

State of Alaska
Board of Massage Therapists

Board Packet

September 19-20, 2019

In-Person Meeting

Originating at:

Robert Atwood Building
550 W. 7th Ave. Ste. 1550
Anchorage, AK

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>
Ron Gibbs <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2020
Vice-Chair Traci K. Gilmour <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2021
Julie Endle <i>Public Member</i>	January 24, 2019	March 1, 2021
Chair David Edwards-Smith <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2022
Jill Motz <i>Licensed Massage Therapist</i>	Jan 23, 2017	March 1, 2022

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 Act¹ 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.²

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?

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

What Are The Disclosure Procedures for Board and Commission Members?

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.⁴
- 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.⁵
- 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.⁶

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.⁷

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

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?

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?

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.⁸
- 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?

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 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?

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.

¹ 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.

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

³ 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.

⁴ 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.

⁵ 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.

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

⁷ 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.

⁸ 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.

6/14

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

1031 West 4th Avenue, Suite 200

Anchorage, AK 99501

attorney.general@alaska.gov

Phone: (907) 269-5100 | Fax: (907) 276-3697

TTY: 907-258-9161

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Ethics Disclosure Form

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

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



**Alaska Board of Massage Therapists
Robert Atwood Building
550 W. 7th Ave, Suite 1550
Anchorage, AK 99501**

**September 19-20, 2019
9:00 a.m.**

**GCI Call In: 1-800-315-6338
Access Code: 14875**

Zoom Call In: 1-408-638-0968

Day 1: Access Code: 441-358-497 or <https://zoom.us/j/441358497>

Day 2: Access Code: 418-527-554 or <https://zoom.us/j/418527554>

Meeting Agenda (Draft)

Day 1

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
1. 9:00 a.m.	Call to Order/Roll Call	Chair
2. 9:05 a.m.	Ethics Report	Chair
3. 9:10 a.m.	Review/Approve Agenda	Chair
4. 9:15 a.m.	Review/Approve Past Meeting Minutes <ul style="list-style-type: none">• June 10-11, 2019	Chair
5. 9:20 a.m.	Old Business <ul style="list-style-type: none">• Task List from June 10-11, 2019• Military and Disability Exemption Research• Disciplinary Matrix Feedback from SA Goeden• Disciplinary Matrix Revision w/ Investigations and LAW Feedback• FARB Membership	Chair
6. 10:00 a.m.	Division/Financial Update	TBD
7. 10:20 a.m.	Investigative Case Review, Probation Reports, Memos & Consent Agreements (Executive Session, if needed)	Investigators Jacobs & Homestead
8. 10:40 a.m.	Board Curriculum Breakdown Discrepancies- Samples	Dulebohn
9. 10:50 a.m.	Review Tabled Applications <ul style="list-style-type: none">1. C.F.2. N.G.3. Y.H.4. E.I.5. Y.J.	Chair

Day 1 (continued)

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
	Review Tabled Applications (continued) 6. L.K. 7. L.O. 8. J.S.	
10: 11:30 a.m.	Draft Transcript Breakdown Form <ul style="list-style-type: none">• Massachusetts Form• Alaska Draft Form	Chair
11. 12:00 p.m.	Lunch	
12. 1:15 p.m.	Public Comment	Chair
13. 1:30 p.m.	Decision on Stefano Appeals Case	ALJ Pederson
14. 2:00 p.m.	Regulations <ul style="list-style-type: none">• Draft Regulations Language from June 2019• 12 AAC 79.110• 12 AAC 79.210• HB0169A• 12 AAC 79.900	Zinn
15. 3:00 p.m.	Fitness to Practice Interviews 1. 3:00 p.m.- Y.Y. 2. 3:45 p.m.- H.K.	Chair
16. 4:30 p.m.	Adjourn or Recess until 9:00 a.m. September 20, 2019	Chair

Day 2- September 20, 2019

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
17. 9:00 a.m.	Call to Order/Roll Call	Chair
18. 9:05 a.m.	Review Agenda	Chair
19. 9:10 a.m.	Old Business (continued) <ul style="list-style-type: none">• Task List from June 10-11, 2019 (continued)• Review Updated FAQ's• State Approved Credentialing Information from FSMTB• List of School Accrediting Agencies• ACPE Equivalent in Every State from FSMTB• AS 21.36.090- Feedback from LAW and Deputy Director Walsh	Chair
20. 10:15 a.m.	Regulatory Reform Introduction Presentation <ul style="list-style-type: none">• Power Point Presentation• Workbook	Chambers
21. 11:30 a.m.	Administrative Business <ul style="list-style-type: none">• Statistics• Meeting Calendar Review	Chair

Day 2 (continued)

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
	Administrative Business (continued) <ul style="list-style-type: none">• Document Signing<ol style="list-style-type: none">1. June Minutes2. Consent Agreements for M.P. and J.H.3. Decision on Stefano• Correspondence<ol style="list-style-type: none">1. Liu2. Lea	
22. 12:00 p.m.	Lunch	
23. 1:15 p.m.	Town Hall Preparation	Dulebohn
24. 2:00 p.m.	Town Hall Meeting Room 1236	Dulebohn
25. 4:30 p.m.	Adjourn	Chair

DRAFT

Review/Approve Past Meeting Minutes

June 2019

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

5 BOARD OF MASSAGE THERAPISTS

6
7 MINUTES OF THE MEETING

8 June 10-11, 2019
9

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

12 *These minutes have not been reviewed or approved by the Board.*

13
14
15 *Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For a more*
16 *detailed account, please request a copy of the meeting's audio recording at:*
17 *<https://www.commerce.alaska.gov/web/cbpl/PublicRecordsRequests.aspx>.*
18
19

20 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
21 scheduled meeting of the Board of Massage Therapists was held by video conference on
22 June 10-11, 2019.
23

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

25
26 *On the record at 9:07 a.m.*
27

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

29
30 David Edwards-Smith- Board Chair, Licensed Massage Therapist
31 Traci Gilmour, Licensed Massage Therapist
32 Ron Gibbs, Licenses Massage Therapist
33 Jill Motz, Licensed Massage Therapist
34 Julie Endle, Public Board Member
35

36 **Division Staff present:**

37
38 Dawn Dulebohn, Occupational Licensing Examiner
39 Carl Jacobs, Investigator III
40 Amber Whaley, Senior Investigator III
41 Billy Homestead, Investigator II/Probation Monitor
42 Melissa Dumas, Administrative Officer II
43 Sher Zinn, Regulations Specialist II
44 Sara Chambers, Director, Corporations, Business, and Professional Licensing
45
46
47
48

49 Joining Telephonically:

50

51 Lorena Haynes, Director of Government Relations,

52 Federation of State Massage Therapy Boards

53 Jolene Goeden, Special Agent, Federal Bureau of Investigations

54

55 Agenda Item 2 Ethics Reporting:

56

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

59

60 Agenda Item 3 Review/Approve Agenda:

61

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

63

64 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously, it
65 was RESOLVED to ACCEPT the agenda as amended.**

66

67 Agenda Item 4 Review/Approve Past Meeting Minutes

68

69 Chair Edwards-Smith complimented that the 43 pages of minutes were very comprehensive, well
70 reflective, and gave very good historical reference. Public Board Member Julie Endle asks that the
71 February 28-March 1, 2019 minutes be amended for context. Ms. Endle would like line 960
72 amended to read “newly appointed public member Ms. Endle”. This change was approved by the
73 board chair and OLE Dulebohn was instructed to make the correction.

74

75 **In a motion duly made by Julie Endle, seconded by Jill Motz, and passed unanimously, it
76 was RESOLVED to APPROVE the meeting minutes from February 28-March 1, 2019 as
77 amended.**

78

79 **In a motion duly made by Ron Gibbs, seconded by Traci Gilmour, and passed
80 unanimously, it was RESOLVED to APPROVE the meeting minutes from April 9, 2019 as
81 written.**

82

83 Agenda Item 5 Old Business

84

85 Investigative Tasks #5-7 from February 28- March 1, 2019 meeting:

86

87 The board reviewed the Investigative Tasks from the February 28- March 1, 2019 meeting.

88

89 Disciplinary Matrix Revision

90

91 Chair Edwards-Smith leads the discussion on the feedback received from Investigations and
92 Department of Law regarding the board’s proposed disciplinary matrix. The Chair addresses several
93 points:

- 94 • Unlicensed Practice- Investigations suggested that the board lower their proposed fine as to
95 barr compliance with licensure. As the board’s goal was to have a deterrent for Unlicensed

96 Practice (ULP), the Chair suggests an option of reducing or lowering the fine for ULP if and
97 when the offender becomes licensed. Board Member Jill Motz references a case where she
98 was a Reviewing Board Member (RBM) where the offender knew they needed a license but
99 practiced without one for two years anyway. This individual made a lot of money during this
100 time. Ms. Motz does not believe that suspending a ULP fine will teach offenders to not
101 operate without a license. Ms. Motz believes the amount of the ULP fine needs to be a
102 deterrent because the cost of investigating these offenders is significant and comes from the
103 licensees licensing fees. She goes on to say that she feels that having the fine be more than
104 the cost of licensure is reasonable.

105
106 Board Member Traci Gilmour weighs in on Ms. Motz's argument. Ms. Gilmour absolutely
107 agrees that the fine for ULP should be more than the cost of licensure. She thinks that, in
108 the big picture, the cost of licensure is \$550 and thinks, depending on the amount you
109 charge per hour and the hours you work, is a week's worth of work. Ms. Gilmour reviews
110 the proposed fines and believes they will be a great deterrent.

111
112 Board Member Ron Gibbs states that it should not be profitable to be unlicensed and
113 practice massage in Alaska.

114
115 Chair Edwards-Smith summarizes the conversation by stating that having a deterrent for
116 ULP is important to the board and massage therapists do have an opportunity to make quite
117 a bit of money in a little bit of time.

118
119 *Investigators Amber Whaley and Carl Jacobs joined the meeting telephonically at 9:19 a.m.*
120

- 121 • Code of Ethics Violation- Chair Edwards-Smith begins the conversation by directing the
122 board to 12 AAC 79.900 Code of Ethics 1, 2, 7, 8, 10 and reminding the board this could
123 include harm to a client. A therapist could harm a client by misrepresenting their
124 qualifications or improper draping. He suggests adding a Fitness to Practice (FTP) interview
125 to the Disciplinary Actions options. Ms. Gilmour joins the discussion by adding her
126 assenting opinion. Ms. Motz agrees that adding the FTP interview is a good idea. Mr.
127 Gibbs reaffirms that the FTP interview would only come after a full Investigations review.
- 128 • Fraud in Obtaining/Retaining a License- Chair Edwards-Smith directs the board to a
129 comment made by Chief Investigator Greg Francois that AS 08.61.060 has a "hearing"
130 qualifier. The board would like feedback from LAW on what qualifies as a hearing for the
131 board to be able to impose a sanction. Is it a board review or an Administrative Law
132 hearing? Investigator Jacobs also points out that this statute also states that the recipient of
133 disciplinary action must be someone "licensed".

134
135 OLE Dulebohn states for the record that her assertion is that the board's meeting on a subject is
136 considered a hearing since the board has the final say on all matters licensing according to AS
137 08.61.020(7). Mr. Gibbs states that the historical precedent with initial applications is review the
138 information and then, if disciplinary action is needed, to ask that the applicant sign a consent
139 agreement as a condition of licensure. The license is then granted and the consent agreement is
140 enforced once the applicant becomes a licensee. Chair Edwards-Smith references the feedback from
141 LAW and Investigations that the board should not be using AS 11.56.210 for enforcing discipline
142 for falsification of application so since the board would like to continue to enforce discipline for that

143 infractions, they would need to do so under AS 08.61.060. Ms. Gilmour states that any disciplinary
144 action the board has ever imposed from falsifying an application to ULPs depends on the person
145 being granted licensure. If they withdraw their application, then the board has no authority to
146 punish a member of the public.

147
148 Since there seems to be differing opinions on whether the board can use AS 11.56.210 as a statutory
149 reference to discipline licensees who falsify their application, the board asks that OLE Dulebohn
150 send Director Sara Chambers an invitation to join them to discuss this matter.

- 151
- 152 • False or Misleading Advertisement- Chair Edwards-Smith asks the board to review AS
153 08.61.060. He points out that any violation of False or Misleading Advertisement could be
154 enforced under this statute and 12 AAC 79.900. He muses whether the person violating this
155 article would get two different fines. Mr. Gibbs argues that the statute gives the board the
156 authority but the regulation just outlines the circumstance. The Chair speaks to Investigators
157 Jacobs and Whaley for guidance and Investigator Jacobs replies that, while it is possible for a
158 person to violate multiple statutes and regulations, the board will use this disciplinary matrix
159 as a guide for consistency and they will be able to determine which disciplinary actions are used.
 - 160 • Fraud in Obtaining and Retaining a License- Chair Edwards-Smith notes that Investigations
161 wanted clarity in why the board separated these infractions and whether they could be
162 combined. OLE Dulebohn volunteers historical knowledge that the board wanted these
163 separate because “obtaining” meant initial application and “retaining” meant renewal of
164 license. The board discusses combining the two into one category of “Fraud in Securing a
165 License” since they have the same details and AS 08.61.060 says “secured”. Investigator
166 Jacobs asks the board if they plan on modifying the disciplinary action for this category. The
167 notes from Investigations and LAW remind the board that they do not have statutory
168 authority to require an applicant to wait 4 years until reapplication and case president shows
169 the board does not Deny or Revoke licensure for this infraction. Ms. Gilmour suggests
170 replacing the current language with a consent agreement and fine range. Chair Edwards-
171 Smith asks Investigator Jacobs about revocation in the event that the board finds out after a
172 license has been issued that someone lied or provided false documents in order to obtain a
173 license and Mr. Jacobs replies that with the removal of 11.56.210, Fraud in Securing a
174 License would be the board’s reference for an applicant failing to disclose information on
175 their application. Should the board find someone obtained a license fraudulently by
176 submitting untrue documents, the board should open an inquiry with Investigations where
177 revocation is a possibility. Mr. Jacobs goes on to state that, based on Law and Investigations
178 feedback to not use 11.56.210, this reference on the Matrix would be used for people who
179 committed fraud in obtaining a license and were not caught initially and the most applicable
180 for people who falsified their applications.

181
182 *Director Sara Chambers joined the meeting at 9:49 a.m.*

- 183
- 184 • AS.11.56.210- Ms. Chambers addresses the board concerning the Unsworn Falsification
185 statute AS 11.56.210 that is on all of the Corporations, Business, and Professional Licensing
186 (CBPL) applications and which the board would like to use in disciplining applicants who
187 falsify their applications. Chair Edwards-Smith states that both Investigations and Law are
188 discouraging the board from using this statute since it is not specifically one from the Board
189 of Massage Therapy. Ms. Chambers reviews the material and states that she can see the

190 points made from the Investigations team. If the board wanted to use this statute, it would
191 not be with the usual process. It would be a criminal process that would be outside of
192 CBPL civil investigative process and could potentially be very expensive to the board. Ms.
193 Chambers goes on to state that it's not that this statute isn't applicable but that any situation
194 that would use it would need to go to Law to prosecute outside the board. Investigator
195 Jacobs concurs with Director Chambers assessment and expands that criminal prosecutions
196 have a different burden of proof, significant investigatory, and legal costs.
197

198 Board Member Jill Motz asks if the board is duplicating their work trying to use AS
199 11.56.210 when they have AS 08.61.060 for Fraud in Obtaining a License. She asks if the
200 board couldn't simply use that statute to discipline persons who lie on their application as to
201 stay within the board's purview. Chair Edwards-Smith agrees with Ms. Motz and suggests
202 that the board remove AS 11.56.210 and only utilize AS 08.61.060 as reference in Fraud in
203 Obtaining a License for persons who falsify their application. Investigatory Whaley
204 addresses the board to say that she believes the board should stay within Title 8 in general
205 but that things can be referred to Law and Title 11 when the need arises.
206

207 OLE Dulebohn asks to address Director Chambers on the definition of "hearing" in the
208 opening sentence of AS 08.61.060. Ms. Chambers asks the investigators how this has
209 historically been interpreted and Investigator Jacobs replied that he was the one who
210 brought this to the board's attention and recommended a Department of Law ruling. He
211 goes on to say that Investigations has historically interpreted this statute as the board being
212 the one's having the hearing for items such as failing to disclose or other application matters
213 but really that part of statute hasn't been addressed. Mr. Jacobs goes on to explain that this
214 and the part of statute stating that "impose a disciplinary sanction under AS 08.01.075 on a
215 person licensed under this chapter..." should have a Department of Law review for
216 interpretation as it hasn't been addressed from the Investigations side. Ms. Chambers agrees
217 that Law should weigh in on this topic. She gives some background on the introduction of
218 the Administrative Law system regarding boards and gives examples of language that is
219 sometimes cannibalized from other, older boards when writing the statutes for new boards
220 maybe aren't as applicable as they should be. She asks that when the board gets the reply
221 from Law on this matter that they include her on the reply as she feels that this is not an
222 issue unique to the massage board. Ms. Chambers leaves the meeting thanking the board for
223 being thoughtful, caring, and all of their great work.
224

225 *Sara Chambers left the meeting at 10:00 a.m.*

226 *Lorena Haynes from FSMTB joined the meeting telephonically at 10:00 a.m.*

227
228 **TASK: Consult LAW on whether "hearing" in AS 08.61.060 means the board**
229 **reviewing the file and "licensee" pertains to the fact that the board doesn't**
230 **implement disciplinary action via consent agreement until after the license**
231 **has been issued.**
232

- 233 • Fraud in Securing a License (formerly Fraud in Obtaining/Retaining a License)- the board
234 continues to discuss the details of this item. Board Member Julie Endle reiterates the
235 board's feeling that the penalty for this infraction include a stiff fine as to deter applicants

236 from falsely completing their applications which leads to time and money lost to the board
237 on reviews, investigations, and potential legal fees.

238
239 *While waiting for Division's representative, the board asks for a short break. Chair Edwards-Smith calls for a 5*
240 *minutes break at 10:03 a.m.*

241 *Back on the record at 10:08 with Melissa Dumas, Administrative Officer II.*

242

243 **Agenda Item 6** **Division/Financial Update**

244

245 Melissa Dumas, Administrative Officer II, arrives to present the board with the Division Financial
246 Update. Ms. Dumas goes over the finances of the board for 3rd Quarter of FY2019 which ran from
247 July 1, 2018- March 2019.

248

249 **FY 2019 Schedule of Revenues and Expenditures 3rd Quarter:**

250

MAS	2019
\$62,666	Licensing Revenue
142,282	Direct Expenditures
79,466	Indirect Expense
\$221,748	TOTAL EXPENSES
(159,082)	Annual Surplus (Deficit)
\$231,543	Beginning Cumulative Surplus
\$72,461	Ending Cumulative Surplus

251

252 The Division website has Quarterly Reports for all boards.

253

254 Ms. Dumas states that the board will be going into their renewal year with a surplus and since
255 massage licenses will be renewing in September, the board will generate the revenue that will carry
256 them through the next two years. Chair Edwards-Smith asks OLE Dulebohn about the question
257 raised in the last meeting of how much revenue is generated in non-renewal years from new
258 applicants. OLE Dulebohn states that that information is available in the Administrative Statistics
259 under Agenda Item 14 (the answer is there were 36 licenses issued for a total of \$19, 800).

260

261 The board discusses their recommendation to Division to not raise the licensing fees for this
262 renewal. Ms. Motz directs the board to the history in the financial report and shows that many of
263 the board's expenditures are down from previous years. Ms. Dumas points out that the board's
264 Contractual Expenditures for FY18 was \$114,466 and that the board is in the 3rd quarter for FY19
265 and they are only at \$28,404. Ms. Motz feels as though the board is in a good place financially and,
266 even though Division encouraged the board to raise licensing fees, thinks that the big items that rose
267 the costs up have been resolved.

268 Ms. Dumas reminds the board that a potentially large expenditure that has not posted is the Inter-
269 Agency Safety (fingerprinting). Department of Public Safety (DPS) hasn't billed Division since
270 September 2018 so Ms. Dumas is unsure of how much an impact that figure will have on the

319 course of action. Mr. Jacobs affirms that the Board Chair should sign the Order and that
320 Investigations will work out the details with the Respondent.

321
322 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**
323 **with a roll call vote, it was RESOLVED to ACCEPT the License Surrender as written for**
324 **Skyler Shary #2018-001048.**

325
326 **In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with**
327 **a roll call vote, it was RESOLVED to ACCEPT the Consent Agreement as written for Ying**
328 **Zhao aka Jessica Toth #2018-000882.**

329
330 Before Investigator Jacobs leaves the meeting, he reiterates Investigations request to see the board's
331 updated Disciplinary Matrix prior to its implementation by the board.

332
333 Board Member Traci Gilmour asks to address Investigator Jacobs on an issue she was made aware
334 of and whether she, as a board member, could file a complaint. Investigator Jacobs replied that she
335 could make a complaint that would trigger a review to see if a violation has occurred. He goes on to
336 say that, while it is preferred that the person reporting has 1st hand knowledge of a complaint, it is
337 not required. Ms. Gilmour goes on to state that she has been made privy to the knowledge that a
338 therapist has offended multiple times but no one will report it to Investigations and she doesn't
339 know what to do with that information. Mr. Jacobs states that he wouldn't never like to discourage
340 a board member or member of the public from complaining, but it would be better for the case if
341 the complainant has 1st hand knowledge of the potential violation. Ms. Gilmour states that she will
342 follow up with Investigator Jacobs on this topic after the meeting.

343
344 OLE Dulebohn asks the Chair if, before Investigator Jacobs leaves the meeting, he would like to
345 address board members upholding the Disciplinary Matrix when they are Reviewing Board Members
346 (RBM)? Ms. Motz chimes in that she had received conflicting information when performing her
347 duties as a RBM. In the end, she took the advice from Investigations that, although the board had
348 already made their wishes known in the February 28-March 1, 2019 meeting concerning Letters of
349 Advisement, she should go against the board's decision and continue to recommend that Letters of
350 Advisement be issued and not send the file to the whole board for review. Ms. Motz urges the
351 board to adopt the amended Disciplinary Matrix during this meeting since the only changes that
352 were made were at the request of Investigations and/or Department of Law. Investigator Jacobs
353 states that while it would be ideal for Investigations to review the amended product and make final
354 recommendations, it is ultimately the board's decision. Ms. Motz worries that if the board waits for
355 both Investigation and Law to weigh in on the final version of the Matrix, the board will be going a
356 while other quarter without having a applicable Matrix implemented.

357
358 Chair Edwards-Smith asks Investigator Jacobs opinion on the board using the "working document"
359 until the final notes by Investigations and Law can be reviewed by the board in the September
360 meeting since the only changes the board is proposing to make are all recommendations by Law and
361 Investigations. Mr. Jacobs replies that without having a bigger picture of the changes the board
362 want to make, he can't weigh in on that request. Mr. Edwards-Smith asks OLE Dulebohn to read
363 the changes the board had discussed from her notes earlier in the day.
364 Some proposed changes would be:
365

- 366 • Combine “Fraud in Obtaining a License” and “Fraud in Retaining a License” to one
367 category and renaming it “Fraud in Securing a License”.
- 368 • The disciplinary action in the new “Fraud in Securing a License” will be changed to Consent
369 Agreement and Fine at Board Discretion up to \$2,500.
- 370 • Deleting AS 11.56.210- “Falsification of Application”- the board will address any applicants
371 falsifying their application under the newly created “Fraud in Securing a License.”
- 372 • All Crimes of Moral Turpitude will be combined into one category. AS 08.61.040 will be
373 added to the Statute/Regulation Reference.
374

375 Investigator Jacobs addresses the board to remind them that, if the board proposes removing AS
376 11.56.210 then AS 08.61.060 will be the category that board will now be handling falsification of
377 application. As of this moment, the board is still implementing Non-Disciplinary Letter of
378 Advisement (NDLA) and not fines or consent agreements. Board Member Julie Endle asks how
379 RBM decide on a fine amount when the Matrix states “at board discretion”? Board Member Traci
380 Gilmour responds that how the amount is determined is by previous case reviews and case
381 precedent provided by Investigations to help them determine disciplinary action. OLE Dulebohn
382 interjects that there has been some deviation from the February meeting when it comes to one RBM
383 deciding for the entire board whether or not disciplinary action should be taken in regard to
384 applicants falsifying their application. Chair Edwards-Smith asks the board if they would like to
385 revisit the conversation of all disciplinary matters going before the entire board before a decision is
386 made. Ms. Motz interjects that this Matrix mostly removed Letters of Advisements as an option.
387 She thinks that the board is dealing with a very short-term problem and sending these to the entire
388 board would just increase the time it takes to decide. Chair Edwards- Smith advises the board that,
389 until the Matrix is adopted, any decision on discipline (including NDLA) should go before the entire
390 board. Ms. Gilmour joins the conversation by stating that she feels the board should trust the RBM
391 judgement. OLE Dulebohn reminds the board that they were very upset in previous meetings when
392 a NDLA went out on the recommendation of one board member and when the entire board later
393 reviewed a particular application and wanted to implement a Civil Fine for a quite extensive
394 omission of criminal history, they couldn’t because the applicant had already been notified by
395 Investigations that the case had been closed and no action would be taken. She goes on inform the
396 board that, up until a few months ago, her experience with the board since October 2017 showed no
397 NDLA were going out on the recommendation of one board member. RBM would recommend a
398 course of action to the entire board who would then decide on disciplinary matters as a whole.
399 OLE Dulebohn asks that the board please make a determination on this so that she could post the
400 Matrix on the website so that the public is fully aware what will incur a disciplinary action as both an
401 education and a deterrent to people deceitfully filling out or omitting information on their
402 applications, which would reduce Investigative time and cost. Ms. Motz reiterates that she believes
403 NDLA to be a short-term problem and Chair Edwards-Smith states that he hears that the board
404 wants to continue NDLA as they are applicable.
405

406 Investigator Jacobs chimes in to inform the board that no other board sends all disciplinary matters
407 to the entire board. He goes on to say that, regarding the NDLA issue, the board may do what it
408 likes but based on the removal of AS 11.56.210 the board may wish to add NDLA to AS 08.61.060
409 unless it recognizes that every infraction where someone fails to disclose any relevant criminal
410 history, no matter the duration, amount of time, or offense, will require consent agreements to be
411 entered into each and every time, which is out of precedent with what other boards are doing and
412 may not be a good use of board resources. He also goes on to state that the fine amounts may not

413 be clear to new board members when some have a range and some have an “up to” so that future
414 board may recognize the flexibility in issuing those fines. OLE Dulebohn suggests that since the
415 board is getting rid of the “Falsification of Application” category because of the statute attached to
416 it, the board may want to utilize the disciplinary actions from that category to the new “Fraud in
417 Securing a License”. She goes on to state that this would give a 1st Offense with a Civil Fine of \$250
418 and 2 or more Offenses with a Consent Agreement with Fine of \$250 per offense. OLE Dulebohn
419 continues that this would address some major issues with this category: lower the fine, make it a
420 Civil Fine so it doesn’t need a Consent Agreement, and educates the applicant/licensee base. Ms.
421 Motz questions the structure suggested by OLE Dulebohn because it doesn’t account for more
422 serious fraud such as falsifying documents which would need a more serious action. Ms. Motz
423 continues the discussion with Chair Edwards-Smith that the falsification of application would be
424 good for a \$250 civil fine but the board needs to leave themselves a place to address the more
425 serious issues. OLE Dulebohn reminds the board that the Examiners do not take diplomas,
426 transcripts, or exam scores directly from the applicant so they do not have an opportunity to
427 alter/falsify and submit them. OLE Dulebohn gives the board some inside information on how
428 Division checks to ensure that certain documents are coming from the appropriate
429 agency/institution.

430
431 Chair Edwards-Smith states that he feels the board has enough information to make a motion on
432 the Disciplinary Matrix later in the meeting. Board member Ron Gibbs asks OLE Dulebohn to e-
433 mail him a copy of the draft Disciplinary Matrix. OLE Dulebohn e-mailed the draft Disciplinary
434 Matrix to all board members at that time.

435
436 Investigator Jacobs adds one last thing to the discussion: last year the board sought out the ability to
437 use Civil Fines in place of consent agreements. He reminds the board that Civil Fines can be used
438 for simple application matters like failing to disclose criminal history that would simplify the process
439 and make it unnecessary for consent agreements to be used. Investigator Jacobs feels that given the
440 many uses for AS 08.61.060 the board may want to leave themselves open for a wide variety of
441 license actions based on case precedent.

442
443 *Carl Jacobs left the meeting.*

444
445 Role of Record Keeping- Board Member Traci Gilmour presents a situation to the board regarding
446 therapists roll in record keeping and chart notes. Ms. Gilmour wants to make it very clear that chart
447 notes need to stay in the studio/business. It would be a HIPAA violation to take them home. She
448 wants to ensure that therapists are not getting fined for misunderstanding Standards of Practice
449 (SOP). Ms. Gilmour wants to ensure that, as new people are hired in by the State, they understand
450 the nuances of the massage industry and she referenced when the board had to education OLE
451 Dulebohn when she first started with the board about SOP. Both Ms. Gilmour and Mr. Edwards-
452 Smith thought that adding a FAQ may be a good idea.

453
454 **TASK: Traci Gilmour will write an FAQ regarding charting/recording keeping/SOP**
455 **#2 and submit it to OLE Dulebohn to add to the board’s website.**

456
457 *Regulations Specialist Zinn joins the meeting at 11:00 a.m.*

458 *Chair Edwards-Smith calls for a brief break at 11:04 a.m.*

459 *Back on the record at 11:08 a.m.*

460

461 Agenda Item 9 Regulations

462

463 Continuing Education- Ethics Requirements- 12 AAC 79.210

464

465 Board Member Ron Gibbs starts the conversation stating he believes an ethics requirement is
466 important. He initially thought that a requirement every 2 or 3 renewal cycles would be a good idea
467 until OLE Dulebohn informed him how hard it would be to track everyone's renewal cycles since
468 they are all licensed at different times. Chair Edwards-Smith suggested having a specified renewal
469 year when ethics would be required. OLE Dulebohn suggests a minimal amount of the continuing
470 education requirement for every renewal be ethics with the specific course being left up to the
471 licensee. Mr. Gibbs wonders if any other program requires ethics as part of their continuing
472 education to which Regulations Specialist Zinn replies that there are other programs that require
473 ethics, they are required every renewal period, and are normally about 2 hours. Ms. Motz asks
474 whether compliance would be checked during the renewal audit and OLE Dulebohn answered in
475 the affirmative. Ms. Motz continues that she would like to poll the licensee base for their input and
476 was reminded by the Chair that the public and licensees will be able to voice their opinion during the
477 Public Comment period of the regulations process.

478

479 **In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously**
480 **with a roll call vote, it was RESOLVED to AMEND 12 AAC 79.210 to add 2 hour continuing**
481 **education ethics requirement to every renewal cycle.**

482

483 **TASK: David Edwards-Smith will complete the regulations questionnaire for the**
484 **continuing education ethics requirement regulations project and submit it to**
485 **OLE Dulebohn.**

486

487 Amend Standards of Practice #4- "Current" License- 12 AAC 79.900

488

489 Chair Edwards-Smith begins the discussion that the word "current" be added to Standards of
490 Practice #4.

491

492 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**
493 **with a roll call vote, it was RESOLVED to AMEND 12 AAC 79.900 Standards of Practice #4**
494 **to add "their current" in front of "State of Alaska" and "current" in front of the word**
495 **"proof".**

496

497 **TASK: Traci Gilmour will complete the regulations questionnaire for the continuing**
498 **education ethics requirement regulations project and submit it to OLE** 
499 **Dulebohn.**

500

501 Amend Rejected Regulations Change- In class, supervised- 12 AAC 79.100(2)(A)(B)

502

503 Chair Edwards-Smith states that he received feedback from Law stating that more definition was
504 needed for what could be completed online. Regulations Specialist Zinn discusses the Law
505 recommendations and explains that the board is advised to separate what can be done online and
506 what must be done in person so that the applicants have a clear picture. Board Member Jill Motz
507 starts the conversation on "in class, supervised" since she did much of the research on this project.
508 She references the curriculum breakdown that the board had agreed upon that states that "practical

509 application may not exceed 20% of the total hours of the program.” Ms. Motz goes on to state that
510 just theory should be allowed to be completed online as this is a hands-on profession and only 500
511 hours of a 625-hour program should count as “theory”. Chair Edwards-Smith instructs the board
512 that this breakdown is consistent with Entry Level Analysis Project (ELAP).

513
514 Chair Edwards-Smith asks if the board defined what an acceptable monitoring program was in the
515 last meeting. The board discusses potential online monitoring programs for courses. Ms. Motz
516 maintains that the two programs that offer online education for massage are endorsed by the
517 Distance Education Accrediting Commission (DEAC) which is a online monitoring program. The
518 schools that Ms. Motz has researched learn in a modular style which does not allow the students to
519 advance to the next step until they have passed the one they are currently in. USCI in Colorado also
520 requires students to take an in-person test based on all the content they took online. Chair
521 Edwards-Smith asks the board if they feel that making the DEAC part of the regulation would
522 reduce the confusion on what qualifications an online school should have in addition to being
523 nationally accredited or state approved and Ms. Motz responds that she feels that a program being
524 accredited/approved should be enough. The board referenced their old meeting minutes and found
525 no definition for online monitoring program. Ms. Motz reiterates the conversation by stating that
526 this motion should not only address the theory/hands-on split but also the DEAC or other board
527 approved accrediting program.

528
529 Regulations Specialist Zinn went on to inform the board that the reason they need to define what
530 can be done online is that one of the AG’s told her that they know of a program where clinical work
531 can be done online. Ms. Motz responds that allowing clinical work online is not the board’s
532 intention. Massage therapy is a hands-on profession and they want clinical work to be done in
533 person. Ms. Zinn recommends that the board spell out what may and may not be done online, such
534 as 500 hours of a 625-hour program will be theoretical and can be done online and more than 125
535 hours of clinical work will not be accepted by the board. She goes on to state that the board spelling
536 out the hours instead of doing a percentage would be easier for applicants to understand. Ms. Zinn
537 asks the board for clarification on how many hours will be allowed to be taken online. Ms. Motz
538 responds that the board has developed a breakdown for curriculum that will be accepted by the
539 board. In that breakdown it specifies that 20% should be (hands-on) practical application (clinical)
540 hours. Ms. Motz goes on to state that the board feels that all theoretical learning (500 hours of a
541 625-hour program) should be allowed to be done online and that only the 20 % (125 hours of a 625-
542 hour program) will be needed to be completed in person for applicants that want to take their
543 massage education online. The board feels that this option to do the bulk of education online will
544 greatly benefit people in Alaska, as people are often in isolated areas and not easily able to attend the
545 3 state approved massage schools located in Anchorage and Juneau.

546
547 Chair Edwards- Smith speaks with Ms. Motz about ensuring that the in-person clinical hours are
548 supervised and that the motion reflect that. Ms. Motz agrees that adding the word “supervised” for
549 the clinical hours (practical hours) is good quality control.

550
551 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**
552 **with a roll call vote, it was RESOLVED to AMEND 12 AAC 79.100 to read “in class**
553 **supervised” means education received either in a physical classroom or through online**
554 **distance education. Online courses must meet the requirements of (b)(2)(A) or (B) of this**
555 **section and may not include more than 125 hours of a 625-hour program (20%) for clinical,**

556 supervised portion. Online portion must include a board approved distance online
557 monitoring program.

558
559 **TASK:** Jill Motz will complete the regulations questionnaire for in class
560 supervised/online education requirement regulations project and submit it to
561 OLE Dulebohn.

562
563 The board discusses that the time is 12:00 p.m. and although they still have 3 regulations projects to
564 go over, they should break for lunch. Ms. Zinn affirms that she will be available to attend the board
565 meeting after lunch and public comment at 1:15 p.m.

566
567 **Agenda Item 10** **Lunch**

568
569 *Chair Edwards-Smith calls a lunch break at 12:01 p.m.*
570 *Back from lunch at 1:15 p.m. with the entire board present*

571
572 **Agenda Item 11** **Public Comment**

573
574 The board prepares to hear public comment. Tarika Lea joins the meeting telephonically and
575 expresses a wish to be heard during Public Comment. Chair Edwards-Smith invites Ms. Lea to
576 speak. Ms. Lea's comment is as follows: "Presently there is an option that continuing education,
577 which is required for the needed credit for licensure in the State of Alaska, can be completed
578 through a board approved, massage therapy or bodywork therapy school or training program. So,
579 one of my 1st questions is: why is this not sufficient and, as Dawn brought up during the last
580 meeting, you may need to change your present regulations if you do not want to approve of the CE
581 courses. So, in my weaving of my career and contribution to the field, I also wish to ask about
582 accepted ACPE exempt status and/or review of credentials. For example, my experience of 50
583 years of both private and teaching nationally and internationally, plus having a post-secondary
584 authorized school in Fairbanks since 1992, I feel that I qualify to be able to teach continuing ed
585 classes. So, I don't know where I fit in because of my participation as a post-secondary school and
586 now exempt, I am now wanting the board to take a look at my bio. This is my comment. I don't
587 know if a suggestion might be considered which is to create, from the field, a review committee
588 comprised of those in the field that report to the board acceptable education classes and their
589 recommendation after they review and interview those teaching. That's my nugget; as tight as I
590 could make it. Dawn mentioned that you were just listening to comments so let it just go on record
591 that I got the information of the task suggested to me this last week. I will be sending that
592 information on in case I can have the board to accept so I can do classes this summer. That would
593 just be my highest potential contribution that I would love to do since I am going to be focused on
594 Alaska this summer. Thank you very much for listening to me."

