouldn't be happening until 2021. Ms. Endle states that initial  
321 establishment registration has been set at \$300 and wonders if that means that renewals would also  
322 be \$300? Chair Edwards-Smith reiterates that, at this time, there is no renewal fee for  
323 establishments. Chair Edwards-Smith went on to state the regulation amendment the board is  
324 currently reviewing states there will be a renewal fee but not what that fee is. Division will set the  
325 renewal fee based on registrants and investigative costs. Ms. Gilmour stated, despite the regulation  
326 about fees being in the Board of Massage Therapists, the board does not set any fee and Division is  
327 responsible for calculating and deciding on all fees. Ms. Zinn reminded the board that there is a  
328 statute that requires the Division must take into account the board's wishes but they do not have to

329 implement them. Chair Edwards-Smith suggested discussing fees and how they are set in the next  
330 Outreach and Educational Subcommittee meeting.

331  
332 **In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with**  
333 **a roll call vote, it was RESOLVED to AMEND regulation**

- 334 • **12 AAC 79.210(a)(4)- Must document proof of completion of CPR course as required**  
335 **by 12 AAC 79.200(b)(4)**
- 336 • **12 AAC 79.930(f)- A massage therapy establishment required to be registered under**  
337 **this section must renew the registration on or before September 30 of every odd**  
338 **numbered year by submitting**
  - 339 1) **Complete registration renewal form; and**
  - 340 2) **The fee required under 12 AAC 02.396(5)**
- 341 • **12 AAC 79.930(g)- A massage therapy establishment owner must notify the**  
342 **department in writing not later than 15 days after the establishment ceases**  
343 **operations.**
- 344 • **12 AAC 79.940- Unless exempt from registration under 12 AAC 79.930(b), if an**  
345 **inspection or complaint of an unregistered massage therapy establishment results in**  
346 **an investigation, the unregistered massage therapy establishment owner shall pay**  
347 **the investigation fee required by 12 AAC 02.396 to the department.**
- 348 • **12 AAC 02.396(5)- to add “and renewal fee”**

349  
350 The board stated these amendments will not go out for public comment until after the March 2020  
351 meeting.

352  
353 Ms. Endle reiterated Division will set the establishment renewal fee and then the board will have a  
354 chance to discuss and submit their opinion of that renewal fee for consideration. Ms. Endle stated  
355 that a renewal fee of \$300 is too costly. OLE Dulebohn informed the board that there is no data on  
356 how many people will register for establishments, how many investigations will occur, or what the  
357 investigative costs will be. OLE Dulebohn went on to state that until these factors are known, there  
358 cannot be speculation as to what the establishment renewal fee will be. Ms. Dulebohn stated that  
359 the board has historically been adamant that fees massage therapists pay for licensure should not be  
360 used to regulate massage establishments. The fees brought in by establishment registrations need to  
361 pay for all of the costs associated with that registration and inspections.

362  
363 *Regulations Specialist Zinn left the meeting at 10:29 a.m.*

364  
365 OLE Dulebohn presented the board with additional information regarding the motion made at the  
366 December 2-3, 2019 meeting regarding the Division’s utilization of Policy & Procedure 28 as it  
367 relates to the “No Investigations Needed” document. OLE Dulebohn reminded the board that they  
368 previously made a motion to direct the Division not to refer applicants to Investigation if the  
369 applicant failed to disclose on their application any item that is on the board’s “No Investigations  
370 Needed” list. This new direction will remain an internal process but will hopefully decrease issues of  
371 communication between Investigations, the Board, and Division. OLE Dulebohn informed the  
372 board that after the December 2019 meeting she consulted with Records and Licensing Supervisor  
373 Renee Hoffard who reviewed the board’s direction and stated it is within the board’s purview to  
374 delegate this to Division per P&P 28 if the board removed the section about “at Division’s



March 2, 2020

April 20, 2020

**From:** [Board of Massage Therapists \(CED sponsored\)](#)  
**To:** ["Jane Gnass"](#)  
**Subject:** RE: Draft Minutes of the Meeting on April 20, 2020: Mandate 12 actually refers to "INTRAstate" travel, not "INTERstate"  
**Date:** Tuesday, April 28, 2020 8:48:00 AM

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Hello Jane,

Thank you for your correspondence.

I type the meeting minutes from an audio recording so I very much appreciate that feedback. I will bring this typo to the board's attention when they are reviewing and finalizing the minutes in their June 2020 meeting.

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:** Jane Gnass [mailto:janegnass@gmail.com]  
**Sent:** Tuesday, April 28, 2020 2:03 AM  
**To:** Board of Massage Therapists (CED sponsored) <boardofmassagetherapists@alaska.gov>  
**Subject:** Draft Minutes of the Meeting on April 20, 2020: Mandate 12 actually refers to "INTRAstate" travel, not "INTERstate"

Chair Edwards-Smith,

In reading through the draft of the Minutes for the Meeting on April 20, 2020, I noticed a possible error. Health Mandate 12 was for "INTRAstate" travel, within the state and communities of Alaska, though in the Minutes Mandate 12 is often referenced as "INTERstate" travel, outside of Alaska.

Thank you for your service.

Jane Gnass, LMT, BCTMB  
Anchorage, Alaska



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 **MINUTES OF THE MEETING**

7 **April 20, 2020**

8  
9  
10 *These are DRAFT minutes prepared by the staff of the Division of Corporations, Business, and Professional*  
11 *Licensing.*

12  
13 *These minutes have not yet been reviewed or approved by the board.*  
14

15  
16 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a  
17 scheduled meeting of the Board of Massage Therapists was held by teleconference on  
18 April 20, 2020.  
19

20 **Agenda Item 1** **Call to Order/Roll Call:**

21  
22 *On the record at 9:05 a.m.*  
23

24 **Board Members present, constituting a quorum:**

25  
26 David Edwards-Smith- Board Chair, Licensed Massage Therapist  
27 Traci Gilmour- Vice Chair, Licensed Massage Therapist  
28 Jill Motz, Licensed Massage Therapist  
29 Kristin Tri, Licensed Massage Therapist  
30 Julie Endle, Public Member  
31

32 **Division Staff present:**

33  
34 Dawn Dulebohn, Occupational Licensing Examiner  
35

36 **Joining Telephonically:**

37  
38 Sara Chambers, Director of Corporations, Business, and Professional Licensing  
39

40 **Agenda Item 2** **Ethics Reporting**

41  
42 The Board Chair opened the floor to any board member that may have an ethics violation or  
43 inquiry. None were presented.  
44  
45  
46  
47

48 Agenda Item 3 Review/Approve Agenda

49  
50 Chair Edwards-Smith directed the board to review the agenda. The Chair would like to amend the  
51 agenda to move the draft FAQ for Mandate 15 supplied by Director Chambers from Agenda Item 4  
52 to after the Agenda Item 5.

53  
54 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**  
55 **call vote, it was RESOLVED to APPROVE the agenda as amended.**

56  
57 Agenda Item 4 Mandate 15 Overview

58  
59 Chair Edwards-Smith lead the board through an overview of the Governor’s Mandate 15 which is a  
60 mandate allowing all health care professions, as defined in statute, listed in Section I the ability to  
61 return to work. The Chair continued that the ability to return to work is dependent on the service  
62 being low risk and the facilitator complying with set standards to maintain the health and safety of  
63 the public. On Friday, April 17, 2020, the Chair of the Board of Massage Therapists issued the  
64 following statement for distribution to the public:

65  
66 “The Chairman of the Board of Massage Therapists advises massage therapist licensees  
67 not to return to work prior to receiving clarifying guidance from the board. The board will  
68 be meeting on Monday, April 20, and will issue guidance on work and safety requirements  
69 on the COVID-19 licensing web site by Friday, April 24. Due to the volume of feedback  
70 and time available, the board is unable to take public comment. You are welcome to submit  
71 written concerns and questions to [boardofmassagetherapists@alaska.gov](mailto:boardofmassagetherapists@alaska.gov).”

72 Chair David Edwards-Smith  
73 Alaska Board of Massage Therapists

74  
75 Chair Edwards-Smith stated that the board’s priority is public protection and his statement was an  
76 advisement. The Chair continued that any massage therapist that has the means to abide with  
77 Mandate 15’s requirements are able to go back to work starting April 20, 2020. The Chair continued  
78 that the board has no interest in imposing anything punitive to any massage therapist that is able to  
79 fully comply with the requirements of Mandate 15 and chooses to return to work. The Chair  
80 continued that Mandate 15 gives businesses and services listed in Section 1 the ability to resume, as  
81 long as they comply with the stipulations listed. The Chair continued that it is the individual’s  
82 choice to determine whether they believe they can provide a safe and sanitary environment based on  
83 “their comfort level, their concerns for personal safety, their knowledge base, and available  
84 resources.” The Chair continued that Mandate 15 requires that providers have and utilize proper  
85 Personal Protective Equipment (PPE), screening procedures, and personal and environmental  
86 mitigation procedures such as cleaning. The Chair stated that some facilities and providers may have  
87 issues complying with Mandate 15’s stipulations and they can choose not to work.

88  
89 The Chair summed up this section by stating that the purpose of this meeting is to determine,  
90 formulate, and provide guidance that would aid massage therapists, should they choose to return to  
91 work, in the uncertain times that are prolific during the age of COVID-19.

92

93 The Chair clarified with OLE Dulebohn that the version of Mandate 15 for the board's review is the  
94 version issued on April 15, 2020 and that the board should not formulate their guidance on the  
95 draft, updated version of Mandate 15, as it has not been released to the public at the time of the  
96 meeting. OLE Dulebohn clarified that there is a place holder for an updated version of Mandate 15  
97 on the agenda, but since it was not published by the time of this meeting, it is not included in the  
98 board packet and in its place, is a draft Mandate 15 FAQ provided to the board by Director Sara  
99 Chambers. The Chair asked the board if there were any comments concerning the overview of  
100 Mandate 15 and heard none.

101

102 Board Member Jill Motz pointed out that there are two different return to work dates on the  
103 mandate, but no clear direction as to which one should apply to massage therapists. Ms. Motz also  
104 disclosed the American Massage Therapist Association (AMTA) legal team has posted their  
105 interpretation of Mandate 15 on their website and it states that they interpret the return to work date  
106 for massage therapists to be May 4, 2020. Ms. Motz agreed with the AMTA assessment and believes  
107 that massage therapists belong in the May 4<sup>th</sup> category.

108

109 Chair Edwards-Smith shared that in his meeting with Health and Social Services Commissioner  
110 Adam Crum on April 17, 2020, Commissioner Crum relayed that as massage therapists are included  
111 in the list of professions, they can work as early as the April 20, 2020 date if they can comply with  
112 the mandates stipulations for safety and sanitation. Ms. Motz stated that Commissioner Crum also  
113 stated that it was within the board's purview to decide if the stipulations to comply with Mandate 15  
114 were attainable for massage therapists. Vice Chair Traci Gilmour stated that she believes it would  
115 not be possible for massage therapists to return to work today, unless they already have a supply of  
116 the required PPE in stock. Ms. Gilmour believes clarification is needed on the term "surgical mask"  
117 and if that means N95 mask. Ms. Gilmour continued that N95 masks are intended for high risk  
118 personnel such as first responders and certain medical professionals. Ms. Gilmour stated that cloth  
119 face coverings would not be appropriate for massage therapists in the service of their clients. Chair  
120 Edwards-Smith reiterated for the record that Mandate 15 is an option to return to work and not a  
121 mandate that you have to return to work. Ms. Gilmour stated that the results of Chair Edwards-  
122 Smith's meeting with Health and Social Services should be shared on the record:

123

- 124 • Health and Social Services clarified that Mandate 15 is an allowance to go back to work if all  
125 of the health and sanitary standards stipulated can be met. No one has to return to work if  
126 they think it is unsafe. Unemployment will not be impacted by this mandate.
- 127 • It is the provider's responsibility to provide all PPE (including surgical masks) for employees  
128 that have patient contact.
- 129 • If you do not have the PPE to allow you to work safely, then you may not return to work.
- 130 • Mandate 15 does not supersede board guidance and standards of practice if it conflicts with  
131 statutes and regulations.
- 132 • Health and Social Services will 100% support board guidance.

