The seal of the State of Alaska is a circular emblem. It features a central scene with a mountain range, a body of water, and a building. The words "THE SEAL OF THE STATE" are written along the top inner edge, and "OF ALASKA" is written along the bottom inner edge. A fish is depicted on the right side of the seal.

State of Alaska  
Massage Therapists  
Board Packet  
March 6, 2025



# Alaska Board of Massage Therapists - March 6 - Regular Board Meeting

Alaska Division of Corporations, Business and Professional Licensing  
<https://us02web.zoom.us/j/81080513221?pwd=nqJrjomqmCFPPH2NQ3US8aGNbz1itS.1>  
 2025-03-06 09:00 - 2025-03-06 16:00 AKST

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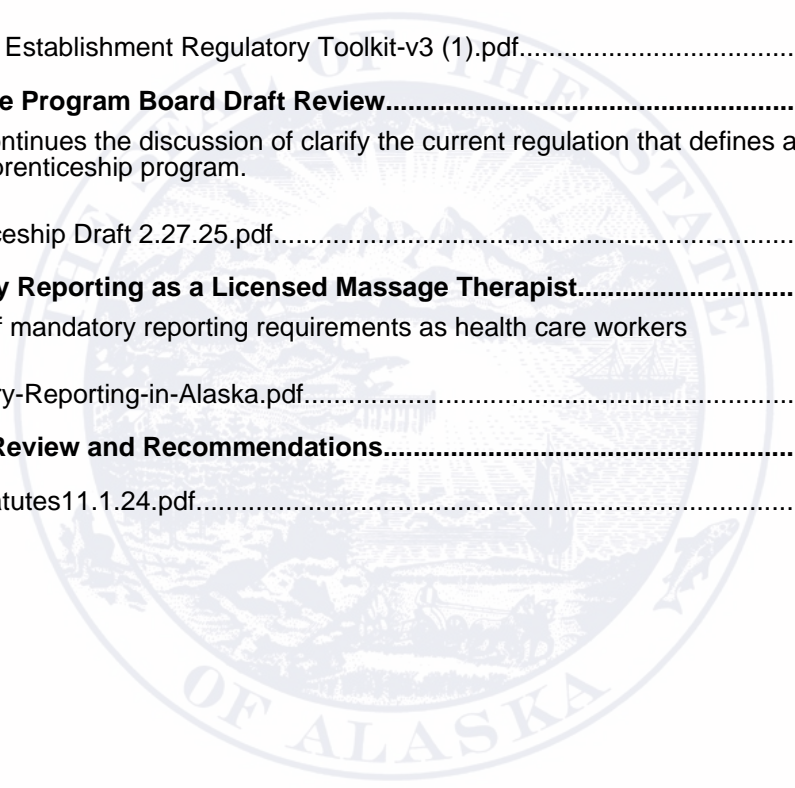
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**State of Alaska**  
**Office of Boards and Commissions Roster**  
**BOARD OF MASSAGE THERAPISTS**

<u>Member</u>	<u>Appointed</u>	<u>Term Expires</u>
<b>Annetta Atwell, Chair</b> <i>Licensed Massage Therapist</i>	5/25/2022	3/1/2026
<b>Julie Endle, Vice Chair</b> <i>Public Member</i>	3/1/2021	3/1/2025
<b>Michelle Steiner</b> <i>Licensed Massage Therapist</i>	1/31/2025	3/1/2028
<b>Emily Foster</b> <i>Licensed Massage Therapist</i>	12/7/2023	3/1/2026
<b>Vacant</b> <i>Licensed Massage Therapist</i>		



:  
**Alaska Board of Massage Therapists – March 6, 2025 – Regular Meeting**  
Alaska Division of Corporations, Business and Professional Licensing

Time: March 6, 2025, 9:00 AM Alaska

Zoom Meeting: <https://us02web.zoom.us/j/86224463505?pwd=45pSAXeAkUjSfmZtDXaLv2XWAYhkUy.1>  
Meeting ID: 862 2446 350, Passcode: 039384

**1. Roll Call 9:00 AM**

**2. Review/Approve Agenda 9:05 AM**

**3. Ethics Review/Disclosure 9:10 AM**

**4. Public Comment 9:30 AM**

**5. Board of Massage Therapists Strategic Planning**

**6. Administrative Business**

- Division Financial Quarterly Report
- Review of Light Therapy Devices
- September Meeting Minutes
- Schedule Meeting Dates for June, September and December
- Federation of State Massage Therapy Boards – Executive Summit 2025

**7. Investigations 11:00 AM**

- Investigative Report
- Consent Agreement Review

**8. Massage Therapy Establishment Registration**

Review of the current unacceptable continued education list

**9. Apprentice Program Review**

Discussion of apprenticeship program review

**10. Mandatory Reporting as a Licensed Massage Therapist**

Discussion of mandatory reporting requirements as health care workers

**11. Statute Review and Amendment Recommendations**

***Adjourn***



# Ethics/Review Disclosure



# MEMORANDUM

# State of Alaska Department of Law

TO: \_\_\_\_\_ DATE: \_\_\_\_\_  
FILE NO.: \_\_\_\_\_  
TEL. NO.: \_\_\_\_\_  
FROM: Angie White  
Litigation Assistant  
Department of Law  
Opinions, Appeals, & Ethics Section  
FAX: \_\_\_\_\_  
SUBJECT: Executive Branch Ethics Act, AS  
39.52 Quarterly Report  
[INSERT QUARTERLY DATE  
RANGE]

**\*\*\*\*SAMPLE LANGUAGE – PLEASE COPY ONLY THE PARTS THAT APPLY  
ONTO YOUR BOARD OR COMMISSION’S LETTERHEAD \*\*\*\***

As designated ethics supervisor and chair [executive director] for the \_\_\_\_\_, I wish to advise you that I have received no notifications of potential violations or requests for ethics determinations under the Ethics Act (AS 39.52) and have made no written determinations for this quarter.

**OR**

As designated ethics supervisor and chair [executive director] for the \_\_\_\_\_, I have received \_\_\_ notification(s) of a potential violation and \_\_\_ requests for ethics determinations under the Ethics Act (AS 39.52). I have attached a copy of the notices and requests along with my written determination(s) for review by the attorney general. I did [did not] receive an advisory opinion from the Attorney General.

**AND**

Except as addressed above, no other [board member] [commissioner] disclosed a potential conflict of interest at a recorded public meeting during this quarter.