595
596 Chair Edwards-Smith announced that Public Comment is now closed.

597
598 **Agenda Item 9** **Regulations (continued)**

599
600 *Regulations Specialist Sher Zinn rejoined the meeting at 1:20 p.m.*

601
602 Chair Edwards-Smith directs the board to go back to Agenda Item 9.

603

604 Review & Amend Renewal & Reinstatement Regulations- 12 AAC 79.200

605

606 Chair Edwards-Smith thanks Regulation Specialist Zinn for compiling the language for this project.
607 He asks that Ms. Zinn walk the board through the situation that determined that this change would
608 be recommended to the board. Ms. Zinn and OLE Dulebohn rehashed the process that they
609 realized that the language change was needed during a conversation about renewal applications and
610 supporting documentation. Ms. Zinn demonstrates to the board that their current regulation
611 requires “a massage therapist applying for license renewal must submit (4) a current certification in
612 cardiopulmonary...” whereas (5) says “documentation that the massage therapist satisfied the
613 continuing education requirement...”. This is being interpreted by Division to mean that the actual
614 certificate for CPR must be submitted but the licensees need only indicate on their application that
615 their continuing education has been completed to comply with regulation. She states that if the
616 board’s intention is that the licensee only attest on the renewal application that they have completed
617 the requirements for renewals then they need to use the same verbiage in their regulations.

618

619 Ms. Zinn goes on to inform the board if they would like to have someone with a lapsed license have
620 different requirements for renewal, they need to use different words to indicate that in regulation.
621 She also goes on to explain to the board why adding “concluded during the concluding licensing
622 period” is essential so there is no room for interpretation outside of the board’s intent. Chair
623 Edwards-Smith expresses gratitude that someone hasn’t tried to take advantage of this lack of
624 clarification. Ms. Zinn goes on to share how some other professional board’s handle date ranges for
625 reinstatement requirements and late renewal fees.

626

627 The board talks about standards for reinstatement to possible amend 12 AAC 79.200. At the
628 board’s request, OLE Dulebohn ran down their current standards for reinstatement. The board
629 discusses how they are not in favor of giving licensees a buffer after licenses expire on September 30
630 since they are given 90 days of notice from Division. The board also talks about how expirations are
631 not a moving deadline and all therapists are notified when they receive their license when it will
632 expire.

633

634 The board discusses different license status such as active, lapsed, and expired. Ms. Motz brings the
635 subject of person’s licensed by Transition having to reapply by a current method if they let their
636 license lapse to which OLE Dulebohn replies that this subject has come up before in meeting and
637 although the 1st board intended that stipulation to be in statute, it never made it into law and is not
638 enforceable. The board goes on to discuss the centralized statute giving licensees 5 years to renew
639 their lapsed license before it expires and the licensee has to reapply. Upon hearing board discussion
640 on 5 years being too long to allow massage therapists to lapse, Ms. Zinn contributes that the board
641 can make a regulation modifying the time a massage therapist can be lapsed before their license
642 expires. Ms. Zinn informs the board that it is their decision to decide if they want lapsed licensees
643 to have to complete continuing education (CE) for all the periods they have been lapsed for or just
644 the last licensing period. Ms. Gilmour and Mr. Gibbs are in favor of a lapsed licensee making up the
645 CE for the previous licensing period. Ms. Motz is in favor of the licensee making up any and all CE
646 that they have missed while their license has been lapsed.

647

648 **In a motion duly made by Traci Gilmour, seconded by Rob Gibbs, and passed unanimously**
649 **with a roll call vote, it was RESOLVED to AMEND 12 AAC 79.200(4) to change “a current**
650 **certification” to “documentation of” and (5) add “completed during the concluding license**
651 **period”.**

652
653 The board continues discussions on adding Reinstatements to 12 AAC 79.200. The board discusses
654 reducing the amount of years a license can be lapsed before it expires. Ms. Motz brings up that she
655 believes that if massage therapists do not use their skills that they will fall below the level that the
656 public expects from them as professionals. OLE Dulebohn informs the board that many people
657 that let their license lapse if because they have moved out of state with no intention to return. They
658 are frequently still practicing in another state which means they are probably completing continuing
659 education mandated by the new jurisdiction, they just didn't keep their license up in Alaska. Ms.
660 Endle contributes that she agrees with Ms. Motz in the fact that if you aren't currently practicing
661 your craft, you may lose some of your skills. Ms. Endle continues by stating that she believes it isn't
662 fair to all the other licensees who kept their license current and had to pay all the fees and do all the
663 continuing education, that someone who has been lapsed many years be able to come in and do
664 significantly less and be given back their license. Ms. Gilmour believes that people that lapse might
665 have reasons such as personal, medical, or geographic location and it's not because they are just
666 trying to get out of continuing education. She goes on to state that taking time off should not be a
667 barrier to getting re-licensed. Ms. Motz states that in order for her to get on board with this new
668 regulation, she would either like to see a shorter lapse period or requirements for lapsed licensees to
669 have to make up all the continuing education that they have missed. Both Mr. Gibbs and Mr.
670 Edwards-Smith are in favor of lapsed status being reduced from 5 to 3 years and the licensee
671 completes the previous cycle of continuing education.

672
673 Chair Edwards-Smith hears a draft motion language from OLE Dulebohn. He asks if a person
674 lapses would it be automatically required that the person submit a fingerprint card with
675 reinstatement paperwork? OLE Dulebohn responds that fingerprints would be required in
676 accordance with statute and board mandate. For example, if fingerprints are not required for the
677 2019 renewals, someone renewing for that period will not be required to submit fingerprints. But if
678 there was a period that the licensee lapsed that had a fingerprint requirement, they too would have
679 to submit fingerprints with their reinstatement.

680
681 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**
682 **with a roll call vote, it was RESOLVED to ADD Reinstatements to 12 AAC 79.200. To**
683 **renew a license lapsed up to 3 years, the licensee must submit a completed application, pay**
684 **applicable fees, provide proof of documentation of continuing education completed during**
685 **the concluding licensing period, proof of documentation of CPR in accordance with AS**
686 **08.61.030(6), and submit fingerprint card & processing fees required by Department of**
687 **Public Safety in accordance with AS 08.61.030(5).**

688
689 **TASK: Traci Gilmour will complete the regulations questionnaire for Renewal/**
690 **Reinstatement regulations project and submit it to OLE Dulebohn.**

691
692 Medical/Military Service Exception for Continuing Education

693
694 Chair Edwards-Smith directs the board to address the next regulations topic of a Medical/Military
695 exception concerning continuing education for licensees. Ms. Motz begins the discussion by asking
696 if it would be relieving them of all their continuing education requirements and how the board
697 would qualify that decision. Mr. Gibbs contributes to the conversation by asking why there would
698 be an exception for military personnel. Chair Edwards-Smith replies that military personnel could
699 be called into active duty that could preclude them from being able to complete their CE

700 requirement. Mr. Gibbs states that he doesn't think that would be very applicable to Alaska's
701 licensee base since there are not many, if any, active military also working as massage therapists. Ms.
702 Motz joins the conversation asking why anyone would be exempt from CE as it can be done
703 completely online. OLE Dulebohn directs the board's attention to a regulation she has pulled from
704 the Board of Veterinary Examiners stating some reasons that a person could not obtain CE hours
705 for renewal or reinstatement may be due to a reasonable cause or excusable neglect like chronic
706 illness, retirement, personal or family hardship, or similar circumstances as determined by the board.
707 She reminds the board that these are current questions that have come in from the licensing base as
708 well as one of the items in today's Correspondence.

709
710 Mr. Gibbs states that he would worry about a potential lawsuit if the board makes an exception for
711 some but not all. Chair Edwards-Smith feels like this topic may need more research on how other
712 massage boards handled them and does not feel like it will be able to be voted on during this
713 meeting.

714
715 **TASK: Research Medical/Military Exemptions for continuing Education in other**
716 **states. Jill Motz will research Medical (acute and chronic illness) and Ron**
717 **Gibbs will research Military.**

718
719 Amend Credentialing Entity 12 AAC 79.110(2)(B)

720
721 Chair David Edwards-Smith was tasked with completing the Regulations Questionnaire for the
722 amendment for 12 AAC 79.110(2)(B) in the February 28- March 1, 2019 meeting. The
723 questionnaire was never received by OLE Dulebohn. Chair Edwards-Smith submitted the form by
724 e-mail during the June 10-11, 2019 meeting.

725
726 *Sher Zinn left the meeting.*
727 *Lorena Haynes, Director of Government Relations, Federation of State Massage Therapy Boards joins the meeting*
728 *telephonically.*

729
730 Ms. Haynes addresses the board offering her services assist the board in their tasks for the recently
731 discussed regulations projects. She states that she has access to nationwide databases and gave OLE
732 Dulebohn permission to distribute her contact information to the board. OLE Dulebohn informs
733 the board that Ms. Haynes was the one who compiled the current state licensing requirements that
734 the board uses as reference material. Mr. Gibbs thanks Ms. Haynes and says that he will be
735 contacting her about her assistance.

736
737 **TASK: OLE Dulebohn will send Lorena Haynes contact information to the board.**

738
739 Agenda Item 12 Administrative Business

740
741 Administrative Statistics

742
743 Chair Edwards-Smith states that he likes the Administrative Statistics information that OLE
744 Dulebohn started including in the board packets to be a matter of public record.

745

03/02- 06/10/2019

ITEM	AMOUNT	COST/ REVENUE
Applications Received	56	
Applications Reviewed by the board	37	
Rolfers Issued Massage License using the Board's Curriculum Breakdown (not Grandfathered)	1	
Licenses Issued	36	36 X \$550.00= \$19,800
Applications Denied	0	
Applications in Process	86	
Phone Calls Received	353	
E-mails Sent	1191	
Returned Letters	11	11 x .55 = \$6.05
Returned Certified Mail	3	3 X \$7.45= \$ 22.35

747

748 Mr. Edwards-Smith points out that the board received \$19,800 for issued licensed in the non-
749 renewal year of 2018.

750

751 Board member Jill Motz comments, for the record, that she appreciates having the Rolfer column
752 and (although she can't mention his name on the record) that he deserves "kudos" for going
753 through the pathway to licensure that the board created with Rolfers in mind. OLE Dulebohn lets
754 the board know that she felt this was important information to share with the public. She goes on
755 to state that she still gets phone calls from Rolfers wanting to know if the board has a pathway to
756 licensure for them and it was her way of getting that information out on a different platform.

757

758 Meeting Calendar 2019

759

760 The board reviews the meeting calendar dates for the in-person meeting on September 19-20 and
761 the video conference on December 2-3, 2019.

762

763 OLE Dulebohn informs the board that there are Fitness to Practice Interviews scheduled for the
764 September meeting. Ms. Motz informs the board that she will not be in attendance of the 2nd day of
765 the September meeting. Board member Traci Gilmour acknowledges the current mandate from the
766 Governor that board's only meet in person once a year, however she requests from the Chair that
767 should there be a reason for the board to meet with the legislature in the spring, that that meeting
768 date be requested and justified by the board.

769

770 Meeting Calendar 2020

771

772 OLE Dulebohn request the board discuss possible options for meeting dates for 2020. She requests
773 (per Division mandate) that the board choose the month with a few options for dates so that she
774 may choose which works best with other programs scheduled meeting dates.

775

776 *Investigator Jacobs joins the meeting telephonically at 2:30 p.m.*

777

778 The board discusses dates for 2020 and came up with the following:

779

780 March 2-3, 2020- Video conference originating in Juneau with a room reserved in Anchorage for
781 board member use.

782

783 June 18-19, 2020- Video conference originating in Juneau with a room reserved in Anchorage for
784 board member use.

785

786 September 10-11, 2020- In Person meeting in Anchorage

787

788 December 7-8, 2020- Video conference originating in Juneau with a room reserved in Anchorage for
789 board member use.

790

791 **Agenda Item 13** **Relationship with Law Enforcement/ Human Trafficking**

792

793 *Special Agent Jolene Goeden joins the meeting telephonically at 2:36 p.m.*

794

795 Special Agent (SA) Jolene Goeden joins the meeting to make a presentation to the board on Human
796 Trafficking in Alaska and asks OLE Dulebohn to facilitate her PowerPoint presentation.

797

798 Ms. Goeden has worked trafficking cases in Alaska since 2004. The FBI's collaboration with Alaska
799 started with the Anchorage Vice Unit and then with the State Troopers (AST). Now the task force
800 is one member of the FBI that works with the Anchorage Police Department (APD). Ms. Goeden
801 is now a supervisor for a task force that handles both adults and children. She states that there are 4
802 people on her team and their assignments are very involved and busy. Ms. Goeden's team fields
803 referrals from Anchorage Police Department and Alaska State Troopers and has recently received
804 some from the Alaska Board of Massage Therapist via the board's investigator, Carl Jacobs.

805

806 SA Goeden's presentation will be an overview of the statutory definition of trafficking (which is
807 different that the social services definition of trafficking).

808 • There are two types of human trafficking: forced labor and sex trafficking. Most trafficking
809 that happens in the massage industry is sex trafficking.

810 • A Commercial Sex Act means that there would be prostitution (by someone over 18)
811 achieved by force, fraud, or coercion. One of the biggest hurdles for law enforcement is
812 proving the force, fraud, or coercion.

813 • Sex trafficking is forced prostitution. The definition of prostitution is the giving or receiving
814 of sex or a sex act in exchange for compensation (compensation can be anything of value- it
815 does not have to be money).

816 • Alaska State Statute- Sex Trafficking in the 3rd Degree- AS 11.66.130

817 (a) A person commits the crime of sex trafficking in the 3rd degree if, with intent to promote
818 prostitution, the person

819 1. Manages, supervises, controls, or owns, either alone or in association with others, a
820 place of prostitution;

821 2. is other than a patron of a prostitute, induces or causes a person 20 years of age or
822 older to engage in prostitution;

823 3. is other than a prostitute receiving compensation for personally rendered
824 prostitution services, receives or agrees to receive money or other property under an
825 agreement or understanding that the money or other property is derived from
826 prostitution; or

827 4. Engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

828 (b) Sex trafficking in the 3rd degree is a class C felony

829 This statute allows the state to charge owners or managers with wrong doing and not just the
830 person performing the sex acts.

831 • Some common barriers for victims seeking help:

- 832 1. Fear of retaliation, incarceration, deportation, the unknown, withdrawal (drugs)
833 2. Lack of trust, knowledge, support, communication abilities, transportation, awareness of
834 the situation.
835 3. Inability to break away from cultural/religious beliefs, escape due to captivity/isolation,
836 believe that the future can be different.

837 In order for a case to be made, the victim needs to cooperate with law enforcement. Victims
838 are not prosecuted in human trafficking cases.

839 • Common tactics to keep control of the workers in Alaska are:

- 840 1. Isolation- women live in the massage parlours, work in the massage parlours, and are
841 rarely allowed to leave without an escort.
842 2. Exhaustion- parlours are often open 14 hours a day and 365 days a year. There is very
843 little time off.
844 3. Injuries- massage parlour trafficking doesn't see as much violence as you would see in
845 other trafficking. The tactics used are more manipulative and coercive. SA Goeden
846 states that most women that she has spoken to in Anchorage are older women and the
847 story might have been different in their younger years.

848 • SA Goeden reports that there is prostitution going on in massage parlours in Anchorage.
849 The issue is to determine if it's prostitution or trafficking.

850 • The difference between prostitution and trafficking:

851 Prostitution happens between two people: person performing sex act and person receiving s
852 ex act

853 Trafficking happens with at least between three people: person performing sex act, person
854 receiving sex act, person benefiting from sex act.

855 • Recruiting Methods: newspaper, radio, internet, malls, schools, neighborhoods, social
856 media, recruiters. Recruitment can be partially deceptive (money they will make, not charged
857 for room and board), fully deceptive, or physical force. Most recruiters come from the
858 victim's home country.

859 • Traffickers are looking for vulnerability such as low self-esteem, family issues, financial
860 hardship, mental health issues, and prior victimization.

861 • What is known about massage parlours in Alaska is they tend to be Asian based, the women
862 work on a circuit and move frequently to other states/locations, there is a language barrier,
863 they are working off a debt, they only earn tips (or a small portion of the fee), they live and
864 work out of the massage parlour, and they tend to be isolated.

865 • Indicators of Trafficking in Massage Parlours: Controlled movement (owner or madam
866 transports them), owner paid for travel, owner holds their documents, owner speaking for
867 working, coached or rehearsed backstory, license/deed appears fraudulent, items on

- 868 application do not make sense (same person pays fees, teaches CPR, notary, etc.), they are
869 moved around between massage parlours, and living conditions (locks on doors, etc.).
- 870 • Some factors that contribute to victim's situation: poverty stricken, war, repression,
871 economy, natural disasters, lack of opportunities in home countries, limited educational
872 background, single parents, desperate time, history or child maltreatment, homeless,
873 runaway, or throwaway youth.
 - 874 • Some challenges in prosecuting are that a victim needs to tell story, documents, locating
875 victims, determining true identity of victim, language barriers, trust of law enforcement.
 - 876 • Some forced labor industries in Alaska: Fishing industry, massage parlours, domestic
877 servitude, restaurant work, nail salons, seasonal workers.
 - 878 • How to Engage a Victim: avoid communicating disgust or disdain, avoid being judgmental
879 and biased, avoid switching intermittently between treading the reporter as a offender and
880 then a victim, avoid disputing facts or comment on the victims motivation, recognize various
881 symptoms of trauma and coping mechanisms, build rapport with the victim; learn about the
882 person, actively listen in a comfortable, non-threatening environment, prepare yourself for
883 an unaware victim, and collaborate with other professionals.
 - 884 • If you suspect trafficking or want to talk through a scenario, contact FBI Special Agent
885 Jolene. Goeden directly at 907-265-8119 or jagoeden@fbi.gov or 24 hours a day at 907-276-
886 4441.

887
888 SA Goeden concludes her presentation and asks if there are any questions from the board. Chair
889 Edwards-Smith starts off by stating the board is currently working on regulating massage
890 establishments and wants to know if he can send the current language to her department for
891 feedback. SA Goeden states that she would be willing to read through the language and work with
892 the board to increase visibility by reaching out to victims that are not from Alaska and the inspectors
893 that go in to check licenses and conditions.

894
895 **TASK: Chair Edwards-Smith will send draft regulations for massage establishments**
896 **to SA Goeden for feedback.**
897

898 The Chair goes on to address what SA Goeden said about getting referrals from the board. OLE
899 Dulebohn is asked what the procedure is when making referrals to the FBI. OLE Dulebohn
900 responds that she first will identify red flags from training she has received from the Federation of
901 State Massage Therapy Boards Executive Summit, then she sends them to her Supervisor for review,
902 the Supervisor then makes a determination on whether they should be sent to Corporations,
903 Business, and Professional Licensing's Investigative Department, who will then review the file and
904 determine if it should be sent on to the FBI.

905
906 OLE Dulebohn states that two FBI referrals have been made in the last few months because the
907 applicant's fees, notary, and CPR were all linked to one person who didn't even live in the same state
908 as the applicants.

909
910 Hearing no more questions from the board, Chair Edwards-Smith thanks Ms. Goeden for her time
911 and valuable information.

912
913 *SA Goeden and Inv. Jacobs leave the meeting.*
914 *Chair Edwards-Smith calls a short break at 3:27 p.m.*

915 *Back on the record at 3:32 p.m.*

916

917 **Agenda Item 12** **Administrative Business(continued)**

918

919 Annual Report

920

921 Chair Edwards-Smith directs the board to the 2019 Annual Report. The report is meant to be a
922 brief overview of 2019 and a calendar of events for 2020. The board commends Chair Edwards-
923 Smith on his completion of the Narrative Statement and Potential Regulations & Legislation.

924

925 FARB Member Board Invitation

926

927 The board reviews the invitation they were sent to join the Federation of Associations of Regulatory
928 Boards(FARB). FARB is a not for profit corporation formed in 1974 to promote public protection
929 and provide a forum for information exchange for associations of regulatory boards and their
930 affiliates with interests in professional regulation.

931

932 FARB's objectives are to exchange information and engage in programs and joint activities with
933 member boards and associations, to provide a forum for cooperation in solving the mutual
934 problems of participating associations across jurisdictions and professions, to engage in activities to
935 improve the standards of professions, the delivery of services, and the services of regulatory
936 licensing agencies, to provide educational opportunities and legal updates for lawyers who represent
937 regulatory boards, to share information of the education of professionals, including accreditation of
938 schools, colleges, and continuing education programs, and to foster communication and discussion
939 about the latest assessment techniques for association of regulatory board and their members.

940

941 Chair Edwards-Smith goes on to inform the board that dues are \$175 a year for a regulatory
942 membership. Some benefits of membership are: discounted registration to FARB conferences, free
943 access to FARB model documents, discounted subscription to FARB's Top Regulatory Cases, and
944 access to the FARB community for information exchange.

945

946 Ms. Gilmour asks if the board pays for this membership, if they would be paying for anyone other
947 than their staff or board members to go. OLE Dulebohn replies that that would be the board's
948 decision. OLE Dulebohn has been previously informed by her superiors that normally only senior
949 level staff are allowed to go to conferences like FARB but because she the board chose to send her
950 to this in lieu of going to FSMTB's Annual Meeting, she was allowed. Coming back from the
951 conference she brought valuable ideas such as the criminal history prescreening that Louisiana is
952 doing and the information for the Administrative Statistics report that is now a staple in board
953 meeting packets. OLE Dulebohn that the board would still have to go through the process of
954 administrative approval for the funding of this membership.

955

956 Ms. Gilmour states that she doesn't think it's fair for the board to have to fight for any travel they
957 deem is important for board members but not for the licensing examiner. OLE Dulebohn reminds
958 the board that all travel has to be justified and that, under the current administrations travel policy
959 changes, even travel that is 100% 3rd party booked/reimbursed is getting denied. OLE Dulebohn
960 reminds the board that her travel for this years' FSMTB Executive Summit was denied and OLE
961 Dulebohn paid to go out of her own pocket and took her own personal days to attend. She was
962 eventually reimbursed by FSMTB for her expenses but not her time off work.

963
964 Ms. Gilmour asks, if the board does vote to approve the membership and attend the FARB Forum,
965 if it will be justified to the licensees that this travel was a good use of time and resources. OLE
966 Dulebohn replied that all travel that goes through the state (whether funded by the board or not), is
967 required to have the traveler complete a Travel Action Summary upon their return itemizing the cost
968 saving measures that were used and the information that was gained by the travel. Those forms are
969 part of the public board packet for the next board meeting. OLE Dulebohn believes that if you
970 justify, on the record, what you did, what you learned, and how the public benefits from it, there is a
971 better public understanding of the need for the travel.

972
973 **TASK: Board will research the benefits of joining FARB in order to make an**
974 **informed decision on membership during the September 2019 meeting.**

975
976 Correspondence

977
978 Betz

979
980 The board reviews correspondence from Joelyn Betz on May 1, 2019. Ms. Betz asks the board
981 about deferring the renewal of her license due to debilitating vertigo that has prevented her from
982 working or spending any significant time on a computer. These reasons have kept Ms. Betz from
983 renewing her CPR or continuing education which are requirements for renewal.

984
985 OLE Dulebohn replied to Ms. Betz email on May 9, 2019 letting her know that there is no
986 stipulation in Statutes and Regulations to allow for an exception for someone with a medical reason.
987 She lets Ms. Betz know about lapsed licenses, expired licenses, and the regulations process.

988
989 The board discusses Ms. Betz' situation and ask OLE Dulebohn to reply that they are currently
990 researching a regulation to address exemption for medical conditions but at this time the only
991 options available are the one's OLE Dulebohn outlined in her May 9, 2019 e-mail.

992
993 **TASK: OLE Dulebohn to respond to Ms. Betz' correspondence to the board.**

994
995 Brown

996
997 The board reviews correspondence from Katherine Brown from May 2019. The board remarks that
998 OLE Dulebohn handled this situation quite well. Ms. Gilmour states for the record that, even
999 though Ms. Brown references her, that she does not recall any professional relationship with Ms.
1000 Brown. The board reviews statute on the question of completion of the national massage
1001 competency exam and reiterate that it is a requirement of AS 08.61.030 and AS 08.61.040. Ms. Motz
1002 comments that Ms. Brown makes a great argument for herself but agrees that all applicants must
1003 take and pass the MBLEx or NCBTMB (prior to January 31, 2015) as these are the only two
1004 national massage competency exams that the board recognizes at this time. Ms. Motz goes on to
1005 state that this requirement is clear on both the application and statutes and regulations.

1006
1007 The board goes on to deny an exception to regulation to allow Ms. Brown to apply by Transition
1008 (Grandfathered) after the July 1, 2017 deadline.

1009

1010 The board asks OLE Dulebohn why this correspondence was brought to the board when she has
1011 addressed all of Ms. Brown’s questions and concerns intelligently and thoroughly. OLE Dulebohn
1012 replies that anytime someone asks for their correspondence to be reviewed by the board, it goes on
1013 the agenda whether she feels she has addressed their concerns completely or not.

1014
1015 Mr. Gibbs asked if Hawaii’s licensing standard includes a completion of a national exam and
1016 whether the board has licensed applicants from Hawaii before. OLE Dulebohn replies that Hawaii
1017 does not require passage of a national exam but some applicants from there have opted to complete
1018 the MBLEx anyway since it is the only national exam at this time. OLE Dulebohn goes on to state
1019 that the board has reviewed applications before and have approved a license pending the successful
1020 completion of the MBLEx. With the recent passage of 12 AAC 79.130 in April 2019, the board
1021 now can only review completed applications.

1022
1023 **TASK: OLE Dulebohn should reply to Ms. Brown’s correspondence by referencing**
1024 **this portion of the minutes and the board’s discussion.**

1025
1026 Review/Update “No Investigations Needed List from November 2015

1027
1028 OLE Dulebohn directs the board to the list they drafted in November 2015 of criminal offenses
1029 they believe are not worthy of an investigative review. Ms. Gilmour states that she does not believe
1030 the board should review and revamp something they have already decided upon. Chair Edwards-
1031 Smith reviewed the list and saw no changes were needed at this time.

1032
1033 OLE Dulebohn suggests one amendment to the board. On the list the board currently has
1034 “underage drinking”. She would like the board to expand on that to add “minor consuming” and
1035 “minor possession”.

1036
1037 **In a motion duly made by Julie Endle, seconded by Ron Gibbs, and passed unanimously**
1038 **with a roll call vote, it was RESOLVED to AMEND the board’s “No Investigations Needed**
1039 **List” to ADD “including, but not limited to minor consuming” as a facet of “underage**
1040 **drinking” and keep the rest of the list as written.**

1041
1042 **No Investigations Needed List**

1043
1044 The Board of Massage Therapists has determined at its November 5-6, 2015 and June 10-11, 2019
1045 meetings that the disclosure of one (or more) of the following convictions on an application (or in a
1046 criminal background check) will not result in a referral to Investigations unless the Division, in its
1047 discretion, reasonably believes that an attempt to secure a license through fraud, deceit, or
1048 misrepresentation has occurred.

- 1049
1050 1. Traffic Violations (minor), including, but not limited to:
- 1051 • Reckless driving
 - 1052 • Driving without a license/suspended license
 - 1053 • Speeding tickets, other minor moving violations
 - 1054 • Driving without insurance
 - 1055 • Jaywalking
- 1056

- 1057 2. Fish and Game Violations
1058
1059 3. Animal Offenses (excluding animal cruelty or abuse)- Convictions older than 10 years from
1060 application.
1061
1062 4. Petty Crimes (misdemeanors)- Convictions older than 5 years from application, including,
1063 but not limited to:
1064 • Shoplifting
1065 • Bounced/Bad checks
1066 • Minor theft charges
1067 • Littering
1068
1069 5. Theft- Conviction older than 5 years from date of application
1070
1071 6. Burglary- Conviction more than 10 years from date of application
1072
1073 7. Underage Drinking- including, but not limited to:
1074 • Minor Consuming
1075
1076 8. Possession or Use of Marijuana- Single offense
1077
1078 9. Driving Under the Influence/Driving While Intoxicated- No more than 2 conviction in a
1079 10-year period.
1080
1081 10. Disorderly Conduct
1082
1083 11. Public Inebriation- Single offense
1084
1085 12. Harassment- Conviction more than 5 years from the date of application
1086
1087 13. Assault- Conviction more than 5 years from the date of application
1088

1089 Election of Vice Chair

1090
1091 Chair Edwards-Smith is open to the election of Traci Gilmour as Vice Chair of the Board of
1092 Massage Therapists.

1093
1094 The duties of Vice Chair would be to stand in for the Chair should he/she be unable to attend the
1095 board meeting or be unavailable for consultation in matters of board business. This position would
1096 stand until their term as a board member ends or they are replaced by a vote of the board.
1097

1098 **In a motion duly made by Ron Gibbs, seconded by Julie Endle, and passed unanimously**
1099 **with a roll call vote, it was RESOLVED to ELECT Traci Gilmour as Vice Chair of the**
1100 **Board of Massage Therapists.**

1101
1102 Document Signing

1103
1104 **TASK: OLE Dulebohn will send original signature pages with a prepaid envelope to**
1105 **Chair Edwards-Smith for signature and return.**
1106

1107 **TASK: Chair David Edwards-Smith will send digital copies of signature pages via e-**
1108 **mail and signed originals via postal mail to OLE Dulebohn.**
1109

1110 FSMTB Annual Meeting and Board Delegates
1111

1112 Chair Edwards-Smith suggests to the board that the newly elected Vice Chair, Traci Gilmour, attend
1113 the FSMTB Annual Meeting on October 3-5, 2019.
1114

1115 Ms. Gilmour states that she would really like to experience FSMTB and provide the board with her
1116 feedback.
1117

1118 **In a motion duly made by Jill Motz, seconded by Rob Gibbs, and passed unanimously with**
1119 **a roll call vote, it was RESOLVED that Traci Gilmour (Delegate) and David Edwards-Smith**
1120 **(2nd Attendee) will attend the Federation of Massage Therapists Annual Meeting in October**
1121 **2019.**
1122

1123 Agenda Item 9 Regulations (continued)
1124

1125 500 Hours vs. 625 Hours- Criteria for Applicants
1126

1127 OLE Dulebohn walks the board through the ways they may be asked to review an application based
1128 on a 500-hour requirement after the minimum educational hours raise on July 1, 2019. After
1129 consulting Harriet Milks from the Department of Law and directly referencing correspondence from
1130 Ms. Milks on 11/28/2018 and 5/8/2019, the following criteria was established:
1131

- 1132 • Be currently (actively) enrolled in a massage school or program in accordance
1133 with AS 08.61.030.
- 1134 • Submit the “Application by Examination” application. Completed
1135 application must be received on or before June 30, 2019.
- 1136 • Submit any documentation that is not required to be submitted by a 3rd
1137 party (everything but transcripts, exam scores, and background reports).
1138 Valid documentation must be received on or before June 30, 2019.
- 1139 • All application and fingerprint fees must be paid on or before June 30, 2019.
1140
- 1141 • Complete all facets of the application process prior to application becoming
1142 “stale” (no later than December 30, 2019 depending on submission date).
1143

1144 OLE Dulebohn continues by stating that it is the hope that, by allowing this concession to the new
1145 statute, it will give people that are currently in the process of completing a 500-hour program time to
1146 finish it and pass the national exam without burdening them with an increased hour requirement.

1147 Mr. Gibbs asked how this information will get out to the public and OLE Dulebohn replied that she
1148 sent this guideline out to all the approved schools in Alaska, the Alaska Commission on Post-
1149 Secondary Education (ACPE), and posted it on the board’s website on June 4, 2019.

1150
1151 New Statutes & Regulations- May 2019

1152
1153 OLE Dulebohn reminded the board that there is a new copy of Statutes and Regulations. It is
1154 available in this board packet, on the board's website, and in their OnBoard under "Resources".

1155
1156 **Agenda Item 5** **Old Business (continued)**

1157
1158 Letter of Intent from Alaska Career College

1159
1160 On May 9, 2019, the board received a letter of intent from Alaska Career College to be a provider of
1161 remedial education for those seeking Alaska licensure but need additional hours to meet Alaska's
1162 requirements.

1163
1164 Exempt Status from ACPE

1165
1166 The board received an Exempted Status letter for Tarika Lea's School of Integrating Shiatsu. ACPE
1167 defines Exemptions from 20 AAC 17.015(4) as a short course of study that is not more than 120
1168 hours or 15 days in duration, including all required class, laboratory, externship, and independent
1169 study hours. Board Chair Edwards-Smith muses how Exempt Status, in any way, accredits your
1170 program. Ms. Motz and Mr. Edwards-Smith both agree that an Exempt Letter is not an
1171 accreditation of a program.

1172
1173 Louisiana's Potential Applicant Criminal Pre-Review

1174
1175 In the February/March 2019 meeting, OLE Dulebohn brought an idea to the board that had been
1176 discussed at the FARB Forum she attended in January 2019. In Louisiana, the board allows people
1177 to request a pre-review of their criminal history. The board reviews the history and makes a
1178 standing decision on whether a person's past criminal history will be a barrier to licensure when that
1179 individual applies in Louisiana. This process allows the future applicant the peace of mind of
1180 knowing that if they spend money on education, invest time in the process of becoming a massage
1181 therapist, and meet all the requirements of the state, they will be granted a license when the process
1182 has been completed.

1183
1184 Board Member Traci Gilmour and OLE Dulebohn submitted their research on how Louisiana does
1185 their pre-screening process for applicants with a criminal history to see if it's something the board
1186 would like to initiate here in Alaska.

1187
1188 OLE Dulebohn submitted a copy of Louisiana House Bill 748 and Ms. Gilmour submitted research
1189 from the LA website. OLE Dulebohn also shares some feedback that she was asked to relay by
1190 Supervisor Hannasch including taking into consideration:

- 1191
1192
- 12 AAC 79.130- "board will only review completed applications..."
 - Who will fund the time it takes to process and review the criminal background reports since they have not submitted an application with the \$200 processing fee?
- 1193
1194

- 1195 • If the board sets a precedent that they will review background reports prior to the
1196 application process, where will the line be drawn for other requests to review documents
1197 prior to applications and fees being submitted?
1198

1199 Chair Edwards-Smith states that the information on what defines a crime of moral turpitude is
1200 available online. OLE Dulebohn interjects that transparency is also one of the reasons she asked to
1201 review and revamp the “No Investigations Needed” statement so that she can post it on the website
1202 for future applicant’s to be able to reference prior to applying for schools or applying for licensure.
1203 Mr. Edwards-Smith states that based on all the information that will be available, applicants can
1204 obtain their own copy of their background report and reference the list of moral turpitude available
1205 in statutes and regulations and the “No Investigations Needed” list to see if their specific criminal
1206 history will be a barrier to licensure. OLE Dulebohn comments that between those two documents
1207 and the Disciplinary Matrix that the board is currently working on, applicant’s will be able to
1208 determine whether they will be denied licensure.
1209

1210 Ms. Motz would like to address the concerns brought to the board from Alaska Career College
1211 (ACC) concerning student/applicant criminal history. She suggests that ACC perform a background
1212 report on students who have concerns about their history so that it can be ascertained ahead of time
1213 if there will be anything that will hold up or block licensure. Ms Gilmour joins the conversation by
1214 stating that between all the information the board has/will make available, future applicants will be
1215 able to determine on their own if they have a criminal history that would preclude them from
1216 licensure in Alaska. Ms. Gilmour goes on to state that it is the applicant’s responsibility to do their
1217 research to see whether they have anything detrimental in their past to hinder the licensing process
1218 and that it’s not ACC’s job to do that research before they will enroll students but it’s their choice.
1219

1220 The board discusses the subject further and decides that, with all the information available to the
1221 public, they will not move forward with an initiative to implement a pre-review of criminal history
1222 for potential applicants.
1223

1224 **TASK: OLE Dulebohn will post list of crimes of moral turpitude, “No Investigations**
1225 **Needed”, and completed Disciplinary Matrix to the board’s website.**
1226

1227 Board Chair Edwards-Smith ask the board to ensure they have read the information he had OLE
1228 Dulebohn disseminate regarding massage establishment regulations prior to tomorrow’s meeting.
1229 OLE Dulebohn reminds the board that she has also included in the board packet all the meeting
1230 minutes relating to the discussion on massage establishment licensing/regulation. She goes on to
1231 state that they are highlighted and ready for review to use as reference on the subject matter from
1232 the last year.
1233

1234 **Agenda Item 15 Adjourn or Recess**
1235

1236 Chair Edwards-Smith recesses the meeting until June 11, 2019 at 9:00 a.m.
1237

1238 *Off the record at 4:34 p.m.*
1239

1240 **Tuesday, June 11, 2019**
1241

1242 **Agenda Item 16** **Call to Order/Roll Call**

1243

1244 *On the record at 9:03a.m.*

1245

1246 **Board Members present, constituting a quorum:**

1247

1248 David Edwards-Smith, Board Chair-Licensed Massage Therapist

1249 Traci Gilmour, Licensed Massage Therapist

1250 Ron Gibbs, Licenses Massage Therapist

1251 Jill Motz, Licensed Massage Therapist

1252 Julie Endle, Public Board Member

1253

1254 **Division Staff present:**

1255

1256 Dawn Dulebohn, Occupational Licensing Examiner

1257 Carl Jacobs, Investigator III

1258 Sonia Lipker, Senior Investigator III

1259 Sher Zinn, Regulations Specialist

1260 Greg Francois, Chief Investigator

1261 Sara Chambers, Director of the Division of Corporations, Business, and Professional

1262 Licensing

1263

1264 **Agenda Item 17** **Review Agenda**

1265

1266 Chair Edwards-Smith starts the day thanking the board for the great meeting on the previous day
1267 despite the frantic pace.