133

134 Chair Edwards-Smith relayed that he was informed that unemployment will not be affected for  
135 those who choose not to return to work at this time due to safety and sanitation concerns. The  
136 Chair is very disturbed by the correspondence sent to the board regarding massage therapists that  
137 have been threatened or terminated from their employment over their concern for the health and

138 safety of themselves, their family, and their clients and their decision to not return to work on April  
139 20 and wait for further board guidance.

140  
141 Director Sara Chambers interjected to remind the approximately 100 observers of the board meeting  
142 to not share documents during this meeting and to be sure to mute their audio if they are not a  
143 member of the board.

144  
145 Ms. Motz asked a question about Section II of Mandate 15: “Health care facilities and providers  
146 defined in statute and listed in Section I, will be able to resume services that require minimal  
147 protective equipment and follow the guidance below... shall deploy universal masking procedures in  
148 coordination with the facility infection control program.” Ms. Motz asked if this stipulation  
149 regarding masking procedures will be the board’s first priority for the guidance they will issue and  
150 will it include an infection protection program? The Chair replied that it is on the agenda to provide  
151 an infection control plan as part of the board guidance. Ms. Motz continued by referencing Section  
152 II, vi “It is the duty of the provider to ensure the health considerations of staff and patients...” and  
153 asked if the board guidance will make it clear that a surgical mask is protection for the patient and is  
154 not protection for the therapist, as it protects from aerosolized vapor from entering into a sterile  
155 field and would keep a therapist’s germs away from the patient. Ms. Motz continued that facilities  
156 must take into consideration the health of the therapist. Ms. Motz referenced the CDC guidelines  
157 that state that anyone spending 15-20 minutes with a patient would be considered as a “medium to  
158 high” risk. Ms. Gilmour stated that as part of her infection control plan, her clients will be required  
159 to wear a cloth mask to help protect the therapist and the staff.

160  
161 Ms. Motz referenced Section IV-a, “Health care services that cannot be delayed beyond eight weeks  
162 without posing a significant risk to quality of life may resume **Monday May 4, 2020** if the following  
163 conditions are met...” and that, in a recent Zoom meeting, Alaska Chief Medical Officer Dr. Anne  
164 Zink asked that massage therapy services be delayed for at least 8 weeks. Ms. Motz would like the  
165 board to receive Dr. Zink’s opinion on their recommended guidance. Public Board Member Julie  
166 Endle asked Chair Edwards-Smith to clear up any confusion between Mandate 9 referring to  
167 massage therapists as “personal care services” and Mandate 15 identifying massage therapists as  
168 health care providers. Chair Edwards-Smith replied that it is unfortunate that the Governor’s office  
169 does not consult boards prior to the release of mandates, but believed that should an updated  
170 version of Mandate 15 be released, it would clarify that the May 4<sup>th</sup> date refers to surgical  
171 procedures.

172  
173 **Agenda Item 5** **Chiropractor and Physical Therapist Consult**

174  
175 Chair Edwards-Smith invited the Chair of the Board of Chiropractic Examiners, Dr. Brian Larson,  
176 and the Chair of the Board Physical Therapy & Occupational Therapy, Jennifer Carlson, to consult  
177 with the Board as employers of massage therapists in Alaska.

178  
179 *Dr. Brian Larson joined the meeting at 9:30 a.m.*

180  
181 Chair Edwards-Smith started this dialogue with the hopes that the Board of Chiropractic Examiners  
182 and the Board of Massage Therapists could align their expectations for massage therapists to return  
183 to work and their plans for delivery of routine health care services including PPE, entry screening  
184 for patients, and cleaning and sanitation standards. Dr. Larson stated he interprets Mandate 15 as

185 being for facilities that will see patients who are not required to wait an additional amount of time,  
186 such as surgical practices. Dr. Larson has advised his licensees to review and uphold the guidance  
187 issued by the Alaska Chiropractic Society regarding Mandate 15.  
188

189 Director Chambers stated that she is happy to see the collaboration between the boards to achieve  
190 the same goal of public safety. Ms. Chambers stated that it was important to reiterate that boards  
191 have the authority to interpret the Governor’s mandates and information was distributed to all  
192 board chairs by the Division. Ms. Chambers went on to state that there was a “dynamic” happening  
193 between the massage therapists and chiropractors and she would like to make it clear that the Board  
194 of Massage Therapists has the authority to interpret Mandate 15 for their therapists and the Board  
195 of Chiropractic Examiners (not the Alaska Chiropractic Society) has the authority to interpret the  
196 mandate for chiropractors, but not for massage therapists. Director Chambers stated that if there is  
197 dissidence between what chiropractors and massage therapists want, it will come down to the  
198 guidance issued by the licensee’s board. Ms. Chambers stated that just because a chiropractor or  
199 physical therapist or physician employs a massage therapist, it does not give the employer the right  
200 to interpret the mandate for the massage therapist, as that authority rests with the Board of Massage  
201 Therapists and Commissioner Crum. Director Chambers stated that the board’s goal is to craft  
202 guidance regarding Mandate 15 today and anyone employing a massage therapist needs to respect  
203 that guidance. Director Chambers stated that many complaints/concerns have been received  
204 concerning chiropractors interpreting Mandate 15, as it relates to massage therapists and it is not the  
205 employer’s role to make those determinations. Dr. Larson stated that Director Chamber was correct  
206 in her assessment.  
207

208 Dr. Larson stated that massage therapists are a critical part of a chiropractor’s health care team and  
209 as an employer of a massage therapist, it is the responsibility of the chiropractor to provide the  
210 required PPE. Dr. Larson stated that the Alaska Chiropractic Society has stated that offices will  
211 abide by all PPE requirements in Mandate 15 which includes gloves, surgical masks, and eye  
212 protection. Chair Edwards-Smith asked Dr. Larson to give an outline as to what guidance,  
213 protocols, or best practices will be given to chiropractors to comply with Mandate 15; such as the  
214 entry screening, cleaning, and sanitation standards for the COVID-19 environment. Dr. Larson  
215 replied that chiropractors will be required to follow the Governor’s mandates and board statutes and  
216 regulations “to the letter” and should anyone be aware that a chiropractor or his office is not  
217 following the mandates, they should be reported to [investigations@alaska.gov](mailto:investigations@alaska.gov). Dr. Larson stated  
218 that as part of entry screening, every person who has a scheduled appointment in any health care  
219 facility in Alaska is required to answer the questions: Have you traveled out of state in the last 14  
220 days? Do you have a fever? Do you have a cough? Are you having any trouble breathing? Dr.  
221 Larson went on to state that between clients every room is required to be cleaned, which includes  
222 changing linens, disinfecting hard surfaces and the therapist must wash their hands up to their  
223 elbows. Chair Edwards-Smith asked Dr. Larson if he thinks it is reasonable to require clients to  
224 wash their hands upon entry? Dr. Larson replied that the request to have clients wash their hands  
225 upon entry is reasonable and he will relay that to his licensees. Dr. Larson reiterated that his  
226 interpretation for chiropractors of Mandate 15 is that whoever is providing patient care wear gloves,  
227 surgical mask, and protective eyewear. The Chair asked if Dr. Larson’s interpretation of Mandate 15  
228 would include the requirement for massage therapists to change their surgical mask after every client  
229 since they are exposed to patients over an hour or more long session? Dr. Larson replied that CDC  
230 guidelines state that masks should be changed if they are “moist or soiled” and it is reasonable to  
231 stipulate that, given the nature and duration of most massages; massage therapists should be

232 changing masks between clients and will not be able to reuse them. Chair Edwards-Smith asked Dr.  
233 Larson if it is reasonable to state that massage therapists should be disinfecting or replacing eye  
234 protection between each client? Dr. Larson stated that disinfecting or replacing eye protection  
235 between clients would be appropriate. Chair Edwards-Smith asked if Dr. Larson believed it to be  
236 reasonable to add compliance with Mandate 11 (social distancing) and Mandate 12 (interstate travel)  
237 to the entry screening questions? Dr. Larson stated that his personal opinion is that there would be  
238 nothing wrong with asking those questions as part of the entry screening process.

239  
240 Chair Edwards-Smith thanked Dr. Larson for his time in attending and for the valuable information  
241 he provided during this meeting. Dr. Larson responded that he believes that both boards are on the  
242 same page and that most of the confusion has come from lack of communication. Dr. Larson  
243 reiterated that if a massage therapist was forced or threatened by a chiropractor to work after  
244 Mandate 7 or Mandate 9 went into effect, those need to be reported to [investigations@alaska.gov](mailto:investigations@alaska.gov).

245  
246 **Agenda Item 4** **Mandate 15 Overview (continued)**

247  
248 Chair Edwards-Smith directed the board to review the draft Mandate 15 FAQ that was provided by  
249 Director Chambers in conjunction with Department of Health and Social Services.

250  
251 *Julie Endle left the meeting at 9:57 a.m.*  
252 *Back at 10:05 a.m.*

253  
254 **Universal Masking Procedures**

255  
256 The Chair reiterated that Mandate 15 stipulates that staff that do not have direct contact with  
257 patients can use cloth face coverings, but those involved with direct patient care must use surgical  
258 masks. Ms. Motz restated that a surgical mask only prevents the wearers droplets from getting out  
259 and does not protect the wearer from infection from the client if they are not masked, so she  
260 believes that during massage, clients should be wearing surgical masks as well. Ms. Gilmour stated  
261 that the board should be very clear that surgical masks are not N95 masks and that distinction  
262 should be made clear. Director Chambers stated that mask definitions were already included in  
263 Health Alert 10 issued April 3, 2020. The Chair read that the Department of Health and Social  
264 Services (DHSS) COVID website has information regarding how to use, create, and clean cloth  
265 masks for personal or non-patient-contact employees, has created a draft PPE flowchart to help  
266 offices determine the appropriate level of PPE and has resources for anyone needing help in  
267 acquiring masks for patient contact personnel.