**OR**

In addition to the above, at the [date] meeting, [Board member] [Commissioner] \_\_\_\_\_ disclosed a potential conflict with respect to \_\_\_\_\_ [insert brief description]\_\_\_\_. *Insert disposition:* [S/He refrained from participation.] *or* [I determined s/he could [could not] participate.] *or* [The Board [Commission] members voted to permit [not to permit] participation.]

**CONFIDENTIAL**

**ETHICS SUPERVISOR DETERMINATION FORM**  
(Board or Commission Member)

Board or Commission: \_\_\_\_\_

Member Disclosing Potential Ethics Violation: \_\_\_\_\_

I have determined that the situation described on the attached ethics disclosure form

does or would violate AS 39.52.110 - .190. Identify applicable statute below.

does not or would not violate AS 39.52.110 - .190.

\_\_\_\_\_  
Signature of Designated Ethics Supervisor (Chair)

\_\_\_\_\_  
Printed Name of Designated Ethics Supervisor

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

COMMENTS (Please attach a separate sheet for additional space):

**Note: Disclosure Form must be attached.** Under AS 39.52.220, if the chair or a majority of the board or commission, not including the disclosing member, determines that a violation of AS 39.52.110-39.52.190 will exist if the member participates, the member shall refrain from voting, deliberating, or participating in the matter. A member will not be liable under the Ethics Act for action in accordance with such a determination so long as the member has fully disclosed all facts reasonably necessary to the determination and the attorney general has not advised the member, chair, or board or commission that the action is a violation. Forward disclosures with determinations to the State Ethics Attorney as part of your quarterly report. Quarterly reports are submitted to Litigation Assistant, Opinions, Appeals & Ethics, Department of Law, 1031 W. 4<sup>th</sup> Avenue, Suite 200, Anchorage, AK 99501.

Revised 2012



## State of Alaska Department of Law

### Who Is My Designated Ethics Supervisor?

Every state public officer, employee or board or commission member, has a designated ethics supervisor.

#### Executive Agencies

The ethics supervisor for each agency is the Commissioner or a senior manager to whom the Commissioner has delegated the function. The current ethics supervisor for each agency is listed below. The ethics supervisor for a Commissioner is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor.

#### Boards and Commissions

The Chair of each board and commission serves as the ethics supervisor for the other members and any executive director. The ethics supervisor for the Chair is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor. If a board or commission employs staff, the executive director serves as the ethics supervisor for these employees.

#### Public Corporations

The Chair of the board serves as the ethics supervisor for the other members of the board and any executive director. The executive director is the ethics supervisor for employees of the corporation.

#### Office of the Governor

The ethics supervisor for the Governor and Lieutenant Governor is the Attorney General. By delegation from the Governor, the ethics supervisor for the staff of the offices of the Governor and Lieutenant Governor is Guy Bell, Director of Administrative Services.

#### University of Alaska

By delegation of the University President, the ethics supervisor for university employees is Associate General Counsel Andy Harrington.

#### EXECUTIVE BRANCH AGENCIES

Administration: Leslie Ridle, Deputy Commissioner

Commerce, Community & Economic Development: Jon Bittner, Deputy Commissioner

Corrections: April Wilkerson, Director of Administrative Services

Education & Early Development: Les Morse, Deputy Commissioner

Environmental Conservation: Tom Cherian, Director of Administrative Services

Fish & Game: Kevin Brooks, Deputy Commissioner

Health & Social Services: Dallas Hargrave, Human Resource Manager

Labor & Workforce Development: Michael Monagle, Director, Division of Workers Compensation

Law: Jonathan Woodman, Assistant Attorney General

Military & Veterans Affairs: Marty Meyer, Special Assistant to Commissioner

Natural Resources: John Crowther, Inter-Governmental Coordinator

Public Safety: Terry Vrabec, Deputy Commissioner

Revenue: Dan DeBartolo, Administrative Services Director

Transportation & Public Facilities:

- Highways & Public Facilities: Steve Hatter, Deputy Commissioner
- Aviation: John Binder, Deputy Commissioner
- Central Region: Rob Campbell, Regional Director
- Northern Region: Rob Campbell, Acting Regional Director
- Southcoast Region: Acting Regional Director
- Alaska Marine Highway System: Michael Neussl, Deputy Commissioner
- Headquarters: Mary Siroky, Administrative Services Director

Updated April 2015

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300  
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161  
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# State of Alaska

## Department of Law

### Ethics Information for Members of Boards & Commissions (AS 39.52)

#### Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

#### Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

#### Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

## Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

## Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

## Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.



## Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

## Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

## Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

## Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

## Disclosure Procedures

### **DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)**

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

### **ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)**

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

### **REPORTS BY THIRD PARTIES (AS 39.52.230)**

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

## Complaints, Hearings, and Enforcement

### **COMPLAINTS (AS 39.52.310-330)**

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

## **CONFIDENTIALITY (AS 39.52.340)**

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

## **HEARINGS (AS 39.52.350-360)**

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

## **PERSONNEL BOARD ACTION (AS 39.52.370)**

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

## **PENALTIES (AS 39.52.410-460)**

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

## **DEFINITIONS (AS 39.52.960)**

Please keep the following definitions in mind:

**Benefit** - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

**Board or Commission** - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

**Designated Ethics Supervisor** - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

**Financial Interest** - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

**Immediate Family** - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

**Official Action** - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

**Personal Interest** - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney  
Alaska Department of Law  
1031 West 4th Avenue, Suite 200  
Anchorage, Alaska 99501-5903  
(907) 269-5100  
attorney.general@alaska.gov

Revised 9/2013

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300  
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161  
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State of Alaska  
Department of Law  
Executive Branch Ethics Act

## Responsibilities of Designated Ethics Supervisors for Boards and Commissions

Boards and commissions subject to the Ethics Act have designated ethics supervisors. The chair serves as the designated ethics supervisor for board or commission members and the executive director. The executive director is the designated ethics supervisor for staff. The designated ethics supervisor for a chair is the governor, who has delegated this responsibility to Guy Bell, Administrative Director of the Office of the Governor.