1268

1269 The board reviews the 2nd day agenda. Chair Edwards-Smith wants to amend the day's agenda to
1270 add the finalization of the Disciplinary Matrix. Board member Julie Endle asks when the board will
1271 be addressing the Board Curriculum Breakdown and OLE Dulebohn responds that that discussion
1272 is slated for Agenda Item 19 at 10:45 a.m.

1273

1274 **In a motion duly made by Traci Gilmour, seconded by Rob Gibbs, and passed**

1275 **unanimously, it was RESOLVED to APPROVE the agenda as amended.**

1276

1277 **Agenda Item 18** **New Business**

1278

1279 **Order of Remand for X.L.**

1280

1281 The board is presented with an Order of Remand by Administrative Law Judge Christopher
1282 Kennedy in the matter of Xia Liu. Ms. Liu application was initially reviewed and denied by the
1283 board referencing AS 08.61.040(6). ALJ Kennedy would like the board to re-evaluate the case by
1284 using the correct set of standards.

1285

1286 **In a motion duly made by Traci Gilmour, seconded by Julie Endle, it was RESOLVED to**

1287 **ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska**

1288 **Constitutional Right to Privacy Provisions, for the purpose of discussing “subjects that tend**

1289 to prejudice the reputation and character of any person, provided the person may request a
1290 public discussion”. OLE Dulebohn to remain during Executive Session.

1291

1292 *Off the record at 9:08 a.m.*

1293 *Back on the record at 9:31 a.m.*

1294

1295 After lengthy discussion taking into consideration that Ms. Liu has a history of securing licensure
1296 through deceit, fraud, and misrepresentation the board came to a decision on this matter.

1297

1298 **In a motion duly made by Traci Gilmour, seconded by Julie Endle, and passed unanimously**
1299 **with a roll call vote, it was RESOLVED to DENY the application for licensure for Xia Liu**
1300 **Case #2018-00166 citing AS 08.61.061(1) After a hearing, the board may impose a**
1301 **disciplinary sanction under AS 08.01.075 on a person licensed under this chapter if the board**
1302 **finds that the person secured a license through deceit, fraud, or intentional**
1303 **misrepresentation.**

1304

1305 Rescind Denials for H.K, C.S., and Y.Y.

1306

1307 OLE Dulebohn addresses the board in the matter of Fitness to Practice reviews. The board has
1308 previously asked OLE Dulebohn to go through previous denials to see if any of those individuals
1309 qualify for a Fitness to Practice review under the board’s new standards for reviewing criminal
1310 history. After some research, OLE Dulebohn found six people that met the board’s criteria and
1311 would benefit from a re-evaluation of their application. OLE Dulebohn sent them letters asking if
1312 they would like the board to reconsider them for licensure. To document their willingness to have
1313 the board re-open their files, OLE Dulebohn asked them to sign and return an Intent to Participate
1314 form which outlined several requirements they would need to fulfill to be eligible for this option
1315 such as submitting fingerprints, fingerprint processing fees, a detailed work history, letters of
1316 explanation for criminal convictions, letters of recommendation, and participation in a 30-minute
1317 interview. Of the six, three people returned the Intent to Participate forms. Two out of three
1318 applicants met the first deadline and are still eligible to participate and OLE Dulebohn is asking the
1319 board to rescind their previous denials so their files can go back into a “in-process” status so that
1320 they can make a decision on licensure for these applications after the individuals complete their
1321 interviews with the board.

1322

1323 **In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously**
1324 **with a roll call vote, it was RESOLVED to RESCIND the DENIALS for Han Mee Kim and**
1325 **Yong Ki Yi to allow for participation in a Fitness to Practice procedures and interviews.**

1326

1327 Fitness to Practice interviews for Ms.Kim and Ms. Yi are scheduled for the board’s September 10-
1328 11, 2019 meeting.

1329

1330 **TASK: OLE Dulebohn will update the board’s denial list and post the updated list on**
1331 **the board’s website.**

1332

1333 Review Tabled Applications

1334

1335 Chair Edwards-Smith directs the board to review tabled applications for J.E., E.P., and M.W.

1336

1337 In a motion duly made by Julie Endle, seconded by Jill Motz, it was **RESOLVED** to
1338 **ENTER** into Executive Session in accordance with AS 44.62.310(c), and Alaska
1339 **Constitutional Right to Privacy Provisions**, for the purpose of discussing “matters which by
1340 law, municipal charter, or ordinance are required to be confidential”. OLE Dulebohn to
1341 remain during Executive Session.

1342

1343 *Off the record at 9:42 a.m.*

1344 *Back on the record at 10:26 a.m.*

1345

1346 After a detailed discussion of J.E.’s application, the board made a decision on this matter.

1347

1348 In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with
1349 a roll call vote, it was **RESOLVED** to **APPROVE** the application for Joseph Etcheverry.

1350

1351 After discussing the application for E.P. in length during executive session, Chair Edwards-Smith
1352 states that the board’s wish is to determine that the schools that E.P. attended are approved and
1353 accredited according to Alaska statute.

1354

1355 In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously
1356 with a roll call vote, it was **RESOLVED** to **APPROVE** the application of Eun Young Park
1357 **PENDING** board review and verification of official transcripts from Body Concept Wellness
1358 and Wall Street Institute.

1359

1360 The board discussed this application thoroughly. Ms. Gilmour starts off referencing AS
1361 08.61.030(8) which outlines qualifications for licensure and states an applicant must have
1362 successfully passed a national competency exam and AS 08.61.040(9) which says that applicants
1363 applying by their credentials must have credentials from a state with equal to or greater standards
1364 than Alaska; she does not believe this is the case. Mr. Edwards-Smith expands that the state
1365 through M.W. was licensed does not require completion of the MBLEx or any other national
1366 competency exam which is an Alaska requirement. OLE Dulebohn interjects that the board’s
1367 reference material on this matter was from the Federation for State Massage Therapy Boards State
1368 Massage Licensure & Renewal Requirements list.

1369

1370 In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously
1371 with a roll call vote, it was **RESOLVED** to **DENY** the application for licensure for Min
1372 Wang according to AS 08.61.030(8) “The board shall issue a license to practice massage
1373 therapy to a person who has successfully completed a nationally recognized competency
1374 exam approved by the board” and AS 08.61.040(9) “The board shall issue a license to
1375 practice massage therapy to a person who is currently licensed to practice massage therapy
1376 in another state or country that has licensing requirements that are substantially equal to or
1377 greater than the requirements of this state.”

1378 Board Approved Credentialing Agencies by State

1379

1380 Chair Edwards-Smith starts off the conversation on Board Approved Credentialing Agencies by
1381 State that is part of AS 08.61.020 as a duty of the board to determine which states have education
1382 and licensing requirements equivalent to the requirements of this state. He agrees it would be a
1383 great comprehensive tool to have a list of credentialing entities for each state (such as the California
1384 Massage Therapy Council (CAMTC) in California). Chair Edwards-Smith goes on to state that it is

1385 fortunate that the board has a membership with the Federation of State Massage Therapy Boards
1386 (FSMTB) which would gladly help the board in their research on this subject.

1387
1388 **TASK: Chair Edwards-Smith will contact FSMTB to help the board with research**
1389 **regarding state approved credentialing agencies.**

1390
1391 Chair Edwards-Smith continues by stating, for the record, that this is one of the many benefits of
1392 having the FSMTB membership is their research and historical documents. Without the aid of the
1393 FSMTB, this task would require hours of research which would cost the department and time for
1394 board members.

1395
1396 Board member Traci Gilmour feels like she may have touched on this subject when she was
1397 researching a project for the legislature. She will send that information to the board for review.

1398
1399 **TASK: Traci Gilmour will send her legislative research on school requirements in**
1400 **different states to OLE Dulebohn to distribute to the board.**

1401
1402 Board Member Ron Gibbs asks OLE Dulebohn if this research will yield a data base for future
1403 board use. Ms. Dulebohn responds that her intention is to, in fact, start a spreadsheet on board
1404 approved credentialing agencies for use by the board and as reference material for the public.

1405
1406 Board Approved National Accreditation Agencies for Schools

1407
1408 Chair Edwards-Smith directs the board to the information provided in the board packet on the
1409 Accrediting Commission of Career Schools and Colleges (ACCSC). Mr. Edwards-Smith read a press
1410 release stating that Commission on Massage Therapy Associations (COMTA) and ACCSC “have
1411 entered into a management agreement to strengthen forces and the opportunity to join a joint
1412 institutional and programmatic accreditation process.”

1413
1414 **In a motion duly made by Traci Gilmour, seconded by Julie Endle, and passed unanimously**
1415 **with a roll call vote, it was RESOLVED to ACCEPT the Accrediting Commission of Career**
1416 **Schools and Colleges (ACCSC) as a national accrediting body.**

1417
1418 **TASK: OLE Dulebohn to create a list of the state authorizing and national**
1419 **accrediting entities approved by the board and post them to the board’s**
1420 **website.**

1421
1422 Board Member Ron Gibbs points out that there is a list of regional and national accreditors that the
1423 board could research and possible add to their accepted list. Chair Edwards-Smith thinks that by
1424 doing their own research on accrediting bodies and combining it with the research that will be
1425 contributed by FSMTB, the board could possibly expand their approval entities list at the next
1426 meeting.

1427
1428 **TASK: Ron Gibbs and Julie Endle will research the Distance Education and Training**
1429 **Council (DETC), Accrediting Council for Independent Colleges and Schools**
1430 **(ACICS), and Accrediting Council for Continuing Education and Training**
1431 **(ACCET) and relay that information to OLE Dulebohn to include in the**
1432 **September meeting packet.**

1433
1434 Board Approved State Authorizing Agency for Schools

1435
1436 Chair Dave Edwards-Smith will also work with FSMTB to establish the Alaska Commission on
1437 Post-Secondary Education (ACPE) equivalency of state authorizing agencies for schools in every
1438 state. Both the Chair and the Vice-Chair agree that tapping into FSMTB’s resources would be a
1439 good use of the board’s membership to the organization. OLE Dulebohn agrees with the board
1440 members as she recently had to justify to Division why the board should have this membership.
1441 Vice-Chair Traci Gilmour states that this membership will save hours of research by OLE Dulebohn
1442 and Board Members when FSMTB already has the resources to complete the project.

1443
1444 **TASK: Chair Edwards-Smith will consult FSMTB to establish a list of ACPE**
1445 **equivalents in every state.**

1446
1447 Insurance Billing Statute

1448
1449 Board Member Jill Motz was invited to present her research on this matter. Ms. Motz found that,
1450 according to the Director of the Department of Insurance for Alaska, that once the message board
1451 was formed it would fall under AS 21. 36.090, a statute regarding Unfair Discrimination.

1452 AS 21.36.090 Unfair Discrimination states: (a) A person may not make or permit unfair
1453 discrimination between individuals of the same class and equal expectation of life in the rates
1454 charged for a contract of life insurance or of life annuity or in the dividends or other benefits
1455 payable thereon, or in any other of the terms and conditions of the contract.

1456 (b) A person may not make or permit unfair discrimination between individuals of the same class
1457 and of essentially the same hazard in the amount of premium, policy fees, or rates charged for a
1458 policy or contract of health insurance or in the benefits payable, or in any of the terms or conditions
1459 of the contract, or in any other manner whatever.

1460 (c) A person may not make or permit arbitrary or unfair discrimination between insureds or property
1461 having like insuring or risk characteristics, in the premium or rates charged for a policy or contract
1462 of property, casualty, surety, marine, wet marine or transportation insurance, or in the dividends or
1463 other benefits payable on the insurance, or in the selection of it, or in any other of the terms and
1464 conditions of the insurance.

1465 (d) Except to the extent necessary to comply with [AS 21.42.365](#) and [AS 21.56](#), a person may not
1466 practice or permit unfair discrimination against a person who provides a service covered under a
1467 group health insurance policy that extends coverage on an expense incurred basis, or under a group
1468 service or indemnity type contract issued by a health maintenance organization or a nonprofit
1469 corporation, if the service is within the scope of the provider’s occupational license. In this
1470 subsection, “provider” means a state licensed physician, physician assistant, dentist, osteopath,
1471 optometrist, chiropractor, advanced practice registered nurse, naturopath, physical therapist,
1472 occupational therapist, marital and family therapist, psychologist, psychological associate, licensed
1473 clinical social worker, licensed professional counselor, or certified direct-entry midwife.

1474 Ms. Motz shares a few points:

- 1475 • Ms. Motz recently looked up that statute with a representative from the Department of
- 1476 Insurance and, although it mentions 15 types of providers, that statute does not list massage
- 1477 therapy and 7 other boards.
- 1478 • AS 21.36.090 was created in 1993 and there are many boards that are not on the list.
- 1479 • Insurance companies may reference this law and use it as a reason to not pay massage
- 1480 therapists for coverage and billing.
- 1481 • When Ms. Motz asked Division about this issue, she was advised to take it to legislation by
- 1482 Supervisor Hannasch.
- 1483 • Is this a housekeeping issue for Division given that there are multiple boards that are not
- 1484 mentioned?
- 1485 • Is this something the board's need to address directly, either singularly or as a group? Since
- 1486 she believes that this project is reasonable and important, it may be the business of the board
- 1487 directly.
- 1488

1489 Ms. Gilmour contributes to the conversation by divulging that she cannot work on AlaskaCare
 1490 retirees and bill their insurance because she does not work in a clinic supervised by a doctor. Ms.
 1491 Motz interjects that AlaskaCare retirees state plan specifically states that massage therapy will not be
 1492 covered for retirees but Ms. Gilmour counters that retirees can get a massage from a licensed
 1493 massage therapist working for a chiropractor and the billing is covered. Ms. Gilmour continues that
 1494 since the massage board is one of many professional license programs/health care providers that are
 1495 excluded, she suggests first going to other health care providers to band together to take on a project
 1496 of this magnitude.

1497
 1498 **TASK: Ms. Gilmour will contact the Department of Insurance regarding AS**
 1499 **21.36.090.**
 1500

1501 Chair Edwards-Smith muses on whether it is the board's purview to take on this project and Ms.
 1502 Motz replies that it is an issue of access to care. Chair Edwards-Smith poses the following
 1503 questions: Is this project:

- 1504 1. Under the scope of the board?
- 1505 2. Is this a Division issue? Would it be necessary for Division to pursue this topic?
 1506 Should Director Chambers be consulted?
- 1507 3. Should the board consult other professional license boards/health care
 1508 professionals to garner their take on the subject and then present this case to the
 1509 legislature?
 1510

1511 Ms. Motz agrees with Mr. Edwards-Smith. She goes on to state that she thinks it should be brought
 1512 to Division again before the board takes any more steps. Ms. Motz continues that she would be
 1513 very interested to see what Ms. Gilmour finds out from the Department of Insurance under
 1514 providers need licenses to bill insurance.
 1515

1516 Ms. Endle joins the conversation by stating that she has firsthand knowledge of insurance providers
 1517 denying covering massage sessions and would like to see that changed as she sees massage as an
 1518 important tool to healing.
 1519

1520 Mr. Gibbs states that massage therapists not being mentioned in AS 21.36.090 could be a potential
 1521 loophole that insurance companies will use to deny coverage. In his mind, the first step is

1522 consulting the other professions/health care providers that are not mentioned in statute considering
1523 it's a statute on equality. Ms. Motz continues by saying that if the board goes to the legislature about
1524 this, they should ask for an "adoption by reference" so that way boards would not have to bring this
1525 back to the legislators every time a new board is created.

1526
1527 Ms. Motz polls the board and Mr. Gibbs, Ms. Gilmour agree that this project is within the board's
1528 scope.

1529
1530 **TASK: OLE Dulebohn will send request for Division Deputy Director Sharon Walsh**
1531 **and the Department of Law, on the subject of Division taking on the task of**
1532 **updating AS 21.36.090 to include all professionally licensed health care**
1533 **boards.**

1534
1535 **TASK: Ms. Motz will research what other boards have been left off of AS 21.36.090.**
1536 **She will draft a letter for OLE Dulebohn to send out to other health care**
1537 **related professional licensing boards to see if they have interest in joining a**
1538 **coalition and taking this topic before the legislature in 2020. The letter will be**
1539 **reviewed and approved by the board before being sent out.**

1540

1541 **Agenda Item 19 Application of Curriculum Breakdown**

1542

1543 On April 17, 2019 the board-added regulation, 12 AAC 79.140, went into effect giving a minimum
1544 guideline to what massage education should contain.

1545

1546 12 AAC 79.140. MASSAGE SCHOOL EDUCATION REQUIREMENTS. (a) For applications
1547 submitted on or before June 30, 2019, applicants must show successful completion of at least 500
1548 hours of education or instruction in massage therapy that includes the following subjects for the
1549 minimum number of hours specified:

1550 (1) anatomy, physiology, pathology, and kinesiology: 130 hours, including instruction in

1551 (A) at least 40 hours in pathology, including indications and contraindications;

1552 (B) the muscular system;

1553 (C) the nervous system;

1554 (D) osteology;

1555 (E) the circulatory system; and

1556 (F) kinesiology;

1557 (2) massage theory and practical application: 220 hours, including instruction in

1558 (A) basic massage therapy techniques dedicated to the study of massage therapy and

1559 various clinically related modalities; and

1560 (B) assessment;

1561 (3) clinical practice: 110 hours, including instruction in

1562 (A) universal and standard precautions;

1563 (B) self-care;

1564 (C) body mechanics;

1565 (D) draping;

1566 (E) record keeping;

1567 (F) business practice and professional development; and

1568 (G) medical terminology;

1569 (4) ethics and laws: 40 hours, including instruction in

1570 (A) professional boundaries;

1571 (B) therapeutic relationships; and

1572 (C) local and state laws;

1573 (5) not more than 50 hours in techniques that are exempt from license requirements;

- 1574 (6) practical application, not to exceed 20 percent of the total hours of the massage program.
1575 (b) For applications submitted on or after July 1, 2019, applicants must show successful
1576 completion of at least 625 hours of education or instruction in massage therapy that includes the
1577 following subjects for the minimum number of hours specified:
1578 (1) anatomy, physiology, pathology, and kinesiology: 162 hours, including instruction in
1579 (A) at least 40 hours in pathology, including indications and contraindications;
1580 (B) the muscular system;
1581 (C) the nervous system;
1582 (D) osteology;
1583 (E) the circulatory system; and
1584 (F) kinesiology;
1585 (2) massage theory and practical application: 275 hours, including instruction in
1586 (A) basic massage therapy techniques dedicated to the study of massage therapy and
1587 various clinically related modalities; and
1588 (B) assessment;
1589 (3) clinical practice: 138 hours, including instruction in
1590 (A) universal and standard precautions;
1591 (B) self-care;
1592 (C) body mechanics;
1593 (D) draping;
1594 (E) record keeping;
1595 (F) business practice and professional development; and
1596 (G) medical terminology;
1597 (4) ethics and laws: 50 hours, including instruction in
1598 (A) professional boundaries;
1599 (B) therapeutic relationships; and
1600 (5) not more than 50 hours in techniques that are exempt from license requirements;
1601 (6) practical application, not to exceed 20 percent of the total hours of the massage program.
1602

1603 Chair Edwards-Smith starts the conversation by referencing information he has gathered from the
1604 state of Massachusetts. Included in the application is a section that requires the applicant to break
1605 down their transcripts to match the state's education requirements. This form would put the
1606 responsibility on the applicant to show where on their transcript they have completing the Alaska
1607 board's required content. This method would also aid in the applicants understanding if and when
1608 the board determines there is an educational deficit that needs to be completed.
1609

1610 Mr. Gibbs asks the board if there is any flexibility when they are comparing transcripts to the
1611 board's Curriculum Breakdown. OLE Dulebohn answers that while there is flexibility in the board's
1612 interpretation of what counts under each category, there is no flexibility in the number of hours that
1613 is required for each topic as the board has added it to Regulation.
1614

1615 Board member Julie Endle contributes to the conversation stating that she has spent hours
1616 interpreting transcripts to the board's Curriculum Breakdown and think that having the applicants
1617 contribute to that conversation would be more accurate and time saving.
1618

1619 Ms. Gilmour states that including the Curriculum Breakdown as a form in the application will give
1620 the applicant the ability to evaluate any educational deficits themselves so they can complete those
1621 classes prior to the board reviewing their application. The more information that can be given will
1622 empower the applicant and the board.
1623

1624 **TASK: Ron Gibbs and Dave Edwards-Smith will work together to compile a rough**
1625 **draft Transcript Analysis Form based of Massachusetts and submit it to OLE**

1626 **Dulebohn for possible revision and to be included in the board packet for the**
 1627 **September meeting.**

1628
 1629 OLE Dulebohn states that with Division approval, the Transcript Analysis Form would be included
 1630 in and a requirement in the Application by Examination.

1631
 1632 **Agenda Item 5(continued)** **Old Business**

1633
 1634 **Disciplinary Matrix Revision (continued)**

1635
 1636 The board continued their amendment of the new Disciplinary Matrix. The board discussed
 1637 amendments to Code of Ethics Violation, combine Fraud in Obtaining a License and Fraud in
 1638 Retaining a License into a new heading of Fraud in Securing a License, and combining all the Moral
 1639 Turpitude offenses.

1640
 1641 The board amended matrix is as follows:

1642 **MAS Disciplinary Matrix/Fine Schedule**

1643 Updated June 10-11, 2019 board meeting

<u>Statute/ Regulation</u>	<u>Violation</u>	<u>Time Frame</u>	<u>Disciplinary Action</u>	<u>Fine</u>
AS 08.61.070	Unlicensed Practice *	< 90 days	Fine	\$500
		91 days-1 year	Fine	\$1000
		> 1 year	Fine	\$2500
12 AAC 79.900	Code of Ethics Violation	1 st 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 in Securing a License	1 st Offense	Consent Agreement w/ fine	\$250
		2 or more offenses	Consent Agreement with fine	\$250 per item
12 AAC 79.900	Standard of Practice Violation (refer to SOP)	1 st Offense	Letter of Advisement	n/a
		2 or more Offenses	Fine	\$250 per offense
AS 11.56.210	Falsification of Application	1 st Offense	Civil Fine	\$250 Civil Fine
		2 or more Offenses	Consent Agreement w/ fine,	\$250 per item
AS 08.61.060	Engaged in Deceit, Fraud, or Intentional Misrepresentation in the Course of Providing Massage Services	1 st Offense	Letter of Advisement, Fine	\$250-\$2500
		2 or more Offenses	Consent Agreement, Fine, Ethics Course,	\$1000-\$2500

<u>Statute/ Regulation</u>	<u>Violation</u>	<u>Time Frame</u>	<u>Disciplinary Action</u>	<u>Fine</u>
AS 08.61.060	False or Misleading Massage Advertisement	1 st Offense	Letter of Advisement	n/a
		2 or more Offenses	Consent Agreement, Fine, Ethics Course, Suspension, Revocation	\$250-\$1000
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 st Offense	Consent Agreement, Probation, Ethics Course	n/a
		2 or more Offenses	Consent Agreement, Fine, Suspension, Revocation	\$100- \$2500
AS 08.61.060	Failure to Comply with a Provision of this Chapter, Regulation, or Order of the Board	1 st Offense	Letter of Advisement OR Consent Agreement w/ Probation	n/a
		2 or more Offenses	Consent Agreement, Fine, Suspension, Probation	\$100-\$2500
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, Revocation	\$500-\$5000

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, OR Suspension, OR Revocation	\$500-\$2500

1645

1646 *Board Chair Edwards-Smith called for lunch at 12:07 p.m. until 1:00 p.m.*

1647

1648 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**
 1649 **with a roll call vote, it was RESOLVED to APPROVE and ADOPT the Disciplinary Matrix**
 1650 **and Fine Schedule as amended pending any changes recommended by Investigations and**
 1651 **the Department of Law.**

1652

1653 **TASK: OLE Dulebohn will send the revised Disciplinary Matrix and Fine Schedule**
 1654 **to Investigations and the Department of Law**

1655

1656 **Agenda Item 14 Administrative Business (continued)**

1657

1658 **Annual Report**

1659

1660 **In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously**
 1661 **with a roll call vote, the Board of Massage Therapists APPROVED the 2019 Annual Report**
 1662 **as written.**

1663

1664 **Agenda Item 21 Lunch**

1665

1666 *Chair Edwards-Smith calls a lunch break at 11:22 a.m.*

1667 *Back from lunch at 1:31 p.m. due to technical difficulties with the entire board present.*

1668 *Also present was Regulations Specialist Sher Zinn and Chief Investigator Greg Francois*

1669

1670 **Agenda Item 22 Draft Massage Establishment Regulations**

1671

1672 **Chair Edwards-Smith begins the meeting by directing the board to the outline for Massage**
 1673 **Establishment Regulations (MER) that he has drafted from the board's previous meetings on the**
 1674 **subject.**

1675

1676 **The Chair revisits the idea that licensed massage therapists (LMTs) do not need to be registered for**
 1677 **establishments since they are already regulated under their professional license. Asking LMTs to**

1678 register for establishments will be a duplication of work for division since they have already been
1679 vetted. The board is interested in asking non-LMT owned businesses to register since they have not
1680 been vetted, regulated, or registered by the state. The Chair also brings up a point made by Sara
1681 Chambers that the board should not ask for different sets of standards between LMTs and MER.
1682 He goes on to state that the way the board can rectify that situation is to add another section to
1683 LMT Standards of Practice (SOP) and Code of Ethics (COE). His outline is the minimum
1684 standards that the board has agreed should be part of the MER. Mr. Edwards-Smith explains to the
1685 board that the only thing he had not included in his outline is language regarding inspections and
1686 that is why he asked OLE Dulebohn to distribute an additional document to the board for review
1687 prior to the beginning of today's meeting. At this time, the Chair would like to open the floor for
1688 discussion on MER.

1689
1690 *Chief Francois left the meeting at 1:41 p.m.*

1691
1692 Board member Traci Gilmour begins the conversation and the board discussed Self Inspection
1693 Requirements. Board member Julie Endle brings up the licensing of non-massage owned
1694 establishments and the Chair expands that it would not be a license but a registration of massage
1695 establishments that would come with a fee. The registration would require compliance with MER
1696 Standards of Practice and Code of Ethics that is identical to the SOP and COE required by LMTs.
1697 The board goes over the drafted COE that the Chair has drafted. Ms. Gilmour and Ms. Endle have
1698 a discussion about whether the SOP and COE would pertain to any other profession being housed
1699 in the establishment. Ms. Gilmour clarifies that the SOP and COE would only pertain to any
1700 massage operations in the establishment as that is what the Board of Massage Therapists has
1701 jurisdiction over. Any other profession that is operating in the establishment would be required to
1702 abide by their own profession's statutes and regulations.

1703
1704 Chair Edwards-Smith asks Regulations Specialist Zinn for any input on the section in his outline on
1705 Massage Establishments Standards of Operation. Ms. Zinn clarifies that the board would ask that
1706 establishments attest on their application that they will adhere to the Standards of Operation. Ms.
1707 Zinn continues that the board needs to have everything that they want the establishment to adhere
1708 to in the Standards of Operation.

1709
1710 Ms. Endle broaches the question of a mobile massage therapist going to a hotel to perform a
1711 massage and whether that would make the hotel owner a massage establishment and whether they
1712 would have to register as such. The Chair states that under the definition of establishment that he
1713 has drafted, that would not be an issue since that massage would be an "outcall".

1714
1715 The Chair requests that Regulations Specialist Zinn review Registration of Massage Therapy
1716 Establishments regarding *(a) an establishment that is not majority owned by massage therapist licensed in the*
1717 *State of Alaska or a licensed provider of medical services in the State of Alaska.* Ms. Zinn replies that the
1718 board can state the language in that way but they would want to make a space for exceptions to
1719 registration that lists the professions that would be exempt.

1720
1721 Chair Edwards-Smith goes on to the transfer of ownership section. He expands by stating that the
1722 board should disregard that section as they have discussed there is no "transfer of ownership" and if
1723 a business has a change of ownership, the new owner will need to register with Alaska within 10
1724 business days of them acquiring the business.

1725

1726 Board member Jill Motz revisits the option of any medical professional can own a massage
1727 establishment without registration. She points out that, because of their previous discussions on
1728 what is a medical provider in Alaska, the board is aware of who that regulation would be exempting.
1729 Ms. Motz brings to the boards attention the list of licensed medical providers in Alaska and whether
1730 all of those operate under the same standards that would allow them to have a massage therapist
1731 under their employ and not have to register with the Board of Massage Therapists. Chair Edwards-
1732 Smith reiterates that the MER mission statement is: “Massage establishment regulations will serve
1733 the purpose of safeguarding legitimate massage establishments, therapists, and the public from illicit
1734 massage establishments and human trafficking activity.” Ms. Motz goes on to give the example that
1735 a esthetician is a licensed provider of medical services but should they be exempt from registration
1736 of an establishment that houses a massage therapist. Ms. Gilmour contributes to the conversation
1737 by stating that defining the exemptions is a good thing for the board to do at this state in the
1738 regulations. Ms. Zinn informs the board that if they make a list of exemptions, she can add their
1739 statutory reference when she is writing the MERs. Board member Ron Gibbs agrees that the board
1740 should narrow the list of appropriate medical providers for exemption. The board decided to
1741 exempt acupuncturists (Jill-yes, Traci- yes, Ron-no, David-yes, Julie-yes), chiropractic examiners
1742 (unanimous yes), midwives (David-yes, Traci-yes, Jill- no, Julie-yes, Ron-yes), massage therapists
1743 (unanimous yes), medical which encompasses physicians, physician’s assistants, and paramedics
1744 (unanimous yes), naturopathy (unanimous yes), physical therapist (unanimous yes), occupational
1745 therapist (unanimous yes), osteopath (unanimous yes), and nurse practioners (unanimous yes).

1746
1747 The Chair brings the board to discuss the 11 items that would be required for registration of
1748 massage establishments. The board discusses how it would be a double standard to require massage
1749 establishments have liability insurance when it is not required for LMTs. When the Chair gets to
1750 number 11 he references the section where he defines what Self-Inspection entails. The Self
1751 Inspection checklist will be what the board determines is the standard and included in the COE and
1752 SOP.

1753
1754 The Chair directs the board to proposed SOP number 4 concerning the fact that establishments will
1755 require that therapists prominently display a current Alaska massage license and make available
1756 proof of identification and licensure while practicing off site to aid in public protection and help
1757 inspectors. Ms. Endle asks if the identification would also be up on the wall at the massage
1758 establishments to which the Chair replies that the license will be displayed but the identification
1759 would be made available by the therapist on request. He continues that this version of the SOP
1760 would be required of all therapists and would replace the current SOP in 12 AAC 79.900.

1761
1762 The board moves on to the proposed Massage Establishments Standards of Operation. The Chair
1763 agrees that number 4 can be removed but the rest he believes are applicable. Ms. Gilmour suggests
1764 how, even though it is not required for LMTs, that the application should have a place where
1765 obtaining general liability insurance is strongly recommended to establishment owners.

1766
1767 **TASK: OLE Dulebohn will add the board’s suggestion that LMT’s carry general**
1768 **liability insurance to the FAQ’s.**

1769
1770 The board makes some other minor changes to the Standards of Operation, changes number 3 from
1771 3 to 5 years (knowing that patient records should be kept for 10 years), and adds a section about
1772 photography taken directly from the February 2019 minutes: “No owner, operator, or employee
1773 shall allow television, video or recording equipment in any room where massage services are being

1774 provided. A security surveillance monitor that can only receive images of the inside of the common
1775 areas of the establishment is allowed. With written client consent, a massage therapist may use video
1776 and photography equipment for therapeutic purposes.” The board does discuss adding a section for
1777 restroom facilities but the board feels that it is common sense and it may be problematic for mobile
1778 massage and the fact that it is not specifically in regulation for LMTs. Additionally, SOP number 3
1779 requires that massage therapists provide a safe and sanitary environment.

1780
1781 Chair Edwards-Smith asks Ms. Zinn if the board has achieved their goal of creating regulations for
1782 massage establishments but not creating a double standard for those the board has exempted? Ms.
1783 Zinn replies that she does not believe the board has created a double standard but she will write up
1784 the proposed regulations and forward it to Harriet Milks in the Department of Law for review. Ms.
1785 Zinn expands that if the board’s intention is to clarify the standards that LMTs are required to
1786 follow to individuals or professionals that may not have the same the same standard of care, that is
1787 not treating those individuals differently. Ms. Zinn states that at looking at the boards exempt list,
1788 she is sure that those professions have standards that are equal to or greater than the Board of
1789 Massage Therapists. Ms. Motz brings up the idea of requiring venues and teachers to register as a
1790 massage establishment.

1791
1792 The proposed regulations for massage establishments are as follows:

Massage Establishment Regulations

Mission Statement

1793
1794
1795
1796
1797
1798 Massage establishment regulations will serve the purpose of safeguarding legitimate massage
1799 establishments, therapists, and the public from illicit massage establishments and human trafficking
1800 activity

Establishments

1801
1802
1803
1804 Establishments majority owned by licensed massage therapists are on record of practicing in Alaska
1805 and have paid licensing fees and are therefore registered. Establishments that are not majority
1806 owned by Alaska LMTs are not on record will register with the department and provide fees to
1807 cover the administrative costs.

1808
1809 Establishment is defined as:

- 1810 1. a fixed or mobile place of business of two or more individuals or of a partnership, firm,
1811 association, corporation, or business entity or any other combination of individuals.
 - 1812 a. Business that uses the word massage in any solicitation or advertisement
 - 1813 b. Engages in, conducts, carries on or permits massage or massage therapy to be conducted
1814 or carried on for any form of compensation.

1815 Compensation is defined as anything of value.

- 1816 2. Anyone who houses a massage therapist (who is not a massage therapist), whether the
1817 spaces are loaned, leased, or rented.

12 AAC 79.XXX Registration of Massage Therapy Establishments

- 1820 a. An establishment that is not majority owned by massage therapists licensed in the state of
1821 Alaska or a licensed provider of medical services exempted by the board. Persons that

- 1822 provide massage therapy practices as defined in AS 08.61.100 who is not on the board's
1823 exempt list must register with the board. Registration required under this section must be
1824 received prior to transacting massage business
- 1825 b. The owner or operator of a massage therapy establishment shall register on a form provided
1826 by the department. A completed application must include:
- 1827 1. Payment of registration fee
 - 1828 2. Name of the owner(s)
 - 1829 3. Name of the operator(s), if not the owner
 - 1830 4. Business license number of the massage therapy establishment
 - 1831 5. Corporate entity number if the owner is not a natural (actual) person
 - 1832 6. Mailing and street address of the massage therapy establishment
 - 1833 7. Name and license number of each licensed massage therapist who is employed in the
1834 establishment
 - 1835 8. Listing of all other massage therapy establishments the applicant operates, including the
1836 business name, mailing address, and street address of each establishment
 - 1837 9. An affidavit stating whether the operation has ever been found in violation of a
1838 provision of AS 08.61.060 is any jurisdiction
 - 1839 10. A completed self-inspection of the premises on a form provided by the department on
1840 which the establishment owner inspects and attests compliance with the establishment
1841 Standards of Operations.

1842 Exemption to Massage Establishment Registration

1843 The Board of Massage Therapists exempt the following medical professions from registerint their
1844 massage establishment

- 1845 1. Acupuncturists,
- 1846 2. Chiropractic Examiners
- 1847 3. Midwives
- 1848 4. Massage Therapists
- 1849 5. Medical which encompasses physicians, physician's assistants, and paramedics
- 1850 6. Naturopathy
- 1851 7. Physical Therapist
- 1852 8. Occupational Therapist
- 1853 9. Osteopath
- 1854 10. Nurse Practioners

1855 Transfer of Ownership

1856 Transfer of ownership is not allowed. If a business has a change in ownership, the new owner will
1857 need to register with the State of Alaska within 10 business days of acquiring the business.

1862 Fine and Disciplinary Matrix

1863 The board may issue a cease and desist order and impose a civil fine not to exceed \$5,000 for each
1864 individual violation of this section by a massage establishment.

1870 Self-Inspection Requirements

1871
1872 On a form provided by the department, the establishment owner inspects and attest compliance
1873 with establishment Standards of Operation as per Code of Ethics and Standards of Practice.
1874

1875 Code of Ethics

- 1876
1877 1. I will represent my qualifications honestly including education, certifications and
1878 professional affiliations and accurately inform clients, health care professionals and the
1879 public of the scope and limitations of my discipline. I will provide only those services I am
1880 qualified to perform.
1881 2. I will provide treatment only where there is a reasonable expectation that it will be
1882 advantageous to the client and will acknowledge the limitations of and contraindications for
1883 massage therapy and refer clients to appropriate health care professionals when indicated.
1884 3. I will not discriminate against clients and/or healthcare professionals.
1885 4. I will abide by the Federal guidelines of the Health Insurance Privacy and Portability Act
1886 (HIPPA).
1887 5. I will respect the client's right to refuse, modify or terminate treatment at will regardless of
1888 prior consent given.
1889 6. I will exercise my right to refuse to treat any person or part of the body for just and
1890 reasonable cause.
1891 7. I will respect the client's autonomy by providing draping and treatment in a way that ensures
1892 the safety, comfort and privacy of the client.
1893 8. I will not, in any circumstance, initiate or engage in sexual conduct, activities,
1894 or sexualizing behavior involving a client, even if the client attempts to sexualize the
1895 relationship.
1896 9. I will refuse any gifts or benefits that are intended to influence a referral, decision or
1897 treatment or those that are purely for personal gain and I will avoid any interest, activity or
1898 influence which may conflict with my obligation as a massage therapist to act in the best
1899 interest of my client or the profession.
1900 10. I will refrain from practicing under the influence of alcohol, drugs or any illegal substances,
1901 with the exception of a prescribed dosage of prescription medication which does not impair
1902 my ability to practice safely.
1903 11. I will report in accordance to AS 41.17.070 (a)(1) any suspected child abuse or neglect.
1904

1905 Standards of Practice

- 1906
1907 1. Obey all applicable local, state and federal laws when pertaining to massage therapy.
1908 2. Maintain a record of daily clientele including name and date of service and adequate
1909 progress notes when applicable.
1910 3. Provide a setting that is safe and meets all applicable legal requirements for health, safety,
1911 sanitation, hygiene, universal and standard precautions, in accordance with local, state and
1912 federal regulatory bodies including guidelines set by the Centers for Disease Control and
1913 Prevention (CDC), the National Institute of Health (NIH), and the Occupational Safety and
1914 Health Administration (OSHA).
1915 4. Therapists shall prominently display a current State of Alaska massage license in his or her
1916 place of business. Therapists will make available proof of licensure and legal identification
1917 while practicing off site.