- 268
- 269 • Health Alert 10- <https://covid19.alaska.gov/health-alerts/>
  - 270 • Cloth Face Masks- <http://dhss.alaska.gov/dph/Epi/id/Pages/COVID-19/coveryourface.aspx>
  - 271 • Draft PPE Flowchart- <http://dhss.alaska.gov/dph/Epi/id/SiteAssets/Pages/COVID-19/healthcare/PPE%20Flowchart.pdf>
  - 272 • 213 Resource Request Form (213RR)- ***If your facility is unable to procure PPE***  
273 ***independently-*** [https://www.ashnha.com/wp-content/uploads/2020/04/ICS\\_213\\_RR\\_-](https://www.ashnha.com/wp-content/uploads/2020/04/ICS_213_RR_-_pdf_fillable_form-2.pdf)  
274 [pdf\\_fillable\\_form-2.pdf](https://www.ashnha.com/wp-content/uploads/2020/04/ICS_213_RR_-_pdf_fillable_form-2.pdf) to be submitted to: [2020\\_COVID-19@ak-prepared.com](mailto:2020_COVID-19@ak-prepared.com)  
275  
276

277 Testing

278

279 Chair Edwards-Smith stated from the FAQ that “all health care facility **must** screen all patients  
280 scheduling routine/non-invasive services for recent illness, travel, fever, or recent exposure to  
281 COVID-19 **to the extent that is possible.**” Ms. Endle asked for clarification on whether the  
282 provider is required to be screened for COVID-19, to which the Chair replied that there is no  
283 stipulation in Mandate 15 that the health care provider be screened prior to practice.

284

285 Specific Practice Area

286

287 Chair Edwards-Smith stated from the FAQ that “Mandate 15 does not require any provider or  
288 facility to reopen or resume services.” “Licensing boards can determine if individual health care  
289 provider types can safely perform services for service types given health care constraints, including  
290 PPE or testing availability, or the nature of services including length of time of exposure, personal  
291 contact, and ability to provide environmental mitigation strategies.”

292

293 Unemployment

294

295 Chair Edwards-Smith stated from the FAQ that individuals are “strongly encouraged to contact an  
296 Unemployment Insurance technician to discuss your individual circumstances. If your employer  
297 requests that you return to work but you do not believe it is a safe environment, you should provide  
298 detailed information to the UI technician to determine if you fall under an existing eligibility  
299 category under Pandemic Unemployment Assistance or if your circumstances justify a “just cause”  
300 to continue your unemployment benefits.” Director Chambers stated that unemployment questions  
301 should be directed to the Department of Labor, who is working with DHSS on clarification and  
302 resources for unemployment questions and it is not the board’s responsibility to know the answers  
303 to a question that is out of their authority.

304

305 Return to Work Date

306

307 Chair Edwards-Smith stated from the FAQ that April 20 is the return to work date for routine, non-  
308 invasive-type services that require minimal PPE and can follow all protocols in Section II of  
309 Mandate 15 and May 4 is the return to work date for procedures including surgeries and intensive  
310 procedures. Vice Chair Traci Gilmour reminded everyone that the April 20<sup>th</sup> date is an **allowance**  
311 to return to work **if** you have the proper PPE in stock, the ability and will to use the PPE, will  
312 follow entry screening guidelines, and implement cleaning and sanitation standards. Ms. Motz  
313 referenced Mandate 15, Section II-a-ii “All health care, delivered both in and out of health care  
314 facilities, (this includes hospitals, surgical centers, long-term care facilities, clinic and office care, as  
315 well as home care) shall deploy universal masking procedures in coordination with the facility  
316 infection control program” and asked if the board would be addressing the requirement of “facility  
317 infection control program” to be written and implemented as part of compliance with board  
318 guidance? The Chair expressed hope that the guidance that the board will adopt today can be used  
319 as a template for all therapists to use in the development of their “facility infection control  
320 program.” Ms. Gilmour stated that she had included these templates with the document she  
321 submitted for the board meeting, to which the Chair replied that the board will be considering the  
322 supplied templates when they are crafting their guidance document later in the meeting. Ms. Motz





368 Social Distancing/ Contact with Patients

369  
370 Ms. Motz brought up that the Centers for Disease Control (CDC) has a set of guidelines for  
371 healthcare providers and wants it to be clarified, should the board choose a different path, that they  
372 are disregarding the CDC recommendation as specified in Standards of Practice #3 and deciding  
373 what is “healthy and safe for therapists and clients will work with PPE to mitigate that risk.” Ms.  
374 Gilmour stated that if the PPE required by Mandate 15 is not sufficient to mitigate the risk caused  
375 by COVID-19, she does not see a way for massage therapists to return to work. Ms. Gilmour stated  
376 that, after research into Mandate 15 and CDC guidelines, massage therapists do not fall in to the  
377 “high risk” category. Ms. Gilmour stated that she believes that PPE, screening procedures, and  
378 environmental cleaning can protect massage therapists and clients, but that there is no guarantee.  
379 Ms. Motz stated that the CDC is also recommending practitioners wear gowns as PPE to reduce the  
380 risk of transmission and that is not included in Mandate 15. Chair Edwards-Smith stated that the  
381 current climate is a unique situation that the board is trying to navigate and Mandate 15 doesn’t  
382 mention gowns for providers or patients. The Chair reminded everyone that therapists have a  
383 choice to return to work or not. The Chair continued that board members are not infectious disease  
384 specialists and they are taking guidance from the Governor’s office by way of Mandate 15. The  
385 Chair stated that if therapists are not comfortable returning to work because they don’t feel safe,  
386 don’t have the knowledge base, or required equipment, then they should not practice.

387  
388 What Is the Resource To Determine CDC Guidelines According to the Board’s Standards of  
389 Practice?

390  
391 Director Chambers stated that the board’s regulation require adherence to the Standards of Practice  
392 (SOP) 12 AAC 79.900 and that compliance is not optional and has the force of law. Director  
393 Chambers continued that the SOP includes guidance on safety and sanitation and includes guidelines  
394 set by the CDC, National Institute of Health (NIH), and Occupational Safety and Health  
395 Administration (OSHA). Director Chambers stated that this means that the board already has a  
396 regulation that is in effect that states that massage therapists must “provide a setting that is safe and  
397 meets all applicable legal requirements for health, safety, sanitation, hygiene, universal and standard  
398 precautions...including guidelines set by the CDC.” Ms. Chambers stated that if massage therapy is  
399 not specifically named, but there is guidance that pertains to the profession; by law massage  
400 therapists have to follow those guidelines. Ms. Chambers urged the board to not rely on the  
401 Governor’s office and DHSS to have clarification for every health care profession named in  
402 Mandate 15. Ms. Chambers stated that it is the board’s responsibility to determine how the  
403 mandate impacts their profession in accordance with established statutes and regulations. Ms.  
404 Gilmour stated that she went to the NIH website and it referred her to the CDC website, which  
405 would indicate that CDC guidelines supersede NIH guidance. Ms. Motz stated that the CDC  
406 guidelines for determining risk are for people involved in more clinical settings such as primary care  
407 providers, dentists, and surgeons and to extrapolate that to massage therapy is difficult. Ms. Motz  
408 continued that with limited knowledge surrounding COVID-19 and “facts” such as COVID-19 just  
409 being a respiratory virus being proven untrue, as there are long term effects on the circulatory and  
410 respiratory systems. Ms. Motz stated that she does not believe that massage therapists should be  
411 working when Dr. Zink was quoted as saying 70% of COVID-19 patients are asymptomatic. Ms.  
412 Motz stated that resuming patient care when massage therapists do not have all the information on  
413 COVID-19 is dangerous for the public and dangerous for therapists. Ms. Motz stated that if the  
414 board determines that PPE must be worn in order for therapists to return to work, the CDC

415 guidance states that gowns are included in required PPE. Ms. Motz stated that it is a fact that  
416 COVID-19 can live on multiple services including clothing. Ms. Gilmour stated that massage  
417 therapists are trained in safety and sanitation and believes that with the proper precautions, massage  
418 therapists can return to work.

#### 419 Chiropractor Termination of Massage Therapists

421  
422 Chair Edwards-Smith referenced the early conversation with Dr. Brian Larson, Chairman of the  
423 Board of Chiropractic Examiners, in which Dr. Larson stated that if you have been terminated from  
424 your employment with a chiropractor due to different interpretations of Mandate 15, you should  
425 report your employer to [investigations@alaska.gov](mailto:investigations@alaska.gov). The Chair continued that if you can comply  
426 with the mandate, you have the ability to return to work; but if you cannot comply or don't feel that  
427 it is safe, there should be no punitive action. Ms. Endle stated that the information regarding  
428 termination over COVID-19 mandates should be posted on the board's website and in the  
429 communication it's preparing to distribute to the public on Friday, April 24, 2020.

#### 430 431 Personal Protective Equipment Acquisition and Shortages

432  
433 Chair Edwards-Smith referred massage therapists to the discussion that occurred previously in the  
434 meeting on Draft FAQ for Mandate 15 which stated that the provider is responsible for sourcing  
435 adequate amounts of PPE; but should they have problems, they can refer to the 213 Resource  
436 Request Form (213RR).

#### 437 438 Unemployment Eligibility for Those Not Returning to Work

439  
440 Chair Edwards-Smith referred massage therapists to the discussion that occurred previously in the  
441 meeting on Draft FAQ for Mandate 15 where it was stated that individuals are "strongly encouraged  
442 to contact an Unemployment Insurance technician to discuss your individual circumstances. If your  
443 employer requests that you return to work, but you do not believe it is a safe environment, you  
444 should provide detailed information to the UI technician to determine if you fall under an existing  
445 eligibility category under Pandemic Unemployment Assistance or if your circumstances justify a  
446 "just cause" to continue your unemployment benefits."

#### 447 448 Wearing Gloves is Difficult or Impossible as a Massage Therapist

449  
450 Chair Edwards-Smith stated that the board will go more in depth on this issue when they are  
451 formulating guidelines. Ms. Motz volunteered her experience wearing gloves to perform massage.  
452 Ms. Motz stated that she did not try latex gloves, but the nitrile ones she tried did not perform well  
453 with the oil needed to perform massage. Ms. Motz continued that she saw the best results with ones  
454 that fit snugly and didn't have powder in them, but even those broke or came close to breaking  
455 during their use. Additionally, therapists would have to limit their work to hands only unless they  
456 could find a glove that covers their forearms and elbow and she could find none for the feet for  
457 therapists who perform ashitsu. Ms. Motz suggested that if the public have any glove brand  
458 recommendations, they should send them to [boardofmassagetherapists@alaska.gov](mailto:boardofmassagetherapists@alaska.gov)

459  
460  
461

462 Can Massage Therapists Perform Telehealth?

463

464 Chair Edwards-Smith stated that telehealth is not within the Alaska’s massage therapists’ scope of  
465 practice. Director Chambers quoted AS 08.61.100 definition of massage therapy and its reference to  
466 massage being a manual application.

467

468 Can I Work at a Salon if the Salon is Closed?

469

470 Chair Edwards-Smith stated that working at a salon that is currently closed would be an agreement  
471 the massage therapist would have to discuss with the salon owner. The Chair continued that  
472 Mandate 15 gives massage therapists the right to work; the location could be used only for massage  
473 if all the stipulations of the mandate and board guidance are followed.

474

475 How Will Mandate 15 Affect Students Working to Complete Their Education?

476

477 Ms. Motz answered this question by stating that in her extensive research, many states have granted  
478 schools the ability to complete their theoretical education remotely using platforms such as Zoom or  
479 Skype, so that social distancing could be maintained. Ms. Motz stated that in all of her research,  
480 there were no states allowing for distance education to complete hands-on portions of education.

481

482 What Should Be Done Concerning Liability Insurance?

483

484 Ms. Gilmour stated that it is an individual’s choice to obtain liability insurance. While the board  
485 strongly encourages licensees to obtain liability insurance, as it is not a requirement for licensure by  
486 law, the board has no purview over claims and licensees should contact their insurance provider.

487

488 Billing Practices

489

490 Ms. Motz stated that the board has authority over licensing, statutes and regulations, and public  
491 safety; the board has no purview or expert knowledge on billing codes and policies. Ms. Motz  
492 reminded licensees that for billing questions, licensees should contact/ consult other resources such  
493 as other licensees or the billing department for the insurance company.

