

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF MASSAGE THERAPISTS

MINUTES OF MEETING
February 5-6, 2015

By the authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board Massage Therapists was held on February 5-6, 2015, at the State Office Building, 333 Willoughby Ave, 9th Floor, Conference Room C, Juneau, Alaska.

Thursday, February 5, 2015

Agenda Item - Call to Order/Roll Call

The meeting was called to order at 9:04 a.m. by Division Director Sara Chambers.

Those present, constituting a quorum of the Board:

Amanda Unser, Licensed Massage Therapist
Traci Gilmour, Licensed Massage Therapist
Ron Gibbs, Licensed Massage Therapist
David Edwards-Smith, Licensed Massage Therapist
Shirley Nelson, Public Member

In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing, were:

Susan Johnson, Licensing Examiner
Karen Hudson, Licensing Supervisor
Sara Chambers, Division Director
Angela Birt, Chief Investigator (telephonically)
Ed Riefle, Senior Investigator (telephonically)
Michelle Wall-Rood, Investigator III (telephonically)
Karen Gillis, Director of Boards & Commissions (telephonically)
Jun Maiquis, Regulations Specialist II
Laura Corello, Licensing Examiner
Cindy Hansen, Licensing Examiner
Angie Parker, Licensing Examiner
Mary Sikes, Licensing Examiner

Director Chambers introduced herself and thanked the new board for their patience and willingness to serve.

Ms. Gillis introduced herself and spoke briefly with the Board to welcome them to service in the state of Alaska. She explained to the Board that the Boards & Commissions office is available to assist as needed by the Board.

Agenda Item – Review/Amend Agenda

Director Chambers reviewed the agenda. After review, the Director asked if there were any amendments or changes to the agenda. There were none.

Ms. Hudson explained the purpose of public meetings and the need of a recording during the meeting. Minutes will be produced after the meeting.

Agenda Item – Board Member Orientation

Director Chambers covered the expectations of Board members and explained the purpose of statutes and regulations. The Board only has the authority that is established in statute and any refinement is completed through regulations.

Mr. Gibbs clarified that any new regulation would have to be administered through the legislative process. Director Chambers explained the support roles in the Division and are defined in statute as well. The Legislative audit happens regularly in order to prevent a Board from existing without performing the duties that are established in statute. Director Chambers and the Division requests and respects the feedback of the Board.

Director Chambers asked if the Board had any additional Board experience. Most Board members have other Board experience. Their interest and background has been evaluated through the Office of Boards and Commissions and their participation is important and Director Chambers reminded the Board that debate and input are important ways to participate and remain active in Board activities. Once a decision has been voted on, it is significant to remain united in their purpose. The Board members should develop a framework when confronted a challenging situation. Director Chambers reviewed the 7 Steps to Problem Solving.

Mr. Gibbs asked if the Division would provide any feedback to the Board regarding their performance as a Board. Ms. Gilmour asked the license examiner to explain her role in the licensing process as well as her responsibilities to the Board. After a brief explanation, Director Chambers explained that there are processes in place that keep the Division's work flow moving, however issues arise that will take an examiner's attention in order to assure quality customer service.

**The Board went off record at 10:30 AM for a break;
The Board went on record at 10:48 AM.**

Director Chambers explained the importance of HB 187 and the parts of that bill that are still moving forward in Legislature. Ms. Chambers also discussed her role in Board meetings and clarified that she would generally be on the agenda at most Board meetings in order to discuss the budget concerns of the Board.

Director Chambers discussed the ethics responsibilities of the Board. She emphasized that anytime the Board members were on "on the clock" for the Board, it is important to remember that Board members should act and speak in the role as a Board member. Director Chambers went through an ethics worksheet created by the Department of Law to help Board members determine actions that are acceptable as a Board member and actions that are not acceptable.

Ms. Nelson asked how the State would notify massage therapists of the new licensing requirements. Director Chambers explained that the State would work with member organizations to obtain mailing lists and ask their assistance in helping notify Alaska's massage therapists of the new requirements. Ms. Nelson asked how the state licensing will work when there are municipalities that are issuing licenses as well.