Designated ethics supervisors should refer to the Manual for Designated Ethics Supervisors (April 2008), available from the state ethics attorney, regarding their responsibilities under the Ethics Act. Briefly, as designated ethics supervisor, you must --

1. Ensure that members and employees are provided copies of the guides, Ethics Information for Members of Boards and Commissions and Ethics Act Procedures for Boards and Commissions -- and keep a supply of disclosure forms.
  1. These guides, other educational materials, disclosure forms, statutes and regulations are available for review and copying on the Department of Law ethics web site. If access to this page is not available, please contact the Attorney General's office at 269-7195.
2. Review all disclosures, investigate potential ethics violations, make determinations regarding conduct, and take action.
3. Keep member or employee disclosure statements (of potential violations, receipt of gifts, and interests in grants/contracts/leases/loans) on file in your office. Disclosure of a gift received from another government must be forwarded to the Office of the Governor.
4. Submit an ethics report to the Department of Law in April, July, October and January for the preceding quarter. You will receive a reminder. There is a sample report on the ethics web page.
  1. Mail, email or fax to Kim Halstead, Litigation Assistant, Department of Law, Opinions, Appeals & Ethics Section, 1031 W. 4th Avenue, Suite 200, Anchorage, AK, 99501, ethicsreporting@alaska.gov, fax no. 907-279-2834.

You may request ethics advice from your agency's Assistant Attorney General or from the State Ethics Attorney, Jon Woodman, at 269-5100 or jonathan.woodman@alaska.gov. Please direct questions about reporting procedures to Kim Halstead at 269-7195 or kimberly.halstead@alaska.gov.

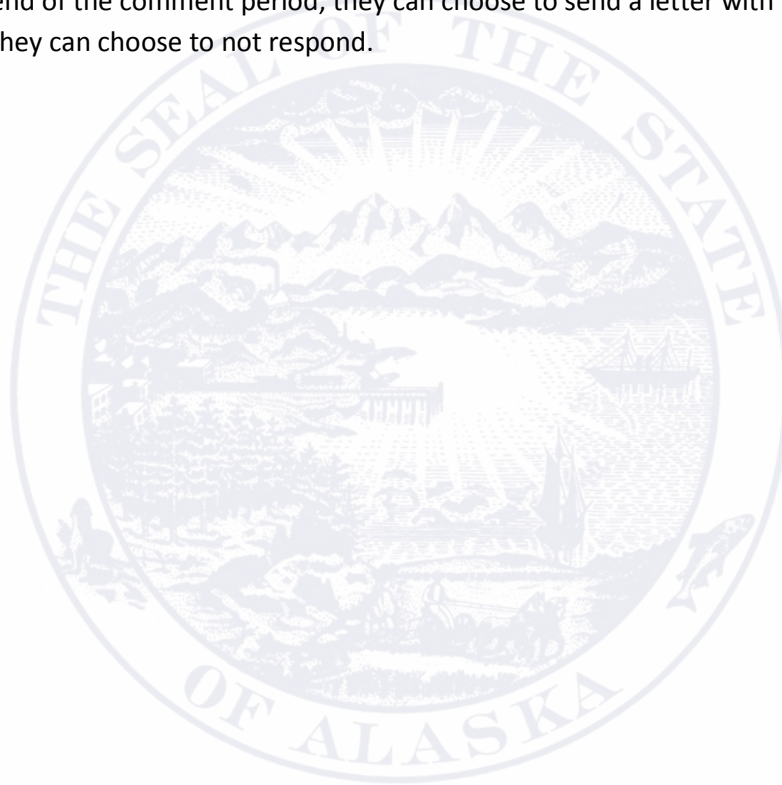
6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300  
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161  
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# 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.



# Meeting Minutes December 2024





**Alaska Board of Massage Therapists – December 5, 2024 – Regular Meeting**  
Alaska Division of Corporations, Business and Professional Licensing

Time: December 5, 2024, 9:00 AM Alaska

**Attendance**

**Board Members:**

Annetta Atwell, Licensed Massage Therapist  
Kelli Shew, Licensed Massage Therapist  
Julie Endle, Public Member  
Emily Foster, Licensed Massage Therapist

**DCBPL State of Alaska Staff:**

David Edwards-Smith, Occupational Licensing Examiner  
Shane Bannarbie, Program Coordinator I  
Reid Bowman, Program Coordinator II  
Jennifer Summers, Senior Investigator  
Chase Evans, Investigator

**Public Attendance:** Erin Haden (Associated Massage and Bodywork Professionals), Mai Line Petrine (Federation of State Massage Therapy Boards)

**1. Roll Call - 9:05 AM**

Board Members Present: Annetta Atwell, Julie Endle, Emily Foster

**2. Review/Approve Agenda - 9:05**

Chair Atwell asked the board to present amendments to the agenda. None were presented.

**A motion made by Julie Endle, seconded by Emily Foster, and passed with unanimous roll call vote; it was RESOLVED to APPROVE the agenda**

**3. Ethics Review/Disclosure**

Chair Atwell requested the board to disclose any ethics reports for the record. No disclosures were presented.

**4. Review of Program Approval of Online Massage Therapy Accreditation Agencies 9:15**

Chair Atwell initiated the discussion to respond to the question of the board approved online distance education monitoring. OLE Edwards-Smith provided the current regulation of 12.AAC.100 (d). OLE Edwards-Smith informed that the Board of Massage Therapists is on record of accepting the accreditation agencies include the following: Distance Education Accreditation Commission, Council for Higher Education Accreditation, Accreditation of High Standard Quality Education. Chair Atwell asked to contact Program Coordinator Education and Early Development Tyler Eggan for additional information from the Alaska Commission on Postsecondary Education.

## **5. Public Comment 9:30 AM**

Mai Line Petrine of the FSMTB addressed the board and offered support to provide research regarding apprenticeship models and disciplinary matrices and information of the conditions and restrictions of online course curriculum of member states. Chair Atwell requested that this information be forwarded to OLE Edwards-Smith.

*Public Comment Closed at 9:45*

*Break at 9:48 On Record at 9:54*

Roll Call: Annetta Atwell, Julie Endle, Emily Foster

## **6. Review of Program Approval of Online Massage Therapy Accreditation Agencies. Continued 9:54**

The Board resumes discussion of online massage curriculum that includes video instruction. Chair Atwell has informed the board that she has contacted the ACPE to determine their standards of online education curriculum. Annetta asked for feedback from Julie Endle. Ms. Endle expressed her concerns of the integrity of online learning.

*Tyler Eggan joins the meeting at 10:03.*

Discussion Resumes of Online Massage therapy school curriculum. Tyler Eggan answered questions describing the role of the ACPE in curriculum approval.

## **7. Review of Thai Bodywork Correspondence**

OLE Edwards-Smith clarified that the correspondence questions of whether a massage therapy license was required to perform Thai Bodywork for compensation. The board stated that Thai Bodywork did fall within the scope of a massage therapy practice and a license would be required.

The Boards discussion turned to the question of light therapy. Chair Atwell requested that Emily Foster provide some research on the question of the use of light therapy in massage therapy.