494

495 **Agenda Item 7 Mandate 15- Board Guidance Statement Formulation**

496

497 Chair Edwards-Smith directed the board to the formulation of the Board’s Mandate 15 guidance  
498 statement. Ms. Motz stated that the board is given no advanced notice of mandates and find out of  
499 their publication at the same time the public is notified. Ms. Motz continued that Mandate 15 was  
500 published on the evening of April 15<sup>th</sup> and the board Chair took less than 48 hours to analyze, meet  
501 with Division, meet with Health and Social Services, and decide to notice the emergency meeting  
502 currently taking place. Chair Edwards-Smith appointed Jill Motz to be the secretary for the board  
503 guidance document and asks the entire board to reference the board guidance draft he created and  
504 the guidance and criteria document Vice Chair Traci Gilmour created that was e-mailed to them  
505 prior to the meeting opening.

506

507

508

509 *Chair Edwards-Smith called for a short break.*

510 *Off the record at 11:16 a.m.*

511 *Back on the record at 11:22 a.m.*

512 *All board members were present*

513

514 Chair Edwards-Smith summarized the requirements of Mandate 15 into 4 categories:

515 1. Pre-visit telephonic screening and questionnaire

516 2. Entry screening

517 3. Lobbies and waiting rooms with social distancing markers and limited occupancy

518 4. Environmental mitigation efforts (e.g. gloves, hand hygiene, environmental cleaning,  
519 sanitation)

520

521 During the board's discussion on PPE, Director Chambers informed the board that the draft  
522 Mandate 15 FAQ clarifies that Mandate 15, Section IV pertains to a "procedure" and not a "routine  
523 service" so the interpretation the board has made that protective eyewear is necessary for a massage  
524 therapist providing routine services under Mandate 15, Section II is not necessary. Chair Edwards-  
525 Smith confirmed that Mandate 15, Section II only requires the deployment of universal masking  
526 procedures. Director Chambers confirmed that Section II does not require the use of gloves and  
527 protective eyewear be part of PPE for routine services. Director Chambers stated that as the board  
528 has not identified with Section IV; Section II states that health care facilities and providers listed in  
529 Section I will be able to resume services that require minimal protective equipment and if the board  
530 is identifying massage therapists as "low risk," then they should discuss the possibility of not  
531 returning to work at this time. Chair Edwards-Smith referenced the April 17 meeting with DHSS  
532 where Commissioner Crum noted that the three items of PPE that would be required for healthcare  
533 professional to return to work were surgical masks, gloves, and protective eyewear. The Chair asked  
534 that DHSS clarify the point of PPE before the board's guidance is finalized and distributed to the  
535 public.

536

537 **In a motion made by Traci Gilmour, seconded by Kristin Tri, and passed with a roll call**  
538 **vote that did not include Jill Motz, it was RESOLVED to INCLUDE in board guidance that**  
539 **surgical masks are required while gloves and protective eyewear are strongly recommended.**

540

541 *Chair Edwards-Smith called for a short break.*

542 *Off the record at 12:31 p.m.*

543 *Back on the record at 12:41 p.m.*

544 *All board members were present*

545

546 After a lengthy discussion and much deliberation, the Board of Massage Therapist formulated the  
547 best practices guideline as follows:

548

549 **DRAFT Recommended Protocols for Compliance with Mandate 15**

550

551 **All advised actions need to be in alignment with the Massage Therapy Code of Ethics and Standards**  
552 **of Practice.**

553 **A massage therapist must be prepared to contact all clients that they have been in contact with,**  
554 **within two weeks of a client testing positive for COVID-19**

555 **Client Prescreen – Telephonic or Online Booking System**

556 A process of risk assessment to determine low and high-risk clients of exposure to COVID-19. The  
557 screening process enables an LMT to make informed decisions in accepting and conducting a  
558 massage session with a client.

559 **1 COVID-19 Testing (Online or Phone Interview)**

- 560 a. Neither the client or a client’s household members have tested positive for COVID-  
561 19. If yes, do not schedule until cleared by a medical doctor.  
562 b. Client has not been within 6 feet of someone who has a laboratory confirmed  
563 COVID-19 test in the previous 14 days. If yes, do not scheduled until cleared by  
564 medical doctor.

565 **2. Travel**

- 566 a. Neither the client or the client’s household members have travelled outside the  
567 State of Alaska or Country in the last 14 days. If travel has occurred, do not schedule  
568 for 14 days after return to state.  
569 b. Neither the client or the client’s household members have travelled outside of my  
570 community or have limited travel in accordance with Mandate 012 - Intrastate  
571 Travel. If travel has occurred, schedule only if mandate requirements have been  
572 followed.

573 **3. Social Distancing**

- 574 a. The client or the client’s household members have maintained social distancing in  
575 accordance with Health Mandate 011 – Social Distancing. If client has not been  
576 following Social Distancing, recommend they begin to do so and reschedule 14 days  
577 after Social Distancing begins.

578 **4. Symptoms/ At Risk Populations**

- 579 a. Neither the client or the client’s household members have the following symptoms:  
580 Cough, Fever (greater than 100 degrees), Shortness of Breath  
581 b. Immunocompromised, 60+, diabetes, asthma, respiratory conditions, kidney  
582 disease, liver disease, chronic lung disease, heart conditions and BMI index of over  
583 40%

584 **5. Entry Screening**

- 585 a. Limit non-patient visitors. (only patients, staff and clinicians are to be present in the  
586 facility)  
587 b. Social Distance parameters in waiting rooms should include marked, defined spaces.  
588 c. Clients wash hands upon entry into the establishment and are encouraged not to  
589 touch their face.  
590 d. Upon arrival to appointment the client will call for entry into the massage  
591 establishment. This allows for cleaning of the space before the next appointment  
592 arrival.  
593 e. Client has adequate PPE (minimum cloth facemask required, surgical mask is  
594 suggested)  
595 f. Temperature taken at entry screening.  
596 g. Disinfected pens will be made available for documents such as intake forms.  
597 h. All questions of the pre-screen are reaffirmed prior to massage therapy sessions.

598

599 **Personal Protective Equipment**

- 600 1. **Surgical masks are required for massage therapist** and wearing protective eye wear  
601 and gloves during delivery of massage services is **strongly** recommended.  
602 2. Surgical masks and gloves must be properly removed, disposed, and replaced with each  
603 client encounter in accordance with CDC recommendations.  
604 3. If eye protection is used, it must be properly disinfected or replaced with each client  
605 encounter  
606 4. Employers will provide all PPE and be responsible for the delegation of all cleaning and  
607 sanitation tasks.  
608 5. If self-employed, the PPE and cleaning requirements fall to the owner.

609 **Personal and Environmental Mitigation**

- 610 1. Extensive washing of hands, arms, and elbows after each client encounter.  
611 2. Scheduling to allow a minimum of 30 minutes for environmental cleaning.  
612 3. Adequate ventilation or air filters utilized for increased air flow and circulation.  
613 4. All surfaces that have been in contact with a client must be disinfected according to CDC  
614 guidelines. CDC recommends a solution of 1/3 cup of liquid bleach per gallon of water or a  
615 75% alcohol based wipes.  
616 5. Sanitize any area exposed to patient bodily fluids.  
617 6. A receptacle for patients to place their personal belongings in that can be sanitized between  
618 clients.  
619 7. Linens must be safely disposed of and handled with gloves as they are placed in a separate  
620 bin.  
621 8. Linens are to be washed at the warmest appropriate water setting.  
622 9. Linen bins must be disinfected.

623 **Additional Resources**

- 624 1. CDC- Coronavirus- COVID-19  
625 <https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>  
626 2. CDC- Disinfection of Healthcare Equipment  
627 <https://www.cdc.gov/infectioncontrol/guidelines/disinfection/healthcare-equipment.html>  
628 3. CDC- Guidance for Healthcare Personnel  
629 <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-risk-assesment-hcp.html>

630  
631 **In a motion made by Traci Gilmour, seconded by Kristin Tri, and passed with a roll call**  
632 **vote that did not include Jill Motz, it was RESOLVED to ADOPT the draft “Recommended**  
633 **Protocols for Compliance with Mandate 15” with a CDC guidelines link as written. Drafted**  
634 **document will be sent to Director Chambers, Health and Social Services, and the**  
635 **Department of Law for review and feedback prior to distribution to the public on April 24,**  
636 **2020.**

637  
638 The board reviewed a decision tree created by Director Chambers to aid health care professionals in  
639 their choice to return to work as allowed by Mandate 15.  
640

641 In a motion made by Traci Gilmour, seconded by Kristin Tri, and passed unanimously with  
642 a roll call vote, it was **RESOLVED** to **ADOPT** and distribute the Mandate 15 decision tree  
643 as amended to remove references to telehealth.

644  
645 Director Chambers stated that adding a reference to compliance with the board’s “Recommended  
646 Protocols for Compliance with Mandate 15” is accomplished through the “online” reference already  
647 included in the decision tree. Decision tree will be distributed with the board guidance on April 24,  
648 2020.

649

650 **Agenda Item 8** **Adjourn**

651

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

653

654 In a motion made by Julie Endle, seconded by Kristin Tri, and passed unanimously, it was  
655 **RESOLVED** to **ADJOURN**.

656

657 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended  
658 at 2:08 p.m.

659

660 **Respectfully Submitted,**

661

662

663

664 \_\_\_\_\_  
Dawn Dulebohn, Licensing Examiner

665

666

667

668

669 \_\_\_\_\_  
David Edwards-Smith, Board Chair

670

\_\_\_\_\_ **Date**

\_\_\_\_\_ **Date**

Review and Update

"Unapproved Continuing Education" List



# Unacceptable Continuing Education

In the meeting on June 11-12, 2018, the Board of Massage Therapists has determined that the following will **not** be accepted for use as continuing education in conjunction with massage license renewal. Anyone who has completed continuing education on the following topics before September 1, 2018 may choose to ask the board to review their course on a case by case basis for approval. This list will be used as a tool for board review of reinstatement applications and licensee audit review and is subject to change with board approval.

Continuing Education- *Professional development activities that enhance and expand the skills and knowledge of massage therapists that enable them to render competent service to clients, the profession, and the public in accordance with AS 08.61.100(5).*

1. Diagnoses (allopathic-based) of clinical conditions
2. Physically invasive modalities (e.g., ear candles, intra-anal, intra-vaginal modalities, etc.)
3. Incorporation of chiropractic/osteopathic (e.g., ballistic, thrust oriented or other services and procedures) which require additional licensure or certification (i.e., Yoga or Pilates Instructor Certification, Physical Therapy, Personal Training, Weight Training, Cosmetology).
4. Performing hypnosis diagnoses (allopathic-based) of clinical conditions
5. Implementation of allopathic medical/surgical procedures
6. Prescription of herbs, nutritional supplements, essential oils and /or pharmaceuticals
7. Performing an aesthetician facial or exfoliation of cells from the body
8. Performing electrical stimulation, using electrical devices on clients or ultrasound of any kind.
9. Psychological counseling
10. Psychic, clairvoyance, telepathic, astrology, religious practices
11. Dry needling and acupuncture
12. Breaking or removing tissue from the body
13. Cannabis oil
14. CBD oil
15. Energy work that does not involve “the application of professional therapeutic touch”
16. Aura techniques
17. Crystal healing
18. Qi Gong or Tai Chi
19. Fire cupping or any procedure that works with fire
20. Breast massage as part of anything other than medical procedures or prescribed by a physician. Content is accepted when breast massage content includes learning about oncology; specifically, breast cancer procedures, surgeries and other pathologies.
21. Erroneous, misleading titles of modalities; a description of the course must be added to the title if the modality cannot be easily deciphered by the title.
22. Articles or online content that does not include a final examination.
23. Animal Massage

# Correspondence

Hoover

**From:** [Christine Hooper](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** RE: Alaska Board of Massage Therapist- COVID-19 Statement  
**Date:** Thursday, March 19, 2020 8:49:56 AM

---

Dawn,

Thank you for the update. Is the Alaska Board considering a waiver for licensing renewals and CEs?  
This situation may continue for the better part of 6 months.