The Director discussed accepting and reporting the acceptance of gifts if they could be perceived as having influence on a Board member. Director Chambers then discussed ex-parte contact and reminded the Board to not engage in conversation that would give them more information on a topic than other Board members.

**The Board went off record at 12:13PM for lunch;
The Board went on record at 1:32 PM.**

Agenda Item – Regulatory Process Overview

Director Chambers began a discussion regarding the regulatory process and then introduced Jun Maiquis. Mr. Maiquis stated that regulation works begins with statutes. If the Board has recommendations for regulation work, those recommendations must be proposed in a Board meeting and written into the minutes. Mr. Maiquis then puts the regulation together to ensure that the intent of the Board has been met. After a period of public

comment, the board Reviews and then approves the draft. The proposal is sent to the Director who then forwards it to the Governor's office. Once reviewed by the Governor's office, the regulation is posted in at least one major publication. Written or oral testimony is posted for at least 30 days. Regulations are then distributed and posted online for the public. All comments are considered by the Board for review. After review, the Board can adopt the regulation as public noticed, amend then adopt as long as there are no substantial changes or the Board can withdraw the regulation. Once approved, the Department of Law will review to ensure there are no conflicts between the new and existing regulations; the regulation goes to the Governor. Once approved by the Governor, it goes to the Lt. Governor's office for filing.

Director Chambers discussed pertinent Statutes with the Board and discussed potential regulation changes the Board might be interested in creating in order to clarify the statutes. The Board discussed the fingerprint requirement and the need to request fingerprint cards at each renewal. Director Chambers explained that the fingerprinting triggers a background check. There would be no way to pull and re-run fingerprint cards from initial applicant fingerprint cards. Centralized regulations provide the general information regarding an audit process and that process is standard for all of the licensing programs.

The Board went off record at 3:10 PM

The Board went on record at 3:32 PM

Director Chambers recommended that the Board discuss the process of reviewing the statutes and determine the best way to instill refinement in the new laws. The Board continued to review Statutes for the Massage Therapy program.

Ms. Unser made a motion to accept the MBLEX and NCBMT test as the standard exams accepted by the Board for licensure. The motion was seconded by David Edwards-Smith. Ms. Gilmour moved to pend the motion for further research. Ms. Unser seconded the motion and the Board voted unanimously to pend the vote until February 5, 2015.

The Board moved into a discussion about continuing education credits. It was determined that during the initial renewal period, there should be no less than 12 CE credits with 2 of those credits being a 2 credit hands-on CPR class and moving to 24 CE's every 2 years after the initial licensing period. Blood born pathogen classes will count for 4 CE's one time every 6 years. For the first licensing period, all 12 hours of continuing education can be online; subsequent renewal periods will allow 50% of CE's to be online.

The Board discussed draping, informed consent and other privacy related issues.

The Board discussed approved apprenticeship programs.

Ms. Gilmour made a motion to adjourn for the day; the motion was seconded by Ms. Unser. The Board voted unanimously to adjourn until February 5, 2015 at 9AM.

The Board adjourned for the day at 5:02 PM.

The Board went on record at 9:02, February 5, 2015.

The Board was joined telephonically by the investigations team: Chief Angela Birt, Ed Riefle, Senior Investigator, Michelle Wall-Rood, Investigator III.

Chief Birt welcomed the Board and then explained the investigative process.

Mr. Gibbs asked if people were required to submit their names when filing an investigation complaint. Chief Birt answered that yes, it was required because otherwise competitors might use that function as a way of eliminating their competitors. Occasionally, files are opened without a complaint being filed, such as when

information comes from the news or from licensing staff. Chief Birt turned the conversation over to Investigator who continued the conversation regarding the investigative process.

Ms. Hudson discussed licensing statuses once a complaint has been received. Ms. Gilmour asked if the police were involved, would the Board be involved. Ms. Hudson answered that police activity has nothing to do with professional licensing.

The Board discussed the necessity of requiring fingerprint submission for each renewal period. The Board then discussed which accrediting agencies would be recognized for school accreditation.

The Board discussed the apprenticeship program.