## **8. 20% Practical Application Definition 12 AAC 79.140. (2) 10:21**

The board reviewed the current regulations and determined that the current regulation clearly states that practical application is hands-on application of various clinical modalities dedicated to the practice of massage therapy. No amendments to the current regulation were proposed.

*Senior Investigator Jenni Summer joins the meeting at 10:40.*

*Break at 10:43 On Record at 10:56*

Roll Call: Annetta Atwell, Julie Endle, Emily Foster

## **9. Investigations 11:00 AM**

- Investigative Report



Chace Evans presented the investigative report. There were no questions from the board.

**- Case Reviews: Voluntary Surrender, Imposition of Fine and Consent Agreement**

In a motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was **RESOLVED** to enter **EXECUTIVE SESSION** in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.

*Off Record at 11:02 On Record at 11:15*

*Roll Call: Annetta Atwell, Julie Endle, Emily Foster*

A motion made by Julie Endle, seconded by Emily Foster, and passed with a roll call vote; it was **RESOLVED** to **APPROVE** the **CONSENT AGREEMENT** for case 2024-000239.

A motion made by Julie Endle, seconded by Emily Foster, and passed with a roll call vote; it was **RESOLVED** to **APPROVE** the **CIVIL FINE** for case 2024-000577.

A motion made by Julie Endle, seconded by Emily Foster, and passed with a roll call vote; it was **RESOLVED** to **APPROVE** the **VOLUNTARY SURRENDER** for case 2023-000583.

**10. 20% Practical Application Definition Resumes**

Chair Atwell directed the discussion of the definition of practical application to focus on determining whether it is important to define in regulation both clinical practice and the practical application. No amendments to the current regulation were proposed.

***Lunch: Off record at 12:09 On record 1:03***

*Roll Call: Annetta Atwell, Julie Endle, Emily Foster*

**11. Administrative Business**

- 2025 Federation of State Massage Therapy Boards Annual Meeting

The Board discussed the appointment of a delegate to represent the State of Alaska Board of Massage Therapists at the 2025 FSMTB annual meeting that will take place October 5<sup>th</sup> through 7<sup>th</sup>.

A motion made by Julie Endle, seconded by Emily Foster, and passed with a roll call vote; it was **RESOLVED** to **APPROVE** Emily Foster to represent the Board of Massage Therapist as Delegate at the **2025 FSMTB annual meeting**.

- Division Financial Quarterly Report

The Board Reviewed with no questions for the DCBPL.

- Review of September Meeting Minutes

Chair Atwell asked the board for any amendments to the minutes of the September 2024 board meeting. The board did not move to amend the September minutes.

**A motion made by Julie Endle, seconded by Emily Foster, and passed with a roll call vote; it was RESOLVED to APPROVE the September Minutes.**

**12. License Renewal Regulation Review – 12 AAC 79.200(d)**

The board reviewed the current regulation regarding a license that expires if lapsed for more than three years. The board reviewed the current regulations of the Physical Therapy Board and Board of Chiropractic Examiners regarding the restriction of lapsed license duration to be eligible for license renewal. The board did not propose any amendments to the current regulation.

**13. Massage Therapy Continued Education Acceptable List Review**

Chair Atwell directed the board to review the current massage unacceptable list established in 2018 in comparison to the current National Certification Board of Therapeutic Massage and Bodywork (NCBTMB) list of unacceptable continued education. The board reviewed the current statutes to determine whether the items listed in the continued education list.

**A motion made by Julie Endle, seconded by Emily Foster, and passed with a unanimous consent; it was RESOLVED to APPROVE to update the Unacceptable Continued Education list of 2018 to include: moxibustion and tongue reading.**

**14. Apprenticeship Program Review 2:54**

Chair Atwell asked Program Coordinator Bannarbie to provide his feedback on the apprenticeship document drafted by the board. Program Coordinator Bannarbie asked the board to provide their current viewpoint regarding the direction of the apprenticeship program. Chair Atwell and Emily both expressed their serious concerns of an apprenticeship program as a disservice to a massage apprentice.

OLE Edwards-Smith informed Chair Atwell that the feedback that from the DCBPL that confirms that it is acceptable for apprentices to receive compensation as the statute is written.

Julie endle requested that the administration confirms the issue of paid apprentices.

**A motion made by Julie Endle, seconded by Emily Foster, and passed with a unanimous consent; it was RESOLVED to APPROVE to request an administrative review that can be forwarded for a legal review of 12.AAC.79.100 2(C) to determine if the board of massage therapists can undertake an unpaid unregistered apprenticeship model .Motion to request an administrative review that can be forwarded for a legal review of 12.AAC.79.100 2(C) to determine if the board of massage therapists can undertake an unpaid unregistered apprenticeship model .**

*Chair Atwell confirmed with the Board that the next board meeting date is scheduled for March 6,7.*