**Christine Hooper** | Program Manager, Legislative and Regulatory Affairs  
**American Massage Therapy Association**  
500 Davis Street, Suite 900 | Evanston, IL 60201  
1-847-905-1415 | [amtamassage.org](http://amtamassage.org)  
[choober@amtamassage.org](mailto:choober@amtamassage.org)

---

**From:** Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>  
**Sent:** Wednesday, March 18, 2020 1:43 PM  
**Subject:** FW: Alaska Board of Massage Therapist- COVID-19 Statement

Hello,

I have received some correspondence asking for guidance regarding massage therapists and COVID-19.

At this time, the board has issued a statement that can be found on their website:

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>

. Please continue to check their website periodically for updates.

If you have any additional questions, please don't hesitate to contact me.

Best Regards,

*Dawn Dulebohn*

Licensing Examiner  
Board of Massage Therapists  
Regulation of Athletic Trainers  
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

Andrews

**From:** [Dulebohn, Dawn L \(CED\)](#)  
**To:** "Mary Andrews"  
**Subject:** RE: Please advocate for us  
**Date:** Monday, April 13, 2020 11:31:00 AM

---

Hello Ms. Andrews,

Thank you for your correspondence.

As you know, the mandate requiring massage therapists to not practice was issued by the Governor in an effort to "flatten the curve" by using social distancing. You can read Mandate #9 fully and find information on financial assistance here: <https://www.commerce.alaska.gov/web/cbpl/CBPLCOVID-19Information.aspx>

Should you wish to contact the Governor's office to advocate for the mandate to be repealed, the contact information is here: <https://gov.alaska.gov/contact/>

As the board is mainly comprised of massage therapists, I know that they are aware of the benefits massage therapy provides and I don't believe they would disagree with any on your list. I will make sure to include your letter with the other information that the board will review in their scheduled meeting on June 18-19, 2020.

Please let me know if I can assist you with anything else in the future.

Best Regards,

*Dawn Dulebohn*

Licensing Examiner  
Board of Massage Therapists  
Regulation of Athletic Trainers  
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  
[Regulation of Athletic Trainers](#) webpage  
Dawn.Dulebohn@alaska.gov

**From:** Mary Andrews [mailto:handsonhealthandwellness@gmail.com]  
**Sent:** Wednesday, April 8, 2020 2:28 PM  
**To:** Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>  
**Subject:** Please advocate for us

To Whom it may concern,

My name is Mary Andrews and I have a small medical massage centered practice in Anchorage. I am writing to you with sincere understanding of our current health crisis but also further concern for our city's health and wellness maintenance while we navigate this virus and prepare for possible further infections. I cannot understand how a mechanic can remain essential and stay open to maintain our vehicles while a massage therapist, acupuncturist or physical therapist cannot remain in practice so we may maintain and prepare our bodies for this virus. I can only speak from a Massage Therapist point of view but coming from nearly two decades of direct interaction with multiple types of modalities, I would like to try.

It is our primary function to maintain the human body on a wide spectrum of therapies including improving circulation which in return amplifies oxygen and nutrients to cells and flushes waste products. There are thousands of studies citing how massage not only reduces stress but can also increase our immune systems cytotoxic capacity while decreasing T-cells, which in layman's terms boosts our bodies immune system.

With this quarantine we are facing extreme stagnation, atrophy and mental stress which weakens our immune response as well as making us all at a higher risk for cardiovascular disease, increased or worsening risks for diabetes, arthritis, MS, Parkinson's, general illness and mental health compromise in turn increasing their risk to not survive an infection. By allowing massage therapist that feel comfortable and confident (usually continued education and longer field exposure) We can still provide a safe and beneficial level of care. Massage reduces cortisol levels and vasopressin we can reduce stress and agitation throughout the community while faced with these trying times. We are all trained in blood born pathology and infection, I feel we as a therapeutic community can not only provide a safe and hygienic environment but also can further prepare our bodies to better fight these infections. Muscular therapy has time and time again been proven to help restore our bodies tissue, build immunities, flush toxins, increase range and reduce stress and fatigue and although it does break the 6ft recommendation, I feel it is in our scope of knowledge to assess a patient as we should always do and follow proper protocol. Gloves and masks can absolutely be worn by therapist, rooms can be properly sanitized between sessions or a therapist could under these circumstances be allotted to do in home massage especially when caring for high risk patients needing continued care. It is my fear that with all this stagnation that our physical and mental health will be compromised, and it is my goal to bring my patients as much comfort and relief as I can to maintain some level of normality. Please consider my proposal and let me know if there is any way we may return to our medical professions and do our part to keep our community strong. We are doing a disservice to our community by not taking care of them and preparing them for their best hope in surviving this virus especially our elderly where we often are their main source of circulation and mobility assurance, please help us get back to work by May 1<sup>st</sup>, at the latest as our economy collapsing and inability to provide care as well as self sustain is going to do far more damage then the actual virus.

Sincerely,

Mary Andrews

--

**Mary E. Andrews, LMT, Owner**  
**Hands On Health & Wellness**  
907-317-5311  
Anchorage, AK

**This communication may contain privileged and/or confidential information. It is solely for the use of the addressee. If you are not the intended recipient, you are strictly prohibited from disclosing, copying, distribution or using any of this information. If you received this communication in error,**

please contact the sender immediately and destroy the material in its entirety, whether electronic or hard copy. This communication may contain nonpublic personal information about patients subject to the restrictions of HIPPA standards. You may not directly or indirectly reuse or re-disclose such information for any purpose other than to provide the services for which you are receiving the information.



Dishner

**From:** [brad dishner](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Glove usage  
**Date:** Friday, April 24, 2020 10:53:37 AM

---

Dawn,

I have been using gloves for over 2 years now due to hand eczema. In my experience with gloves, I have a few thoughts and suggestions. Vinyl gloves are the best to use with oil, but they turn hard, be they're hot, and rustle after approximately 30 minutes. I have not used latex due to the mass amount of latex allergies in clients. The best type of gloves to prevent tears and for ventilation of the hands are nitrile. This type of glove works best with cremes. They don't glide well with oil. Without a good glide, your chances of ripping the glove increases ten fold. I personally use Biotone Advanced Therapy. It gives the best glide of there various products I've tried with cost efficiency and it's better for my eczema as I occasionally get some on my forearms. Try to keep from using a product with a drying alcohol or mineral oil. These break down the gloves faster. Unfortunately, with a relaxation style massage using gloves, excessive creme is required. I still have about 1 in 50 gloves that rips during use. I personally step away, wash my hands, dry THOROUGHLY, and put on a new set.

The best glove that I've found for thickness and cost efficiency is Sanek at approximately \$10 for a box of 100. If you buy in bulk of 1000 gloves, the price drops even more. Cheaper gloves work ok if you are not using static pressure and apply abundant creme or lotion. I do more of deep tissue and prefer not to use a lot of creme so that I don't glide as much. That's why I went with a thicker glove. Cheaper gloves can be used, but they're thinner and break much easier in my experience. Your cheaper gloves are approximately 4 mm thick. Sanek is approximately 6 to 8 mm thick. You can go all the way up to 15mm thick, but are typically \$20-40 a box of 100. But once again, cost. They are not medical grade. Medical grade is extremely expensive. I didn't even try them.

Something else with the thicker gloves to consider is the ability to palpate. The thicker the glove, the harder it is to palpate with ease. It personally took approximately 100 massages before I adapted to using gloves. It does not feel the same. It's tougher to feel the different aspects of the body on a physical and energetic level. Now it's not a problem. But at first I was truly frustrated. The positive aspects: stubbly or super hairy legs don't aggravate me anymore. Peeling dirt and skin doesn't bother me anymore either. I feel much cleaner at the end of the day and I don't have to super scrub my hands and under my nails after every massage. My hands are happier!

That's the basics and all that I can think of at the moment. Sorry if it's a bit of rambling on and on. If you or anyone has any questions, do not hesitate to contact me for advice.

Thanks again for everything you've helped me with.

Sincerely,  
Brad

Garcia

**From:** [Board of Massage Therapists \(CED sponsored\)](#)  
**To:** ["sabrina kendall"](#)  
**Subject:** RE: Variance  
**Date:** Monday, May 11, 2020 2:26:00 PM

---

Hello Ms. Garcia,

Thank you for your correspondence.

The Board of Massage Therapists will review your request at their next board meeting scheduled for June 18-19, 2020. You will receive a reply by e-mail after the conclusion of the meeting or you can call and listen in to the meeting as it happens. The information on how you can listen in to the meeting will be posted on the board's website the 1st week of June.

Currently, all licensees of the board are required to wear surgical masks while practicing massage therapy. Until a variance is granted, you must wear a mask while practicing.

Please let me know if you have any additional questions.

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)

-----Original Message-----

From: sabrina kendall [<mailto:sabrina.kendall@live.com>]  
Sent: Monday, May 11, 2020 1:56 PM  
To: Board of Massage Therapists (CED sponsored) <[boardofmassagetherapists@alaska.gov](mailto:boardofmassagetherapists@alaska.gov)>  
Subject: Variance

Hi, my name is Sabrina.

I am an LMT with a medical condition preventing me from wearing a mask.

From what I understand the ADA states as long as I am following CDC guidelines then it looks like I should be able to see my clients, as I am following the CDC guidelines "No one under 2, or that has a medical condition is required to wear a mask"

I am filing a variance to be able to work, my clients are aware of my disability- which yes I am a disabled veteran for this issue. My clients have been signing hefty liability waivers, they are making the choice to come see me. I clean my room in between clients -like I always have I am 1 man show, I have no other therapists working in my office, or clients that wait in a waiting room. It's me, myself, and I.

I look forward to hearing back from you.

Sabrina Garcia

Henrikson

A

**From:** [Susette Henrikson](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Re: COVID-19 Blood clotting contraindicated?  
**Date:** Friday, May 1, 2020 12:44:51 PM

---

Yes please

On Fri, May 1, 2020, 11:27 AM Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)> wrote:

Hello Susette,

That possible symptom was not indicated until after the board's April 20, 2020 meeting. Would you like me to include it in the correspondence they will review in their June 2020 meeting?

Best Regards,

*Dawn Dalebohn*

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:** Susette Henrikson [mailto:[susettesword@gmail.com](mailto:susettesword@gmail.com)]  
**Sent:** Wednesday, April 29, 2020 10:30 PM  
**To:** Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>  
**Subject:** COVID-19 Blood clotting contraindicated?

Has anyone brought up the concern that massage might be contraindicated for asymptomatic clients due to the newly discovered blood clotting issues with COVID-19?