1918 5. Therapists shall display or discuss a schedule of fees in advance of the session that is clearly
 1919 understood by the client.
 1920

1921 Establishment Standards of Operation
 1922

- 1923 1. Standards of Practice and Code of Ethics must be on premises and made available to the
 1924 public on request.
- 1925 2. Display within full public view, a current massage license of all employed massage therapists.
- 1926 3. A written and or digital system of maintaining client records for at least five (5) years. This
 1927 includes safeguarding verbal and written confidential information of the client, unless
 1928 disclosure is required by law, court order, or authorized by the client.
- 1929 4. Maintain all equipment used to perform massage therapy services on the premises in a safe
 1930 and sanitary condition.
- 1931 5. Maintain compliance with all applicable state and local building and fire codes.
- 1932 6. Provide for the removal of garbage and refuse in a sanitary manner.
- 1933 7. Provide for safe storage, cleaning, and/or removal of soiled linens.
- 1934 8. Rooms or any cubicle for massage or massage therapy practices may not be equipped with
 1935 an externally locking door.
- 1936 9. Establishment shall not operate or be open for business between the hours of 12:00 am and
 1937 5:00 am.
- 1938 10. No owner, operator, or employee shall allow television, video or recording equipment in any
 1939 room where massage services are being provided. A security surveillance monitor that can
 1940 only receive images of the inside of the common areas of the establishment is allowed. With
 1941 written client consent, a massage therapist may use video and photography equipment for
 1942 therapeutic purposes.
 1943

1944 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**
 1945 **with a roll call vote, it was RESOLVED to send the draft language for Massage**
 1946 **Establishment Regulation from the June 10-11, 2019 meeting to Regulations Specialist Zinn**
 1947 **for drafting.**
 1948

1949 **TASK: Dave Edwards-Smith will complete the regulations questionnaire for the**
 1950 **massage establishment regulations and submit it to OLE Dulebohn.**
 1951

1952 *Sber Zinn left the meeting at 2:50 p.m.*
 1953

1954 Agenda Item 14 (continued) Administrative Business
 1955

1956 New Task List:

TASK LIST

June 10-11, 2019

#	Task	Who to complete?	When is the deadline?	Distribute to the Board?	Completed
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1	Whether “hearing” in AS 08.61.060 means the board reviewing the file and “licensee” pertains to the fact that the board doesn’t implement disciplinary action via consent agreement until after the license has been issued.	Dulebohn/Department of LAW	8/21/2019	In board packet	
2	Traci Gilmour will write an FAQ regarding charting/recording keeping/SOP #2 and submit it to OLE Dulebohn to add to the board’s website.	Gilmour/Dulebohn	ASAP	In board packet	
3	Complete the regulations questionnaire for the continuing education ethics requirement regulations project and submit it to OLE Dulebohn.	Edwards-Smith	ASAP	No	
4	Complete the regulations questionnaire for the continuing education ethics requirement regulations project and submit it to OLE Dulebohn.	Gilmour	ASAP	No	
5	Complete the regulations questionnaire for in class supervised/online education requirement regulations project and submit it to OLE Dulebohn.	Motz	ASAP	No	
6	Complete the regulations questionnaire for Renewal/ Reinstatement regulations project and submit it to OLE Dulebohn.	Gilmour	ASAP	No	
7	Research Medical/Military Exemptions for continuing Education in other states.	Motz-Medical Gibbs- Military	8/21/2019	In board packet	
8	Send Lorena Haynes from FSMTB contact information to the board.	Dulebohn	ASAP	Via e-mail	
9	Send draft regulations for massage establishments to SA Goeden for feedback.	Edwards-Smith	ASAP	If reply from Ms. Goeden is rec’d: In board packet.	
10	Research the benefits of joining FARB in order to make an informed decision on membership during the September 2019 meeting.	Board	8/21/2019	In board packet	
11	Respond to Ms. Betz’ correspondence to the board	Dulebohn	ASAP	No	
12	Reply to Ms. Brown’s correspondence by referencing this portion of the minutes and the board’s discussion.	Dulebohn	ASAP	No	

13	Send original signature pages with a prepaid envelope to Chair Edwards-Smith for signature and return.	Dulebohn	ASAP	No	
14	Send digital copies of signature pages via e-mail and signed originals via postal mail to OLE Dulebohn.	Edwards-Smith	ASAP	No	
15	Post list of crimes of moral turpitude, "No Investigations Needed", and completed Disciplinary Matrix to the board's website after they have been reviewed and approved.	Dulebohn	9/19/2019	No	
16	Update the board's denial list and post the updated list on the board's website.	Dulebohn	9/19/2019	No	
17	Contact FSMTB to help the board with research regarding state approved credentialing agencies.	Edwards-Smith	8/21/2019	In board packet	
18	Send legislative research on school requirements in different states to OLE Dulebohn to distribute to the board.	Gilmour	8/21/2019	Via e-mail and in board packet	
19	Create a list of the state authorizing and national accrediting entities approved by the board and post them to the board's website.	Dulebohn/pending research from Endle and Gibbs	09/19/2019	In board packet	
20	Research the Distance Education and Training Council (DETC), Accrediting Council for Independent Colleges and Schools (ACICS), and Accrediting Council for Continuing Education and Training (ACCET) and relay that information to OLE Dulebohn to include in the September meeting packet.	Gibbs/Endle	08/21/2019	In board packet	
21	Consult FSMTB to establish a list of ACPE equivalents in every state	Edwards-Smith	8/21/2019	In board packet	
22.	Contact the Department of Insurance regarding AS 21.36.090.	Gilmour	8/21/2019	In board packet	
23	Send request for Division Deputy Director Sharon Walsh and the Department of Law, on the subject of Division taking on the task of updating AS 21.36.090 to include all professionally licensed health care boards.	Dulebohn	8/21/2019	In Board packet	
24	Research what other boards have been left off of AS 21.36.090. Draft letter to send out to other health care related	Motz/Dulebohn	ASAP	Via e-mail/In board packet	

	professional licensing boards to see if they have interest in joining a coalition and taking this topic before the legislature in 2020. The letter will be reviewed and approved by the board before being sent out.				
25	Compile a rough draft Transcript Analysis Form based of Massachusetts and submit it to OLE Dulebohn for possible revision and to be included in the board packet for the September meeting.	Gibbs/Edwards-Smith/Dulebohn	ASAP	In board packet	
26	Send the revised Disciplinary Matrix and Fine Schedule to Investigations and the Department of Law	Dulebohn	ASAP	In Board packet	
27	Add the board's suggestion that LMT's carry general liability insurance to the FAQ's.	Dulebohn	9/19/2019	No	
28	Complete the regulations questionnaire for the massage establishment regulations and submit it to OLE Dulebohn.	Edwards-Smith	ASAP	No	
29	Add FAQ. 12 AAC 79.210(e)(1) means the board can decide if a continuing education course relates to the profession of massage therapy. Course must still be approved by an institute of higher learning or a local, state, or national organization that serves the profession of massage therapy Consult Regulations Specialist Zinn before posting	Dulebohn/Zinn	9/19/2019	No	
30	Send OLE Dulebohn unavailable dates (such as travel or other commitment) so she can update her calendar.	Board	ASAP	No	

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Agenda Item 23 Adjourn

At this time, the board concluded all scheduled Board Business.

In a motion made by Julie Endle, seconded by Traci Gilmour, and passed unanimously, it was RESOLVED to ADJOURN.

Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended at 2:57 p.m.

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Respectfully Submitted,

Dawn Dulebohn, Licensing Examiner

Date

David Edwards-Smith, Boards Chair

Date

DRAFT

Old Business

Previous Task List

June 2019

Task List

Military Exemption Research from FSMTB



FSMTB

FEDERATION OF STATE
MASSAGE THERAPY BOARDS

Military Exemptions

August 2019



Executive Summary	3
Arkansas	3
Statute: AR CODE § 17-86-314. Active military duty licensure	3
Colorado	4
Rule: Rule 10 Licensure Requirements: Credit for Military Experience	4
Florida	4
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Executive Summary

The following is language that is relevant to Military exemptions for Massage Therapy statutes and rules across the nation. It includes exemptions for core education and continuing education related to massage therapy. Where possible, irrelevant content has been eliminated and pertinent content included for better understanding. Links to the actual documents posted by agencies have been included.

Arkansas

Statute: AR CODE § 17-86-314. Active military duty licensure

(a) If a licensee fails to renew timely his or her license because the licensee is or was on active duty with the United States Armed Forces, the licensee may renew the license by:

(1) Requesting renewal of the license before or after the expiration by:

(A) The licensee;

(B) The licensee's spouse; or

(C)(i) The licensee's power of authority.

(ii) A copy of the power of authority documentation shall be filed with the renewal form if the power of authority requests the renewal;

(2) Completing the appropriate renewal form, including the current address and telephone number for the individual requesting the renewal; and

(3) Filing with the renewal form a copy of the official orders or other official military documentation showing that the licensee is or was on active duty.

(b) A licensee renewing under this section shall pay the applicable renewal fee under § 17-86-309 but shall not pay a late renewal fee.

Link:

<https://codes.findlaw.com/ar/title-17-professions-occupations-and-businesses/ar-code-sect-17-86-314.html>

Last Update: September 10, 2018



Colorado

Rule: Rule 10 Licensure Requirements: Credit for Military Experience

The purpose of this rule is to outline the conditions and procedures governing the evaluation of an applicant's military training and experience under § 24-34-102(8.5), C.R.S.

- A. An applicant for licensure as a massage therapist may submit information about the applicant's education, training, or experience acquired during military service. It is the applicant's responsibility to provide timely and complete information for the Director's review.
- B. In order to meet the requirements for licensure, such education, training, or experience must be substantially equivalent to the required qualifications that are otherwise applicable at the time the application is received by the Director.
- C. The Director will determine, on a case-by-case basis, whether the applicant's military education, training, or experience meet the requirements for licensure.

Link: <https://drive.google.com/file/d/0BzKoVwvexVATakU1Uy1yQTFna1E/view>

Last Update: September 10, 2018

Florida

Rule: 64B7-28.007 Exemption of Spouses of Members of Armed Forces From Licensure Renewal Provisions

64B7-28.007 Exemption of Spouses of Members of Armed Forces From Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces and was caused to be absent from Florida for a period of at least six consecutive months because of the spouse's duties with the armed forces and who at the time the absence became necessary was in good standing with the Board of Massage and entitled to practice massage in Florida shall be exempt from all licensure renewal provisions under these rules. The licensee must show satisfactory proof of the absence and the spouse's military status.

Rulemaking Authority 456.024(2) FS. Law Implemented 456.024(2) FS. History—New 12-18-84, Formerly 21L-28.07, 21L-28.007, Formerly 61G11-28.007.



Link: <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64B7-28>

Last Update: September 10, 2018

Georgia

Rule: Rule 345-4-.01 LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE: License Renewal

(1) Licenses issued by the Board shall expire on October 31st of every even numbered year.

(2) Each person holding a valid license to practice massage therapy who does not renew said license by October 31st of every even numbered year shall be afforded a late renewal for a period of thirty (30) days. Late renewals shall be processed after filing the renewal form, payment of the renewal fee and late renewal penalty fee, and, providing proof of the required twenty-four (24) hours of continuing education. Individuals must not practice as a massage therapist during this late renewal period until the board grants the renewal. Practice without a current, active license in Georgia is prohibited.

(3) Any service member as defined in O.C.G.A. § 43-1-31 whose license to practice Massage Therapy expired while serving on active duty outside the state shall be permitted to practice massage therapy, shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his/her discharge from active duty or reassignment to a location within the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

(4) Following the late renewal time period, all non-renewed licenses will be revoked by operation of law for non-renewal, and will require reinstatement at the discretion of the Board.

Link: <http://rules.sos.ga.gov/gac/345-4>

Last Update: September 10, 2018



Rule: Rule 345-5-.02 LICENSURE BY ENDORSEMENT: Endorsement for Military Spouses, Service Members and Transitioning Service Members

(1) As used in this rule, the following terms shall mean:

- (a) "Board" means the Georgia Board of Massage Therapy.
- (b) "License" means any license issued by the Georgia Board of Massage Therapy.
- (c) "Military" means the United States armed forces, including the National Guard.
- (d) "Military spouse" means a spouse of a service member or transitioning service member.
- (e) "Service member" means an active or reserve member of the armed forces, including the National Guard.
- (f) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) Effective July 1, 2017, military spouses, service members and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied.

Link: <http://rules.sos.ga.gov/gac/345-5>

Last Update: September 10, 2018

Illinois

Statute: 225 ILCS 57/70 Restoration of Expired Licenses

(Section scheduled to be repealed on January 1, 2022)

A massage therapist who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, and by paying the required restoration fee and showing proof of completion of required continuing education. Licensees must provide proof of completion of 24 hours approved continuing education to renew their license.



If the massage therapist has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule his or her fitness to resume active status and may require the massage therapist to complete a period of evaluated clinical experience and may require successful completion of an examination.

A massage therapist whose license has been expired or placed on inactive status for more than 5 years may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction, by paying the required restoration fee, and by showing proof of the completion of 24 hours of continuing education.

However, any registrant whose license has expired while he or she has been engaged

(i) in Federal Service on active duty with the United States Army, Navy, Marine Corps, Air Force, Coast Guard, or Public Health Service or the State Militia called into the service or training of the United States of America, or

(ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license reinstated or restored without paying any lapsed renewal fees, if within 2 years after honorable termination of such service, training, or education, he or she furnishes to the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(Source: P.A. 97-514, eff. 8-23-11.)

Link:

<http://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2469&ChapAct=225%26nbsp%3BILCS%26nbsp%3B57%2F&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Massage+Licensing+Act%2E>

Last Update: February 06, 2019

Rule: SECTION 1284.80 RESTORATION

a) A person seeking restoration of a license after it has expired or has been placed on inactive status for less than 5 years shall file an application with the Division, with the fee specified in Section 1284.50 and proof of 24 hours of continuing education as defined in Section 1284.90 in the 2 years immediately preceding the restoration application.

b) A person seeking restoration of a license after it has expired or has been placed on inactive status for 5 years or more shall file an application with the Division, with the fee specified in Section 1284.50 and proof of 24 hours of continuing education as defined in Section 1284.90 in



the 2 years immediately preceding the restoration application. The person shall also submit one of the following:

- 1) Certification of current licensure from the appropriate state board or licensing authority in another jurisdiction in which the registrant was authorized to practice, and proof of current active practice. Proof of current active practice shall include one verification of employment completed by the applicant's supervisor or, if self-employed, by a peer or colleague who is familiar with the applicant's work;
- 2) An affidavit attesting to military service as provided in Section 70 of the Act. Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 70 of the Act shall pay the current renewal fee and will not be required to submit proof of meeting the continuing education requirements; or
- 3) Proof of successful completion of an exam approved by the Division within 2 years prior to the restoration application.

(Source: Amended at 35 Ill. Reg. 12885, effective July 20, 2011)

Link: <http://www.ilga.gov/commission/jcar/admincode/068/068012840000800R.html>

Last Update: February 06, 2019

Iowa

Rule: 645.131.8 License renewal.

131.8(1) The biennial license renewal period for a license to practice massage therapy shall begin on the sixteenth day of the anniversary month and end on the fifteenth day of the anniversary month two years later. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

131.8(2) An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal date two years later. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses.

131.8(3) A licensee seeking renewal shall:

- a. Meet the continuing education requirements of rule 645—133.2(152C) and the mandatory reporting requirements of subrule 131.8(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and



b. Submit the completed renewal application and renewal fee before the license expiration date.

131.8(4) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."

c. A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."

Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.

d. The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs "a" to "c," including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 133.

f. The board may select licensees for audit of compliance with the requirements in paragraphs "a" to "e."

131.8(5) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the



board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

131.8(6) A person licensed to practice as a massage therapist shall keep the license certificate displayed in a conspicuous public place at the primary site of practice.

131.8(7) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.8(4). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

131.8(8) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a massage therapist in Iowa until the license is reactivated. A licensee who practices as a massage therapist in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

[ARC 9430B , IAB 3/23/11, effective 4/27/11; ARC 2778C , IAB 10/26/16, effective 11/30/16]

Link: <https://www.legis.iowa.gov/docs/iac/rule/10-26-2016.645.131.8.rtf>

Last Update: February 11, 2019

Kentucky

Rule: 201 KAR 42:110. Continuing education requirements.

RELATES TO: KRS 309.355, 309.361

STATUTORY AUTHORITY: KRS 309.355(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(3) requires the board to promulgate an administrative regulation establishing a requirement for continuing education as a condition for renewal of a license. KRS 309.361 identifies the requirements for continuing education and prescribes the types of courses required during the renewal period. This administrative regulation establishes the procedures and standards for submitting documentation to meet the continuing education requirements for renewal of a license.

Section 10. Waiver or Extension of Continuing Education.

(1) The board shall, in individual cases involving medical disability, illness, undue hardship, active military service, or other similar extenuating circumstance that precludes the



individual's completion of the requirements, waive CE requirements or grant an extension of time within which to fulfill the requirements if the board receives:

- (a) A written request for waiver or extension of time; and
- (b) 1. Verifying documentation signed by a licensed physician or proper military personnel, if applicable; or
 - 2. Documentation to support the waiver.
- (2) A waiver of the minimum CE requirements or an extension of time within which to fulfill the CE requirements may be granted by the board for a period not to exceed one (1) calendar year. If the circumstance extends beyond the period of the waiver or extension, the licensee shall reapply for the waiver or extension.

Section 11. Incorporation by Reference.

- (1) "Continuing Education Program Application", August 2014, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leaward Drive, Frankfort, Kentucky 40602, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(32 Ky.R. 1022; 1229; eff. 2-3-2006; 33 Ky.R. 1887; 2229; eff. 4-6-07; 37 Ky.R. 1022; 1996; eff. 3-4-2011; 40 Ky.R. 2210; 41 Ky.R. 446; eff. 10-3-2014; 42 Ky.R. 1599; eff. 2-5-2016.)

Link:

<http://bmt.ky.gov/Laws%20and%20Regulations/Laws%20and%20Regulations%20Booklet.pdf>

Last Update: February 11, 2019

Louisiana

Rule: Title 46 Part 44 §1101. Educational Qualifications for Licensure

A. A person desiring to be licensed as a massage therapist must be able to read, write, speak and understand English and shall provide evidence to the board of compliance with the requirements set forth in §1301 of this Part.

B. The person shall also provide evidence of having satisfactorily completed massage therapy studies in a minimum of 500 in-class hours or the equivalent number of credit hours as set forth or required by federal regulations of a supervised course of instruction. The course of instruction must be provided by any proprietary school licensed by the Board of Regents, or appropriate governing body of any state and approved by the Board of Massage Therapy, or a supervised massage therapy course of study offered by a public entity, community college or technical



school regulated by the state of Louisiana that meets the education requirements of this Chapter. In order for an out-of-state course of instruction to be considered acceptable as part of the licensure requirements for the state of Louisiana, the school providing the course of study must be licensed or approved by the state where the school is located at the time the application is submitted or the person must provide written verification from that state that the school was duly licensed or approved at the time the course was taken. The minimum 500 in-class hours shall consist of 325 hours dedicated to the study of massage therapy techniques and clinical practicum-related modalities, 125 hours dedicated to the study of anatomy and physiology, and 50 hours of discretionary related course work including, but not limited to, hydrotherapy, business practices and professional ethics, health and hygiene, and cardiopulmonary resuscitation (CPR) and first aid. If the applicant is submitting an educational transcript from any Louisiana or out-of-state school and the transcript does not allow a determination of in-class or clock hours, the school must submit information necessary to convert credit hours shown on the transcript into class hours to demonstrate that the applicant has met the educational requirements of 500 in-class hours. It is the applicant's responsibility to obtain the necessary information to demonstrate compliance with the educational requirements. An individual with military training and experience will be considered to have completed the educational requirements for this Section when the service member has been awarded a military occupational specialty and performance in that specialty is at a level equal to or exceeding the requirements of this Section.

C. In order to satisfactorily complete course requirements to be eligible for licensure, massage school students must have graduated from the school with passing grades and must have attended at least 90 percent of class hours in each subject matter offered in the supervised course of instruction, as reflected by attendance records taken at the beginning of each class meeting. The Board of Massage Therapy's inspector is authorized to review attendance and course records and to conduct monitoring as spot-site visits, either directly or through a duly authorized designee, to determine whether scheduled classes are being held and whether all students recorded as present are present for the entire class period. If documentation, satisfactory to the Board of Massage Therapy, of student attendance is not maintained by a massage therapy school or if the documentation includes classes that were not held or shows students as present who were not present for the full class period, the Board of Massage Therapy may deny eligibility for state licensure to graduates who attended the school during the period that attendance was not adequately or correctly documented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq., and R.S. 37:3555 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20:1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1231 (July 2006), LR 39:1768 (July 2013).



Link: <https://www.labmt.org/site374.php>

Last Update: February 11, 2019

Maryland

Rule: 10.65.05.02 Approval of Continuing Education Programs

A. The Board shall:

- (1) Base approval of continuing education programs solely on content;
- (2) Ensure that continuing education programs are directed toward improvement, advancement, and extension of professional skill and knowledge related to massage therapy.

B. A course or program offered by a pre-approved provider is approved without further review and is exempted from the requirements of Regulation .04 this chapter, provided that the course or program pertains to the human anatomy and includes any of the following topics:

- (1) Massage practice modalities, application, scope, and philosophy;
- (2) Contraindications;
- (3) Massage therapy theory, technique, studies, and research;
- (4) Professional ethics, jurisprudence, and risk management;
- (5) Recordkeeping and professional business practices;
- (6) Diversity, communications, and cultural competency; and
- (7) Any other topic determined by the Board to meet the professional and educational requirements of the license and registration holders.

C. Pre-approved Providers. Unless the requirement of §B of this regulation are not met or accreditation status of the pre-approved provider, including all sub-providers, schools, courses, and programs approved or sanctioned by the pre-approved provider unless otherwise prohibited, is not retained, the following shall be considered pre-approved providers:

- (1) COMTA;
- (2) FSMTB;
- (3) NCCAOM;
- (4) NCBTMB;
- (5) AOBTA;
- (6) AMTA;
- (7) National and State massage therapy organizations accredited by the federal or state



government or a Board recognized accreditation society;

(8) Accredited state schools and U.S. Military Commands; and

(9) Such other Board-approved providers.

D. Up to 12 credit hours may be achieved for formal, authorized representation at a national, regional, or local convention or meeting relating to any of the above-cited organizations.

E. Courses may be completed in live, home study, or online format.

Link: <http://www.dsd.state.md.us/comar/comarhtml/10/10.65.05.02.htm>

Last Update: February 11, 2019

Mississippi

Statute: Section 73-67-25

(1) An applicant may be licensed by demonstrating proof that the applicant holds a valid, current license in another state with similar educational requirements to those required by this chapter, and that all other licensure requirements under this chapter are met. This is subject to investigation by the board and excludes grandfathering by other states.

(2) If an individual who is licensed in another state that has licensing standards substantially equivalent to the standards under this chapter applies for licensure, the board may issue a provisional permit authorizing the applicant to practice massage therapy pending completion of documentation that the applicant meets the requirements for licensure under this chapter. The provisional permit may reflect statutory limitations on the scope of practice. The provisional permit shall not be issued until an applicant has successfully passed the Mississippi State Law Examination.

(3) A current massage therapy license issued by the board shall at all times be prominently displayed in any place where massage therapy is being practiced.

(4) A license issued under this chapter is not transferable or assignable.

The issuance of a license or provisional permit by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

Link:

<https://www.msmt.ms.gov/Documents/HB.905.As.Approved.By.The.Governor.3.8.2018.pdf>

Last Update: February 13, 2019



Missouri

Statute: Chapter 324 Occupations and Professions General Provisions Section 324.265: Massage therapists, qualifications of applicants -- waiver, when -- licensure term, renewal -- student license, when -- provisional license, when -- exemptions

1. A person desiring a license to practice massage therapy shall be at least eighteen years of age, shall be of good moral character, shall pay the appropriate required application fee, and shall submit satisfactory evidence to the board of meeting at least one of the following requirements:

(1) Has passed a statistically valid examination on therapeutic massage and body work which is approved by the board, prior to August 28, 1999, and applies for such license by December 31, 2000; or

(2) Has completed a program of massage therapy studies, as defined by the board, consisting of at least five hundred hours of supervised instruction and subsequently passing an examination approved by the board. The examination may consist of school examinations. The program and course of instruction shall be approved by the board.

(a) The five hundred hours of supervised instruction shall consist of three hundred hours dedicated to massage theory and practice techniques, one hundred hours dedicated to the study of anatomy and physiology, fifty hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri, and fifty hours dedicated to ancillary therapies, including cardiopulmonary resuscitation (CPR) and first aid.

(b) A person completing a massage therapy program comprised of less than five hundred hours of supervised instruction may submit an application for licensure and the board shall establish requirements for the applicant to complete the requirements of paragraph (a) of subdivision (2) of this subsection.

2. A person who has practiced less than three years or has less than one hundred hours of training may request a waiver of the requirements of subsection 1 of this section and apply for a temporary two-year license which shall not be renewable. By the end of such two-year period, such person shall complete at least one hundred additional hours of formal training, including at least twenty-five hours in anatomy and physiology, in a school approved by the board. Such person shall have until December 31, 2000, to apply for a temporary license pursuant to this subsection.



3. Each license issued pursuant to the provisions of this section shall expire on its renewal date. The board shall renew any license upon:

- (1) Application for renewal;
- (2) Proof, as provided by rule, that the therapist has completed twelve hours of continuing education; and
- (3) Payment of the appropriate renewal fee.

Failure to obtain the required continuing education hours, submit satisfactory evidence, or maintain required documentation is a violation of this subsection. As provided by rule, the board may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or other good cause. All requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date.

4. An applicant who possesses the qualifications specified in subsection 2 of this section to take the examination approved by the board may be granted a provisional license to engage in the practice of massage therapy. An applicant for a provisional license shall submit proof that the applicant has applied for the examination approved by the board. A provisional license shall be valid for one year from the date of issuance and shall be deemed void upon its expiration date. A provisional licensee is prohibited from practicing massage therapy after expiration of the provisional license.

5. As determined by the board, students making substantial progress toward completion of their training in an approved curriculum shall be granted a student license for the purpose of practicing massage therapy on the public while under the supervision of a massage therapy instructor.

6. A student license may be renewed until the student completes such student's training. Upon request, the board may extend a provisional license for good cause at the discretion of the board. An application for the extension of a provisional license shall be submitted to the board prior to the expiration of the provisional license.

7. The following practitioners are exempt from the provisions of this section upon filing written proof with the board that they meet one or more of the following:

- (1) Persons who act under a Missouri state license, registration, or certification and perform soft tissue manipulation within their scope of practice;
- (2) Persons who restrict their manipulation of the soft tissues of the human body to the hands, feet or ears;
- (3) Persons who use touch and words to deepen awareness of existing patterns of movement in the human body as well as to suggest new possibilities of movement;
- (4) Persons who manipulate the human body above the neck, below the elbow, and below



the knee and do not disrobe the client in performing such manipulation.

8. Any nonresident person licensed, registered, or certified by another state or territory of the United States, the District of Columbia, or foreign territory or recognized certification system determined as acceptable by the board shall be exempt from licensure as defined in this chapter, if such persons are incidentally called into the state to teach a course related to massage or body work therapy or to provide massage therapy services as part of an emergency response team working in conjunction with disaster relief officials.

9. Any nonresident person holding a current license, registration, or certification in massage therapy from another state or recognized national certification system determined as acceptable by the board shall be exempt from licensure as defined in this chapter when temporarily present in this state for the purpose of providing massage therapy services at special events such as conventions, sporting events, educational field trips, conferences, and traveling shows or exhibitions.

(L. 1998 H.B. 1601, et al., A.L. 1999 H.B. 343 merged with S.B. 362, A.L. 2006 S.B. 756, A.L. 2008 H.B. 1419)

Link: <http://revisor.mo.gov/main/OneSection.aspx?section=324.265>

Last Update: February 13, 2019

Montana

Rule: 24.155.610 MILITARY TRAINING OR EXPERIENCE

(1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a massage therapist.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a massage therapist. At a minimum, satisfactory evidence shall include:

- (a) a copy of the applicant's military discharge document (DD 214);



(b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and

(c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements.

History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 1397, Eff. 6/27/14.

Link:

<http://www.mtrules.org/BookView/PrintContent.asp?SL=CHPT&ID=935&BD=2%2F14%2F2019>

Last Update: February 14, 2019

Nebraska

Statute: 38-1712. Reciprocity; military spouse; temporary license.

The department, with the recommendation of the board, may issue a license based on licensure in another jurisdiction to an individual who meets the requirements of the Massage Therapy Practice Act or substantially equivalent requirements as determined by the department, with the recommendation of the board. An applicant for a license to practice under the act who is a military spouse may apply for a temporary license as provided in section 38-129.01.

Source: Laws 2007, LB463, § 619; Laws 2017, LB88, § 58.

Operative Date: April 26, 2017

Link: <http://dhhs.ne.gov/publichealth/Documents/Massage%20Therapy.pdf>

Last Update: February 14, 2019



New Jersey

Statute: 45:11-72. Continuing education requirements.

a. The board shall require each person licensed as a massage and bodywork therapist, as a condition for biennial license renewal pursuant to section 1 of P.L.1972, c.108 (C.45:1-7), to complete any continuing education requirements imposed by the board pursuant to this section.

b. The board shall:

(1) Establish standards for continuing massage and bodywork therapist education, including: the number of credits, which shall not exceed 24 credit hours biennially; the subject matter and content of courses of study; competency assessments; and the type of continuing education credits required of a licensed massage and bodywork therapist as a condition of license renewal;

(2) Approve educational programs offering credit towards continuing massage and bodywork therapist education requirements; and

(3) Approve other equivalent educational programs and establish procedures for the issuance of credit upon satisfactory proof of the completion of those programs. In the case of continuing education courses and programs, each hour of instruction shall be equivalent to one credit.

c. The board shall only approve programs that are provided on a nondiscriminatory basis.

d.

(1) The board may, in its discretion, waive requirements for continuing education on an individual basis for reasons of hardship, such as disability, retirement of the license, military service or deployment, or any other good cause.

(2) If a massage and bodywork therapist completes a number of continuing education credit hours in excess of the number required for a biennial period, the board, by rule or regulation, may allow credits to be carried over to satisfy the person's continuing education requirement for the next biennial renewal period, but shall not be applicable thereafter.

L.2007, c.337, s.17.

Link: <https://www.njconsumeraffairs.gov/Statutes/massagelaw.pdf>

Last Update: February 18, 2019



Rule: 13:37A-4.4 Waiver of continuing education requirements

a) The Board may waive the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service.

1) A licensee seeking a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The licensee shall provide the Board with supplemental materials that support the request for waiver.

2) A waiver of continuing education requirements granted pursuant to this subsection shall be effective only for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver continue(s) into the next biennial period, a licensee shall apply to the Board for the renewal of such waiver for the new biennial period.

Link:

<https://www.njconsumeraffairs.gov/regulations/Chapter-37A-New-Jersey-Board-of-Massage-and-Bodywork-Therapy.pdf>

Last Update: February 18, 2019

New Mexico

Rule: 16.7.8.2 SCOPE

This part sets forth application procedures to expedite licensure for military service members, spouses and veterans.

[16.7.8.2 NMAC - N, 03/31/15]

Link: <http://164.64.110.134/parts/title16/16.007.0008.pdf>

Last Update: February 18, 2019

Rule: 16.7.8.6 OBJECTIVE

The purpose of this part is to expedite licensure for military service members, spouses and veterans seeking licensure to practice under Chapter 61, Article 12C NMSA1978.

[16.7.8.6 NMAC - N, 03/31/15]

Link: <http://164.64.110.134/parts/title16/16.007.0008.pdf>



Last Update: February 18, 2019

Rule: 16.7.8.7 DEFINITIONS

A. "Military service member" means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard.

B. "Recent Veteran" means a person who has received an honorable discharge or separation from military service within the two (2) years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.

[16.7.8.7 NMAC - N, 03/31/15]

Link: <http://164.64.110.134/parts/title16/16.007.0008.pdf>

Last Update: February 18, 2019

Rule: 16.7.8.8 APPLICATION REQUIREMENTS

A. Applications for registration shall be completed on a form provided by the board:

B. A completed application shall include:

(1) The required fee as outlined in 16.7.3 NMAC;

(2) Satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license applied for pursuant to Chapter 61, Article 12C NMSA 1978; and

(3) Proof of honorable discharge (DD214), military ID card, or accepted proof of military spouse status.

[16.7.8.8 NMAC - N, 03/31/15]

Link: <http://164.64.110.134/parts/title16/16.007.0008.pdf>

Last Update: February 18, 2019



North Carolina

Rule: TITLE 21 CHAPTER 30 SECTION .0303 LICENSE RENEWAL

- (a) Any licensee desiring the renewal of a license shall comply with all continuing education requirements, shall apply for renewal and shall submit the required fee.
- (b) A license that has not been renewed prior to its expiration date is considered expired. An expired license may be reinstated within the first 24 months. All required continuing education for license renewal must be completed before the license is reinstated.
- (c) Licenses expired in excess of 24 months are not renewable. Persons whose licenses have been expired for more than 24 months must apply for a new license.
- (d) Any person whose license has expired and who engages in any massage and bodywork therapy activities governed by the Practice Act will be subject to the penalties prescribed in G.S. 90-634 and G.S. 90-634.1.
- (e) Members of the armed forces whose licenses are in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the license renewal fee and to complete the continuing education requirement prescribed in 21 NCAC 30.0700. A copy of military orders or the extension approval by the Internal Revenue Service must be furnished to the Board. If approved, continuing education acquired during this extended time period shall not be utilized for future renewal purposes.

Link:

<http://www.bmbt.org/downloads/Rules/Rules%20and%20Regulations%20Revised%203-2017.pdf>

Last Update: February 19, 2019



Ohio

Rule: 4731-1-25 Determination of equivalent military education for cosmetic therapy or massage therapy.

For purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure as a cosmetic therapist or massage therapist.

Effective: 12/31/2015

Five Year Review (FYR) Dates: 12/31/2020

Promulgated Under: 119.03

Statutory Authority: 4731.05, 5903.03

Rule Amplifies: 5903.03

Link: <http://codes.ohio.gov/oac/4731-1>

Last Update: April 19, 2019

Pennsylvania

Rule: § 20.32. Continuing education hours, maintenance of certificates of completion.

(a) Licensees shall complete a minimum of 24 hours of continuing education in the field of massage therapy as set forth in section 4(6) of the act (63 P.S. § 627.4(6)) and § 20.33 (related to continuing education content and providers) in the 2-year period immediately preceding the application for license renewal. To be creditable, continuing education must meet the requirements for Board approval set forth in this section and § 20.33.

(b) Licensees shall complete a minimum of 4 hours of continuing education in professional ethics in each biennial renewal period.

(c) A minimum of 16 hours of continuing education shall be earned through contact hours.

(d) Courses for the renewal of the licensee's CPR certification shall be earned through contact



hours and may not be used to meet the biennial continuing education requirement.

(e) Licensees shall retain the certificates of completion from continuing education courses for a minimum of 5 years.

(f) A licensee who is unable to complete the required continuing education shall request a waiver or extension from the Board at least 60 days prior to the expiration of the license. The request must include details about the licensee's illness, emergency or hardship, including documentation such as a letter from the licensee's physician or a copy of the licensee's military orders. The Board will respond in writing either granting or denying a request for waiver or extension.

(g) Licensees may be audited to ensure their compliance with the continuing education requirements.

Cross References

This section cited in 49 Pa. Code § 20.31 (relating to expiration, renewal and reactivation of license); and 49 Pa. Code § 43b.23a (relating to schedule of civil penalties—massage therapists).

Link: <https://www.pacode.com/secure/data/049/chapter20/chap20toc.html>

Last Update: February 19, 2019

Virginia

Statute: Ch. 30 § 54.1-3001. Exemptions.

A. This chapter shall not apply to the following:

14. The practice of massage therapy that is an integral part of a program of study by a student enrolled in a massage therapy educational program under the direction of a licensed massage therapist. Any student enrolled in a massage therapy educational program shall be identified as a "Student Massage Therapist" and shall deliver massage therapy under the supervision of an appropriate clinical instructor recognized by the educational program;

15. The practice of massage therapy by a massage therapist licensed or certified in good standing in another state, the District of Columbia, or another country, while such massage therapist is volunteering at a sporting or recreational event or activity, is responding to a disaster or emergency declared by the appropriate authority, is travelling with an out-of-state athletic team or an athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing, or is engaged in educational seminars;

16. Any person providing services related to the domestic care of any family member or



household member so long as that person does not offer, hold out, or claim to be a massage therapist;

17. Any health care professional licensed or certified under this title for which massage therapy is a component of his practice; or

18. Any individual who provides stroking of the hands, feet, or ears or the use of touch, words, and directed movement, including healing touch, therapeutic touch, mind-body centering, orthobionomy, traeger therapy, reflexology, polarity therapy, reiki, qigong, muscle activation techniques, or practices with the primary purpose of affecting energy systems of the human body.