***Adjourn 3:36***



# Financial Report





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

Summary of All Professional Licensing  
Schedule of Revenues and Expenditures

Board of Massage Therapists	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium	FY 22	FY 23	Biennium	FY 25	
										FY 24	1st & 2nd QTR
<b>Revenue</b>											
Revenue from License Fees	\$ 346,505	\$ 89,770	\$ 436,275	\$ 350,267	\$ 79,165	\$ 429,432	\$ 400,630	\$ 79,870	\$ 480,500	\$ 353,315	\$ 24,985
General Fund Received					\$ 33,654	33,654	\$ 230,859	\$ 27,675	258,534	\$ 1,021	\$ -
Allowable Third Party Reimbursements	1,161	1,791	2,952	\$ 860	\$ -	860	\$ -	\$ 1,516	1,516	\$ 178	\$ -
<b>TOTAL REVENUE</b>	<b>\$ 347,666</b>	<b>\$ 91,561</b>	<b>\$ 439,227</b>	<b>\$ 351,127</b>	<b>\$ 112,819</b>	<b>\$ 463,946</b>	<b>\$ 631,489</b>	<b>\$ 109,061</b>	<b>\$ 740,550</b>	<b>\$ 354,514</b>	<b>\$ 24,985</b>
<b>Expenditures</b>											
Non Investigation Expenditures											
1000 - Personal Services	57,585	84,174	141,759	97,519	97,825	195,344	122,441	101,801	224,242	127,293	57,755
2000 - Travel	9,646	10,277	19,923	5,437	839	6,276	4,610	2,869	7,479	4,146	923
3000 - Services	96,155	60,787	156,942	14,143	15,801	29,944	51,629	11,244	62,873	10,148	3,789
4000 - Commodities	70	25	95	-	-	-	-	-	-	-	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	163,456	155,263	318,719	117,099	114,465	231,564	178,680	115,914	294,594	141,587	62,467
Investigation Expenditures											
1000-Personal Services	93,529	63,771	157,300	66,128	77,018	143,146	78,280	59,887	138,167	60,858	41,985
2000 - Travel	-	-	-	(707)	-	(707)	-	328	328	-	-
3023 - Expert Witness	-	-	-	-	150	150	-	-	-	-	-
3088 - Inter-Agency Legal	1,679	845	2,524	-	5,082	5,082	4,084	17,698	21,782	13,472	4,176
3094 - Inter-Agency Hearing/Mediation	16,632	2,013	18,645	-	760	760	391	4,081	4,472	9,064	737
3000 - Services other	-	555	555	237	81	318	104	295	399	96	23
4000 - Commodities	-	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	111,840	67,184	179,024	65,658	83,091	148,749	82,859	82,290	165,148	83,491	46,921
<b>Total Direct Expenditures</b>	<b>275,296</b>	<b>222,447</b>	<b>497,743</b>	<b>182,757</b>	<b>197,556</b>	<b>380,313</b>	<b>261,539</b>	<b>198,204</b>	<b>459,742</b>	<b>225,078</b>	<b>109,388</b>
Indirect Expenditures											
Internal Administrative Costs	53,488	43,601	97,089	48,628	39,186	87,814	48,467	44,429	92,896	47,149	23,575
Departmental Costs	35,578	32,777	68,355	26,239	24,894	51,133	31,010	22,692	53,702	30,296	15,148
Statewide Costs	16,888	15,627	32,515	21,559	23,997	45,556	25,229	17,584	42,813	18,210	9,105
<b>Total Indirect Expenditures</b>	<b>105,954</b>	<b>92,005</b>	<b>197,959</b>	<b>96,426</b>	<b>88,077</b>	<b>184,503</b>	<b>104,706</b>	<b>84,705</b>	<b>189,411</b>	<b>95,655</b>	<b>47,828</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 381,250</b>	<b>\$ 314,452</b>	<b>\$ 695,702</b>	<b>\$ 279,183</b>	<b>\$ 285,633</b>	<b>\$ 564,816</b>	<b>\$ 366,245</b>	<b>\$ 282,909</b>	<b>\$ 649,153</b>	<b>\$ 320,733</b>	<b>\$ 157,216</b>
<b>Cumulative Surplus (Deficit)</b>											
Beginning Cumulative Surplus (Deficit)	\$ 265,127	\$ 231,543		\$ 8,652	\$ 80,596		\$ (92,218)	\$ 173,026		\$ (822)	\$ 32,959
Annual Increase/(Decrease)	(33,584)	(222,891)		71,944	(172,814)		265,244	(173,848)		33,781	(132,231)
Ending Cumulative Surplus (Deficit)	\$ 231,543	8,652		\$ 80,596	\$ (92,218)		\$ 173,026	\$ (822)		\$ 32,959	\$ (99,272)
<b>Statistical Information</b>											
Number of Licenses for Indirect calculation	1,498	1,277		1,382	1,246		1,402	1,232		1,388	
<b>Additional information:</b>	<ul style="list-style-type: none"> <li>• General fund dollars were received in FY21-FY24 to offset increases in personal services and help prevent programs from going into deficit or increase fees.</li> <li>• Most recent fee change: Fee increase FY24</li> <li>• Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.</li> </ul>										