Henrikson

B



**From:** [Susette Henrikson](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** For the next board meeting  
**Date:** Thursday, May 7, 2020 8:24:57 PM

---

**I thought this might be a helpful  
reference:**

**Autopsy Findings and Venous  
Thromboembolism in Patients With  
COVID-19: A Prospective Cohort Study** FREE

<https://annals.org/aim/fullarticle/2765934/autopsy-findings-venous-thromboembolism-patients-covid-19-prospective-cohort-study>

Henrikson

C

**From:** [Susette Henrikson](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Another Article for the next board meeting  
**Date:** Monday, May 11, 2020 1:42:53 PM

---

Hello Dawn,

This may be information the board already has but if it is helpful here is another article about COVID and the cardiovascular system.

Thanks for all you do.

<https://www.washingtonpost.com/health/2020/05/10/coronavirus-attacks-body-symptoms/?arc404=true>

“Our hypothesis is that covid-19 begins as a respiratory virus and kills as a cardiovascular virus.”

“...many scientists have come to believe that much of the disease’s devastation comes from two intertwined causes.

[The first is the harm the virus wreaks on blood vessels](#), leading to clots that can range from microscopic to sizable. Patients have suffered strokes and pulmonary emboli as clots break loose and travel to the brain and lungs. ...

the Lancet, a British medical journal, showed this may be because the virus directly targets the endothelial cells that line blood vessels.”

--

Susette Jenkins Henrikson  
907-223-6156

Nelson

**From:** [Dulebohn, Dawn L \(CED\)](#)  
**To:** [Renaë Nelson](#)  
**Subject:** RE: Alaska Board of Massage Therapists- Board Guidance and Updated Mandate 15  
**Date:** Tuesday, May 19, 2020 8:37:00 AM  
**Attachments:** [image003.png](#)  
[image001.png](#)  
[image002.png](#)

---

Hello Renaë,

Thank you for your feedback. I will submit it to the board for review in their next board meeting scheduled for June 18-19, 2020.

Please remember that Mandate 15 gives the allowance for healthcare professionals to return to work if they can follow the mandate and their board's statutes and regulations but does not require them to do so.

## Health Mandate 015 Revised – Services by Health Care Providers

### I. Delivery of Routine Health Care Services

Section I goes into effect April 20, 2020

a. Health care facilities and providers defined in statute, and listed in **Section IV**, will be able to resume low-risk, routine-type services which require minimal protective equipment by complying with the requirements listed in *i. through viii. below*. This section is intended to apply to services that do not require special or invasive procedures – examples include, but are not limited to, annual physical examinations, prenatal appointments, and routine dental cleanings.

i. Providers and facilities shall make every effort to minimize physical contact to the extent possible, and explore delivery of care without being in the same physical space as others, using means such as telehealth, phone consultation, and physical barriers between providers and patients.

ii. While this mandate allows health care providers to resume delivery of routine services, they are not required to do so. Providers and employers should weigh the health risks to their staff and to their patients when deciding whether to resume in-person services.

iii. All health care, delivered both in and out of health care facilities, (this includes hospitals, surgical centers, long-term care facilities, clinic and office care, as well as home care) shall deploy universal masking procedures in coordination with the facility infection control program. This may be a combination of cloth face coverings (for employees not present for provision of services or procedures, such as front desk staff) and surgical masks for those involved in non-aerosolizing direct patient care. Face covering info can be found in Health Alert 010 online: [http://dhss.alaska.gov/dph/Epi/id/SiteAssets/Pages/HumanCoV/SOA\\_04032020\\_HealthAlert010\\_ClothFaceCoverings.pdf](http://dhss.alaska.gov/dph/Epi/id/SiteAssets/Pages/HumanCoV/SOA_04032020_HealthAlert010_ClothFaceCoverings.pdf)

iv. It is the duty of the provider to ensure the health considerations of staff and patients. This includes ensuring providers and staff do not come to work while ill, minimizing travel of providers and staff, and provisioning adequate personal protective equipment (PPE). They are also encouraged to utilize the following means of protection:

1. Pre-visit telephonic screening and questionnaire.
2. Lobbies and waiting rooms with defined and marked social distancing and limited occupancy.
3. Other personal and environmental mitigation efforts such as gloves, exceptional hand hygiene, environmental cleaning, and enhanced airflow.

v. Regardless of symptoms, all health care facilities **must** screen all patients for recent illness, travel, fever, or recent exposure to COVID-19, and, to the extent that is reasonably possible, begin testing all admitted patients.

vi. Every reasonable effort shall be made to minimize aerosolizing procedure (such as a nerve block over deep sedation or intubation).

vii. Unlicensed assistive personnel necessary to conduct procedures under this section may be included in service delivery.

Wearing masks helps deter the spread of COVID-19. This is why you are required to wear one to stop the possible spread to others and they are required to wear one to deter the spread to you.

## Massage Therapy Notice:

After reviewing the recommendations of the board, the governor's office has issued Appendix 01 for Health Mandate 15 applying to the licensees of the Board of Massage Therapists. Appendix 01 stipulates the minimum requirements for massage therapists to return to the practice of massage therapy.

Additionally, as Standards of Practice under 12 AAC 79.900 states that massage therapists must "provide a setting that is safe and meets all applicable legal requirements for health, safety, sanitation, hygiene, universal and standard precautions, in accordance with local, state, and federal regulatory bodies including guidelines set by the Centers for Disease Control and Prevention (CDC)..." the Board of Massage Therapists **requires** all licensed massage therapists to wear surgical masks while treating a client in accordance with CDC guidelines stating "cloth face coverings are not considered PPE because their capability to protect healthcare personnel is unknown...for visitors and patients, a cloth face covering may be appropriate."

Mandate 15 does not require that licensees return to practice massage therapy; however, LMTs should expect to return to work if required by their employers.

All licensed massage therapists and their employers are advised to follow Appendix 01 and the board guidance on masks to ensure public safety and compliance with state law. If you do not have the equipment and ability to follow these stipulations, per Health Mandate 15, you may not practice.

You are welcome to submit written concerns and questions to:


[boardofmassagetherapists@alaska.gov](mailto:boardofmassagetherapists@alaska.gov)

Chair David Edwards-Smith  
*Alaska Board of Massage Therapists*

[Mandate 15 Appendix 01](#)



**Health Mandate 015 - Health Care Services**  
**Effective April 24, 2020**  
**Appendix 01 - Massage Therapists**  
**Issued May 7, 2020**

By: Governor Mike Dunleavy   
Commissioner Adam Crum, Alaska Department of Health and Social Services  
Dr. Anne Zink, Chief Medical Officer, State of Alaska

**I. Applicability**

- a. This Appendix applies to licensees of the Board of Massage Therapists ("LMTs") and locations where they practice (hereafter, "business").
- b. This Appendix augments and clarifies the requirements of Mandate 015.
- c. Compliance with licensing and board direction:
  - i. Nothing in this Appendix or any attachment shall be construed to waive any existing statutory, regulatory, or licensing requirements applicable to providers or businesses operating under this attachment.
  - ii. Service providers should consult their licensing board for additional direction on standards for providing services.
- d. Business owners and individual LMTs may opt to require more stringent safety and sanitation measures when reopening.

**II. Social Distancing**

- a. All clients must receive a pre-visit telephonic consultation to screen for symptoms consistent with COVID-19, recent out-of-state travel, and exposure to people with suspected or confirmed COVID-19 within the last 14 days. Standard questions include:
  - i. Have you been confirmed positive for COVID-19?
  - ii. Are you currently experiencing, or have you recently experienced, any acute respiratory illness symptoms such as fever, cough, or shortness of breath?
  - iii. Have you knowingly been in close contact with anyone who has been confirmed positive for COVID-19?
  - iv. Have you traveled out of state in the last 14 days?
  - v. Have you knowingly been in close contact with anyone who has traveled out of state and is exhibiting acute respiratory illness symptoms?
- b. If the answer to any of the questions is yes, the LMT or business owner shall decline to schedule an appointment for a massage session with a client.
- c. Only services that can be performed without the client removing their face covering are permitted.
- d. Procedures Upon Arrival
  - i. No non-client visitors are allowed. Only clients, staff, and clinicians may be present in the facility.
  - ii. Clients shall wash hands upon entry into the business and are encouraged not to touch their face.
  - iii. Upon arrival, the client will call/text/knock for entry into the massage establishment. This allows smaller businesses to follow hygiene protocols and

If it is difficult for you to wear a mask for long periods of time, you should consider shorter sessions with your clients. You could also consider seeing fewer people a day and give yourself some longer breaks in between. If it is difficult for your clients to wear their face covering, perhaps exploring different body positions would be helpful or the client could re-evaluate whether their massage during this phase of reopening is necessary or if it could wait until the restrictions are eased. Either way, it is a non-negotiable that you wear a surgical mask and your clients wear a face covering such as a cloth mask. If you do not deploy the masking procedures you cannot work and furthermore, you could be compromising the safety of yourself, your co-workers, and your clients.

If you have any further questions, please don't hesitate to contact me.

Best Regards,

*Dawn Dalebohn*

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

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**From:** Renae Nelson [mailto:LAKEVIEWMASSAGE@MTAONLINE.NET]  
**Sent:** Monday, May 18, 2020 7:27 PM  
**To:** Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>  
**Subject:** Re: Alaska Board of Massage Therapists- Board Guidance and Updated Mandate 15

Hi Dawn,

I would like to submit feedback regarding wearing of massage mask during session. I am about to hyperventilate and pass out during work session due to breathing my own carbon dioxide thru a workout/Deep tissue massage session. This is ridiculous.

Patients/clients are also having breathing problems during their sessions and risk passing out!!!!

Something needs to change and I prefer no mask.

Renae Nelson  
LMT

---

**From:** "Dulebohn, Dawn L (CED)" <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>  
**Date:** Thursday, May 7, 2020 at 5:04 PM  
**Subject:** Alaska Board of Massage Therapists- Board Guidance and Updated Mandate 15

Hello Licensees and Interested Parties,

The Board of Massage Therapists met to discuss the formulation of guidance for massage therapists regarding Mandate 15 on April 20, 2020. In the interest of continuing to uphold the safety of therapists and patients, the board asked that their guidance be vetted by the Division of Corporations, Business, and Professional Licensing, Department of Health and Social Services, and Department of Law prior to a final version being distributed.

Thank you for your patience in awaiting this guidance.

On the Board of Massage Therapists website:

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>

You can now find the:

- Updated Board Statement
- Board Guidance in the form of Mandate 15- Appendix 01
- Decision Tree titled "Practice Decision Guidance"

Please be aware that the Board of Massage Therapists **require** that all massage therapists wear a surgical mask while treating clients in accordance with CDC guidelines stating “cloth face coverings are not considered PPE because their capability to protect healthcare personnel is unknown...for visitors and patients, a cloth face covering may be appropriate.”

Additional helpful links:

Governor’s Mandates- <https://covid19.alaska.gov/>

CBPL COVID-19 Information- <https://www.commerce.alaska.gov/web/cbpl/CBPLCOVID-19Information.aspx>

CDC Guidance on Reopening Businesses & Workplaces- [https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html?deliveryName=USCDC\\_2067-DM26911](https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html?deliveryName=USCDC_2067-DM26911)

CDC Guidance on Interim Infection Prevention- <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-recommendations.html>

Any questions or comments can be sent to [BoardOfMassageTherapists@Alaska.Gov](mailto:BoardOfMassageTherapists@Alaska.Gov)

Best Regards,

*Dawn Dulebohn*

Licensing Examiner  
Board of Massage Therapists  
Regulation of Athletic Trainers  
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  
[Regulation of Athletic Trainers](#) webpage  
[Dawn.Dulebohn@alaska.gov](mailto:Dawn.Dulebohn@alaska.gov)

O'Fontanella

A

**From:** [Traci](#)  
**To:** [Jenna O'Fontanella](#); [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Re: Suggestion for Board discussion  
**Date:** Friday, April 3, 2020 4:43:40 PM

---

Thanks Jenna, I have included Dawn in the reply. She will forward to the board and yes, please send all board correspondence to her and she will work with us. Stay well.