**The Board went off record at 10:20 AM for a break.
The Board went on record at 10:35 AM.**

The Board reviewed the licensing process with Ms. Hudson and Ms. Johnson. Ms. Hudson asked to Board to become very familiar with the Centralized Statutes & Regulations of the State of Alaska.

**The Board went off record at 11:20 AM.
The Board went on record at 11:38 AM.**

The Board continued discussion of regulations and licensing processes.

**The Board went off record at 12:03 PM.
The Board went on record at 1:20 PM.**

Director Chambers re-joined the meeting to discuss the Board's budget and how to understand the Budget report generated by the Division. Director Chambers then discussed fee setting and how revenues created by licenses are used to support the Board.

**The Board went off record at 3:25 PM.
The Board went on record at 3:32 PM.**

Ms. Hudson advised the Board that it was time to elect a Board Chairperson and opened the floor for nominations.

Mr. Gibbs made a motion to nominate Amanda Unser as the Board Chair. Mr. Edwards-Smith and Ms. Gilmour both seconded the motion. Ms. Unser accepted the nomination. The Board voted unanimously to elect Ms. Unser as Board Chairperson. The meeting was then turned over to Ms. Unser.

The Board discussed apprenticeship programs. The Board determined that each apprenticeship program must be approved by the Board. The Board agreed that apprenticeship requirements would be double the NCBTMB (National Certification Board for Therapeutic Massage & Bodywork) requirements. The discussion will continue at the next meeting.

Ms. Gilmour made a motion to approve Licensure by Exam approve the following institutions for school accreditation: American Massage Therapy Association (AMTA), Associated Bodywork and Massage Practitioners (ABMP), National Certification Board for Therapeutic Massage & Bodywork (NCBTMB) and the Commission on Massage Therapy Accreditation (COMTA), that official transcripts must be sent directly to the Division of Commerce and Economic Development from the institution, CPR classes may count for two (2) continuing education units (CEU's) and that blood borne pathogens classes will count

for four (4) CEU's and may be taken one time every six years. The motion was seconded by Mr. Gibbs. The Board voted unanimously to pass the motion.

Mr. Gibbs moved to approve the regulation of Licensure by Credentials where American Massage Therapy (AMTA) or National Certification Board for Therapeutic Massage & Bodywork (NCBTMB) or other credential entity approved by the Board. Mr. Edwards-Smith seconded the motion. The Board voted unanimously to pass the motion.

Mr. Edwards-Smith made a motion to approve twelve (12) Continuing Education credits for the first two years of licensure, online courses allowed for all 12 CEU's; Continuing Education after the first two years of licensure to be twenty-four (24) CEU's with half of those credits being allowed online; CPR counts for 2 CEU's and must be hands on; Blood Borne Pathogen classes may count for 4 CEU's and may only be taken one time every six years. CEU's must be completed by an approved provider as defined as 08.61.100.

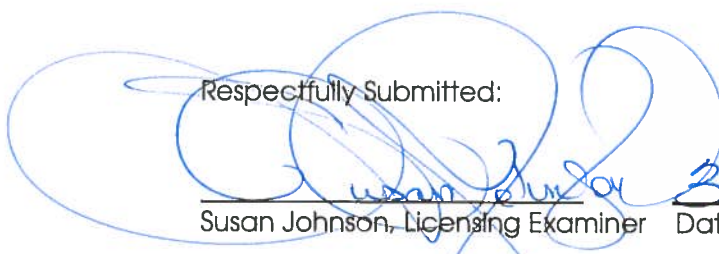
Chairperson Unser made a motion to approve the accreditation for the national examination to be: National Certification Board for Therapeutic Massage & Bodywork (NCBTMB) and the Federation of State Massage Therapy Licensing Exam (MBLEX/FSMTB).

The Board set the next meeting for Anchorage, March 26-27, 2015.

Ms. Gilmour made a motion to adjourn the meeting. Mr. Gibbs seconded. The Board voted unanimously to pass the motion.


Off record at 4:45 PM.

Respectfully Submitted:


Susan Johnson, Licensing Examiner

3/26/15
Date

Approved:


Amanda L. Unser, Chairperson

3/26/15
Date