B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program. The chief medical officer of an organization participating in a program established pursuant to § 2.2-2001.4 may, in consultation with the chief nursing officer of such organization, designate a registered nurse licensed by the Board or practicing with a multistate licensure privilege to supervise military personnel participating in a program established pursuant to § 2.2-2001.4 in the practice of nursing.

Code 1950, § 54-362; 1970, c. 116; 1982, c. 598, § 54-367.36; 1988, c. 765; 1994, cc. 58, 103; 1996, c. 388; 1999, c. 570; 2001, cc. 244, 251; 2002, cc. 713, 740; 2008, c. 674; 2010, c. 245; 2012, cc. 117, 178; 2016, c. 324; 2018, cc. 69, 338.

Link: <http://www.dhp.virginia.gov/Nursing/leg/Chapter%2030%20Nursing.docx>

Editorial Comment: Virginia Nursing Board oversees Massage Therapy licensing, so this content is still relevant even though the language uses the word nurses.

Last Update: February 25, 2019

Rule: 18VAC90-50-75: Continuing competency requirements

A. In order to renew a license biennially, a licensed massage therapist shall:

1. Hold current certification by the NCBTMB; or

2. Complete at least 24 hours of continuing education or learning activities with at least one hour in professional ethics. Hours chosen shall be those that enhance and expand the skills and knowledge related to the clinical practice of massage therapy and may be distributed as follows:

a. A minimum of 12 of the 24 hours shall be in activities or courses provided by one of the



following providers and may include seminars, workshops, home study courses, and continuing education courses.

- (1) NCBTMB;
- (2) Federation of State Massage Therapy Boards (FSMTB);
- (3) American Massage Therapy Association (AMTA);
- (4) Associated Bodywork and Massage Professionals (ABMP);
- (5) Commission on Massage Therapy Accreditation (COMTA);
- (6) A nationally or regionally accredited school or program of massage therapy; or
- (7) A school of massage therapy approved by the State Council of Higher Education for Virginia.

b. No more than 12 of the 24 hours may be activities or courses that may include consultation, independent reading or research, preparation for a presentation, a course in cardiopulmonary resuscitation, or other such experiences that promote continued learning.

B. A massage therapist shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure in Virginia.

C. The massage therapist shall retain in his records the completed form with all supporting documentation for a period of four years following the renewal of an active license.

D. The board shall periodically conduct a random audit of licensees to determine compliance. The persons selected for the audit shall provide evidence of current NCBTMB certification or the completed continued competency form provided by the board and all supporting documentation within 30 days of receiving notification of the audit.

E. Failure to comply with these requirements may subject the massage therapist to disciplinary action by the board.

F. The board may grant an extension of the deadline for continuing competency requirements, for up to one year, for good cause shown upon a written request from the licensee prior to the renewal date.

G. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

Link: http://www.dhp.virginia.gov/Nursing/leg/MassageTherapy_012418.doc

Last Update: February 25, 2019

Task List

Disability Exemption Research from FSMTB



FSMTB

FEDERATION OF STATE
MASSAGE THERAPY BOARDS

Disability Exemptions

August 2019



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Executive Summary

The following is language from massage therapy statutes and rules across the United States relevant to therapists with temporary or permanent disabilities. Additional language has been eliminated. Links to the internet published documents are available.

Connecticut

Statute: 20-206f. Continuing education requirements

(d) This section shall not apply to licensees who have been continuously licensed since February 1, 1994. The continuing education requirements shall be waived for licensees applying for licensure renewal for the first time. The department may, for a licensee who has a medical disability or illness, grant a waiver of the continuing education requirements for a specific period of time or may grant the licensee an extension of time in which to fulfill the requirements.

Link: https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/practitioner_licensing_and_investigations/plis/massagetherapist/MSGStatutepdf.pdf?la=en

Last Update: February 06, 2019

Delaware

Rule: 9.0 Continuing Education (CE)

9.7 Hardship. A candidate for renewal may be granted an extension of time in which to complete CE hours upon a showing of unusual hardship. "Hardship" may include, but is not limited to, disability, illness, extended absence from the jurisdiction, and exceptional family responsibilities. Requests for hardship extensions must be submitted to the Board in writing prior to the end of the licensing or certification period for which the request is being made.

9.8 Requirements for Late Renewal. Unless extended by the Board for hardship as defined in subsection 9.7, and subject to the one-year limitation set forth in Section 7.0, massage and bodywork therapists and massage technicians applying for late renewal must provide proof of completion of the required CE for the immediately preceding licensure period.

Link: <http://regulations.delaware.gov/AdminCode/title24/5300.shtml>

Last Update: September 10, 2018



Georgia

Rule: Rule 345-4-.02 LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE: Continuing Education Hours

(4) The Board may consider a waiver or variance of the requirement of CE hours for licensees who can provide acceptable proof of a verifiable illness, disability or hardship that substantially affected their ability to obtain the required CE hours during the prior biennium renewal period through submission to the board of a completed, signed waiver/variance request form prior to the biennium renewal expiration date of October 31st of every even numbered year.

Link: <http://rules.sos.ga.gov/gac/345-6>

Last Update: September 10, 2018

Iowa

Rule: 645.131.8 License renewal.

131.8(4) Mandatory reporter training requirements.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 133.

Link: <https://www.legis.iowa.gov/docs/iac/rule/10-26-2016.645.131.8.rtf>

Last Update: February 11, 2019



Kentucky

Rule: 201 KAR 42:110. Continuing education requirements.

RELATES TO: KRS 309.355, 309.361

STATUTORY AUTHORITY: KRS 309.355(3)

Section 10. Waiver or Extension of Continuing Education.

(1) The board shall, in individual cases involving medical disability, illness, undue hardship, active military service, or other similar extenuating circumstance that precludes the individual's completion of the requirements, waive CE requirements or grant an extension of time within which to fulfill the requirements if the board receives:

- (a) A written request for waiver or extension of time; and
- (b) 1. Verifying documentation signed by a licensed physician or proper military personnel, if applicable; or
2. Documentation to support the waiver.

(2) A waiver of the minimum CE requirements or an extension of time within which to fulfill the CE requirements may be granted by the board for a period not to exceed one (1) calendar year. If the circumstance extends beyond the period of the waiver or extension, the licensee shall reapply for the waiver or extension.

Link:<http://bmt.ky.gov/Laws%20and%20Regulations/Laws%20and%20Regulations%20Booklet.pdf>

Last Update: February 11, 2019

Maryland

Rule: 10.65.08.02 Eligibility Requirements

A. An applicant with a disability may request modifications in examination materials or procedures by making a written request to the Board that includes:

- (1) The applicant's name;
- (2) The date of the examination to be modified;
- (3) A letter from the appropriate medical professional that:
 - (a) Confirms the disability; and



(b) Provides information describing the accommodations required; and

(4) A letter from the applicant's education program, indicating what modifications, if any, were granted by the program.

B. The applicant shall send the request for modification and supporting documentation to the Board by the application deadline.

C. The Board reserves the right to review each special needs application and evaluate each on its individual merit.

D. The applicant may be required to bear the cost of special arrangements or procedures to accommodate the applicant's special needs.

Link: <http://www.dsd.state.md.us/comar/comarhtml/10/10.65.08.02.htm>

Last Update: February 11, 2019

New Jersey

Statute: 45:11-72. Continuing education requirements.

a. The board shall require each person licensed as a massage and bodywork therapist, as a condition for biennial license renewal pursuant to section 1 of P.L.1972, c.108 (C.45:1-7), to complete any continuing education requirements imposed by the board pursuant to this section.

(1) The board may, in its discretion, waive requirements for continuing education on an individual basis for reasons of hardship, such as disability, retirement of the license, military service or deployment, or any other good cause.

Link: <https://www.njconsumeraffairs.gov/Statutes/massagelaw.pdf>

Last Update: February 18, 2019

Rule: 13:37A-4.4 Waiver of continuing education requirements

a) The Board may waive the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service.

1) A licensee seeking a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The licensee shall provide the Board with supplemental materials that support the request for waiver.

2) A waiver of continuing education requirements granted pursuant to this subsection shall be effective only for the biennial period in which such waiver is granted. If the condition(s)



which necessitated the waiver continue(s) into the next biennial period, a licensee shall apply to the Board for the renewal of such waiver for the new biennial period.

Link: <https://www.njconsumeraffairs.gov/regulations/Chapter-37A-New-Jersey-Board-of-Massage-and-Bodywork-Therapy.pdf>

Last Update: February 18, 2019

New York

Rule: § 78.5 Continuing education for massage therapists.

b. Applicability of requirement

ii. Adjustments to the requirement. An adjustment to the continuing education requirement, as prescribed in subdivision (c) of this section, may be made by the Department, provided that the licensee documents good cause that prevents compliance or the Department determines otherwise that there is good cause that prevents compliance, which shall include, but not be limited to, any of the following reasons: poor health or a specific physical or mental disability certified by an appropriate health care professional; or extended active duty with the Armed Forces of the United States; or other good cause beyond the licensee's control which in the judgment of the Department, makes it impossible for the licensee to comply with the continuing education requirements in a timely manner.

Link: <http://www.op.nysed.gov/prof/mt/part78.htm>

Last Update: February 19, 2019

Tennessee

Rule: 0870-01-.12 CONTINUING EDUCATION.

(6) Waiver of Continuing Education

(a) The Board may grant a waiver of the need to attend and complete the required hours of continuing education where illness, disability or other undue hardship beyond the control of the licensee prevents a licensee from complying.

(b) Waivers will be considered only on an individual basis and may be requested by



submitting the following items to the Board Administrative Office prior to the end of the licensure cycle in which the continuing education is due:

1. A written request for a waiver which specifies what requirement is sought to be waived and the reasons for the request.
2. Any documentation which supports the reason for the waiver requested or which is subsequently requested by the Board.

(c) A waiver approved by the Board is effective for only the renewal period for which the waiver is sought unless otherwise specified in writing by the Board.

(d) The Board Consultant and the designee are authorized to grant or deny requests for waivers subject to subsequent Board ratification.

Link: <https://publications.tnsosfiles.com/rules/0870/0870-01.20170817.pdf>

Last Update: February 21, 2019

Virginia

Rule: 18VAC90-50-75: Continuing competency requirements

G. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

Link: http://www.dhp.virginia.gov/Nursing/leg/MassageTherapy_012418.doc

Notes:

Editorial Comment:

Last Update: February 25, 2019

Wisconsin

Statute: 460.10 Continuing education.

(2) The affiliated credentialing board may waive all or part of any requirement established in rules promulgated under sub. (1)



(a) if it determines that prolonged illness, disability, or other exceptional circumstances have prevented a license holder from completing the requirement.

History: 2001 a. 74; 2009 a. 355; 2011 a. 260.

Link: <https://docs.legis.wisconsin.gov/statutes/statutes/460.pdf>

Last Update: February 25, 2019

Rule: MTBT 2.04 Accommodations relating to a disability.

A qualified individual with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for certification as a massage therapist or bodyworker.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 06-069: am. Register December 2006 No. 1-1-07.

Link: https://docs.legis.wisconsin.gov/code/admin_code/mtbt/2.pdf

Last Update: February 25, 2019

Rule: MTBT 7.02 Continuing education required.

(4) A licensee may apply to the board for waiver of the requirements of this chapter on grounds of prolonged illness or disability or other exceptional circumstances. The board will consider each request individually on its merits.

Link: https://docs.legis.wisconsin.gov/code/admin_code/mtbt/7.pdf

Last Update: February 25, 2019

Task List

Disciplinary Matrix Feedback
from
SA Goeden

Disciplinary Matrix Revision

with Investigation and LAW Feedback

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

From: Dinegar, Harriet C (LAW)
Sent: Thursday, August 15, 2019 3:14 PM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Subject: RE: MAS- Consult Requested by Board

See my advice, in BLUE. I think I have answered everything. I will be in the office tomorrow, so don't hesitate to call if you have further questions.

Harriet

From: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Sent: Tuesday, August 13, 2019 2:30 PM
To: Dinegar, Harriet C (LAW) <harriet.dinegar@alaska.gov>
Subject: RE: MAS- Consult Requested by Board

You're the bestest Harriet! I'll look for it Friday.

Dawn

From: Dinegar, Harriet C (LAW)
Sent: Tuesday, August 13, 2019 1:59 PM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Subject: RE: MAS- Consult Requested by Board

Dawn, this will be done and to you by the end of the day on Friday. I have started looking at it but will be out for the next day and a half, so Friday it is. 😊

From: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Sent: Monday, August 12, 2019 3:25 PM
To: Dinegar, Harriet C (LAW) <harriet.dinegar@alaska.gov>
Cc: Hannasch, Dawn K (CED) <dawn.hannasch@alaska.gov>; Walsh, Sharon J (CED) <sharon.walsh@alaska.gov>
Subject: MAS- Consult Requested by Board
Importance: High

Hello Harriet,

This is a gentle reminder that the Board of Massage Therapists has requested a consult from LAW and Ms. Cain assigned you. Yeah us!

Do you have any guidance on the following subjects:

The Board of Massage Therapists has requested a consult from the Department of Law on the following topic(s)

1. **Disciplinary Matrix and Fine Schedule** (Harriet Milks has consulted on this topic previously): Please find the minutes of the MAS meeting on June 10-11, 2019 that include the revised Disciplinary Matrix and Fine Schedule. The final version from that meeting begins on page 36, line 1643.

The board would like to adopt this version pending any changes suggested by LAW and INV.

I see that the board has incorporated many of my earlier suggestions. Here are a few additional ones:

- What is the asterisk for, after Unlicensed Practice in the first row?
- Also in that row, under "Time Frame." Need to change < 90 days to they symbol for less than or equal to.
- Row 3: add "or misrepresentation" after "Fraud"
- Row 3, fines: "per item"? How about "per offense"? Also consider this designation for other fines where the board wishes to give a range.
- Row 5: consider deleting this row, as it is the same as row 3.
- Rows 6-12, column 4: do you want to add "or" before the last option?

2. **AS 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

- a. Investigations has brought to the board's attention some key words in this statute: "hearing" and "licensed". Historically, the board has defined hearing as a meeting of the board on the subject and licensed as someone in whose license approval is imminent. An example is that if someone has a questionable background report, the board hold a Fitness to Practice interview for the applicant, holds a discussion, and decides, in the meeting, to grant the license pending the acceptance of a consent agreement that states the applicant will not break the law for 4 years and complete a 20 hours ethics course. Is this the correct interpretation of this statute?

A: It could be, depending on the facts. The board is correctly interpreting "hearing" to mean a process in which the applicant has a meaningful opportunity to be heard and to present her case, to present facts and examine witnesses. It need not be elaborate. The board also seems to be correctly understanding that the disciplinary standards under AS 08.61.060 apply to licensees *and applicants* for licensure. This is because the OAH has said that it makes no sense to license someone who the board knows has a problem that would warrant revocation if they were already licensed, only to turn around and revoke their license immediately after granting it.

- b. On the board's newly drafted disciplinary matrix, the board has made clear that they would like to use AS 08.61.060 as a reference to impose a disciplinary sanction in the form of a civil fine for applicants who make factually inaccurate statements on their application and the board intends to license. The board originally wanted to reference AS 11.56.210 for this type of disciplinary action but was advised by LAW and division that it was a criminal statute and not used for this type of action. *Yes; I said that.* This topic is referenced several times in the attached minutes but the task is assigned on line 228

This is OK. AS 08.61.060 specifically incorporates AS 08.01.075(a)(8), which allows imposition of a fine.

The Board of Massage Therapists has requested a consult from the Deputy Director and the Department of Law on the following topic(s):

1. **AS 21.36.090-Unfair Discrimination-** (d) Except to the extent necessary to comply with [AS 21.42.365](#) and [AS 21.56](#), a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a health maintenance organization or a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, physician assistant, dentist, osteopath, optometrist, chiropractor, advanced practice registered nurse, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, licensed clinical social worker, licensed professional counselor, or certified direct-entry midwife.

The board feels that this statute (which was written in 1993) may hinder accessibility to care. When one board member asked division what they should do to rectify the fact that massage therapists are not on this list, they were advised to lobby the legislature. When the board met in June, they felt like this may be a "housekeeping" job for division since there are 8 professional programs left off this list. This conversation is in the attached meeting minutes starting on page 32, line 1447.

Actually, that statute was amended in 2007, when the legislature inserted "licensed professional counselor" to the list of providers. MAS licensure is more recent, and I do not know whether the legislature did not insert a similar reference. It would not have come up in the legal bill review because there is no statutory reference for massage therapists to have been flagged. I'd have to search the legislative history, and will, to see whether this issue was raised by anyone and rejected for some reason. I'll also see why those other professions are not listed. In the meantime, nothing can be done about it without the legislature, so this will have to go on the back burner till the next session.

Please let me know if you have any feedback on these topics **no later than 8/21/2019** so I may include the information in the board's next meeting.

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: [Jacobs, Carl A \(CED\)](#)
To: [Dulebohn, Dawn L \(CED\)](#); [Hannasch, Dawn K \(CED\)](#); [Lipker, Sonia L \(CED\)](#)
Subject: RE: MAS- Consult Requested by Board
Date: Friday, August 16, 2019 10:59:48 AM

Dawn,

After looking over the matrix, the only feedback I have is related to AS 08.61.060. This Statute will be used (amongst other things) for individuals who fail to disclose criminal history on their applications for any number of reasons. During the September 2018 meeting (page 22 of the minutes) the Board adopted the Imposition of Civil fine process as a time and cost-saving measure. At present, the Board can impose a civil fine without a licensee entering into a consent agreement.

I would recommend the Board change the “Disciplinary Action” field for this statute to simply read “Imposition of Civil Fine”, with the understanding that the Board is able to deviate from their matrix to include other disciplinary actions – like a consent agreement with additional stipulations – if they found a violation especially egregious or beyond what is normally encountered. This change will make things more efficient for the Board, the Division and the affected licensees.

If Sonia has any additional observations I’m sure she will reach out.

Thank you.

Carl Jacobs
Investigator
Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
550 West 7th Ave, Suite 1500
Anchorage, AK 99501
P. 907-269-0056
F. 907-269-8195
carl.jacobs@alaska.gov

From: Dulebohn, Dawn L (CED)
Sent: Friday, August 16, 2019 10:24 AM
To: Dinegar, Harriet C (LAW) <harriet.dinegar@alaska.gov>
Cc: Walsh, Sharon J (CED) <sharon.walsh@alaska.gov>; Hannasch, Dawn K (CED) <dawn.hannasch@alaska.gov>; Jacobs, Carl A (CED) <carl.jacobs@alaska.gov>; Lipker, Sonia L (CED) <sonia.lipker@alaska.gov>
Subject: RE: MAS- Consult Requested by Board

Hi Harriet,

Thank you for all of this guidance. I found it really helpful and believe the board will too! I will include this in the board’s meeting packet for September as well as forward it on to the Deputy

Director, Supervisor Hannasch, and Investigators Jacobs & Lipker.

Ok, to reply to your reply:

1. Disciplinary Matrix and Fine Schedule. See my notes in red
I see that the board has incorporated many of my earlier suggestions. Here are a few additional ones:

- What is the asterisk for, after Unlicensed Practice in the first row? Asterisk is left over from an old version that noted that this particular segment was approved from an earlier meeting. Since the board is reviewing and approving this new version, I have gotten rid of it.
- Also in that row, under "Time Frame." Need to change < 90 days to they symbol for less than or equal to. Updated
- Row 3: add "or misrepresentation" after "Fraud" Updated
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You are very much appreciated!

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

MAS Disciplinary Matrix/Fine Schedule

Updated June 10-11, 2019 board meeting

<u>Statute/ Regulation</u>	<u>Violation</u>	<u>Time Frame</u>	<u>Disciplinary Action</u>	<u>Fine</u>
AS 08.61.070	Unlicensed Practice	≤ 90 days	Fine	\$500
		91 days-1 year	Fine	\$1000
		> 1 year	Fine	\$2500
12 AAC 79.900	Code of Ethics Violation	1 st 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 st Offense	Consent Agreement w/ fine	\$250 Civil Fine
		2 or more offenses	Consent Agreement with fine	\$250 per item Per Offense
12 AAC 79.900	Standard of Practice Violation (refer to SOP)	1 st 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 st Offense	Letter of Advisement, Fine	\$250-\$2500
		2 or more Offenses	Consent Agreement, Fine, Ethics Course, Suspension, Revocation	\$1000-\$2500
AS 08.61.060	False or Misleading Massage Advertisement	1 st Offense	Letter of Advisement	n/a
		2 or more Offenses	Consent Agreement, Fine, Ethics Course, Suspension, Revocation	\$250-\$1000
<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	Initial Application	Fitness to Practice Interview which could result in: Denial or	n/a

	to Practice Competently and Safely		Consent Agreement, Ethics Course, Probation	
		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 st Offense	Consent Agreement, Probation, Ethics Course	n/a
		2 or more Offenses	Consent Agreement, Fine, Suspension, Revocation	\$100- \$2500
AS 08.61.060	Failure to Comply with a Provision of this Chapter, Regulation, or Order of the Board	1 st Offense	Letter of Advisement OR Consent Agreement w/ Probation	n/a
		2 or more Offenses	Consent Agreement, Fine, Suspension, Probation	\$100-\$2500
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, Revocation	\$500-\$5000
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, OR Suspension, OR Revocation	\$500-\$2500

From: [Jacobs, Carl A \(CED\)](#)
To: [Dulebohn, Dawn L \(CED\)](#); [Hannasch, Dawn K \(CED\)](#); [Lipker, Sonia L \(CED\)](#)
Subject: RE: MAS- Consult Requested by Board
Date: Friday, August 16, 2019 10:59:48 AM

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After looking over the matrix, the only feedback I have is related to AS 08.61.060. This Statute will be used (amongst other things) for individuals who fail to disclose criminal history on their applications for any number of reasons. During the September 2018 meeting (page 22 of the minutes) the Board adopted the Imposition of Civil fine process as a time and cost-saving measure. At present, the Board can impose a civil fine without a licensee entering into a consent agreement.

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Thank you.

Carl Jacobs
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Sent: Friday, August 16, 2019 10:24 AM
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Cc: Walsh, Sharon J (CED) <sharon.walsh@alaska.gov>; Hannasch, Dawn K (CED) <dawn.hannasch@alaska.gov>; Jacobs, Carl A (CED) <carl.jacobs@alaska.gov>; Lipker, Sonia L (CED) <sonia.lipker@alaska.gov>
Subject: RE: MAS- Consult Requested by Board

Hi Harriet,

Thank you for all of this guidance. I found it really helpful and believe the board will too! I will include this in the board’s meeting packet for September as well as forward it on to the Deputy

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To: [Dulebohn, Dawn L \(CED\)](#); [Hannasch, Dawn K \(CED\)](#); [Lipker, Sonia L \(CED\)](#)
Subject: RE: MAS- Consult Requested by Board
Date: Friday, August 16, 2019 12:38:32 PM

Dawn,

My only thought related to Harriet's last remark – I assumed the Board was providing a list of possible actions, and not what will occur in every case, for those violations. A point of clarification – a advisement letter cannot be coupled with other enforcement actions.

I (and possibly Sonia) will be sitting in on the matrix portion of the meeting to assist with providing clarification from our end, thanks for keeping us in the loop.

Carl Jacobs
Investigator
Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
550 West 7th Ave, Suite 1500
Anchorage, AK 99501
P. 907-269-0056
F. 907-269-8195
carl.jacobs@alaska.gov

From: Dulebohn, Dawn L (CED)
Sent: Friday, August 16, 2019 11:25 AM
To: Jacobs, Carl A (CED) <carl.jacobs@alaska.gov>
Subject: RE: MAS- Consult Requested by Board

Der! I didn't scroll down to see that you replied to the LAW guidance. Sorry. I'm guessing the answer to my question is "no".

Thanks Carl

Dawn

From: Dulebohn, Dawn L (CED)
Sent: Friday, August 16, 2019 11:02 AM
To: Jacobs, Carl A (CED) <carl.jacobs@alaska.gov>; Hannasch, Dawn K (CED) <dawn.hannasch@alaska.gov>; Lipker, Sonia L (CED) <sonia.lipker@alaska.gov>
Subject: RE: MAS- Consult Requested by Board

Hello Carl,

From: [Dulebohn, Dawn L \(CED\)](#)
To: [Dinegar, Harriet C \(LAW\)](#)
Cc: [Walsh, Sharon J \(CED\)](#); [Hannasch, Dawn K \(CED\)](#); [Jacobs, Carl A \(CED\)](#); [Lipker, Sonia L \(CED\)](#)
Subject: RE: MAS- Consult Requested by Board
Date: Friday, August 16, 2019 10:24:00 AM
Attachments: [MAS Disciplinary Matrix- amended 08.16.2019-LAW Notes.docx](#)

Hi Harriet,

Thank you for all of this guidance. I found it really helpful and believe the board will too! I will include this in the board's meeting packet for September as well as forward it on to the Deputy Director, Supervisor Hannasch, and Investigators Jacobs & Lipker.

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You are very much appreciated!

Best Regards,

Dawn Dulebohn

Licensing Examiner
Board of Massage Therapists

Task List

FARB Membership

From: [TK Gilmour](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: Re: MAS- June Tasks for September Meeting- Final Reminder
Date: Tuesday, August 20, 2019 3:46:33 PM

I looked up FARB and I wasn't terribly overimpressed with what I found. I believe being a member of FSMTB is a good idea and sufficient for training for the Examiner @ Executive Summit. I, either didn't see as much as I could, or didn't find the right information but not much was available when I researched it. In my opinion, FSMTB is comprehensive and good for our membership without adding another that might just be overlap.

From: [Ron Gibbs](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: Re: MAS- June Tasks for September Meeting- Final Reminder
Date: Tuesday, August 20, 2019 1:46:49 PM

The FARB membership costs \$175 per yr and covers all board members, staff and lawyer? If so, My vote on FARB is yes.

Healing Harbor Bodytherapy

From: [julie endle](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: FARB
Date: Saturday, August 24, 2019 11:39:57 AM

Hi Dawn,

I am in favor of joining FARB on a yearly basis.

The faster and more accurate information a board can obtain, is always an asset.

Thank you,

Julie Endle/Public Board Member

I am undecided on FARB. I have looked at their benefits and find them to be beneficial but paying for board members or professionals to be sent to the meetings may not be prudent in our current financial climate.

Jill

Division/Financial Update

Investigative Case Review
&
Probation Report

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Massage Therapists enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____

Board staff to remain during the session.

Off record: _____

On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;**
- **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- **matters involving consideration of government records that by law are not subject to public disclosure.**

Review Tabled Applications

EXECUTIVE SESSION MOTION

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Massachusetts Transcript Analysis Form

BOARD OF REGISTRATION OF MASSAGE THERAPY

Instructions for Initial Massage Therapist License Application

1. Please read and review the Board's regulations governing Individual Licensure at CMR 3.00 and/or visit the Board's website at <http://www.mass.gov/ocabr/licensee/dpl-boards/mt/regulations/269-cmr/269-cmr-200-definitions.html>. Please keep this instruction page for reference.
2. If you are ineligible for a Social Security Number, contact the Board for instructions.
3. Regarding Question #4, the address that you choose as your mailing address is **public record** and will be released to anyone upon request. If you select the business address option, please include the business name.
4. You must be 18 years old **and** a high school graduate, or its equivalent.
5. If you answered "yes" to Question #8, an official verification of standing is required for every professional license listed, including from every **out-of-state** licensure jurisdiction. An official verification of standing is required for **all** licensure status including **lapsed, expired, etc.** Please contact the appropriate licensing authority/jurisdiction and have the document mailed to you for inclusion with your application. Please maintain the official statement(s) **in the unopened, jurisdiction-sealed envelope(s) to accompany your application.** The document may also be mailed directly to the Board at 1000 Washington St. Suite 710 Boston, MA 02118. **(Please note, verification(s) of standing is not required if professional license is held within the Division of Professional Licensure)**
6. Regarding **Question #13**, you must list all offenses including OUI, DUI, and Operating after/with suspended license or registration. Dispositions of "continued without finding" ("CWF") or "admission to sufficiency of facts" must be reported. Do not include minor traffic offenses.
7. Notarized Forms (application, application checklist, CORI Acknowledgement Form, Reference Forms)
8. You must obtain an **Official Transcript** from your Massage Therapy program and include the **still-sealed envelope** with your application. You must also include a completed **Transcript Analysis Form** and include all supporting documents with your application (detailed course descriptions and full breakdown of the **clock hours** for each course, if noted as credit hours on official transcripts.) **Please note: If your program is noted in Credit Hours, **a complete breakdown of the program Clock Hours is required directly from your school on letterhead.***
9. **Applicant reference forms must accompany your application (see pages 12-13).** The professional reference form must be signed by an employer in the massage therapy or medical field, massage therapy educator, massage therapist, or health care provider with whom you have had a professional relationship and should address your competence and integrity. The personal reference form, must be signed by any unrelated person who can comment favorably upon your professional integrity. **Both forms must be notarized by a public notary.**
10. **You must provide a copy of the insurance policy declarations page that indicates the amount and effective date of coverage.** The policy must be in your own name and provide for a minimum of at least \$1,000,000 per occurrence and at least \$1,000,000 aggregate. The Board cannot make recommendations about insurers; however, professional associations are usually a good source of information. See the Board's web site for links.
11. If you have taken and passed either the **Massage or Bodywork Licensing Exam (MBLEx)** administered by the Federation of State Massage Therapy Board (FSMTB) or the **National Certification Examination** for Therapeutic Massage and Bodywork (NCBTMB) administered by the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB) **on or after 2010**, submit proof of passage.
12. Include a check or money order for **\$225.00** in U.S. funds made payable to the **Commonwealth of Massachusetts**. The fee is **not** refundable. Please note that your application will not be processed without the correct fee. The initial fee includes both application processing and your first license.
13. **Mail the complete application package to: Board of Registration of Massage Therapy, 1000 Washington Street, Suite 710: Individual Licensure, Boston, MA, 02118-6100.**
14. **Please allow 4-6 weeks for processing. You will be contacted via e-mail if further information is required. If you do not have an e-mail address, you will be contacted by postal mail; but this may take longer.**
15. If you have any additional questions, please contact the Board via e-mail: MassageTherapy@mass.gov or by phone (617) 727-1747.

INITIAL MASSAGE THERAPIST LICENSE APPLICATION

1. Applicant Name: _____
Last First Middle

Maiden Name/Other Name: _____

2. Permanent Address: _____
No. Street Apt. #

City/Town State Zip Code

3. Business Address (If Applicable): _____
No. Street Apt. #

City/Town State Zip Code

4. Which address should appear on your license? Permanent Business

5. E-mail: _____

Please note: EMAIL will be the primary means of contact for routine correspondences during the application process.

6. Telephone Number-(Day): _____ (Evening): _____

7. Educational Background:

High School Name: _____ Location: _____ Year: _____

Massage Therapy School: _____ Location: _____ Year: _____

Have you taken and passed the **Massage and Bodywork Licensing Exam (MBLEx)** administered by the Federation of State Massage Therapy Board (FSMTB) or the **National Certification Examination** for Therapeutic Massage and Bodywork (NCBTMB) administered by the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB) **on or after 2010**? (If yes please submit proof of passing) Yes: No:

8. List all professional licenses/certifications you have held in the United States, or any country or foreign jurisdiction, and the state/jurisdiction from which the license/certification was originally issued. Enclose all certificate of standing from each profession in which you have been licensed/certified, indicating the status of your license and any disciplinary information. _____

9. Has any disciplinary action been taken against you by a licensing/certification board located in the United States or any country or foreign jurisdiction? Yes: No:
If yes, please state the details (use a separate sheet if necessary): _____

10. Are you the subject of pending disciplinary actions by a licensing/certification board located in the United States or any country or foreign jurisdiction? Yes: No:

If yes, please state the details (use a separate sheet if necessary): _____

11. Have you ever voluntarily surrendered or resigned a professional license to a licensing/certification board in the United States or any country or foreign jurisdiction? Yes: No:

If yes, please state the details (use a separate sheet if necessary): _____

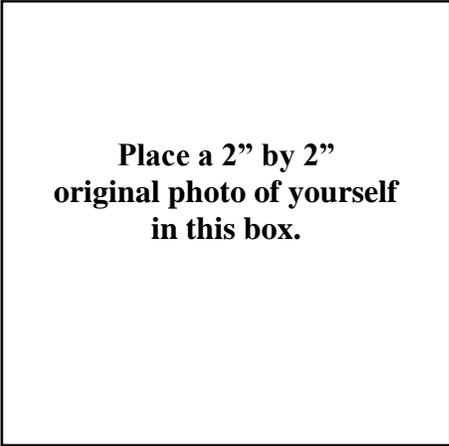
12. Have you ever applied for and been denied a professional license in the United States or any country or foreign jurisdiction? Yes: No: If yes, please state the details (use a separate sheet if necessary): _____

13. Have you ever been convicted of, or admitted to, a felony or misdemeanor in the United States or any country or foreign jurisdiction, other than a traffic violation for which a fine of less than \$200.00 was assessed? Yes: No: If yes, please state the details (use a separate sheet if necessary): _____

14. Have you made any plea or finding which the court treated as a plea or finding of criminal guilt? Yes: No: If yes, please state the details (use a separate sheet if necessary): _____

NOTE: The Board has received certification by the Criminal History Systems Board (ID# MAREG G) to access data about convictions and pending criminal cases. Your signature on this application allows the Board to conduct criminal background checks for conviction, non-conviction, and pending criminal case information only, on an ongoing basis, and that it will not necessarily disqualify you from licensure (or later license renewal). Other Federal and professional records may also be checked. The Board will not deny you a license (license renewal) based on criminal information prior to giving you an opportunity for a limited appearance before the Board.

I certify, under the pains and penalties of perjury, that the information I have provided pursuant to this application for licensure is truthful and accurate. I understand that the failure to provide accurate information may be grounds for the Massachusetts Board of Registration of Massage Therapy to deny me the right to sit as a candidate or to suspend or revoke a license issued to me in accordance with Massachusetts Law. I further attest that, pursuant to G.L. c.62C, §49A, to the best of my knowledge and belief, I have filed all Massachusetts tax returns and paid all Massachusetts taxes required by law.



Signature of applicant

Date

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of government issued identification, which was/were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Signature of Notary

My commission expires _____

SEAL

**YOU MUST SIGN (AND NOTARIZE) THIS
APPLICATION CHECKLIST
AND INCLUDE IT WITH YOUR APPLICATION**

I certify, under the pains and penalties of perjury, the truth of the following statements:

- I have read the “Instructions for Initial Massage Therapist License Application”.
- I have enclosed a completed (signed & notarized) “Initial Massage Therapist License Application” form.
- I have signed and enclosed two Reference Forms (one from an employer in the massage therapy or medical field, massage therapy educator, massage therapist, or health care provider with whom you have had a professional relationship and the other from any unrelated person who can comment favorably upon your professional integrity).
- If applicable, I have enclosed sealed, official, certificates of standing from each professional license and/or jurisdiction (outside of MA) in which I have held a professional license or certification. *(Not required if professional license is held with the Division of Professional Licensure)*
- I have enclosed my \$1,000,000 individual, massage therapy liability insurance policy declaration, **valid for post-graduate, professional, unsupervised practice.**
- Signed and dated **CORI Authorization Form.**
- I have enclosed a \$225.00 Check/Money Order payable to: **Commonwealth of MA.**
- I have enclosed an official, sealed transcript.
- I have enclosed a **completed transcript analysis form and supporting documents.**

MANDATORY

My Social Security Number is:

□ □ □ - □ □ - □ □ □ □

Pursuant to G.L. c. 62C, § 47A, the Division of Professional Licensure is required to obtain your social security number/tax identification number and forward it to the Department of Revenue. The Department of Revenue will use these numbers to ascertain whether you are in compliance with the tax laws of the Commonwealth.

Signature of applicant

Date

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of government issued identification, which was/were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Signature of Notary

My commission expires _____

SEAL

Mail your application materials to: Board of Massage Therapy, 1000 Washington Street, Suite 710: Individual Licensure, Boston, MA, 02118-6100.

650 Hours Transcript Analysis Form

Applicant Name: _____

Address: _____

City/Town: _____ State: _____ Zip Code: _____

DIRECTIONS FOR APPLICANT:

The Board of Registration of Massage Therapy ("Board") approved a course of study of 650 hours for individual licensure effective May 1, 2010, which is posted on the Board's website and detailed below. Please complete this form and provide the following documentation for the Board to review for approval of your application:

- 1) **All Course syllabi and/or School Catalogue, which should include a course description for each course taken and outlines of class dates and subject matter covered.**

Educational Requirements

The minimum educational qualifications for licensure as a massage therapist include:

- (1) A high school diploma or GED;
- (2) Graduation from a state licensed massage school; and
- (3) Completion of a course of study of at least 650 hours which shall comply with the requirements specified in the following table:

Curriculum

Subject	Hours
Section A: Anatomy & Physiology	100 Hours
Section B: Pathology	45 Hours
Section C: Kinesiology	45 Hours
Section D: Massage Theory and Technique	300 Hours
Section E: Ethics and Professionalism	60 Hours
Section F: Unpaid and supervised clinical or internship experience	100 Hours

SECTION A: 100 Hours: Anatomy & Physiology

Please list all courses specific to Section A: Anatomy & Physiology to be considered towards the Massachusetts Massage Therapy Educational Requirements for Licensure. Only list the number of hours in each course that were devoted to Section A subject matter.