Sent from my Samsung Galaxy smartphone from the Guardian Groot.

----- Original message -----

**From:** Jenna O'Fontanella <[jennalrmoo@gmail.com](mailto:jennalrmoo@gmail.com)>  
**Date:** 4/3/20 4:03 PM (GMT-09:00)  
**To:** Scott and Traci <[stgilmour@gci.net](mailto:stgilmour@gci.net)>  
**Subject:** Re: Suggestion for Board discussion

Hi Traci-

I wanted to check in with you again at the end of this week to see if the board had any opportunity for discussion and action. I have compiled a small list of places all over the country that are offering Massage Therapy as a telehealth platform. Each differs a little in what they offer but it is exciting to see that it is being offered in other places. There is a lot more that I can send if you need more examples.

I went through the AMBP regulations for each state and they all vary so much. In the states that recognize MT's as essential they are able to create a telehealth platform right away. Some states are quite vague and it is difficult to tell what their policy is.

In Alaska to the best of my understanding it seems that we are saying that if you have your own practice you have to close down and your options are collecting unemployment. If you work in a clinic it seems a little more open but I'm still not entirely clear regarding a telehealth platform. Is it possible for the board to grant a waiver for 3-6 months and then come up with an revised policy based on the changes that have occurred due to the Covid 19 virus.

Like you said in your last email, we can give lots of information that we haven't even started to think of yet. Plus, we have a deep connection with many of our clients, so they trust us.

I feel like supporting MT's in Alaska to pursue telehealth is a way to help their clients feel more connected, less vulnerable and to help them with stress, anxiety, pain, etc. I am grateful that there will be state and federal funds available to MT's if they chose to use it. However, I think by allowing MT's to use telehealth if they chose to, would help us to tap into the wealth of knowledge that we have and share this with our clients, we can teach vital self care and self massage techniques to our clients that are crucial to their well being during this stressful time. I believe that we have entered uncharted, scary territory and the needs of the people are enormous. As MT's, I think we can be vital in providing support for our clients as they navigate the future, and taking care of our clients helps to take care of our community.

Thanks Traci. If you want me to write a letter to the board, I can if that would be helpful. Please let me know if you have any further questions or if you have any additional information. With gratitude and wishing you good health and a great weekend!

<https://wellnesslab-nj.com/home/virtual-services/>

<https://yomassage.com/blogs/news/12-services-to-offer-virtually-as-a-massage-therapist>

<http://metta-wellness.com/virtual-offerings-page/>  
<https://vancouverwellnessstudio.com>  
<https://www.vashonchamber.com/virtual-essential-vashon/>  
<https://tongentouch.com/about-tina/>  
<https://www.nurturemassageandwellness.com>  
<https://www.raintreechiro.com/massage-therapy/>  
<https://upwellhealth.com.au/online-telehealth-melbourne/>  
<http://www.corporatemassageandtherapies.com>  
<https://womensclinicnoco.com/greeley-massage/>  
<https://www.advancedpelvic.ca/arvigo-therapy/>  
<https://www.acupuncture-works.com.au/page/2/>  
<https://westsubpainrelief.com>  
<https://www.thee3method.com/c3live>  
<https://www.wellnessminneapolis.com/selfcare.html>

Jenna O'Fontanella, LMT, Nutrition Health Coach  
Inner Mountain Wellness

On Mon, Mar 23, 2020 at 7:45 PM Scott and Traci <[stgilmour@gci.net](mailto:stgilmour@gci.net)> wrote:

Thank you Jenna for reaching out. I am including Dawn Duhebohn in this reply as I will ask that she send your email to the board for discussion and action. I also talked to a friend here that suggested similar ideas.

I think the Board could use a teleconference and work on how to encourage therapists to create YouTube videos, instagram (however that works), outreach to help our clients better survive without our touch. We can give lots of information that we haven't even started to think of yet.

We can also help each other with suggestions and conversation.

Thanks for the push and I hope we can help out.

Traci

----- Forwarded Message -----

**Date:** Mon, 23 Mar 2020 18:33:17 -0800

**From:** Jenna O'Fontanella <[jennalrmoo@gmail.com](mailto:jennalrmoo@gmail.com)>

**To:** Scott and Traci <[stgilmour@gci.net](mailto:stgilmour@gci.net)>

Hi Traci, many PT's and Chiropractors have the option of going telehealth with doing phone consultations and having them exercises, self care tips, etc.

I understand that the statute says we only provide manual therapy.

Many MT's not only do manual therapy but they provide vital support to their clients to help them navigate self care and wellness and often give them exercises to help reduce stress.

At a time when peoples mental health is so fragile, I think it would be something to be discussed, of how MT's could become part of a telehealth format.

Just putting it out there for consideration.

Thank you. Jenna

--

Jenna O'Fontanella, LMT, Nutrition Health Coach

Inner Mountain Wellness

[innermountainwellness@gmail.com](mailto:innermountainwellness@gmail.com)

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

O'Fontanella

B



**From:** [Dulebohn, Dawn L \(CED\)](#)  
**To:** ["Jenna O'Fontanella"](#)  
**Subject:** RE: Suggestion for Board discussion  
**Date:** Monday, April 6, 2020 1:21:00 PM

---

Hi Jenna,

I understand your disappointment and think that you are going on the right path for your journey in this matter. I look forward to seeing what progress is made on this topic and will include all future information in the June board meeting materials.

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:** Jenna O'Fontanella [mailto:[jennalrmoo@gmail.com](mailto:jennalrmoo@gmail.com)]  
**Sent:** Monday, April 6, 2020 12:44 PM  
**To:** Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>  
**Subject:** Re: Suggestion for Board discussion

Thank you for your email Dawn. I'm sorry for using the incorrect channels of communication. I was not aware of this and will now go to you directly.

I'm disappointed that I have an opportunity to do telehealth through my employer and the state will not allow me that opportunity.

I will speak to my state representatives this week and inquire about developing an on line petition requesting a waiver of some sort to be presented to the board and then to the state.

It seems to me that if the Alcoholic Beverage and Control Board can approve measures to allow bars and restaurants to sell sealed drinks to go and are sending this request to the Governor, it would be worth petitioning the state from our board to request that the state allow MT's to provide self care and education to their clients through telehealth.

Jenna O'Fontanella, LMT, Nutrition Health Coach  
Inner Mountain Wellness

On Mon, Apr 6, 2020 at 10:52 AM Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)> wrote:

Hello Jenna and Traci,

Thank you for your correspondence.

Jenna, in the future, please continue to correspond with the board through me as individual members may not speak on behalf of the entire board on this matter.

I have researched the requirements to be allowed to perform telemedicine. At this time, massage therapists are not allowed (by the State; not by the board) to practice telemedicine in Alaska.

I will include your correspondence in the June meeting board packet unless an emergency meeting is called before that. Until then, I thought I would include some informational links about telemedicine:  
Telemedicine Business Registry:

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/TelemedicineBusinessRegistry.aspx>

SB 74:

<http://www.akleg.gov/basis/Bill/Text/29?Hsid=SB0074Z>

If anything changes in this area, I will make sure to notify you.

Best Regards,

*Dawn Dulebohn*

Licensing Examiner  
Board of Massage Therapists  
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[Board of Massage Therapists](#) webpage  
[Dawn.Dulebohn@alaska.gov](mailto:Dawn.Dulebohn@alaska.gov)

---

**From:** Traci [mailto:[stgilmour@gci.net](mailto:stgilmour@gci.net)]

**Sent:** Friday, April 3, 2020 4:21 PM

**To:** Jenna O'Fontanella <[jennalrmoo@gmail.com](mailto:jennalrmoo@gmail.com)>; Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>

**Subject:** Re: Suggestion for Board discussion

Thanks Jenna, I have included Dawn in the reply. She will forward to the board and yes, please send all

board correspondence to her and she will work with us.  
Stay well.

Sent from my Samsung Galaxy smartphone from the Guardian Groot.

----- Original message -----

From: Jenna O'Fontanella <[jennalrmoo@gmail.com](mailto:jennalrmoo@gmail.com)>

Date: 4/3/20 4:03 PM (GMT-09:00)

To: Scott and Traci <[stgilmour@gci.net](mailto:stgilmour@gci.net)>

Subject: Re: Suggestion for Board discussion

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I went through the AMBP regulations for each state and they all vary so much. In the states that recognize MT's as essential they are able to create a telehealth platform right away. Some states are quite vague and it is difficult to tell what their policy is.

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Thanks Traci. If you want me to write a letter to the board, I can if that would be helpful. Please let me know if you have any further questions or if you have any additional information. With gratitude and wishing you good health and a great weekend!

<https://wellnesslab-nj.com/home/virtual-services/>

<https://yomassage.com/blogs/news/12-services-to-offer-virtually-as-a-massage-therapist>

<http://metta-wellness.com/virtual-offerings-page/>

<https://vancouverwellnessstudio.com>

<https://www.vashonchamber.com/virtual-essential-vashon/>

<https://tongentouch.com/about-tina/>

<https://www.nurturemassagetherapyandwellness.com>

<https://www.raintreechiro.com/massage-therapy/>

<https://upwellhealth.com.au/online-telehealth-melbourne/>

<http://www.corporatemassagetherapies.com>

<https://womensclinicnoco.com/greeley-massage/>

<https://www.advancedpelvic.ca/arvigo-therapy/>

<https://www.acupuncture-works.com.au/page/2/>

<https://westsubpainrelief.com>

<https://www.thec3method.com/c3live>

<https://www.wellnessminneapolis.com/selfcare.html>

Jenna O'Fontanella, LMT, Nutrition Health Coach  
Inner Mountain Wellness

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Traci

----- Forwarded Message -----

**Date:** Mon, 23 Mar 2020 18:33:17 -0800

**From:** Jenna O'Fontanella <[jjennalrmoo@gmail.com](mailto:jjennalrmoo@gmail.com)>

**To:** Scott and Traci <[stgilmour@gci.net](mailto:stgilmour@gci.net)>

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Just putting it out there for consideration.

Thank you. Jenna

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Jenna O'Fontanella, LMT, Nutrition Health Coach

Inner Mountain Wellness

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McMullen



# Alaska Institute

## of Oriental Medicine, Acupuncture & Massage Therapy

Providing outstanding education since 2003  
Authorized by Alaska Postsecondary Education  
2636 Spenard Rd. Anchorage AK 99503 907-279-0135  
[www.AKInstitute.com](http://www.AKInstitute.com)

April 17, 2020

To Whom It May Concern,

We are submitting the following safety guidelines for your consideration in re-instituting Massage Therapy back into the health care services available to the public at this time. We would like to see this done safely, efficiently, and with the best possible outcome for all parties involved.

With appropriate responsibility to the Massage Therapy industry, we believe that services can be provided safely while keeping a low risk profile so as not to contribute to the spread of COVID-19.