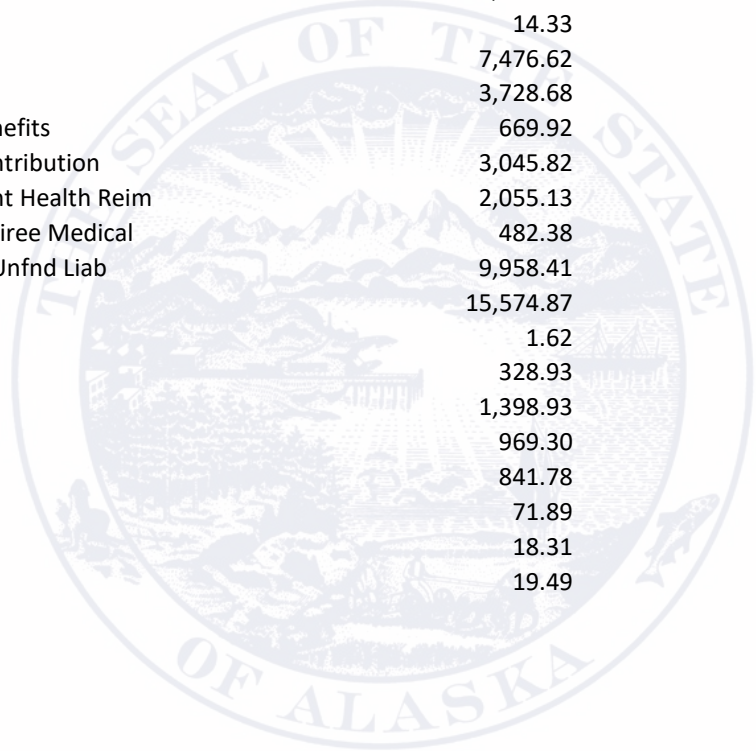


Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing

Summary of All Professional Licensing

Appropriation Name (Ex)	(All)	res
Sub Unit	(All)	
PL Task Code	MAS1	

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)			Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	
1011 - Regular Compensation	53,084.01			53,084.01
1014 - Overtime	14.33			14.33
1023 - Leave Taken	7,476.62			7,476.62
1028 - Alaska Supplemental Benefit	3,728.68			3,728.68
1029 - Public Employee's Retirement System Defined Benefits	669.92			669.92
1030 - Public Employee's Retirement System Defined Contribution	3,045.82			3,045.82
1034 - Public Employee's Retirement System Defined Cont Health Reim	2,055.13			2,055.13
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	482.38			482.38
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	9,958.41			9,958.41
1040 - Group Health Insurance	15,574.87			15,574.87
1041 - Basic Life and Travel	1.62			1.62
1042 - Worker's Compensation Insurance	328.93			328.93
1047 - Leave Cash In Employer Charge	1,398.93			1,398.93
1048 - Terminal Leave Employer Charge	969.30			969.30
1053 - Medicare Tax	841.78			841.78
1077 - ASEA Legal Trust	71.89			71.89
1079 - ASEA Injury Leave Usage	18.31			18.31
1080 - SU Legal Trst	19.49			19.49
2005 - In-State Non-Employee Airfare		214.70		214.70
2006 - In-State Non-Employee Surface Transportation		51.94		51.94
2007 - In-State Non-Employee Lodging		458.00		458.00
2008 - In-State Non-Employee Meals and Incidentals		150.00		150.00
2009 - In-State Non-Employee Taxable Per Diem		48.00		48.00
3002 - Memberships			915.20	915.20
3045 - Postage			22.52	22.52
3046 - Advertising			472.26	472.26
3085 - Inter-Agency Mail			182.05	182.05
3088 - Inter-Agency Legal			4,175.91	4,175.91
3094 - Inter-Agency Hearing/Mediation			737.10	737.10
3100 - Inter-Agency Safety			2,219.50	2,219.50
<b>Grand Total</b>	<b>99,740.42</b>	<b>922.64</b>	<b>8,724.54</b>	<b>109,387.60</b>



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

(1) person licensed in the state under a statute outside this chapter who performs massage therapy within the scope of practice for which the person's license was issued;

(2) person who, while acting in an official capacity as an employee of the United States government, performs massage therapy;

(3) person who is licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country while the person is temporarily

(A) practicing massage therapy in this state in connection with teaching a course related to massage therapy;

or

(B) consulting with a person licensed under this chapter;

(4) student enrolled in an approved massage school or course of study who is completing a clinical requirement for graduation under the general supervision of a person licensed under this chapter if the student is clearly identified as a student while performing massage therapy services on members of the public and is not compensated for the massage therapy services;

(5) person only performing massage therapy on members of the person's family;

(6) person only performing techniques that do not involve contact with the body of another person;

(7) person only performing techniques that involve resting the hands on the surface of the body of another person without delivering pressure to or manipulating the person's soft tissues;

(8) person only performing services such as herbal body wraps, skin exfoliation treatments, or the topical application of products to the skin for beautification purposes when the services do not involve direct manipulation of the soft tissues of the body;

(9) person only performing massage therapy for the athletic department of an institution maintained by public funds of the state or a political subdivision of the state or only practicing massage therapy for the athletic department of a school or college approved by the board using recognized national professional standards;

(10) person engaged only in the practice of structural integration for restoring postural balance and functional ease by integrating the body in gravity using a system of fascial manipulation and awareness who has graduated from a program or is a current member of an organization recognized by the International Association of Structural Integrators, including the Rolf Institute of Structural Integration;

(11) person using only light touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement or to affect the energy systems;

(12) person performing only the traditional practices of Native American traditional healers;

(13) person practicing only the manipulation of the soft tissues of the hands, feet, or ears and not holding out to be a massage therapist.

**Sec. 08.61.090. Fees.** The department shall set fees under AS 08.01.065 for application, license issuance, license renewal, and investigation under this chapter.

**Sec. 08.61.100. Definitions.** In this chapter,

(1) "approved massage school" means a massage therapy school or program that

(A) has an authorization to operate from the Alaska Commission on Postsecondary Education or a similar entity in another state; or

(B) is accredited by a nationally recognized accrediting agency;

(2) "board" means the Board of Massage Therapists;

(3) "department" means the Department of Commerce, Community, and Economic Development;

(4) "massage therapist" means a person licensed under this chapter;

(5) "practice of massage therapy" means the provision, for compensation, of a service involving the systematic manipulation and treatment of the soft tissues, including the muscular and connective tissues of the human body, to enhance the functions of those tissues and promote relaxation and well-being; in this paragraph, "manipulation and treatment"

(A) includes manual techniques applied with the intent to physically affect local soft tissues, such as pressure, friction, stroking, percussion, kneading, vibration, muscular assessment by palpation, range of motion for purposes of demonstrating muscle exertion for muscle flexibility, nonspecific stretching, and application of superficial heat, cold, water, lubricants, or salts;

(B) does not include diagnosis, the prescription of drugs or medicines, the practice of physical therapy, attempts to manipulate any articulation of the body or spine, or mobilization of these articulations by use of a thrusting force.

# Investigations



## EXECUTIVE SESSION MOTION

### Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

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

### MOTION WORDING:

**“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):**

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

**Board staff is requested to remain during the session *OR*  
Board only to remain during session.”**

Staff will then state **“The board is off the record at \_\_\_\_\_(time).”**



# Massage Establishment Registration





**FSMTB<sup>®</sup>**  
FEDERATION OF STATE  
MESSAGE THERAPY BOARDS

# Massage Establishment Regulatory Toolkit



# Massage Establishment Regulatory Toolkit



*Permission is granted to FSMTB Members and massage regulatory authorities to save, share, adapt, translate, and copy the resources in this Massage Establishment Regulatory Toolkit for educational, regulatory, and enforcement purposes.*

## Table of Contents

- Rationale
- States with Massage Establishment Regulation
- States with Aiding & Abetting Regulatory Language
- Model Law for Establishment Regulation
- Model Massage Establishment Application
- Model Establishment Inspection Checklist
- Model Establishment Citation Form
- Landlord Engagement Templates
- Resources

# Massage Establishment Regulation

## FSMTB's Establishment Task Force

The Federation of State Massage Therapy Boards convened an Establishment Task Force to review current establishment licensing regulation and its benefits and challenges. The Establishment Task Force was comprised of investigators and inspectors, regulatory agency staff, and establishment owners. This selection of subject matter experts along with input from key stakeholders in the massage profession developed an establishment regulation toolkit consisting of model statutory language, a model establishment license application, an inspection checklist, an establishment citation form, and other educational materials for those jurisdictions that seek to implement establishment regulation. These model documents and best practices align with FSMTB's mission to promote uniformity in massage therapy regulation.

## What is massage establishment regulation?

Massage establishment regulation is a set of statutes and rules enacted by a state for facilities or premises where massage therapy is intended to be used to provide massage and bodywork therapy services. Massage establishment regulation (permit, certificate, or license) equips law and code enforcement officials to ensure the health, safety, and welfare of the consuming public through inspections to enforce hygiene and sanitation requirements, safe operation of the premises, compliance with labor laws, and, in some jurisdictions, to detect and prevent illicit businesses and human trafficking (sex and labor). Massage establishment regulation typically applies to facilities or premises where there is more than one massage therapist practicing.