Course Name (from transcript)	Hours Completed	Date Started	Date Completed
1. _____			
2. _____			
3. _____			
4. _____			

TOTAL HOURS:

650 Hours Transcript Analysis Form

SECTION B: 45 Hours: Pathology

Please list all courses specific to Section B: Pathology to be considered towards the Massachusetts Massage Therapy Educational Requirements for Licensure. Only list the number of hours in each course that were devoted to Section B subject matter.

Course Name (from transcript)	Hours Completed	Date Started	Date Completed
1. _____			
2. _____			
3. _____			
4. _____			

TOTAL HOURS:

SECTION C: 45 Hours: Kinesiology

Please list all courses specific to Section C: Kinesiology to be considered towards the Massachusetts Massage Therapy Educational Requirements for Licensure. Only list the number of hours in each course that were devoted to Section C subject matter.

Course Name (from transcript)	Hours Completed	Date Started	Date Completed
1. _____			
2. _____			
3. _____			
4. _____			

TOTAL HOURS:

SECTION D: 300 Hours Massage Theory and Technique

Please list all courses specific to Section D: Massage Theory and Technique to be considered towards the Massachusetts Massage Therapy Educational Requirements for Licensure. Only list the number of hours in each course that were devoted to Section D subject matter.

Course Name (from transcript)	Hours Completed	Date Started	Date Completed
1. _____			
2. _____			
3. _____			
4. _____			

TOTAL HOURS:

650 Hours Transcript Analysis Form

SECTION E: 60 Hours Ethics and Professionalism

Please list all courses specific to Section E: Ethics and Professionalism to be considered towards the Massachusetts Massage Therapy Educational Requirements for Licensure. Only list the number of hours in each course that were devoted to Section E subject matter.

Course Name (from transcript)	Hours Completed	Date Started	Date Completed
1. _____			
2. _____			
3. _____			
4. _____			

TOTAL HOURS:

SECTION F: 100 Hours Unpaid and supervised clinical or internship experience;

Please list all courses specific to Section F: Unpaid and Supervised Clinical or Internship Experience to be considered towards the Massachusetts Massage Therapy Educational Requirements for Licensure. Only list the number of hours in each course that were devoted to Section F subject matter.

Course Name (from transcript)	Hours Completed	Date Started	Date Completed
1. _____			
2. _____			
3. _____			
4. _____			

TOTAL HOURS:

Certification of Applicant:

I, _____, certify under the pain and penalty of perjury that I have personally completed the courses shown above and that the information provided is true and accurate.

Signature

Date

Curriculum Guidelines for Applications Received After May 1, 2010

- **100 hours in the Anatomy and Physiology of the Body;**
- **45 hours in Pathology;**
- **45 hours in Kinesiology;**
- **300 hours in supervised in classroom Massage Theory and Technique;**

Please note that, pursuant to the advisory ruling adopted by the Board on August 20, 2010, the Board will not accept training in modalities that do not fit the regulatory definition of massage in 269 CMR 2.0. Training in Reiki, Reflexology, Acupressure, Polarity Therapy, Asian Bodywork, Cranial Sacral, etc. may not be applied to this requirement.

Please see the Statutes and Regulations section of the web site for more information.

- **60 hours in Ethics, Professionalism and Business Practices.**
- **100 hours of unpaid and supervised clinical internship or externship experience;**

The hours are further defined so that the curriculum of an approved massage school shall include:

100 hours of Anatomy and Physiology including the structure and function of the following body systems:

- Integumentary System,
- Musculoskeletal System
- Cardiovascular System
- Blood Lymphatic and Immune systems
- Nervous system
- Endocrine system
- Respiratory system
- Digestive system
- Urinary system
- Reproductive system

45 Hours of Pathology:

The study of common pathologies encountered in the practice of massage and how they impact the application of massage, specific indications, contraindications and precautions to the application of massage in the presence of these pathologies.

45 Hours of Kinesiology:

Location, identification and palpation of the bellies and attachments of the major muscles of external movement of the body.

300 Hours of Massage Theory and Technique:

To include the following learning objectives in the areas of:

Effects of touch and massage techniques:

- Identify and describe the physiological effects of touch and specific massage.
- Identify and describe potential emotional effects of touch and specific massage techniques.
- Define and describe the interpersonal and physical components of a therapeutic environment
- Develop competency in musculoskeletal palpation and pain assessment skills relating to the appropriate application of massage techniques.
- Develop a safe and effective treatment plan, based on client goals, assessment findings, and understanding of effects of massage.
- Write clear, concise and accurate notes of client treatment sessions.
- Demonstrate commonly recognized techniques that are within the scope of practice and training for massage therapy disciplines. Demonstrate techniques that are appropriate for each body area, including endangerment sites.
- Demonstrate the use of draping during treatment as a professional boundary
- Identify and practice appropriate methods of sanitation and personal hygiene in the performance of massage sessions.

Self-care:

- Identify and describe the effect of physical fitness and life style habits on the performance of massage techniques.
- Identify and demonstrate biomechanical skills necessary for the safe and effective performance of massage techniques.

National Examination:

100 Hours of education may be credited towards the 300 hour requirement in Massage Theory and Technique if:

The applicant submits proof of passing the **Massage and Bodywork Licensing Exam (MBLEx)** administered by the Federation of State Massage Therapy Board (FSMTB) or the **National Certification Examination** for Therapeutic Massage and Bodywork (NCBTMB) administered by the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB) **on or after 2010.**

Please note: The national exam is currently not a requirement for licensure in MA, however, may allow applicants who fall deficient of the required 300 hours of Massage Theory and Technique and may use the exam towards hours of deficiency in that section, so long as proof of passing the exam is submitted.

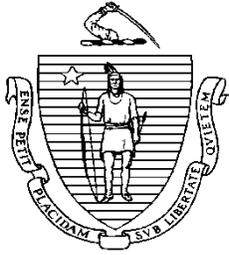
60 Hours of Ethics and Professionalism:

Professionalism and Communication:

- Define and demonstrate active listening, rapport, empathy and feedback.
- Identify strategies to effectively deal with emotional and behavioral client responses to massage therapy treatment.
- Describe the principles of conflict resolution and apply conflict resolution skills effectively in the client-therapist relationship.
- Define and discuss the differences between a personal and a professional relationship
- Discuss the importance of professional boundaries Describe techniques for establishing and maintaining safe and respectful boundaries with clients.
- Identify and describe the purpose of a code of ethics. Identify and describe the purpose of Standards of Practice specific to massage therapy.
- Identify confidentiality principles related to massage therapy
- Identify common ethical situations in massage therapy and strategies to effectively resolve ethical issues.
- Identify and design effective methods for time management, client scheduling, and maintenance of the work environment.
- Outline an employment strategy, including short and long-term professional goals
- Create, maintain and identify legal requirements for retaining client, financial and tax records.
- Demonstrate knowledge of federal, state and local regulations as they pertain to massage therapy practice.
- Identify the elements of effective job search and marketing materials (such as resumes, brochures, business cards).
- Identify and discuss common methods of marketing for massage therapy.
- Identify strategies to develop and maintain a client base.
- Discuss the value of ongoing education and skill development as a professional
- Describe methods for identifying advanced training programs to enhance performance, knowledge and skills.
- Identify the role of professional associations for massage therapists.

100 hours of unpaid and supervised clinical or internship experience:

A minimum of **60 hours** of which must be dedicated to the actual hands on practice of massage therapy, supervised by a licensed massage or qualified health care professional. The other clinic or internship hours may be dedicated to assessment and treatment planning, treatment note preparation, clinic management and or externship practice supervised by a school approved on-site supervisor and evaluated by a school faculty member. The 100 hours may be dedicated entirely to hands on practice.



The Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Massage Therapy
1000 Washington Street, Suite 710
Boston, MA 02118-6100

APPLICANT REFERENCE FORMS

Instructions

Pursuant to 269 CMR 3.01(2)(c), all applicants for licensure are required to submit two (2) references for review by the Board:

1. **Professional Reference:** One (1) reference from an **employer in the massage therapy or medical field, a massage therapy educator, a Massage Therapist, or health care provider** with whom the applicant has had a professional relationship, who should address the applicant's competency and integrity. 269 CMR 3.01(2)(c)(1).
2. **Personal Reference:** One (1) reference from an **individual unrelated to the applicant** who can attest to the applicant's business or professional integrity. 269 CMR 3.01(2)(c)(2).

This form must be used by applicants to satisfy the **Professional Reference** requirement. No other forms or letters will be accepted. Applicants must fill out the first portion of the form, and then provided by the applicant to the individual serving as a reference, to be completed by that individual.

Please note that all forms must be completed, signed, and notarized. Incomplete forms will not be accepted and may result in a delay of the processing of an application, or the denial of an application. Please do not sign the form until you are in the presence of a Massachusetts Notary Public.

TO BE COMPLETED BY APPLICANT

I, _____, hereby authorize _____,
(applicant) (name of reference)

to provide the Board of Registration of Massage Therapy, with all information of any kind which he/she may deem relevant to my qualifications as an applicant, consistent with the requirements of 269 CMR 3.01(2)(c). I hereby release and discharge the endorser from all claims arising out of the provision of such information.

Date: _____ Applicant's Signature: _____

PLEASE NOTE: This form must be notarized by a Notary Public. DO NOT sign and date this page unless and until you are in the presence of the Notary Public. The Notary Public may use the Certificate Jurat template found on this page, or provide their own Certificate Jurat form.

I, the undersigned, being duly sworn, do state under the pains and penalties of perjury, that the answers provided on this Reference Form, are true and correct. I agree to provide any additional information requested by the Board.

Reference Signature: _____ Date: _____

CERTIFICATE JURAT

Commonwealth of Massachusetts

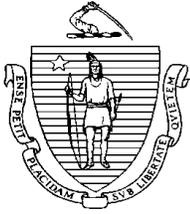
County of _____

On this ____ day of _____, 20__, before me, the undersigned notary public, _____, personally appeared, proved to me through satisfactory evidence of identification, which were _____, to be the person who signed the preceding or attached document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

Printed Name of Notary Public: _____

Signature of Notary Public: _____

My Commission Expires: _____



The Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Massage Therapy
1000 Washington Street, Suite 710
Boston, MA 02118-6100

PERSONAL REFERENCE FORM
TO BE COMPLETED BY PERSONAL REFERENCE

The remainder of this form is to be completed only by the individual designated by the applicant to serve as a reference, pursuant to 269 CMR 3.01(2)(c)(2). Failure to do so will render this document invalid. Do not complete this form unless the applicant waiver is signed and dated. Please note that this portion of the form must be signed by a Notary Public.

1. Name: _____

2. Address: _____

3. Phone Number: _____ E-mail Address: _____

4. Please explain the nature of your relationship to the Applicant. Use a separate sheet of paper, if necessary.

5. How long have you known the applicant? From: _____ to _____
(month/year) (month/year)

6. Please indicate the setting(s) in which you have known the applicant, a description of applicant's duties (if applicable), and the extent of your contact with the applicant. Use a separate sheet of paper, if necessary.

7. Please comment on the applicant's business or professional integrity as it relates to his or her potential ability to practice the massage therapy profession in the Commonwealth of Massachusetts. Use a separate sheet of paper, if necessary.

PLEASE NOTE: This form must be notarized by a Notary Public. DO NOT sign and date this page unless and until you are in the presence of the Notary Public. The Notary Public may use the Certificate Jurat found on the next page, or provide their own Certificate Jurat.

I, the undersigned, being duly sworn, do state under the pains and penalties of perjury, that the answers provided on this Reference Form, are true and correct. I agree to provide any additional information requested by the Board.

Reference Signature: _____ Date: _____

CERTIFICATE JURAT

Commonwealth of Massachusetts

County of _____

On this ____ day of _____, 20__, before me, the undersigned notary public, _____, personally appeared, proved to me through satisfactory evidence of identification, which were _____, to be the person who signed the preceding or attached document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

Printed Name of Notary Public: _____

Signature of Notary Public: _____

My Commission Expires: _____

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MASSAGE THERAPY
1000 Washington Street, Suite 710
Boston, MA 02118-6100
www.mass.gov/dpl/boards/mt**

**CRIMINAL OFFENDER RECORD INFORMATION (CORI)
ACKNOWLEDGEMENT FORM**

The Division of Professional Licensure by itself and on behalf of boards of registration pursuant to M.G.L. c. 13, §9 [hereinafter, "Division of Professional Licensure"] is registered under the provisions of M.G.L. c. 6, § 172 to receive CORI for the purpose of screening current and otherwise qualified prospective license applicants and current licensees.

As a license applicant or current licensee, I understand that a CORI check will be submitted for my personal information to the Department of Criminal Justice Information Services ("DCJIS"). I hereby acknowledge and provide permission to the Division of Professional Licensure to submit a CORI check for my information to the DCJIS. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing the Division of Professional Licensure written notice of my intent to withdraw consent to a CORI check.

FOR LICENSING PURPOSES ONLY:

The Division of Professional Licensure may conduct subsequent CORI checks within one year of the date this Form was signed by me. If subsequent CORI checks are necessary, the Division of Professional Licensure will provide me with written notice of the subsequent CORI checks.

By signing below, I provide my consent to a CORI check and acknowledge that the information provided on Page 2 of this Acknowledgement Form is true and accurate.

Signature

Date

Please provide the name of the board of registration and license type for which you are applying or currently hold:

Board of Registration

License Type

NOTE: DPL CANNOT ACCEPT THIS TWO-PAGE CORI ACKNOWLEDGMENT FORM UNLESS IT IS EITHER (1) SIGNED IN PERSON AT THE BOARD'S OFFICES IN THE PRESENCE OF A DPL EMPLOYEE WHO HAS VERIFIED THE APPLICANT'S IDENTITY THROUGH ACCEPTABLE IDENTIFICATION, **OR** (2) SIGNED IN THE PRESENCE OF A NOTARY PUBLIC WHO HAS LIKEWISE VERIFIED IDENTITY AND THEN MAILED OR OTHERWISE DELIVERED TO THE BOARD'S OFFICES AT THE ADDRESS SET FORTH ABOVE.

SUBJECT INFORMATION: (A red asterisk (*) denotes a required field)

*Last Name *First Name Middle Name Suffix

*Maiden Name (or other name(s) by which you have been known)

*Date of Birth Place of Birth

* Social Security Number: _____ - _____ - _____

Sex: _____ Height: ____ ft. ____ in. Eye Color: _____

Driver's License or ID Number: _____ State of Issue: _____

* Current and Former Addresses:

* Street Number & Name City/Town State Zip

* Street Number & Name City/Town State Zip

IDENTITY VERIFICATION SECTION: If this form is submitted by hand at DPL Offices, Section A must be completed. Otherwise, Section B must be completed.

SECTION A: VERIFICATION BY DPL EMPLOYEE: I hereby certify that I verified the identity of the above-referenced subject by reviewing the following form(s) of government-issued identification:¹

Passport State-issued driver's license Military identification State-issued identification card
VERIFIED BY:

Name of Verifying DPL Employee (Please Print)

Signature of Verifying DPL Employee

Date

SECTION B: VERIFICATION BY NOTARY:

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ (name of document signer), and proved to me through satisfactory evidence of identification, which was the following:¹

Passport State-issued driver's license Military identification State-issued identification card
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Notary Public:

Notary Commission Expires On

¹ If a subject does not have an acceptable government-issued identification, his or her identity shall be verified by other forms of documentation as determined by DCJIS. 803 CMR 2.09(2).

Alaska Draft Transcript Analysis Form

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.

Decision on Stefano Appeal Case

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Massage Therapists enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____

Board staff to remain during the session.

Off record: _____

On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;**
- **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- **matters involving consideration of government records that by law are not subject to public disclosure.**

Regulations

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General top of the regulation: _____

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law? If yes, effective date of new statute/federal law: _____ <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> Letter to licensees <input type="checkbox"/>

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

Draft Regulation Language

June 2019

From: [Zinn, Sher K \(CED\)](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: MAS regulations for meeting
Date: Wednesday, August 28, 2019 1:59:07 PM
Attachments: [MAS 0819.docx](#)

Dawn,

Attached is a clean draft of the regulations for board review at their next meeting. I included Harriet's changes, but just know it's not necessary to stick with what is there. The board can certainly change anything in there at the meeting. I can explain what has changed from the draft sent to you earlier this week with the comments in red, to this one if needed.

Since the establishment regulations would affect those places currently employing massage therapists, the board should consider sending the public notice to establishments who may be a salon licensed by the Board of Barbers and Hairdressers, at least those that are not tattoo and body piercing shops, or other types of businesses they could think of that would need the notification. They should have an opportunity to make public comment on regulations that will affect them.

Let me know if you have any questions.

Thanks!

Sher Zinn
Regulations Specialist
Division of Corporations, Business
And Professional Licensing
907-465-1049
Sher.zinn@alaska.gov

(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 28. Board of Massage Therapy.

12 AAC 79.100 is amended by adding new subsections to read:

(c) In this section, “in-class supervised instruction” means education received either in a physical classroom or through online distance education.

(d) To meet the educational requirements of this section and 12 AAC 79.140(b), online distance education courses

(1) must be completed through a board-approved online distance education monitoring program;

(2) meet the requirements of (b)(2)(B) of this section; and

(3) may not include the practical application hours described in

12 AAC 79.140(b)(6). (Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am ____/____/____, Register ____)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.090

12 AAC 79.110(b)(2)(B) is amended to read:

(B) is certified by **a** [THE AMERICAN MASSAGE THERAPY ASSOCIATION, THE NATIONAL CERTIFICATION BOARD FOR THERAPEUTIC MASSAGE AND BODYWORK, OR OTHER] board-approved credentialing entity; and (Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am ____/____/____, Register ____)

Authority: AS 08.61.020 AS 08.61.040 AS 08.61.090

AS 08.61.030

12 AAC 79.200(b)(4) is amended to read:

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

12 AAC 79.200(b)(5) is amended to read:

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

12 AAC 79.200 is amended by adding new subsections to read:

(c) The board will reinstate a massage therapy license that has lapsed less than three years if the applicant meets the requirements of (b)(1), (2) and (3) of this section and submits

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

(2) proof satisfactory to the board of completion of all continuing education required by 12 AAC 79.210, during the previous two years.

(d) A massage therapy license that has lapsed three years or more may not be reinstated.

(Eff. 5/28/2016, Register 218; am 4/17/2019, Register 230; am ____/____/____, Register ____)

Authority: AS 08.61.020 AS 08.61.050

12 AAC 79.210(a)(2) is amended to read:

Register _____, _____ 2019 PROFESSIONAL REGULATIONS

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

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

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

(Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223; am 4/17/2019, Register 230; am ____ / ____ / _____, Register ____)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.900 is amended to read:

12 AAC 79.900. Code of ethics, [AND] standards of practice, and establishment standards of operation. *The Alaska Board of Massage Therapists Code of Ethics, [AND] Standards of Practice, and Establishment Standards of Operation, dated September 2019 [DECEMBER 2018], is adopted by reference as the code of ethics for massage therapists in the state. In order to maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, massage therapists license in this state shall adhere to the code of ethics. (Eff. 1/17/2016, Register 217; am 5/1/2019, Register 230; am ____ / ____ / _____, Register ____)*

Authority: AS 08.61.020

12 AAC 79 is amended by adding a new section to Article 3 to read:

12 AAC 79.930. Regulation of massage therapy establishments. (a) A massage therapy establishment, unless exempted under (b) of this section, must register with the board by submitting

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

(2) a notarized, completed self-inspection report form provided by the department, including certification of compliance with the Establishment Standards of Operation established by the board; and

(3) the fee required under 12 AAC 02.396.

(b) An owner of 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, 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 and manager of a massage therapy establishment shall notify the department in writing by submitting the requirements of (a) of this section for a new registration

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not later than ten business days following any change in ownership or physical location of the massage therapy establishment.

(d) Under this section, a “massage therapy establishment” is defined as a fixed or mobile place of business that

(1) is owned by one or more natural persons, 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.

(e) The department shall maintain a registry of all massage therapy establishments registered with the board. (Eff. ____/____/____, Register ____)

Authority: AS 08.61.020

Redline with Comment

Chapter 28. Board of Massage Therapy.

12 AAC 79.100(b)(5)(B) is amended to read:

(B) on or after July 1, 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; [.]

12 AAC 79.100 is amended by adding new subsections to read:

(c) In this section, “in-class supervised instruction” means education received either in a physical classroom or through online distance education.

(d) To meet the educational requirements of this section and 12 AAC 79.140(b), online distance education courses

(1) must be completed through a board-approved online distance education monitoring program;

(2) meet the requirements of (b)(2)(B) of this section; and

(3) may not include the practical application hours described in

12 AAC 79.140(b)(6). (Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am ___ / ___ / ___, Register ___)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.090

12 AAC 79.110(b)(2)(B) is amended to read:

(B) is certified by [THE AMERICAN MASSAGE THERAPY ASSOCIATION, THE NATIONAL CERTIFICATION BOARD FOR THERAPEUTIC MASSAGE AND BODYWORK, OR OTHER] **a** board-approved credentialing entity; and

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(Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am ____ / ____ / _____, Register _____)

Authority: AS 08.61.020 AS 08.61.040 AS 08.61.090

AS 08.61.030

12 AAC 79.200(b)(4) is amended to read:

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

12 AAC 79.200(b)(5) is amended to read:

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

12 AAC 79.200 is amended by adding new subsections to read:

(c) The board will reinstate a massage therapy license that has lapsed less than three years if the applicant meets the requirements of (b)(1), (2) and (3) of this section and submits

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

(2) proof satisfactory to the board of completion of all continuing education required by 12 AAC 79.210, ~~during the concluding licensing period.~~ **Harriet asked if the board would like to say “during the preceding two years”, instead of the “concluding licensing period”.**

This would mean that the licensee could complete the CE's up to the time they apply for reinstatement.

(d) A massage therapy license that has lapsed three years or more may not be renewed.

(Eff. 5/28/2016, Register 218; am 4/17/2019, Register 230; am ____ / ____ / _____, Register ____)

Authority: AS 08.61.020 AS 08.61.050

12 AAC 79.210(a)(2) is amended to read:

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

[.]

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

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

(Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223; am 4/17/2019, Register 230; am ____ / ____ / _____, Register ____)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.900 is amended to read:

12 AAC 79.900. Code of ethics, [AND] standards of practice, and establishment standards of operation. *The Alaska Board of Massage Therapists Code of Ethics, [AND]*

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Standards of Practice, and Establishment Standards of Operation, dated September 2019

[DECEMBER 2018], is adopted by reference as the code of ethics for massage therapists in the state. In order to maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, massage therapists license in this state shall adhere to the code of ethics. (Eff. 1/17/2016, Register 217; am 5/1/2019, Register 230; am ____/____/____, Register ____)

Authority: AS 08.61.020

12 AAC 79 is amended by adding a new section to Article 3 to read:

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. ~~The form will~~

~~include~~

~~(A) the names of all owners of the massage therapy establishment business;~~

~~(B) name of the operator if not the owner;~~

~~(C) massage establishment physical address and mailing address;~~

~~(D) massage establishment business license number;~~

~~(E) corporate entity number if owned by a company or corporation;~~

~~(F) name and license number of each massage therapist who is employed in the establishment;~~

~~(G) list of all massage therapy establishments the applicant operates;~~

~~including the business name, mailing address, and physical address of each establishment;~~

~~(H) an affidavit stating whether the owner or operator has ever been found in violation of a provision of AS 08.61.060 in any jurisdiction in the United States; and~~

~~(I) certification of compliance with the Establishment Standards of Operation in the Code of Ethics, Standards of Practice, and Establishment Standards of Operation;~~ Harriet commented that it is unnecessary to put in regulation what should be on the form. It is easier to change the form in the future, instead of a regulation.

(2) a notarized, completed self-inspection report form provided by the department, including certification of compliance with the Establishment Standards of Operation established by the board; and (should this be on the application instead of the self-inspection report?)

(3) the fee required under 12 AAC 02.396.

(b) An owner of a massage therapy establishment is exempt from complying with (a) 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, 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

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(8) physical or occupational therapist under AS 08.84.

(c) The owner and manager of a massage therapy establishment shall notify the department in writing by submitting the requirements of (a) of this section for a new registration not later than ten business days following any change in ownership or **physical location** of the massage therapy establishment. **Sher added “physical location” to satisfy the self-inspection requirement. Does the board want to keep?**

(d) Under this section, a “massage therapy establishment” is defined as a fixed or mobile place of business that

(1) is owned by one or more natural persons, 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.

~~(3) houses a massage therapist, (who is not a massage therapist) whether the space is loaned, leased, or rented.~~ **An establishment cannot employ a massage therapist who does not have a license. There is no need for this paragraph. Harriet agreed.**

(e) The department shall maintain a registry of all massage therapy establishments registered with the board. (Eff. ____/____/____, Register ____)

Authority: AS 08.61.020

12 AAC 79.110(2)

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, massagist, masseur, masseuse, myotherapist, myotherapy, or another term describing a traditional European or contemporary western massage method, or a derivation of a term that implies a massage technique or method.

(b) A person who knowingly violates (a) of this section is guilty of a class B misdemeanor.

Sec. 08.61.080. Exceptions to application of chapter. This chapter does not apply to a

12 AAC 79.110. APPLICATION FOR LICENSURE BY CREDENTIALS. (a) The board will issue a license by credentials to practice massage therapy to an applicant who meets the requirements of AS 08.61.040 and this section.

(b) An applicant for licensure by credentials under this section must submit

- (1) a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
 - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
 - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;

(2) verification, sent directly from the appropriate agency to the division office, that the applicant

(A) holds a current license to practice massage therapy in another state, jurisdiction, or country where licensing requirements are substantially equal to or greater than the requirements of this state; or

(B) is certified by the American Massage Therapy Association, the National Certification Board for Therapeutic Massage and Bodywork, or other board-approved credentialing entity; and

(3) current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

Authority: AS 08.61.020 AS 08.61.040 AS 08.61.090
AS 08.61.030

12 AAC 79.120. APPLICATION FOR TRANSITIONAL LICENSE. (a) The board will issue a license under this section to an applicant who applies for licensure before July 1, 2017, and who meets the requirements of AS 08.61.030(1), (2), (4) – (6), and (9) and this section.

(b) An applicant for licensure under this section must submit

- (1) a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
 - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
 - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;

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

(3) verification that the applicant owned, operated, or worked for a massage therapy business and performed the practice of massage therapy before July 1, 2015, by submitting

(A) a copy of the applicant's signed federal tax income tax returns for one of the five years immediately preceding July 1, 2015, listing the person's occupation as massage therapist in this state;

(B) copies of the applicant's signed schedule C federal income tax returns for one of the five years immediately preceding July 1, 2015, demonstrating that the person has reported income from the practice of massage therapy in this state;

(C) a sworn statement from the applicant's employer in this state attesting that the applicant has practiced massage therapy within the five years immediately preceding July 1, 2015, a copy of the business license of the applicant's employer, and a copy of the applicant's Form W-2 or Form 1099-MISC from the same employer;

(D) a copy of the municipal occupational license that was current on the day before July 1, 2015, from a municipality in this state, stating the applicant's occupation as a massage therapist;

(E) documentation that the person has, for at least one year immediately preceding July 1, 2015, been an active member, as a massage therapist, in a national professional massage therapy association that was established before January 1, 2000, offers professional liability insurance as a benefit of membership, and has an established code of professional ethics; or

(F) other documentation satisfactory to the board.

Authority: AS 08.61.020 AS 08.61.090 Sec. 10, ch. 114, SLA 2014
AS 08.61.030

12 AAC 79.130. CRIMINAL JUSTICE INFORMATION. (a) An applicant for licensure under 12 AAC 79.100, 12 AAC 79.110, or 12 AAC 79.120 must submit with the application the applicant's fingerprints and other information required by the Department of Public Safety to obtain state and national criminal justice information under AS 12.62 and AS 12.64.

(b) The board will submit the fingerprints received under this section to the Department of Public Safety and request the Department of Public Safety to

(1) submit the fingerprints to the Federal Bureau of Investigation for a report on national criminal justice information;

(2) perform a check for state criminal justice information; and

(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

12 AAC 79.200

From: [Zinn, Sher K \(CED\)](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Cc: [Hannasch, Dawn K \(CED\)](#)
Subject: Additional MAS renewal updates
Date: Tuesday, May 7, 2019 3:57:06 PM

Dawn,

In light of our conversation this morning, I noticed that the current CE requirements for MAS do not state anything regarding completing the CE's during the "concluding license period". As long as the board would be considering updating the renewal/reinstatement requirements, perhaps they would also consider adding the wording below. This would assist the board in requiring the CEs are done during the renewal period in the event it was challenged through a hearing. Most programs have that verbiage in their CE regulations.

These are for your consideration-

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 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, **completed during the concluding license period.**

If they are going to make a reinstatement regulation, they would need to add the same verbiage if they want to require them to complete the CE during the appropriate renewal period.

-OR-

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 **completed during the concluding license period,** all of which may be met through Internet-based continuing education courses.

I didn't add it to (1) because basically, no one would be renewing now under that paragraph anyway. The whole point is to not leave it so ambiguous as to allow for a challenge in a hearing.

Thank you,

Sher Zinn

Regulations Specialist

Division of Corporations, Business

And Professional Licensing

907-465-1049

Sher.zinn@alaska.gov

HB0169A

From: [Zinn, Sher K \(CED\)](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Cc: [Hannasch, Dawn K \(CED\)](#)
Subject: New Legislation criminal background
Date: Friday, June 7, 2019 8:23:19 AM
Attachments: [HB0169A.PDF](#)

Dawn,

Attached is the legislation Sara was talking about earlier this week, starting on page 3 under (f). The board may be interested in what's in it. It also limits boards to three years of a conviction for denial of a license, plus other interesting ideas.

Sher Zinn
Regulations Specialist
Division of Corporations, Business
And Professional Licensing
907-465-1049
Sher.zinn@alaska.gov

HOUSE BILL NO. 169

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 5/14/19

Referred: House Special Committee on Military and Veterans' Affairs, Labor & Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to occupational licensing fees for low-income workers and military**
2 **families; relating to licensing of individuals with criminal records; relating to**
3 **apprenticeship programs; relating to the minimum wage; relating to lobbying; and**
4 **relating to municipal occupational licensing fees and requirements."**

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

6 * **Section 1.** AS 08.01.065(c) is amended to read:

7 (c) Except as provided in **(f) - (m)** [(f) - (j)] of this section, the department
8 shall establish fee levels under (a) of this section so that the total amount of fees
9 collected for an occupation approximately equals the actual regulatory costs for the
10 occupation. The department shall annually review each fee level to determine whether
11 the regulatory costs of each occupation are approximately equal to fee collections
12 related to that occupation. If the review indicates that an occupation's fee collections
13 and regulatory costs are not approximately equal, the department shall calculate fee
14 adjustments and adopt regulations under (a) of this section to implement the

1 adjustments. In January of each year, the department shall report on all fee levels and
 2 revisions for the previous year under this subsection to the office of management and
 3 budget. If a board regulates an occupation covered by this chapter, the department
 4 shall consider the board's recommendations concerning the occupation's fee levels and
 5 regulatory costs before revising fee schedules to comply with this subsection. In this
 6 subsection, "regulatory costs" means costs of the department that are attributable to
 7 regulation of an occupation plus

8 (1) all expenses of the board that regulates the occupation if the board
 9 regulates only one occupation;

10 (2) the expenses of a board that are attributable to the occupation if the
 11 board regulates more than one occupation.

12 * **Sec. 2.** AS 08.01.065 is amended by adding new subsections to read:

13 (k) The applicable board or department shall waive initial occupational
 14 licensing fees and examination fees for an individual who applies for a waiver and
 15 who

16 (1) meets the low-income threshold established by the department;

17 (2) is a current or former member of the armed forces of the United
 18 States; or

19 (3) is the spouse of a current or former member of the armed forces of
 20 the United States.

21 (l) An individual seeking waiver of initial occupational licensing fees and
 22 examination fees under (k) of this section must apply to the appropriate licensing
 23 board or the department in a format prescribed by the licensing board or department.
 24 The licensing board or department shall process the application within 30 days after
 25 receiving it from the applicant.

26 (m) The licensing board or department shall adopt regulations necessary to
 27 implement (k) and (l) of this section. The regulations must include a low-income
 28 threshold for waiver of licensing fees and examination fees that is based on enrollment
 29 in a state or federal public assistance program or on the applicant's household adjusted
 30 gross income being under 130 percent of the federal poverty line, unless a higher
 31 threshold is set by the department.

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

2 (b) Notwithstanding any other provision of this title, the licensing board or
3 department may not consider an arrest that is not followed by a conviction as the basis
4 for the denial or nonrenewal of a license or grounds for disciplinary action.

5 (c) A licensing board and the department shall specify in regulation the
6 criminal convictions that disqualify an applicant from obtaining a license and shall
7 define "good moral character" or "moral turpitude" in regulation if either standard is
8 used by the licensing board or department in determining whether to issue or renew a
9 license. A disqualifying criminal conviction must directly relate to the duties and
10 responsibilities of the applicable licensed occupation.

11 (d) In determining whether to deny a license to an applicant with a criminal
12 conviction, the board or department shall consider

13 (1) the nature and seriousness of the crime;

14 (2) the amount of time that has passed since the conviction;

15 (3) the relationship between the nature of the crime and the duties and
16 responsibilities of the occupation for which the license is sought; and

17 (4) evidence of rehabilitation or treatment undertaken by the applicant
18 since the conviction.

19 (e) Notwithstanding any other provision of this title, the licensing board or
20 department may not disqualify an applicant for more than three years from the later of
21 the date of the most recent criminal conviction or release from incarceration based on
22 a criminal conviction, unless the

23 (1) disqualifying conviction is for a violation of AS 11.41 or a crime in
24 another jurisdiction that has similar elements; or

25 (2) applicant has been convicted of any other crime during the
26 disqualification period.

27 (f) An individual with a conviction of record may petition the licensing board
28 or department for a determination of whether the individual's conviction will
29 disqualify the individual from obtaining a license. The licensing board or department
30 may charge a fee not to exceed \$25 for each petition. The board or department shall
31 inform the individual of its determination within 30 days after receiving the

1 individual's application.

2 (g) If the board or department denies an application based on an applicant's
3 prior criminal conviction, the board or department shall notify the applicant

4 (1) of the grounds and reasons for the denial or disqualification;

5 (2) of the applicant's right to a hearing;

6 (3) of the earliest date the applicant may reapply for the license; and

7 (4) that evidence of rehabilitation or treatment may be considered upon
8 reapplication.

9 (h) Before denying an application, the board or the department shall find, by
10 substantial evidence in light of the whole record, that an applicant's criminal
11 conviction is a disqualifying conviction and is directly related to the duties and
12 responsibilities of the licensed occupation. The board or department shall document
13 written findings for each of the factors under (d) of this section.

14 (i) The board or department shall have the burden of proof to show that a
15 disqualifying criminal conviction directly relates to the occupation for which the
16 license is sought.

17 * **Sec. 4.** AS 08.02 is amended by adding a new section to read:

18 **Sec. 08.02.060. Apprenticeship programs.** (a) Notwithstanding any other
19 provision of this title, a board or the department shall grant an occupational license to
20 an applicant who

21 (1) has completed eighth grade;

22 (2) has successfully completed an apprenticeship approved by the
23 appropriate licensing board, the department, or the United States Department of Labor,
24 or that is otherwise permitted under state or federal law;

25 (3) has passed the appropriate licensing examination, if applicable;

26 (4) is at least 18 years of age; and

27 (5) has completed the number of apprenticeship hours equal to the
28 number of hours required for licensing training.

29 (b) This section does not apply to a license or certificate issued under
30 AS 08.04.100, 08.04.110, AS 08.11.010, AS 08.29.110, AS 08.36.110, AS 08.38.030,
31 AS 08.42.050, AS 08.45.030, AS 08.63.100, AS 08.64.200, 08.64.205, 08.64.225,

1 AS 08.68.170, AS 08.72.140, AS 08.80.110, AS 08.84.030, 08.84.032, AS 08.86.130,
2 08.86.162, AS 08.95.110, or AS 08.98.165.

3 (c) The applicable board or department may adopt regulations to implement
4 this section.

5 * **Sec. 5.** AS 29.10.200 is amended by adding a new paragraph to read:

6 (68) AS 29.35.143 (municipal occupational licensing fees and
7 requirements).

8 * **Sec. 6.** AS 29.35 is amended by adding a new section to read:

9 **Sec. 29.35.105. Minimum wage.** A municipality may not enact or enforce a
10 minimum wage that differs from the state minimum wage calculated under
11 AS 23.10.065.

12 * **Sec. 7.** AS 29.35 is amended by adding a new section to read:

13 **Sec. 29.35.143. Municipal occupational licensing fees and requirements;**
14 **lobbying services.** (a) Except as specifically provided by statute, the authority to
15 regulate and establish occupational licensing fees and requirements is reserved to the
16 state, and, except as specifically provided by law, a municipality may not enact or
17 enforce an occupational licensing fee or requirement that was not enacted before the
18 effective date of this Act.

19 (b) For an occupational licensing fee enacted by a municipality before the
20 effective date of this Act, the municipality shall waive initial occupational licensing
21 fees for an individual who qualifies for a waiver under AS 08.01.065(k) and who
22 applies for a municipal license on or after the effective date of this Act. An individual
23 seeking a waiver under this subsection must apply to the municipality in a format
24 prescribed by the municipality. The municipality shall process the application within
25 30 days after receiving it from the applicant.