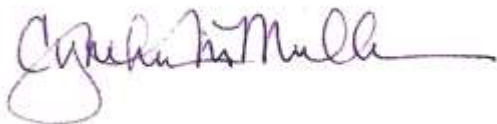
### **Proposed Massage Therapy Safety and Practice Guidelines for COVID-19**

- A. Every effort will be diligently made to deliver care in the safest manner possible for both the patient and massage therapist.
- B. Patients should be scheduled in such a way that minimal people are in the waiting room at one time, and social distancing is required.
  - a. It is recommended that scheduled services are pre-paid by phone.
  - b. Tips are preferred to be paid via credit card rather than cash.
- C. Regardless of symptoms, all patients will be pre-screened by phone for recent illness, travel, fever, or recent exposure to COVID-19. Any patient at risk will not be treated.
  - a. A written record of this screening to be kept in patient SOAP notes file.
- D. Onsite workplace: Massage therapist temperature will be taken before beginning a work shift, and patient temperature will be taken before any service is provided.

- a. Anyone with a fever at or above 100.4F will be considered at risk and will be sent home or for follow up with their medical doctor.
- E. Universal masking and hand washing procedures in coordination with the facility infection control program is required.
  - a. Both the patient and massage therapist will wear a mask and be required to wash hands before service begins.
  - b. Hand sanitizer must be available at the reception counter and in all treatment rooms.
- F. Massage therapists will utilize gloves for all services provided.
- G. Massage therapists will wear medical scrubs that are changed after each patient seen.
  - a. If available, massage therapist can wear surgery attire over scrubs which can easily be changed after each patient seen.
- H. Massage table and chair face cradles will utilize one-use disposable covers. Infection control of the equipment and door handles is required after each patient seen.

We are happy to provide a follow-up video or pictorial demonstrating exactly how these guidelines will function.

Sincerely,

A handwritten signature in purple ink, appearing to read 'Cynthia McMullen', with a long horizontal flourish extending to the right.

Cynthia McMullen  
Massage Therapy Program Director  
With input from all Massage Therapy Staff at our school



Younger

**From:** [Gwen Younger](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** RE: Alaska Massage Establishment Registration- NEEDS ATTENTION  
**Date:** Thursday, May 14, 2020 3:19:52 PM

---

Dawn:

I don't mind your sharing my concerns with the board. Thank you for offering to do so. Thank you also for getting back to me on the requirement to register based on operations. I appreciate it!

Take care.

Gwen Younger  
Talon Lodge  
907-738-8010

---

**From:** Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>  
**Sent:** Thursday, May 14, 2020 12:59 PM  
**To:** Gwen Younger <gyounger@magnusadventures.com>  
**Subject:** RE: Alaska Massage Establishment Registration- NEEDS ATTENTION

Hello Gwen,

Thank you for your thoughtful feedback.

Massage Establishment Registration is new to Alaska. If you don't mind, I'll present these concerns to the board for consideration during their June 2020 meeting.

I would like to help alleviate some of your concerns. If you are not currently operating a massage establishment, you will not need to register your business with us at this time. Once you are aware that you will begin employing massage therapists, you will need to register your business before they start working on clients.

Please let me know if you have any other questions or concerns.

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  
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[Board of Massage Therapists](#) webpage  
[Dawn.Dulebohn@alaska.gov](mailto:Dawn.Dulebohn@alaska.gov)

---

**From:** Gwen Younger [<mailto:gyounger@magnusadventures.com>]  
**Sent:** Thursday, May 14, 2020 12:40 PM  
**To:** Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>  
**Subject:** RE: Alaska Massage Establishment Registration- NEEDS ATTENTION

Dawn:

It looks like we should be registering our establishment, under normal circumstances.

I have a question. What happens if we do NOT register this year, but register next year? First of all, I am not sure we are operating this year. We are preparing to open. Our staff are arriving this month. About half are already here. But, if the governor does not open the State of Alaska to out-of-state guests, by ending the quarantine, we will not be opening. The current quarantine does not even allow guests to quarantine at our place and then leave Alaska directly from our place. We've been told by someone at the City of Sitka that the mandate requires that their quarantine be done somewhere else in Sitka and THEN they may come to Talon Lodge. Our guests will not do this. We will not have a business this summer, unless changes are made.

A second reason, to not register this year, is we are under the impression that, even if we open, massage is not advisable, due to the COVID-19 situation. Massage is not our primary business. We are a fishing lodge. At maximum, we do up to a total of four massages per day. Our current thoughts are that we will likely not even offer massage this year, even if we are able to open. Obviously, if we decided to offer massage, we need to register our establishment.

Third, if we do not open, we are in big trouble financially. It would be great to forego paying for a registration this year, in the case that we don't even open.

Since we are seasonal, is there a different rate? Or, since this is not our primary business, is there also a financial consideration for a business when massage is secondary?

You may not know, but to attract new massage therapists, we have been paying for their registration. To date, since the inception of registration for therapists, we have paid or reimbursed at least four individuals, which amounts to a hefty amount of money. Seasonal lodges are very different, in their ability to attract a massage therapist who already lives in Alaska. We have not had much luck hiring in-State. I would imagine that ours is not a unique situation to all seasonal lodges.

If there is someone else I should be expressing my concerns to, please let me know.

Thank you for your help.

Kind regards,

Gwen Younger  
Talon Lodge  
907-738-8010

---

**From:** Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>  
**Sent:** Thursday, May 14, 2020 9:32 AM  
**Subject:** Alaska Massage Establishment Registration- NEEDS ATTENTION

Hello Massage Establishment Owners,

On March 25, 2020, Regulation 12 AAC 79.930 went into effect regarding the registration of massage establishments in Alaska.

**You must register your massage establishment to operate in Alaska** if you are:

1. The owner of a fixed or mobile place of business that 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.

**AND**

2. Are **not** on the exempt list per 12 AAC 79.930(b) as holding a current, active Alaska license as a:
  - Acupuncturist
  - Chiropractor
  - Naturopath

- Massage therapist
- Physician, osteopath, mobile intensive care paramedic, or physician assistant
- Direct-entry midwife
- Advanced practice registered nurse
- Physical or occupational therapist

Massage Establishment Registration applications and instructions can be found on the board's [website](#) or can be found here:

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists/ApplicationsForms.aspx>

If you have any questions regarding this application, please don't hesitate to contact me directly.

Best Regards,

*Dawn Dulebohn*

Licensing Examiner  
Board of Massage Therapists  
Regulation of Athletic Trainers  
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[Dawn.Dulebohn@alaska.gov](mailto:Dawn.Dulebohn@alaska.gov)

Waller

**From:** [Dulebohn, Dawn L \(CED\)](#)  
**To:** [Joanie Waller](#)  
**Subject:** RE: telehealth llicense for massage therapists  
**Date:** Wednesday, April 8, 2020 9:48:00 AM  
**Attachments:** [image001.png](#)

---

Hello Ms. Waller,

Thank you for your correspondence.

I will include your letter in the board's materials for their scheduled June meeting unless an emergency meeting is called before that.

Currently, the statute defining massage therapy does not allow for telehealth and defines massage therapy as a manual therapy. This would mean that it would be outside of a massage therapists scope of practice to provide telehealth work for compensation.

I have researched the requirements to be allowed to perform telemedicine and have included an informational link for the statute:

SB 74:

<http://www.akleg.gov/basis/Bill/Text/29?Hsid=SB0074Z>

If anything changes in this area, I will make sure to notify you. Please let me know if you have further questions.

Best Regards,

*Dawn Dulebohn*

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[Dawn.Dulebohn@alaska.gov](mailto:Dawn.Dulebohn@alaska.gov)

---

**From:** Joanie Waller [mailto:somajoanie@yahoo.com]  
**Sent:** Tuesday, April 7, 2020 11:22 AM  
**To:** Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>  
**Subject:** telehealth llicense for massage therapists

Hi Dawn,

Can you please tell me what the massage board is doing in advocating for us to utilize the telehealth opportunities made available via the Governor's Emergency Telehealth guidelines?

My understanding, reading the Governor's mandate for telehealth, is that the licensing board must advocate for the members to receive a courtesy or temporary license. I see that other modalities, physical therapists and acupuncturists have been granted such licenses.

Even though it is perceived that massage therapy is a hands-on therapy and therefore can't do the work if a 6 foot distance is required, I would like to emphasize that I have been seeing many of my clients on a regular basis for 10-20 years and have a professional relationship that goes beyond touch. My services provide ongoing care, psychological support, and physical pain relief advice for clients who have stressful jobs, physical ailments, and personal emotional issues. To some of my clients, I am the only person they may have a (normally) touch relationship with, which includes trust and continuity of care. Especially during this COVID19 scare, where many of my clients are working from home, besides the stress and isolation caused, the wear on their bodies from non-ergonomic desk settings and more sedentary inactivity, etc, my clients could benefit from tele-care from me. Furthermore, as telehealth portals have security features, I would be able to offer help and still be HIPPA compliant, as confidentiality is very important in the massage profession. And finally, I do have genuine concern for my clients, and, not knowing how long the pandemic restrictions will be, I would like to maintain contact with them. I am a sole proprietor and a licensed massage therapist. According to the telemedicine business guidelines, I would be able to offer this service if my licensing board requests that massage therapists to be included in the list of licensees.

If the Alaska massage therapy licensing board has not pursued this opportunity for its members during this unprecedented emergency, I respectfully request that they do so. If there is a process required that entails getting a petition from other LMTs and clients, please provide direction for doing so.

Thank you for advocating for your licensees.

Joanie Waller

907-209-9485

<https://www.commerce.alaska.gov/web/Portals/5/pub/TelehealthLicensingGuidelinesCOVID193.18.20.pdf>

**▼ 5. Does my business qualify for placement on the registry?**

I own an Alaska business license and I and/or my employees engage or plan to engage in telemedicine/telehealth services. Does my business qualify for placement on the registry?

Yes, as long as you hold a current Alaska business license, you qualify for placement on the telemedicine business registry.

**▶ 6. Does a corporation need a business license for placement on the telemedicine business registry?**

**▼ 7. Are licensed professionals required to apply for the telemedicine business registry?**

I am a licensed professional in Alaska and I engage or plan to engage in telemedicine/telehealth services. Am I required to submit an application for placement on the Telemedicine Business Registry?

Individuals (licensees) do not apply for placement on the telemedicine registry as the registry is for businesses, not licensees. Licensed individuals who have a sole proprietorship business license, however, must register. Out-of-state licensees who do not have an Alaska sole proprietor business license must obtain one before providing telemedicine services in this state. If you plan to or are already engaged in the practice of telemedicine/telehealth services, you must adhere to all statutes and regulations specific to the board or program under which you hold a professional license. Please visit the board or program's website and contact the assigned occupational licensing examiner for questions specifically related to scope of practice.



Kussart

**From:** [Kierke Kussart](#)  
**To:** [Board of Massage Therapists \(CED sponsored\)](#)  
**Subject:** Re: Online education  
**Date:** Tuesday, June 2, 2020 1:05:32 PM

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Hello, Dawn,

I am helping out Kimberly at Alaska Academy.

We are looking at the Milady Massage textbook and MindTap digital learning platform: <https://milady.cengage.com/catalog/theory-practice-of-therapeutic-massage-6th-edition#for-the-studentec60-4b79>

Is the Milady online program on the list of programs that the Board is considering adding to their approved list? If not, please consider adding it.

Thanks,

Kierke



# Time Frame to Complete "Pending" Requirements

Adjourn