As of September 2024, there are currently 21 states with some form of establishment regulation. A state-based establishment licensing framework provides the facility with the authority to operate in a specific location so long as it adheres to the set of requirements and standards set by law. The purpose of a massage establishment regulation framework may range from strictly health and hygiene compliance (health and safety code enforcement) to anti-human trafficking and the mitigation of illicit massage/illicit businesses, or any combination thereof.

## FSMTB BOARD OF DIRECTORS



**CRAIG KNOWLES, LMT**  
*President*



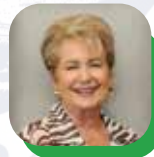
**CAROLINE FOX GUERIN, LMT**  
*Vice President*



**ELISABETH BARNARD, LMT**  
*Treasurer*



**FOAD ARAIINEJAD, LMT**  
*Director*



**VICTORIA DRAGO, LMT**  
*Director*



**KAREN FRAZIER, LMT**  
*Director*



**ROBERT RUARK**  
*Director*



**DEBRA PERSINGER, PHD, CAE**  
*Executive Director*



# Rationale

## What are some of the benefits of massage establishment regulation?

***The benefits of massage establishment regulation include:***

- Provision of a uniform set of hygiene and sanitation requirements – when multiple therapists are practicing in a facility, compliance with hygiene and sanitation requirements may vary by therapist.
- Requiring the facility, in addition to the individual therapist, to also comply with hygiene and sanitation, enhancing public protection.
- Provision of uniform requirements for massage establishment operation such as license display, client privacy and confidentiality, secure recordkeeping, and compliance with labor and employment laws.
- An additional tool to detect unlicensed activity and unlicensed practice (beyond consumer complaints).
- Massage establishment owner(s) or responsible manager(s) can be held accountable for therapist behavior.
- There is an extra layer of protection for the client/consumer with the ability to report unprofessional behavior or misconduct.
- Massage establishment owner(s) can be held to the same health, safety, and ethical standards as massage therapist practitioners.
- Protection of legitimate massage therapists and businesses by having tools to identify and discipline illicit businesses and owners.
- Providing government agencies with inspection authority (announced and/or unannounced).
- Providing government agencies with subpoena authority to produce records and information and in some cases authority to restrict use of an establishment or premises.
- Increased consumer access to information regarding the facility, licensees working at the establishment, and/or owner(s).
- Providing information to law enforcement regarding potential illicit activities.
- Facilitating sharing of information between state and local code enforcement (building, health code, business license, wage and labor).
- Requiring a criminal background check on establishment owners/responsible managers – holding establishment owners to similar standards as licensed massage therapists.

Unfortunately, the massage therapy profession intersects with illicit businesses and human trafficking. Massage establishment regulation is one tool that state and local governments can utilize to identify and mitigate unlicensed practice, illicit businesses, and human trafficking. Massage establishment regulation also protects massage therapy professionals and, in many instances, can identify practitioners, practicing under the guise of massage therapy, (licensed or not) that may be victims of sex and labor trafficking.

## What are some of the objections to massage establishment regulation?

- The additional financial burden to licensees (sole practitioners with a license to practice are often exempt)
- Turf wars between state and local government entities who want the revenue
- Turf wars between state and local law enforcement
- Political skepticism of additional government regulation
- Additional license requirement inhibits small businesses and decreases economic activity
- Establishment licensing is duplicative of individual therapist licensing – establishment violations can be connected to an individual LMT
- Cost to regulatory agency of inspections and discipline/enforcement
- Legitimate therapists and businesses incur inspection costs to address illicit businesses
- Illegitimate businesses, if shut down in one location, re-open in another location

# Massage Establishment Regulation

## Process and Recommendation of the Establishment Task Force

### PROCESS

The FSMTB Board of Directors convened the Establishment Task Force in 2022 with the following charge:

1. Develop an informational summary regarding the benefits and challenges of massage establishment oversight that FSMTB members can provide to legislators, policymakers, and the public;
2. Develop a toolkit for inspectors and investigators to facilitate uniform compliance and enforcement of massage establishment regulation; and
3. Draft model statutory and/or rule/regulation language to be incorporated into FSMTB's Model Massage Therapy Practice Act.

Task Force Members were appointed in December 2022 and the Task Force held its first meeting in-person at FSMTB's office in Overland Park, Kansas, on March 9-10, 2023. The Task Force gathered and reviewed statutes and regulations from jurisdictions that regulate massage establishments, obtained position papers from both the Associated Bodywork and Massage Professionals (ABMP) and the American Massage Therapy Association (AMTA), conducted a survey of FSMTB member boards regarding establishment regulation, gathered sample documents relating to applications, inspection criteria/checklists, investigation protocols, and sample citations and landlord-tenant letters.

With monthly virtual meetings during the following 15 months, the Task Force developed a toolkit. The goal was to provide a variety of options for jurisdictions that wish to implement massage establishment regulation that can be tailored to their needs. The toolkit was presented to the massage board executive directors and chief administrative officers at the Massage Board Executive Summit in April 2023, provided to additional subject matter experts from North Carolina and Florida for feedback, and reviewed by the FSMTB Board of Directors and published to the membership at the Annual Meeting of the Delegate Assembly in October 2024.

### RECOMMENDATION

No recommendation is made to support or object to massage establishment regulation. Rather, the model statutory language and other tools were developed by FSMTB for each jurisdiction seeking to implement some type of establishment oversight to use, in whole or in part, in accordance with its regulatory and political landscape.