26 (c) A municipality may not purchase lobbying services from a professional
27 lobbyist or private entity that provides lobbying services for a municipal licensing
28 board or agency.

29 (d) This section applies to home rule and general law municipalities.

30 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 APPLICABILITY. AS 29.35.143(c), added by sec. 7 of this Act, applies to the
2 purchase of lobbying services and contracts relating to lobbying services entered into on or
3 after the effective date of this Act.

12 AAC 79.900

From: [Dulebohn, Dawn L \(CED\)](#)
To: [Jacobs, Carl A \(CED\)](#)
Cc: [Lipker, Sonia L \(CED\)](#); [Hannasch, Dawn K \(CED\)](#); [Zinn, Sher K \(CED\)](#)
Subject: RE: Error in MAS Code of Ethics
Date: Wednesday, June 26, 2019 10:37:00 AM

Hello Carl,

Thanks for the heads up.

I have cc'd Supervisor Hannasch and Regulations Specialist Zinn on this matter and included it in the board packet folder for September 2019.

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

From: Jacobs, Carl A (CED)
Sent: Thursday, June 20, 2019 10:12 AM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Cc: Lipker, Sonia L (CED) <sonia.lipker@alaska.gov>
Subject: Error in MAS Code of Ethics

Dawn,

I'm working a case related to client confidentiality and noticed that the MAS Code of Ethics has an error which should be addressed at the next possible opportunity.

Item #4 states "I will abide by the Federal guidelines of the Health Insurance Privacy and Portability Act (HIPPA) – a law that doesn't exist. I'm near-certain this is a reference to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

I'll be staffing my related case with SI Lipker to determine how the language in the code of ethics (as written) affects the Board's jurisdiction on client confidentiality issues.

Thank you.

Carl Jacobs

Investigator

Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing

550 West 7th Ave, Suite 1500

Anchorage, AK 99501

P. 907-269-0056

F. 907-269-8195

carl.jacobs@alaska.gov

Fitness to Practice Interviews

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Massage Therapists enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____

Board staff to remain during the session.

Off record: _____

On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;**
- **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- **matters involving consideration of government records that by law are not subject to public disclosure.**

Y.Y.

3:00 p.m.

H.K.

3:45 p.m.

Recess Until Next Day...

Roll Call

Day 2

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

<u>Member</u>	<u>Appointed</u>	<u>Term Expires</u>
Ron Gibbs <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2020
Vice-Chair Traci K. Gilmour <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2021
Julie Endle <i>Public Member</i>	January 24, 2019	March 1, 2021
Chair David Edwards-Smith <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2022
Jill Motz <i>Licensed Massage Therapist</i>	Jan 23, 2017	March 1, 2022

Review of Agenda



**Alaska Board of Massage Therapists
Robert Atwood Building
550 W. 7th Ave, Suite 1550
Anchorage, AK 99501**

**September 19-20, 2019
9:00 a.m.**

**GCI Call In: 1-800-315-6338
Access Code: 14875**

Zoom Call In: 1-408-638-0968

Day 1: Access Code: 441-358-497 or <https://zoom.us/j/441358497>

Day 2: Access Code: 418-527-554 or <https://zoom.us/j/418527554>

Meeting Agenda (Draft)

Day 1

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
1. 9:00 a.m.	Call to Order/Roll Call	Chair
2. 9:05 a.m.	Ethics Report	Chair
3. 9:10 a.m.	Review/Approve Agenda	Chair
4. 9:15 a.m.	Review/Approve Past Meeting Minutes <ul style="list-style-type: none">• June 10-11, 2019	Chair
5. 9:20 a.m.	Old Business <ul style="list-style-type: none">• Task List from June 10-11, 2019• Military and Disability Exemption Research• Disciplinary Matrix Feedback from SA Goeden• Disciplinary Matrix Revision w/ Investigations and LAW Feedback• FARB Membership	Chair
6. 10:00 a.m.	Division/Financial Update	TBD
7. 10:20 a.m.	Investigative Case Review, Probation Reports, Memos & Consent Agreements (Executive Session, if needed)	Investigators Jacobs & Homestead
8. 10:40 a.m.	Board Curriculum Breakdown Discrepancies- Samples	Dulebohn
9. 10:50 a.m.	Review Tabled Applications <ul style="list-style-type: none">1. C.F.2. N.G.3. Y.H.4. E.I.5. Y.J.	Chair

Day 1 (continued)

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
	Review Tabled Applications (continued) 6. L.K. 7. L.O. 8. J.S.	
10: 11:30 a.m.	Draft Transcript Breakdown Form <ul style="list-style-type: none">• Massachusetts Form• Alaska Draft Form	Chair
11. 12:00 p.m.	Lunch	
12. 1:15 p.m.	Public Comment	Chair
13. 1:30 p.m.	Decision on Stefano Appeals Case	ALJ Pederson
14. 2:00 p.m.	Regulations <ul style="list-style-type: none">• Draft Regulations Language from June 2019• 12 AAC 79.110• 12 AAC 79.210• HB0169A• 12 AAC 79.900	Zinn
15. 3:00 p.m.	Fitness to Practice Interviews 1. 3:00 p.m.- Y.Y. 2. 3:45 p.m.- H.K.	Chair
16. 4:30 p.m.	Adjourn or Recess until 9:00 a.m. September 20, 2019	Chair

Day 2- September 20, 2019

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
17. 9:00 a.m.	Call to Order/Roll Call	Chair
18. 9:05 a.m.	Review Agenda	Chair
19. 9:10 a.m.	Old Business (continued) <ul style="list-style-type: none">• Task List from June 10-11, 2019 (continued)• Review Updated FAQ's• State Approved Credentialing Information from FSMTB• List of School Accrediting Agencies• ACPE Equivalent in Every State from FSMTB• AS 21.36.090- Feedback from LAW and Deputy Director Walsh	Chair
20. 10:15 a.m.	Regulatory Reform Introduction Presentation <ul style="list-style-type: none">• Power Point Presentation• Workbook	Chambers
21. 11:30 a.m.	Administrative Business <ul style="list-style-type: none">• Statistics• Meeting Calendar Review	Chair

Day 2 (continued)

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
	Administrative Business (continued) <ul style="list-style-type: none">• Document Signing<ol style="list-style-type: none">1. June Minutes2. Consent Agreements for M.P. and J.H.3. Decision on Stefano• Correspondence<ol style="list-style-type: none">1. Liu2. Lea	
22. 12:00 p.m.	Lunch	
23. 1:15 p.m.	Town Hall Preparation	Dulebohn
24. 2:00 p.m.	Town Hall Meeting Room 1236	Dulebohn
25. 4:30 p.m.	Adjourn	Chair

DRAFT

Old Business (continued)

Task List from June 10-11, 2019
(continued)

Review Updated FAQ's

FAQ- Charting and Recording

Gilmour

FAQ- General Liability Insurance

Dulebohn

State Approved Credentialing Information from FSMTB

List of School Accrediting Agencies

Input from ACPE

From: [Kussart, Kierke A \(ACPE\)](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: accreditation
Date: Tuesday, August 20, 2019 2:30:00 PM

Hello, Dawn,

Here is a link to my newsletter with the article about authorization vs. accreditation:

https://acpe.alaska.gov/Portals/3/OTHER/Pubs/INstitution_INsight-Issue_13_Winter_2018.pdf?ver=2018-04-17-103250-510 It also has an article about Charter College being accredited by Accrediting Bureau of Health Education Schools (ABHES). ABHES accredits at least 7 massage schools in other states. <https://www.abhes.org/>

Here is a link to the USDOE list of recognized accreditors:

https://www2.ed.gov/admins/finaid/accred/accreditation_pg5.html

Another accreditor that accredits Massage Therapy programs is the Accreditation Commission for Acupuncture and Oriental Medicine. www.acaom.org

And you've likely heard of COMTA. www.comta.org

-

Let me know if you have any questions!

Regards,

Kierke A Kussart
Institutional Authorization
Alaska Commission on Postsecondary Education
907-465-6741
907-465-5316 (fax)

From: [Kussart, Kierke A \(ACPE\)](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: RE: accreditation
Date: Friday, August 23, 2019 12:20:23 PM

No problem,

So, what bodies normally do is accept the USDOE recognized accreditors and just let the USDOE do the work.

I also noticed another task; Consult FSMTB to establish a list of ACPE equivalents in every state

I don't know who the FSMTB is but ACPE is a member of the National Association of State Administrators and Supervisors of Private Schools (NASASPS) and they have a list <https://nasasps.org/resources/state-contact-list/>

Have a great weekend!

Kierke A. Kussart
ACPE

From: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Sent: Friday, August 23, 2019 11:41 AM
To: Kussart, Kierke A (ACPE) <kierke.kussart@alaska.gov>
Subject: RE: accreditation

Thank you Ms. Kierke! Much appreciated

Dawn

From: Kussart, Kierke A (ACPE) [<mailto:kierke.kussart@alaska.gov>]
Sent: Tuesday, August 20, 2019 2:30 PM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Subject: accreditation

Hello, Dawn,

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Let me know if you have any questions!

Regards,

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Institutional Authorization
Alaska Commission on Postsecondary Education
907-465-6741
907-465-5316 (fax)

ACPE Equivalent in Every State from FSMTB

AS 21.36.090

Feedback from LAW and
Deputy Director Walsh

Regulatory Reform Introduction Presentation

Director Chambers



MEMORANDUM

TO: Professional Licensing Board Members

DATE: July 26, 2019

FROM: Sara Chambers, Division Director

SUBJECT: Professional Licensing Reform

Happy New Year! We are nearly a month into Fiscal Year 2020, and with it comes a new division budget, as well as new opportunities to evaluate how we are doing, where we are going, and how we plan to get there. Often, the beginning of a new year inspires us to set resolutions, and we are doing just that in FY20.

Governor Dunleavy set the stage for us to dig into this task when he issued his State of the State Address in January. As our new chief executive, he promised to accomplish the following during his tenure in office:

- We're going to declare war on criminals.
- We're going to get our spending in line with our revenue.
- We're going to protect Alaskans' Permanent Fund dividends.
- We're going to grow our economy and put Alaskans to work.
- And we must restore public trust in government and elected officials.

Several of these goals relate to our work as professional licensing leaders: We must spend less than our allocated budget, ensure public safety, and inspire the trust of the public through responsibility and transparency. **Most of all, we must strike the delicate balance between growing our economy and putting Alaskans to work while protecting the public interest.** We accomplish these goals as partners in active, accountable governance and defensible, reasonable administration.

Further, Commissioner Anderson has tasked our division and our partner boards with the following immediate focus:

- Consider whether our occupational licensing requirements are reasonable responses to actual potential harm rather than hypothetical harm.
- Review statutes and regulations to ensure any licensing requirement is necessary and tailored to fulfill legitimate public health, safety, or welfare objectives.
- Review the license application process with a goal of substantially reducing the time required to review applications and issue licenses.

In celebration of the new year—and to keep us on track with our mandate—I've developed a few New Year's Resolutions for our boards and staff. (And, yes...true to tradition, these resolutions do involve losing weight!)

1. **At all times, our governance should demonstrate that we have *internalized the purpose of professional licensing: safeguarding the public interest.***
 - a. Records of decisions should reflect that *the board considered the risk of harm to consumers, the impact on those seeking or holding a license, the effect on the market, and any unintended consequences to any party.*
 - b. All board deliberations should be *thorough, balanced, and grounded* in law and logic.
 - c. Board business should reflect *accountability and responsiveness* in addressing concerns.

2. ***Make decisions that reflect proficiency in the statutes, regulations, division policies, and state/national issues that affect our licensing programs.***
 - a. Read all centralized statutes ([AS 08.01-03](#)) and regulations ([12 AAC 02.010-400](#); [12 AAC 02.900-990](#)) and *know how to utilize them*, as appropriate.
 - b. Read [your program's](#) statutes under AS 08 and regulations under 12 AAC 02 and *take responsibility for being the state's experts* in what they say and how they impact the public, applicants, licensees, and other stakeholders.
 - c. Refer regularly to your [board member training resources](#) located on the division's web site, especially the Guide to Excellence in Regulation, which will help you navigate the intricacies of service on a quasi-judiciary government board.

3. **Add value to the bottom line by delivering *excellent service* to all internal and external customers.**
 - a. Communicate *transparently, proactively, and clearly.*
 - b. Respond to inquiries *promptly and professionally.*
 - c. *Resolve any roadblocks* that are delaying review or issuance of licenses to qualified individuals.
 - d. *Maximize efficiencies* where possible and practical.
 - e. Identify when *additional resources* are needed, and make solution-oriented suggestions to the director.

4. **Prioritize changes to statutes and regulations that *streamline, modernize, and reduce barriers* to employment of qualified individuals.**
 - a. *Develop a strategic plan for your board.* The division can provide resources to assist you.
 - b. *Look for low-hanging fruit:* What has created a regulatory roadblock in the last five years? What is outdated or outmoded, given current tools, trends, and technology?
 - c. *Think big:* Now is the time to consider those ambitious changes you've dreamed about making. Join a licensure compact? Adopt reciprocity with other states? Put it on the table.
 - d. *Challenge biases and "the way we have always done it":* Does the data support the decision? What does the requirement accomplish? Is it based on fact, fear, familiarity, or faction?
 - e. *Build into each agenda ample time to review* a portion of your program statutes and regulations to ensure they are serving the public interest.
 - f. *Set deadlines to assertively draft changes to statutes and regulations.* Consider assigning committees to work on them at publicly noticed gatherings between board meetings. Use the division's administrative resources to maximize outputs and opportunities.

I have directed staff to provide you with various tools to begin addressing New Year's Resolution #4 at your next board meeting. Either your board executive (if you have one), the deputy division director, or I plan to attend during the standard Division Update agenda item to walk through these tools and the task ahead.

Board progress on this review and your suggested regulatory changes will be reported up to the governor's office, and we stand at the ready to support your work. As always, our division regulations specialists are here to assist in drafting regulations. If you plan to navigate legislation that meets these objectives, please contact me directly or through your staff so we can leverage all our resources toward our common goal.

We are scheduling a survey to licensees and industry stakeholders to gather their input, which will be shared with each relevant board. You may also wish to encourage public comment on this topic in advance of a future board meeting. As resources allow, we may hold "town hall"-style meetings to solicit thoughts from the public. If you have additional ideas for outreach, please let me know. Please be sure to check the division's [board member training resources web site](#) for additional links to helpful resources.

The year ahead may move us out of our comfort zones, but it will fine tune our agency into a high-functioning, laser-focused, mission-oriented team. I look forward to actively working with you to accomplish these goals. Please reach out to me any time with questions, concerns, and ideas. I'm happy to think through both the small tweaks and the big ideas along with you. My direct line is 907-465-2144 and email is sara.chambers@alaska.gov.

IS IT GOVERNMENT'S RESPONSIBILITY?

RETHINKING REGULATION, RISK, AND
RESPONSIBILITY
IN STATE GOVERNMENT

The best government is that which governs least.

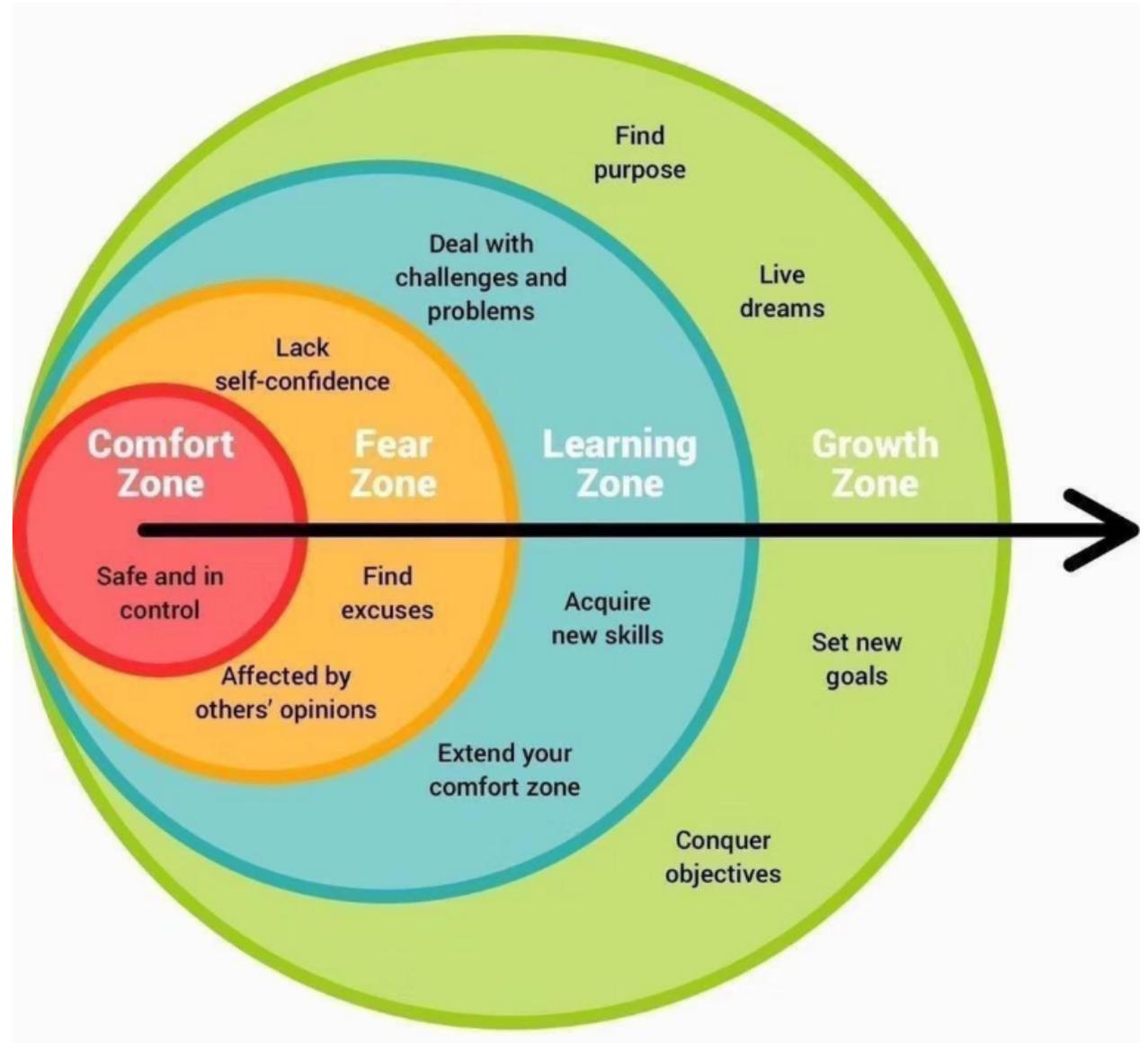
John L. O'Sullivan, The United States Magazine and Democratic Review, Vol. 1 (1837)

LEARNING OBJECTIVES

- Rethink options to manage risk
- Break out of comfort zone
- Hear different perspectives
- Enable you to:
 - Evaluate current and proposed management strategies
 - Propose statute, regulation, or administrative changes to the existing regulatory landscape

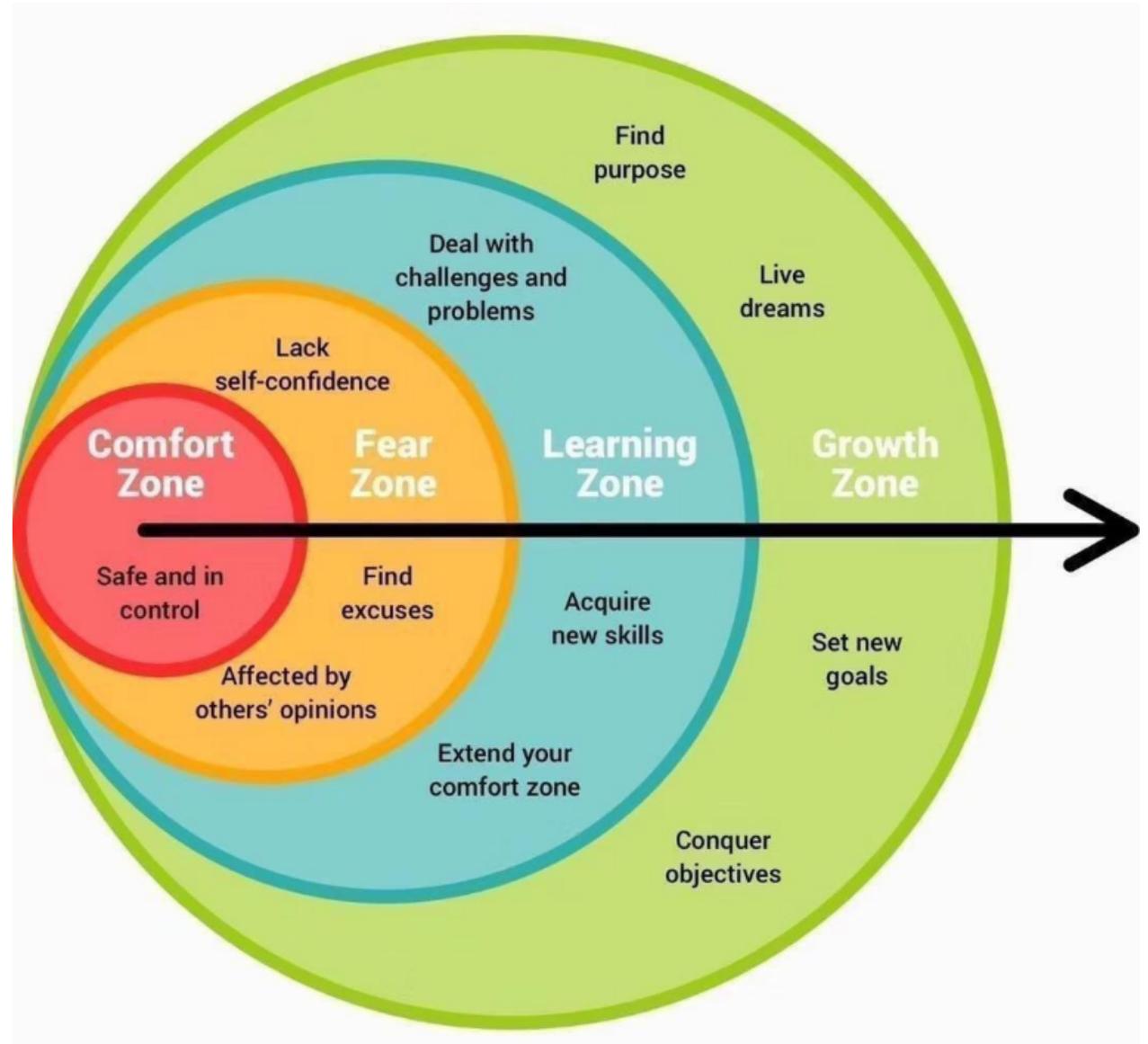
THIS EXERCISE WILL:

- prompt you to consider new ideas to solve problems
- expose you to fresh perspectives
- encourage deep dives into alternatives to regulation
- provide a framework for further discussion
- provide justification and reinforcement of management decisions



THIS EXERCISE WILL NOT:

- tell you how to solve the problem
- make you feel comfortable
- force you to change



WHAT IS THE ROLE OF GOVERNMENT?

- Form a more perfect union
- Establish justice
- Insure domestic tranquility
- Provide for the common defense
- Promote the general welfare
- Secure the blessings of liberty
- Secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the union of states

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**Preamble to the Constitution
of the United States of
America**

**Preamble to the Alaska
Constitution**

SO, WHY DO WE DO WHAT WE DO?

- Limit risk before it happens
- Provide remedy & redress of wrongs
- Gather, disseminate, and analyze data
- Ensure public process
- Create a revenue stream to pay for services
- Ensure transparency
- Provide public services
- Create stability and maintain order
- Set forth common boundaries, rights, and systems for governance
- Other reasons?

IS IT *REALLY* GOVERNMENT'S RESPONSIBILITY?

Is it a **proper activity** of government?

Does it **duplicate work** performed in the private sector?

Does it **require a monopoly**, or can multiple entities do it?

Is it **mandated by the federal government**?

For the purpose of this exercise, include any activity performed by your agency.

IS IT *REALLY* GOVERNMENT'S RESPONSIBILITY?

Or, do we ask government to perform our activity because:

We have always done it that way?

We can't think of another way to do it?

We feel ownership over the activity?

We don't have the resources to do explore options?

We don't have the resources to do manage the change?

Statutory change is too volatile and cumbersome?

Stakeholders want us to do it / no alternatives?

The public is complacent?

Other legitimate reasons, weak excuses, unexposed biases?

ARE WE DOING IT WELL?

Is the way we perform our activity:

The most { **effective**
cost-efficient
time-efficient
customer-friendly
inclusive } way to do it?

RIGHT-TOUCH REGULATION

**A RISK-MANAGEMENT APPROACH TO EVALUATING
REGULATORY ACTIVITY**

Time to use your workbook!

SECTION A: IDENTIFY THE PROBLEMS

The following bad things could happen when this activity is performed:

- 1.
- 2.
- 3.
- 4.
- 5.

SECTION B: CREATE A *HAZARD PROFILE*

What are the inherent (intrinsic) hazards present when the problem occurs?

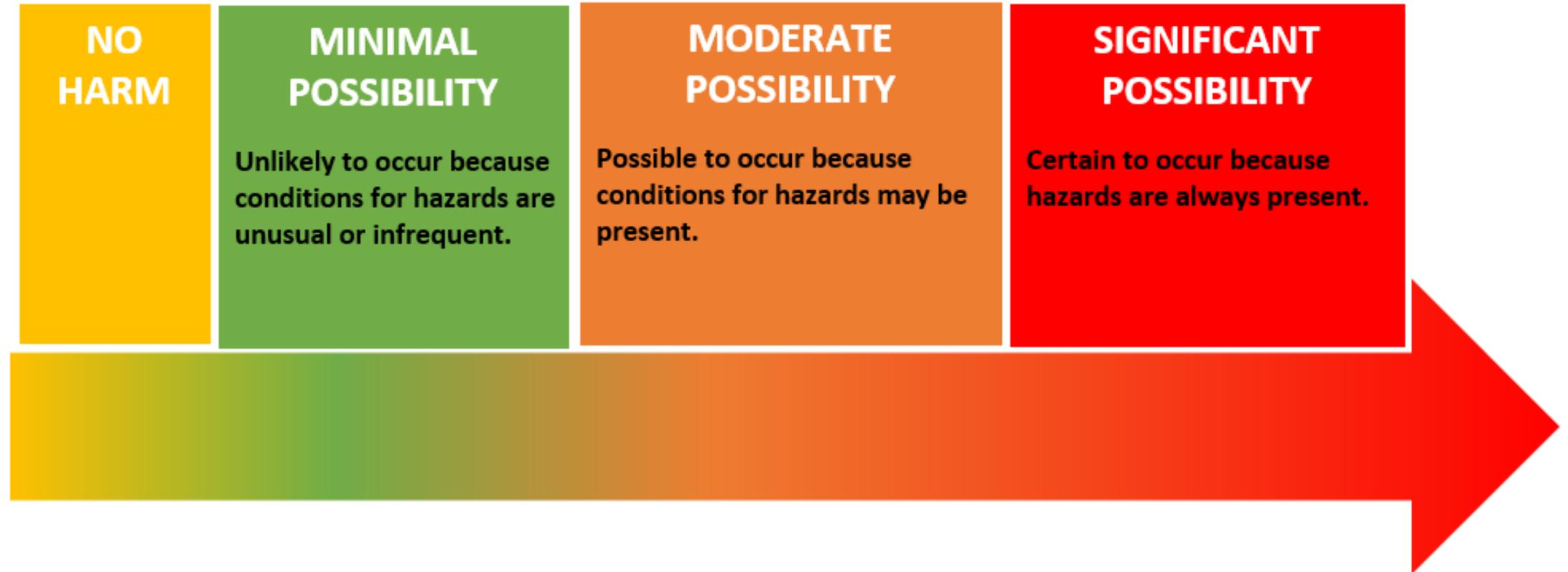
- Complexity
- Context
- Agency

What are the external (extrinsic) hazards present when the problem occurs?

- Scale
- Perception
- Impact of regulation
- Unintended consequences

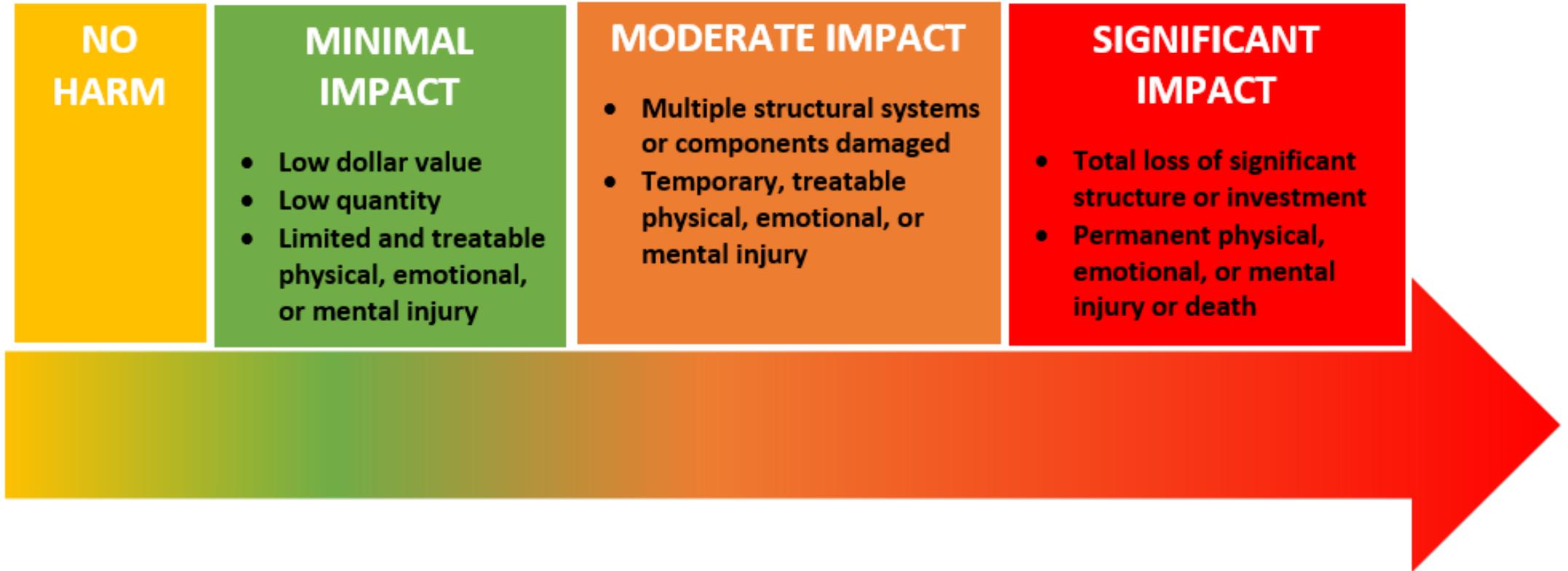
SECTION C: HARM POSSIBILITY

What is the *possibility* for the hazard to lead to creation of a harm?



SECTION D: HARM SIGNIFICANCE

If a harm occurs, what is its significance?



SECTION D: HARM RATINGS

Harm Possibility + Harm Significance = Total Harm Rating

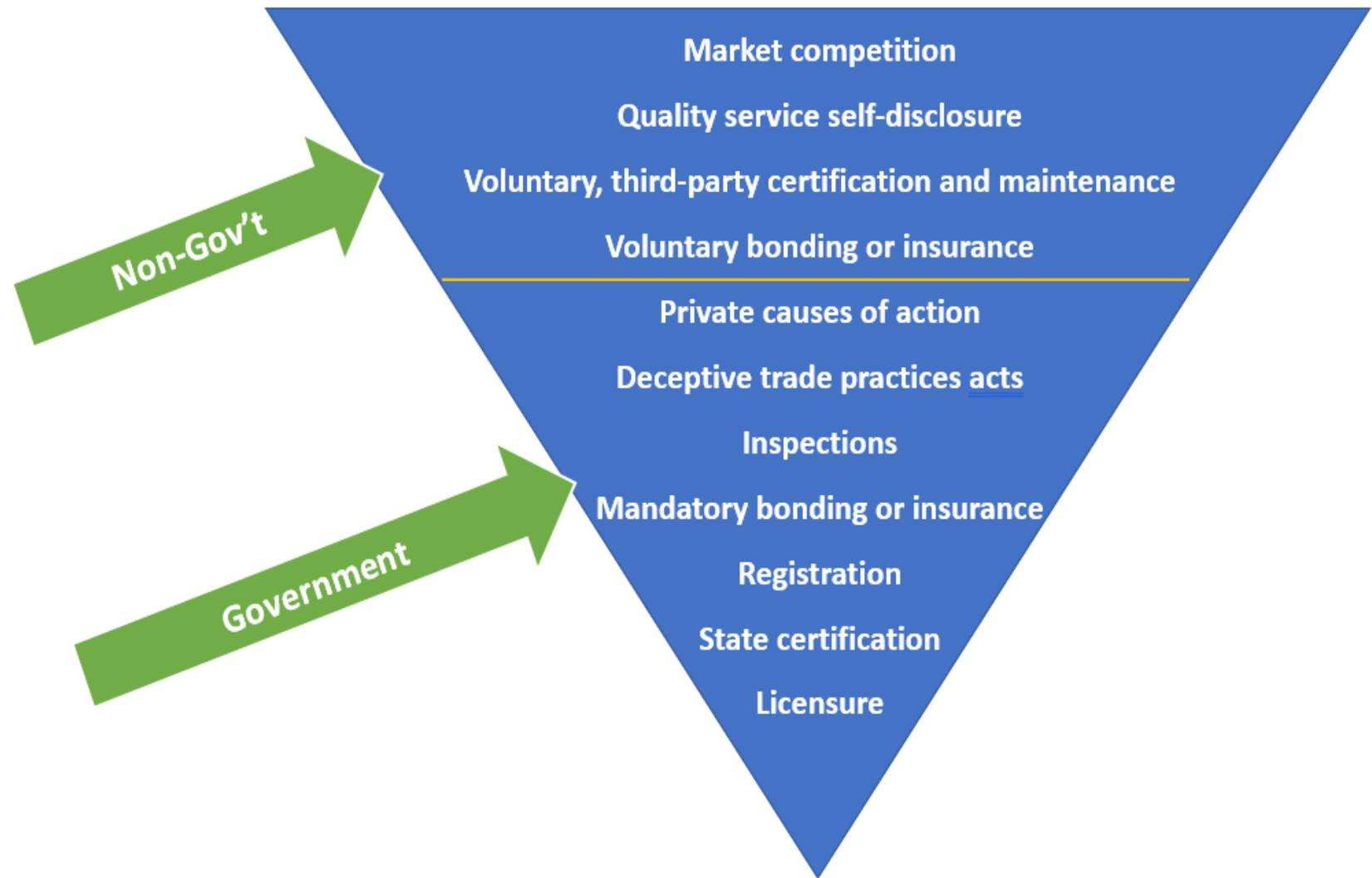
There is no scientific “high” or “low” harm rating for any particular regulated program or activity.

Compare your score with others:

- Did you have similar ratings?
- If not, what data is missing?
- What opinions or biases exist?
- Note any observations and make appropriate changes.

SECTIONS E & F: HAZARD MANAGEMENT

Examples from the world of professional licensure



SECTIONS E & F: HAZARD MANAGEMENT

The good, the bad, and the ugly: What is an acceptable level of risk? Oversight? Expense? Flexibility?

MARKET

- Yelp, Angie's List, Facebook
- Written warranty or money-back guarantee
- Better Business Bureau, Good Housekeeping Seal, national accreditation
- Employer/facility oversight
- Voluntary proof of insurance or bond

PALLIATIVE REGULATION

- Law requires proof of insurance or bonding
- Legal grounds for court action, may enjoin the state
- May be disciplined for violations

PREVENTATIVE REGULATION

- Must appear on an approved state list
- Periodic safety or compliance reviews by state agency
- Must meet state criteria



SECTIONS G & H: HAZARD MANAGEMENT

The good, the bad, and the ugly: What is an acceptable level of risk? Oversight? Expense? Flexibility?

Non-governmental regulation	Governmental regulation
Many options available	Fewer options available
Assumes an element of risk	Presumed safe
Less predictable, more agile	Predictable, slow to change
Less transparent, public process is optional	More transparent, public process is mandatory
Based on policy and practice	Based on statute and regulation
Accountable to the market/consumer	Accountable to state processes and agencies
Recourse through litigation, social media campaigns	Recourse through Administrative Procedures Act
May be unclear who is controlling quality, safety	Identity of the regulator is usually obvious
Cost depends on situation, funding can be fluid	Cost is set in state budget, statute, or regulation

SECTION I: MANAGEMENT RATINGS

Type of Management + Restrictiveness + Flexibility

= Total Management Rating

There is no scientific “high” or “low” management rating for any particular regulated program or activity.

Compare your score with others:

- Below your ratings, write down your observations and opinions.
- Are you surprised that a particular hazard has a higher number—and therefore a more regulatory management response—than others?
- Reconsider any changes.

SECTION J: NEXT STEPS

What are the next steps to adjust the climate of regulation of the profession you are reviewing?

Compare your score with others:

- Review the documentation you have created in the previous exercises.
- What changes are needed to implement new management strategies?
- What are current inhibitors to improvement in management of relevant hazards?
- Reconsider any changes.
- Create a written, time-bound plan to accomplish next steps

THANK YOU!

THE REGULATORY REVIEW TEAM

GOVERNOR MICHAEL J. DUNLEAVY

Amy Demboski, Assistant Commissioner, DCCED (Project Manager)

Julie Anderson, Commissioner, DCCED

Adam Crum, Commissioner, DHSS

John MacKinnon, Commissioner, DOTPF

Sara Chambers, Division Director, DCCED

Glenn Hoskinson, Special Assistant, DCCED

Is it government's responsibility?

EVALUATING OCCUPATIONAL LICENSING REGULATION

Department: _____ Division _____

Rater: _____ Role: _____ Date: _____

Sector/activity/program under review: _____

This evaluation tool is based on the principles of **right-touch regulation**, which does not prescribe an outcome but leads the thoughtful regulator to explore what characteristics of oversight will properly limit or address any problems with the activity in question.

The principles state that regulation should aim to be:

Proportionate	Regulators should only intervene when necessary . Remedies should be appropriate to the risk posed, and costs identified and minimized
Consistent	Rules and standards must be aligned and implemented fairly
Targeted	Regulation should be focused on the problem, and minimize side effects
Transparent	Regulators should be open, and keep regulations simple and user friendly
Accountable	Regulators must be able to justify decisions, and be subject to public scrutiny
Agile	Regulation must look forward and be able to adapt to anticipate change

These principles provide the foundation for thinking on policy in all sectors of society. The concept of right-touch regulation emerges naturally from these six principles: bringing together commonly agreed-upon principles of good regulation with understanding of a sector and a quantified and qualified assessment of risk of harm. It is intended for those making decisions about the design of a regulatory framework.

What this exercise WILL do:

- prompt you to consider new ideas to solve problems
- encourage deep dives into alternatives to regulation
- provide justification and reinforcement of management decisions
- expose you to fresh perspectives
- provide a framework for further discussion

What this exercise WILL NOT do:

- tell you how to solve the problem
- make you feel comfortable
- force you to change

This workbook is intended to accompany an explanatory presentation with the same title. If you have received the workbook without access to the presentation or materials, please contact Sara Chambers at sara.chambers@alaska.gov.

Identify the Problems

We need to identify the problem before we can determine whether any policy is the right one. Often in policy development the need for regulatory change, as a solution, is identified before the problem is properly described and understood. This can lead to inefficiencies as resources are spent developing a regulatory solution when the problem may be better dealt with in other ways.



Examples from various professions:

- An improperly built structure could collapse.
- A person could overdose on prescribed medication.
- Wildlife could be wantonly wasted.

A. Describe the problems with this profession. List each problem on a separate line.

Quantify and Qualify the Risks

Once the problem has been identified, we need to understand it fully and quantify and qualify the risks associated with it. Quantifying risks means gauging the likelihood of harm occurring and its severity. Qualifying risks means looking closely at the nature of the harm, and understanding how and why it occurs. Without this two-fold evaluation, which must be based on evidence, it is impossible to judge whether regulatory action is necessary, what type of regulatory response might be needed, or whether it would be better to use other means of managing the issues. Regulation should only be chosen when it clearly provides the best solution. Simply identifying a real or potential risk is not sufficient.

B. Create a *hazard profile* for each problem

Intrinsic Hazards		Extrinsic Hazards	
<p>Complexity</p> <p>The complexity and inherent hazards of the activity</p>	<p>Potential for harm caused by essential features of practice; for example: prescribing, surgical and psychological interventions</p>	<p>Scale</p> <ul style="list-style-type: none"> • Size of service user group • Size of practitioner or licensee group 	<p>This criterion helps to ascertain the dimensions of harm. If the number of practitioners or service users is small, then this may suggest an alternative method of assurance would be appropriate. Conversely, support workers might pose a small risk volume in terms of complexity but are high in numbers.</p>
<p>Context</p> <p>The environments in which the intervention takes place</p>	<p>Environments with varying levels of oversight (hospitals, private practice, homes) may indicate greater or lesser opportunity for hazards—or the ability to proactively or reactively manage hazards.</p>	<p>Perception</p> <p>Need for:</p> <ul style="list-style-type: none"> • Public confidence in the occupation • Assurance for employers or other stakeholders 	<p>This criterion enables consideration of probable effects on public confidence in the occupation or needs of employers or other agencies using the services of the occupational group.</p> <p>Take care not to allow false perceptions influence your answers.</p>
<p>Agency</p> <p>Service user vulnerability or autonomy</p>	<p>Contact with service users who may have less ability to exercise control over their care and circumstances may indicate a greater opportunity for hazards.</p>	<p>Impact of regulation</p> <ul style="list-style-type: none"> • Market • Workforce • Quality • Cost • Innovation 	<p>This criterion considers the impact of assurance mechanisms on the cost and supply of the occupation.</p> <p>Market impact might include market size, prices, trading conditions, labor supply, employer needs, cost to licensee.</p>
		<p>Unintended Consequences</p>	<p>Any identifiable unintended consequences of the proposed forms of assurance are considered so that any implications can be addressed.</p>

Problem	Intrinsic Hazards	Extrinsic Hazards
	1. 2. 3.	1. 2. 3.

C. What is the possibility for the hazard(s) to lead to creation of a harm?

1-2	No harm to person or property is associated with this profession.
3-4	Minimal possibility of harm: Unlikely to occur because conditions for hazards are unusual or infrequent.
5-6	Moderate possibility of harm: Possible to occur because conditions for hazards may be present.
7-8	Significant possibility of harm: Likely to occur because hazards are frequently present.
9-10	Significant possibility of harm: Certain to occur because hazards are always present.

Hazard	Possibility Rating	Explanation of the possibility of harm: What is the likelihood for something to go wrong? What conditions must be triggered?
1.		
2.		
3.		
4.		

5.		
6.		
7.		
8.		
9.		
10.		

D. What is the significance of the harm?

1-2	No harm to person or property is associated with this profession.		
3-4	Minimal harm to property: Items of low dollar value or low quantity could be damaged or destroyed.		
5-6	Moderate harm to property Multiple structural systems or components or a single system/component of moderate value or investment could be damaged or destroyed.	OR	Minimal harm to life, health, or safety <ul style="list-style-type: none"> Physical/emotional/mental harm to a person could be limited and minor, no treatment required Small number of people possibly affected
7-8	Significant harm to property Total loss of significant structure or investment	OR	Moderate harm to life, health, or safety to a person <ul style="list-style-type: none"> Temporary, treatable physical/emotional/mental injury could occur Larger number of people possibly affected
9-10	Significant harm to life, health, or safety: Permanent physical/emotional/mental injury or death could occur. Wide audience of potential victims.		

Hazard	Significance Rating	Explanation of the significance of the harm
1.		
2.		
3.		
4.		
5.		
6.		
7.		

8.		
9.		
10.		

Total your ratings regarding *harm*:

Hazard	Harm Possibility Rating	Harm Significance Rating	TOTAL
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Write down any observations regarding your rating totals:

Get as Close to the Problem as Possible

Once we have identified the problem and fully understood the risks, we must look for a solution that is as close to the problem as possible. Regulation is distant and removed from the point of care and problems are best solved near to where they occur. Targeted regulation needs to understand both the range of hazards and the factors that increase or decrease the risk of them resulting in harm. This means understanding the context in which the problem arises and the different tools that may be available to tackle the issues. We may need to work with organizations and individuals that are closer to the problem to bring about change. Some problems may be best tackled by regulatory measures applying to a whole profession, while others may require more targeted regulation or a non-regulatory approach.

Focus on the Outcome

Adopting a “right-touch” approach means staying focused on the outcome that we are looking to achieve, rather than being concerned about process, or prioritizing interests other than public safety. The outcome should be both tangible and measurable, and it must be directed towards the reduction of harm. Staying focused on the outcome helps identify the most appropriate solution. Having a clearly defined and measurable outcome also makes it easier to measure effectiveness.

Use Regulation Only When Necessary

Once the problem has been considered, we may begin to examine whether a regulatory change is the right proposal, evaluating this against the options of doing nothing and the risks and benefits of intervening. Making changes to regulation, especially statutory regulation, can be a slow process, so regulation should only be used as a solution when other actions are unable to deliver the desired results. A right-touch regulatory solution must keep to the six principles of good regulation and should build on existing approaches where possible. This will often involve looking for solutions other than regulation and may require regulators to work with other organizations and people to bring about change.

E. How can the hazards be managed without state regulation? Total harm ratings under 14 *may best be managed through non-governmental strategies*. If they can't, explain why.

0	Market competition	Yelp, Angie's List, Facebook, word of mouth
0	Quality service self-disclosure	Written specific warranty or money-back guarantee
0	Voluntary third-party certification	Better Business Bureau, national accreditation
1	Partnership with stakeholders	Employer/facility oversight, such as training, qualifications, codes of conduct, supervision, and evaluation
1	Voluntary bonding/insurance	Proof of insurance or bond is available
2	Local/municipal ordinance	Regulated or managed at the local level
Assign numbers	Other ideas:	

Hazard	Non-State Management Rating	Explanation of your suggested management <i>solution</i> in section E
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Keep it Simple

For regulation to work, it must be clear to those who are regulated, clear to the public, clear to employers, and clear to the regulator. If each cannot explain to the other what the purpose of a regulation is and why it will work, it is not simple. This is as true in health and social care, with such a wide variety of agencies and individuals involved, as it is in other sectors. Avoiding complexity will lead to a greater impact. A regulatory response should be as simple as it can be while achieving the desired outcome.

Check for Unintended Consequences

Assessing the probable impact of a particular solution is an essential step to help us avoid unintended consequences. In a system as interconnected and complex as health and social care, for example, it is inevitable that proposing a change in policy and practice will have consequences for other parts of the system. If regulations are not workable, people will work around them and in doing so create new risks. Regulating to remove one risk without a proper analysis of the consequences may create new risks or merely move the risk to a different place.

F. How can the risk of hazards be managed through government regulation? List the potential unintended consequences or new risks created by government intervention.

Do these consequences outweigh the benefits of regulation? Why is state intervention the only solution? Validate your answer; you may find that you change your mind.

2	Legal recourse/consumer protection acts	Legal grounds for court action, may enjoin the state
3	Mandatory bonding/insurance	Law requires proof of insurance or bonding
5	State Inspection	Periodic safety or compliance reviews by state agency
6	State Registration	Must be on an approved state list; minimal entry criteria required
8	State Certification	Must meet state criteria, no discipline is applicable
10	State Licensure	Must meet state criteria, may be disciplined for violations

Hazard	State Management Rating	Explanation of your suggested management <i>solution</i> in section F
1.		

2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

G. Rate the level of restriction on market participants or restriction of access to services created by the management of each hazard.

1-2	Not restrictive: No solution is necessary.
3-4	Minimally restrictive: A voluntary market solution like self-certification or bonding was selected. Most people can easily meet these criteria, and the service is widely available.
5-6	Moderately restrictive: A low-impact regulatory solution like registration, bonding, or insurance was selected. Most people seeking to enter the profession can meet these criteria, and the service is available in most markets.
7-8	Very restrictive: National certification/examination or another universal industry standard was selected. Many people seeking to enter the profession can meet these criteria, and the service is usually available in medium-to-large markets.
9-10	Extremely restrictive: Full licensure with criteria like restricted education, supervision, and examination was selected. Some people seeking to enter the profession can meet these criteria, and the service is usually only available in large markets.

Hazard	Restrictiveness Rating	Explanation of the restrictions created by your suggested <i>management</i> solutions in sections E and F.
1.		
2.		
3.		

4.		
5.		
6.		
7.		
8.		
9.		
10.		

Review and Respond to Change

We should build flexibility into regulatory strategy to enable regulation to respond to change. All sectors evolve over time, as a result of a range of different influences. Regulators must not be left managing the crises of the past, while ignoring or being unable to react to new evidence that calls for change. This is what we mean by agility. A program of regular reviews, evaluation, and sunset audits can all help here.

H. Rate the level of flexibility of the management strategy as determined above.

1	Extremely flexible: No solution is necessary.	
3	Moderately flexible: Solution is managed by the participant or employer.	
7	Minimally flexible: Management of the problem requires state regulation change.	
10	Not flexible: Management of the problem requires state statute change.	
Hazard	Flexibility Rating	Provide method and frequency of evaluation to determine whether the solution is relevant and effective and—if not—how changes can be made
1.		
2.		
3.		
4.		

5.		
6.		
7.		
8.		
9.		
10.		

I. Total all your *management* ratings:

Below your ratings, write down your observations. Are you surprised that a particular hazard has a higher number—and therefore a more regulatory management response—than others? Reconsider any changes. If you are doing this exercise in a small group, discuss your ratings and answers with colleagues.

Hazard	Non-State Management Rating	State Management Rating	Restrictiveness Rating	Flexibility Rating	TOTAL
1.					
2.					
3.					
4.					
5.					

6.					
7.					
8.					
9.					
10.					

J. Determining next steps

What must happen to adjust the climate of regulation of the profession you are reviewing? Review the documentation you have created in the previous exercises.

Hazard	Changes needed to implement new management strategies	Current inhibitors to improvement in management of relevant hazards
1.		
2.		
3.		
4.		
5.		

6.		
7.		
8.		
9.		
10.		

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

S	M	T	W	R	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JULY

S	M	T	W	R	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY

S	M	T	W	R	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

AUGUST

S	M	T	W	R	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

MARCH

S	M	T	W	R	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER

S	M	T	W	R	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

APRIL

S	M	T	W	R	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER

S	M	T	W	R	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

MAY

S	M	T	W	R	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER

S	M	T	W	R	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

JUNE

S	M	T	W	R	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER

S	M	T	W	R	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Document Signing

Signature Page

June 2019 Minutes

Consent Agreement Signature Pages

M.P.

Consent Agreement Signature Pages

J.H.

Decision on Stefano Appeal Case

Adoption Page

Correspondence

Liu

From: [Board of Massage Therapists \(CED sponsored\)](#)
To: [Spiritual Touch](#)
Subject: RE: Hundreds Adult erotic massage ads
Date: Thursday, August 8, 2019 1:57:00 PM

Hello Ms. Liu,

Thank you for your message.

The Board of Massage Therapists may only take disciplinary action on massage therapists after it has been reviewed by Investigations.

Please send any complaint or allegation to Investigations by calling 907-269-8174 or sending in a Request for Contact form found on their webpage:

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

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

From: Spiritual Touch [mailto:dnrussellms@gmail.com]
Sent: Monday, August 5, 2019 10:39 PM
To: Board of Massage Therapists (CED sponsored) <boardofmassagetherapists@alaska.gov>
Subject: Hundreds Adult erotic massage ads

To Board Massage:

Hundreds of massage therapists in Alaska are advertising erotic massage services and sex online (see ref. below). Most of these people do not speak much English. So, how do you think are they passing online CEU tests in English, which they do not understand, to do their required hours CEUs and their CPR to earn and to renew their massage licenses? Hint: It is so easy for one who speaks English to open an account in one of these CEU companies, in the name of another person, to get CEU and CPR certificates. This is fraud.

This is sufficient evidence to charge non-English speakers with falsely checking the box that says that they have completed a CPR course, and all 16 hours CEU courses to renew their massage licenses,

when they most likely paid another person to do CEU and CPR certificates in their name.

The following erotic massage ads also violate ethics law for massage therapy advertising :

<https://fairbanks.bedpage.com/Bodyrubs/>

<https://alaska.bedpage.com/Bodyrubs/>

Please, cancel massage license of all such prostitutes.

In most of these massage establishments, usually only owner or manager has massage license, and other prostitutes in back rooms usually have no license, but they do massage anyway!

Why do you do nothing to stop this?

Sincerely, Concerned Citizen of Alaska



Virus-free. www.avg.com

Lea

From: [Tarika Lea](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: Re: MAS- Address, Wall Certificate, MyLicense Ect.
Date: Monday, June 10, 2019 8:15:00 PM
Attachments: [Selected courses for Board authorization toward licensure.docx](#)
[Letter to AK Board of Massage Jan"19.docx](#)

Dear Dawn,

On Mon, Jan 14, 2019 at 7:40 AM Dulebohn, Dawn L (CED)

<dawn.dulebohn@alaska.gov> wrote:

Hello Ms. Lea,

I received two e-mails with attachments on Monday, January 7, 2019. I will not have time to review your material but it will be included in the February 28-March 1, 2019 meeting.

Dawn, THESE ATTACHMENTS had an accurate one page list evidently not the list used today in my review. I am including the letter to the board and this list as an attachment to this email that I originally sent you in January.

Please kindly hear my response and if you do not read it before this meeting I would greatly appreciate that it be sent to each Board member.

Since you are my point of contact I have to admit I was feeling that I did not adequately represent my request or, it was not thoroughly read. Or, that the Board might consider in some cases a review of potential teachers who have valuable classes even without NCTMB vetting.

MISUNDERSTOOD Please note I am not asking for authorization or approval from board of my entire continuing education courses. I prepared shorter 16 hour classes that had entry level structured classes for total support of longevity for those in the field with titles such as 17 Keys to Longevity, The Yin of Touch, Chair Kata Massage, hand saving: Hawaiian Mat Massage tm technique. It is true that although NCTMB authorizes Reflexology as a valid Continuing Education class to disqualify this one was surprising. This list was submitted not required to be accepted as a whole!

I think the misunderstanding happened when the ACPE 'exempt class list' was requested and sent out to the board in their inquiry if the school had an exempt status. I compile this list every two years because ACPE has requested all classes under the school's letterhead be reported whether I end up teaching them or not.

I have such a library of original techniques and experience to funnel into shorter classes. It was again NOT my intention for the Board to approve of all of my continuing education classes on this list either! I am accustomed to designing programs fitting to the situation and interest areas of the public hence the wide scope of class content I offer.

Perhaps that extended list was accidentally sent to the board. Or, perhaps it was just for full disclosure to ACPE to keep in their files? Please note the short one page list of suggested classes for the Board to review. I could clarify what Ron suggested that my short 16 hour classes was what I wanted the board to consider for credit.

FYI The other longer classes (in this enclosure) on that one page presentation of the school will be presented on its own merit and my experience is sufficient. I also may eventually get the longer ones Nationally certified as well for my work here in Alaska as well as Hawaii, Texas and Oregon.

This shorter list of suggested classes are very relevant to all in the field that including proper body mechanics and methods to assure safety and longevity.

I am also wishing to address that Ms. Motz's concern for liability is unfounded for as both a massage therapist **and as a teacher** I am covered by ABMP for two million dollars, per incident and 6 million over a one year period. Anyone who has current professional insurance through ABMP is covered for teaching to protect them both in their private practice and if they wish to teach.

SUPPORTING EDUCATION OF THOSE IN OUR FIELD As an educator it is my opinion the board is presenting a great limitation to not allow teachers to come to Alaska to offer more extensive continuing education classes or for that matter, to use the resources of successful massage therapists already in the state as mentors by teaching, approved for credit or not.

ANOTHER LACK OF IMPORTANT INFORMATION As I have had a fully authorized post secondary program in Fairbanks for a decade I feel that this fact was completely overlooked at today's meeting. I was suggesting my experience be 'reviewed' and, not necessarily set a precedent but demonstrate a flexibility. This is not unreasonable and is actually used by other states from time to time as well as NCTBM.

MORE INFORMATION EVIDENTLY NOT KNOWN BY BOARD MEMBERS The school's professional certificate program was approved by NCTBM once it expanded to its 500 Hour level in 1995. I had actively kept an exempt status from AKPC for 16 years once the school stopped offering a full 600 hour program in 2002.

RECEIVING NCTBM AUTHORIZATION The statement that there is an easy pathway for authorization of cont. ed classes is only partially true. The yearly fees for each class authorization would only be justifiable if I actively go on a national tour circuit for the list of my offerings is quite extensive. The fees yearly would be literally thousands. I feel Alaska particularly needs more educational opportunities for both massage therapists as well as the public in stress reduction and well being (not only effective proven massage techniques). I observe it is the direction of meeting an identified need. Is the Board there for regulations only or to serve the greater needs this profession answers?

Only a small aspect of my request Dawn your statement 'it is for financial reasons' as why I was asking for the board's approval to be able to teach in a state offering credit classes for 16 hour classes was only part of the story. I have dedicated thirty years contributing to the success of hundreds of graduates through our full professional program of the School of Integrating Shiatsu Alaska in Fairbanks. I was suggesting that the Board consider setting up a system to review not only me but also those with adequate teaching experience as is often the case in other states.

Is a review committee the answer? Hence why my suggestion of a review committee to also be an extension of oversight and approval of appropriate continuing education classes as well as overseeing the apprenticeship program of which I am greatly in favor of. Presently ACPE does not do this. Who can?

TODAYS discussion period, several board members stated:

- 1) 'It is not our job to approve of continuing education classes', yet the regulations state otherwise.
- 2) 'We still want to have control what classes can be accepted even if they are authorized by NCTBM' doesn't mean we will accept them. This is two contradictory messages.
- 3) 'It puts the Board at risk for legal cases setting us up to be sued if we put our stamp of approval' – this is one of the major reasons why the teachers offering classes for credit from both in-state and out of state as well as schools take this responsibility through **insurance coverage!**

How broad a stroke of jurisdiction and action does the Board wish to have in terms of vetting teachers? Does it not only include teachers offering continuing education credit classes but also teachers used within massage school programs, or too, if an apprenticeship system is put in actually used?

Alaska is unique in its geographic challenges. I observe that to serve this field adequately a fresh approach needs to be used regardless of other stiff copy cat models that are in place through convenience in so many other states. My experience of the hours of listening to Monday's meeting

had both light on the horizon as well as shadows of control that as an Alaskan I admit to stepping back and asking of the wisdoms. I am a grandmother in the field and have seen much in many states in the evolution of acknowledgement of the value of therapeutic touch. I have pioneered this field and will continue to want to contribute to creating a bigger world of conscious aware and loving touching.

Thank you for the dedication of all that each of you are doing and the process of your contribution. I feel 'hearing from the field' is important and I feel compelled to speak as I too am at a time of my career that I offer a rich legacy from so so many teachers.

In regards and trust that you have heard me,

Tarika Lea

School of Integrating Shiatsu Alaska

(907)978-7161

On Mon, Jan 14, 2019 at 7:40 AM Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov> wrote:

Hello Ms. Lea,

I received two e-mails with attachments on Monday, January 7, 2019. I will not have time to review your material but it will be included in the February 28-March 1, 2019 meeting.

I'm sorry to cause you undue stress by not responding immediately. Our normal response time is 5-10 business days (I just try my hardest to reply sooner if possible) and I am working on preparing for two upcoming board meetings so my time is limited right now.

I hope you had a wonderful weekend and happy Monday!

Best Regards,

Dawn Dalebohn

Licensing Examiner

Board of Massage Therapists

School of Integrating Shiatsu Alaska

1703 Fiddle Way, P.O. Box 83003, Fairbanks, Alaska 99708 (907) 479-3820 Fax 457-7463



2019 Classes & Certificate Offerings *(Location and dates to be announced)*

	Credit Hours	Cost of Class
Kata Massage Section One Intro	16	\$395
Kata Massage Level One	34	\$875
Kata Massage Level Two	30	\$875
Certificate: 80 Hour Kata Massage Series tm		
Hawaiian Mat Massage tm Intro: Hips Move You	4	\$45
Hawaiian Mat Massage tm I & II	32	\$875
Hawaiian Mat Massage tm Advanced	24	\$450
Certificate: 60 Hour Hawaiian Mat Massage tm		
Chair Kata I - 3 Basic hand positions & body mechanics	15	\$275
Chair Kata II – Beyond the Kata + enhancing Chi	10	\$195
Chair Kata Slide Plus Advanced dynamics	10	\$195
Certificate: 35 Hour Chair Kata Massage Series tm		
Enhanced Foot Reflexology	12	\$225
Enhanced Hand Reflexology – The Blessing & Anointing	6	\$125
Certificate: 18 Hour Enhanced Hand and Foot Reflexology		
<i>Adaptable to all massage professionals and techniques:</i>		
The Yin of Touch – Integrating Kata Massage	10	\$195
A Massage Therapist Keys to Longevity	7	\$95
Acknowledgement of hours certificate given by request		

TARIKA LEA

2104 Southern Ave, Fairbanks, AK 99709
CELL: (907) 978-7161 www.leamethod.com

Greetings to the Board of Massage Alaska,

January 7, 2019

RE: Seeking approval to offer authorized continue education classes for credit toward recertification

This letter is in regard to providing classes for those seeking AK licensure renewal. I request that you consider allowing The School of Integrating Shiatsu Alaska to offer The Lea Method classes as direct hands-on continuing education classes and to have them be authorized through the board's approval.

I am the education director and founder of School of Integrating Shiatsu Alaska. I have been teaching from the beginning of my career which I celebrate my 50th year this year being a pioneer in this field since 1969. It was then that I first apprenticed in Hawaii for three years with a famous healer/Kahuna lapa'au Morrnah Simeona. Since then I have professionally taught hundreds over my career from Texas, to Europe, to California and also Hawaii. Due to my traveling I have had three massage licenses in Hawaii, I hold an active license in Texas having moved there from Hawaii to San Antonio in 1972 (when legitimate massage therapist were rare). I also have an active AK State Massage License.

SCHOOL HISTORY Alaska became my home in 1985. I founded the first ACPE authorized massage school in 1992. To my knowledge the only other massage school was in Anchorage. It also started around that time. My program grew from 250 hours increasing the bar yearly using the professors from the University as well as physical therapists to strengthen our eventual 600 Hour program. Our program was accepted by National Certification #022439-00 and further recognized by ABMP. Our graduates are highly sought after and respected.

I personally have been a member of ABMP since 1987 #110000 and also currently certified by NCTMB #4549-00 since 1992. Although the school's last full professional program (600 Hours) ended in 2002 many have taken continuing education courses through our school as we hold an exempt status that is reviewed periodically. I am looking forward to offering yearly summer /early fall classes in Alaska.

PLEASE REVIEW THE ENCLOSED LIST OF CLASS OFFERINGS I have included a selection of the classes I have on file with ACPE (see enclosures). I require full attendance, and a hands-on testing of material demonstrated and presented to assure students absorbs and can implement the techniques.

Thank you for your consideration to allow these classes to be offered as credit toward licensure in the state. Please inform me if more detail of these classes or my credentials are needed. Note a current copy of the state letter of exemption and the NCTMB card is not enclosed but can be obtained.

Sincerely,

Tarika Lea

Enclosures: Summary of accomplishments, List of courses to review, Syllabus for: Kata Massage, Chair Kata, Hawaiian Mat Massage, Enhanced Hand & Foot Reflexology, The Yin of Touch and Massage Therapist Keys, Refund Policy, Info -Hawaiian Mat Massage tm history, Sample certificates of: Kata Massage Intro, Chair Kata Massage, NCBTMB certificate, AK State Exempt Letter

From: [Tarika Lea](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: participant ID for Tarika Lea?
Date: Monday, June 10, 2019 9:33:45 AM

Dear Dawn,

I am not sure you will be able to respond to this email. I had not realized in order to make a comment during the comment period today or tomorrow for this Board of Massage Meeting I need a participant ID?

I will appreciate your response for today's meeting which I plan to listen to as well as most of tomorrow's meeting.

I understand it is only a window of 15 minutes on both days and no doubt there will be a limit as you mentioned depending on how many people wish to comment.

Again apologies if this causes you any stress. I so appreciate what you have done to assist me thus far.

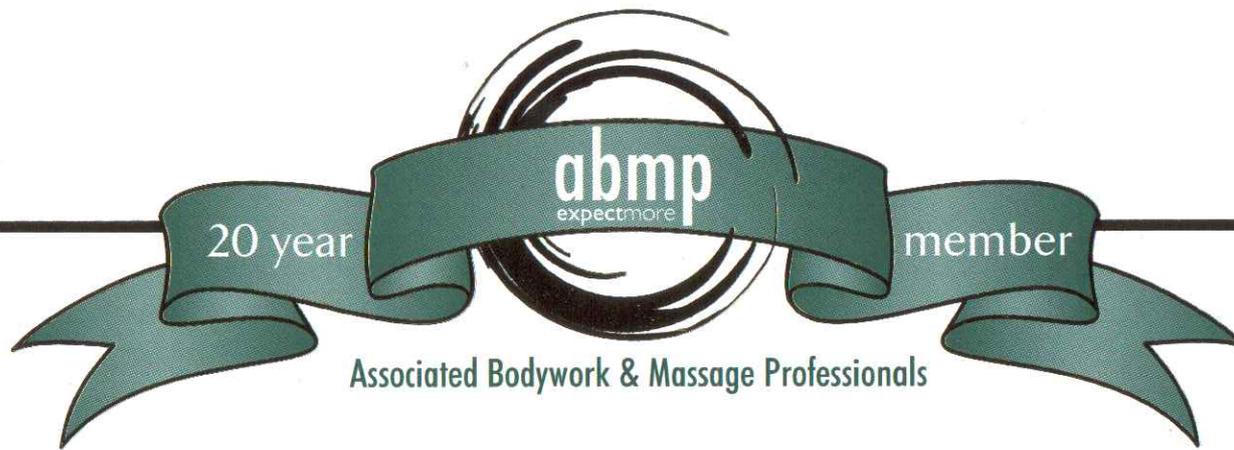
One question to field for me is can I send my response to the 'task'? (will it be postponed to be responded to by the Board til the next meeting?)

ALSO I am including my current NCTMB membership. I am not sure of what 'credentialed means' and happy to send an overview bio of my teaching experience. AMTA did invite me to teach in Los Vegas at their convention both in a major presentation as well as a follow through class (highlighting body mechanics and longevity keys in our profession).

NOTE I do have a current certificate for NCTMB the enclosed is what I had in my files. I will send a current doc of it after the meeting as an attachment to my response.

ACPE is in the process of reviewing my current classes for exempt status as it happens to fall on the two years when it is due the 22nd of this month. I have sent it in and when they respond I will provide a current letter.

Thank you,
Tarika



This Certificate is Presented to

Tarika Lea

In Appreciation for
Twenty Years of Loyal Membership

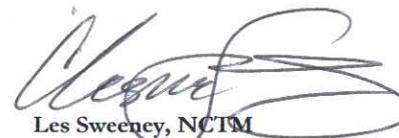


Member of
Associated Bodywork & Massage Professionals

Since January 11th, 1987



January 11th, 2007


Les Sweeney, NCTM
President



National Certification Board for
Therapeutic Massage & BodyworkSM

Let it be known that

Tarika Lea

*has demonstrated the fundamental knowledge required for competency in this profession
and is hereby awarded the designation*

Nationally Certified in Therapeutic Massage and Bodywork

Donna M. Leely

Chair

Neal Melaporta

Chair-Elect



4549-00

National Certification Number

1992

Certified Since

June 30, 2012

Expiration Date

State of Alaska

Commission on Postsecondary Education

Institutional Authorization to Operate

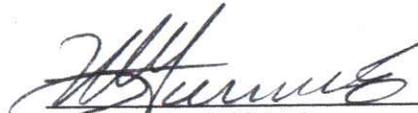
THE ALASKA COMMISSION ON POSTSECONDARY EDUCATION HEREBY AUTHORIZES THE INSTITUTION WHOSE NAME AND ADDRESS APPEARS ON THE FACE OF THIS CERTIFICATE TO OPERATE IN THE STATE OF ALASKA IN ACCORDANCE WITH THOSE TERMS AND CONDITIONS SET FORTH IN A.S. 14.48 AND IN ACCORDANCE WITH THOSE RULES AND REGULATIONS PERTINENT THERETO.

THE PERIOD OF THIS AUTHORIZATION IS

FROM January 1, 1993 TO December 31, 1995

SCHOOL OF INTEGRATING SHIATSU
101 College Road, Suite 354
Fairbanks, AK 99701




CHAIRMAN


EXECUTIVE DIRECTOR

THIS AUTHORIZATION CERTIFICATE MUST BE DISPLAYED IN A CONSPICUOUS MANNER AND PLACE ON THE PREMISES OF THE INSTITUTION.

American Massage & Therapy Association



This Certifies That

Diane M. Stryker, Ms.T.

has satisfactorily passed a required course of study and/or having graduated from an approved School of Massage and having submitted evidence of qualifications: Is hereby granted this Certificate as a member of the American Massage & Therapy Association.

In witness whereof these officers have affixed their hand and Seal of this Association this 14TH day of JULY, 1978



Thomas L. Link
President

File Number 4908

Expires May 31, 1979

James C. Bowling
Secretary

This Certificate Is Invalid Unless Paid-Up Approved Membership Sticker Is Displayed In This Corner. Certificate Returnable Subject To The Provision Of Association By-Laws.

Ruth E. Williams
Director of Education

Organized 1943

Incorporated in State of Delaware 1960

From: [Tarika Lea](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: Re: My current certificate
Date: Monday, June 10, 2019 11:05:34 AM

Current document from NCTMB from Tarika Lea as requested by the Board last meeting.

On Mon, Jun 10, 2019 at 7:42 AM <tarikalea@gmail.com> wrote:

Sent from my iPhone

From: [Dulebohn, Dawn L \(CED\)](mailto:Dulebohn, Dawn L (CED))
To: Tarika Lea
Subject: RE: Approvals of continuing ed classes - the next
Date: Wednesday, June 26, 2019 9:14:00 AM

Hello Tarika,

Thank you for the nice words. I do work really hard in my administrative role to the board and it warms my heart to know that comes through.

I spoke to the board chair, David Edwards-Smith, about your questions about getting your classes authorized through NCBTMB. He states that they have two pathways there: instructor credentials and course authorization. He suggests you contact them to see which would be best for you. Mr. Edwards-Smith did advise me to tell you that it's important that you get every class that you want the board to accept for continuing education authorized by NCBTMB.

I hope this information is helpful and I will include this correspondence in your file as well.

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

From: Tarika Lea [mailto:alohatarika@gmail.com]
Sent: Tuesday, June 11, 2019 12:21 PM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Subject: Approvals of continuing ed classes - the next

Hello Dawn,

You certainly do have a key and important job with the Board of Massage meetings! Now after having enjoyed hours of listening in on the meetings to your efficiency that they all rely upon in your follow through tasks and ability to bring greater clarity to discussions.

I wish to let you know although the content of my last email to you and Board members of June 10th is valid and I put a lot of thought into it after yesterday's meeting, I decided that a review committee

at this time would unlikely fly and that the agenda of issues the Board is dealing with certainly is extensive and foundational.

Furthermore, because the information of my 'credentials' are not going to be a concern for the board at this point, I conclude through their response Monday many of the points I made in this letter is unlikely important for them. The exception being on some of the points not related to consideration of acceptance of my classes for credit. I still would like it to be passed on to them for that reason as 'a letter of response and recommendation from the 'field'. If ever a review committee is formed for the purposes I suggested. I have additional support ideas in its formation I would like to contribute.

I am going to work with ABMP as well as NCTBM to move forward with the programs I wish to have available to those in the field of massage as well as teachers who I am in the process of locating interested in continuing with the organized programs and techniques I have developed over the years.

The next meeting will be in September. Am I now to assume for my class offerings to be accepted as credit I will need to have NCTBM authorize my classes? I would then present them to the board in order for them to be on a list of approved continuing education classes?

I so appreciate the additional kind attention you have extended to me and our school.

Again,
Thank you,
Tarika Lea
Education Director of School of Integrating Shiatsu Alaska
907-978-7161

Lunch

Break for Town Hall Preparation

Town Hall Meeting

12th Floor, Rm. 1236

Atwood Building

Alaska Board of Massage Therapists Town Hall Meeting

Friday, September 20, 2019

Robert Atwood Building 550 W. 7th Ave, Suite 1236, Anchorage, AK

Agenda

- 2:00- 2:10 p.m. Welcome from Chairman Edwards-Smith
- Introduction of board members and staff
 - Explanation of the meeting format
- 2:10- 2:30 p.m. Information from the Board
- Role of Professional Licensing Board
 - Overview of the Regulations Process
 - Implementation of paperless options/MyLicense
 - Overview of tools available online
- 2:30- 3:45 p.m. Question and Answer Session
- Time may be limited by the number of speakers who registered
 - Please keep questions polite and professional
 - Extra time will be utilized by any additional questions
- 3:45- 4:00 p.m. Wrap ups & Thank You!



Board of Massage Therapist

Town Hall Meeting – Feb 2019

Topics for Review

- What is the purpose of government?
- What is the role of the Board of Massage Therapists?
- What is the purpose of regulations?
- What is the regulation process?
- How are the public and licensees informed?

What is the purpose of Government?

- Government provides mandate
- Due process
- Enforcement
- Authority
- Use of experts
- Uniform application, fairness and criteria to set forth in law

Role of the Board of Massage Therapist

- Public protection
- Entry level/access
- Renewal of license
- Enforcement of statute and regulations
- Outreach

Why do we have regulations?

- Protection of the public
- Assurance of vetting of licensee's
- Protection and due process for applicants

The Regulation Process

Begin the Process



Regulations Specialist



Public Notice



Public Comment



Adoption

How to be informed?

MY LICENSE Online Renewal

Please use our convenient MY LICENSE online renewal application. In most cases your license will be renewed immediately. Due to a heavy volume of renewal activities, processing time for renewal applications received by mail may take up to 4-6 weeks.

To use our online services you need to register for a MY LICENSE account.

If you have not registered, follow these simple steps:

1. Visit the MY LICENSE customer home page at: ProfessionalLicense.Alaska.Gov/MYLICENSE
2. If you have an existing myAlaska account, enter your account information. If not, please create an account. You will be redirected to the MY LICENSE customer home page.
3. Under Access an Existing License, enter your license number and Web Authorization Code, if one has been provided. This information is on your renewal notice.
4. To renew your license, simply select the license you wish to renew from the Professional Licensing section.

In Summery

- Government and regulations exist to protect the public, provide enforcement and due process.
- The Board of Massage Therapists are members of the public with expertise in massage therapy.
- Regulations arise from a five step process.
- The public can assess online tools to become more easily informed.

Adjourn