## Members of the Establishment Task Force

**Adrienne Price** (Georgia), Task Force Chair

**Elizabeth Barnard** (Nevada), Board Liaison

**Ed Bolden-Greer** (Tennessee)

**Karen Armstrong** (Michigan)

**Mike James** (Alabama)

**Rick McElroy** (California)

**Jeff Van Laanen** (Oregon)

**Charlene Russell** (Mississippi)

**Sandy Anderson** (Nevada)

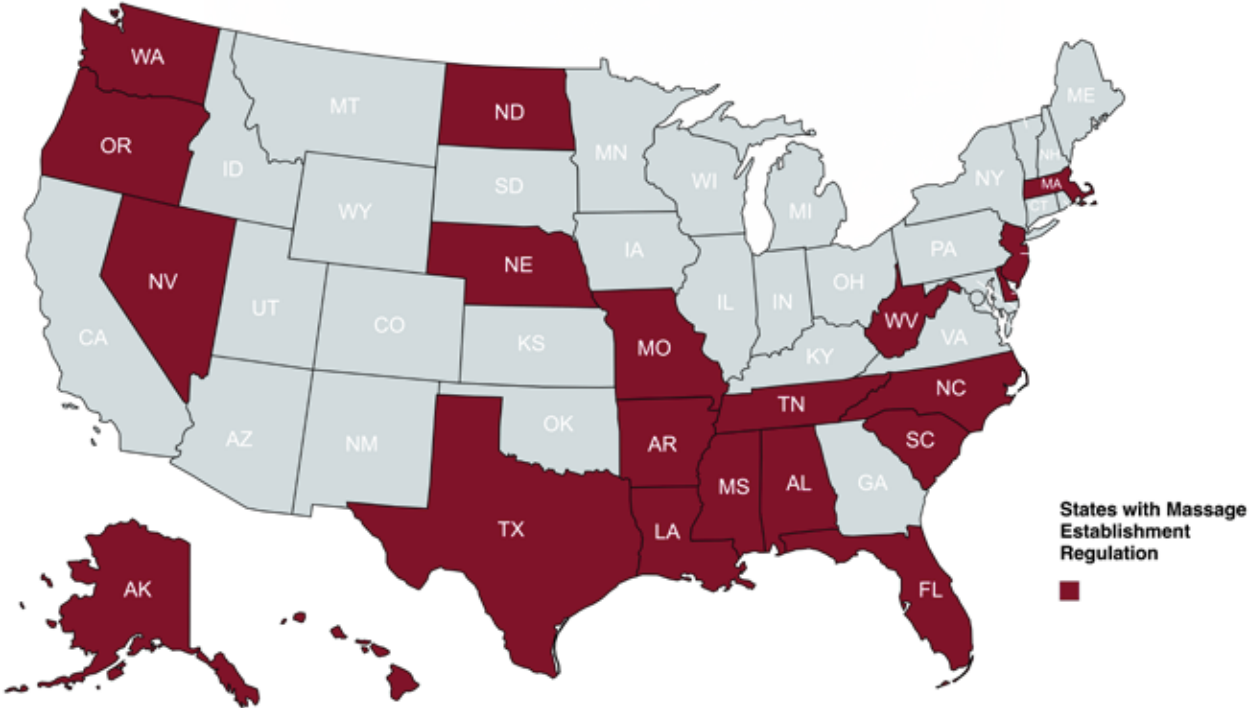
#### **FSMTB Staff Liaisons:**

**Mai Lin Petrine** and **Ashley Hernandez**

# States with Massage Establishment Regulation\*

- 1. Alabama
- 2. Alaska
- 3. Arkansas
- 4. Delaware
- 5. Florida
- 6. Hawaii
- 7. Louisiana
- 8. Massachusetts
- 9. Mississippi
- 10. Missouri
- 11. Nebraska
- 12. Nevada
- 13. New Jersey
- 14. North Carolina
- 15. North Dakota
- 16. Oregon
- 17. South Carolina
- 18. Tennessee
- 19. Texas
- 20. Washington
- 21. West Virginia

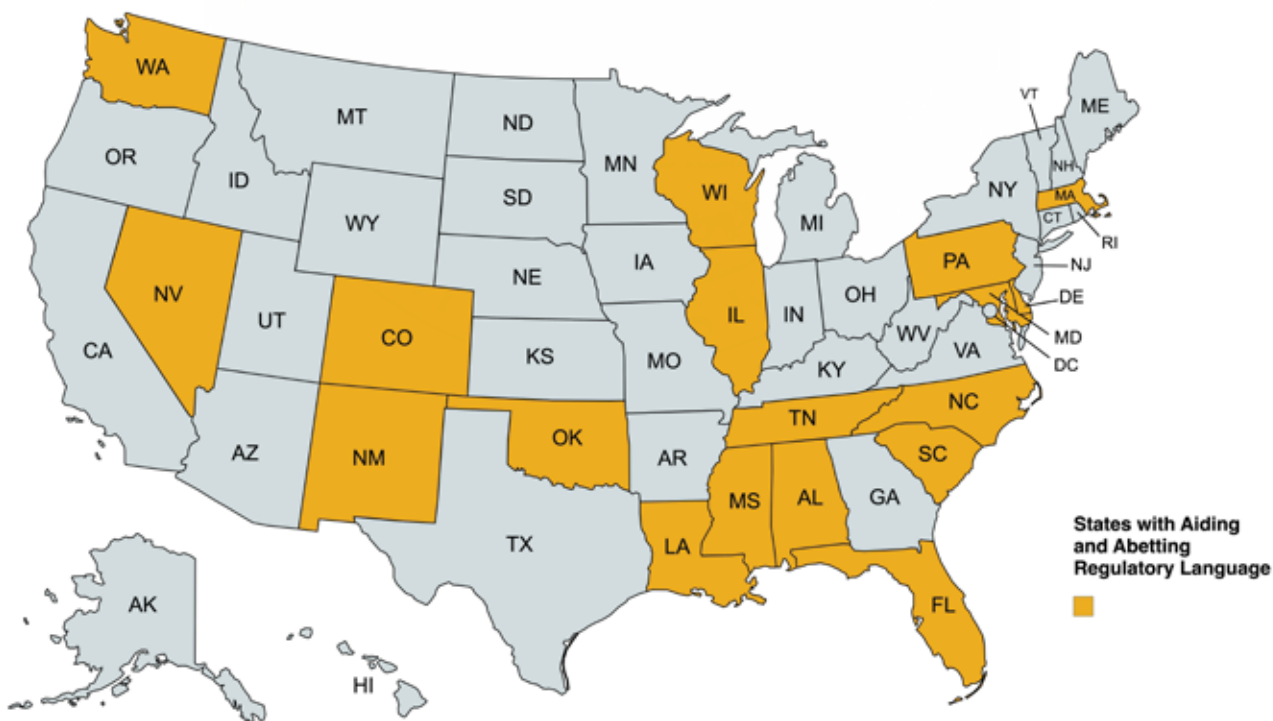
*\*Current as of October 2024*



# States with Aiding and Abetting Regulatory Language

1. Alabama
2. Colorado
3. Delaware
4. Florida
5. Illinois
6. Iowa
7. Louisiana
8. Maryland
9. Massachusetts
10. Mississippi
11. Nevada
12. New Mexico
13. North Carolina
14. Oklahoma
15. Pennsylvania
16. South Carolina
17. Tennessee
18. Washington
19. Wisconsin

*\*Current as of October 2024*





# State Aiding and Abetting Language Excerpts

State	Statute/Rule	Language <i>(For complete language, please refer to the Statute/Rule)</i>
Alabama	Ala. Admin. Code Chapter 532-X-5. Compliance and Disciplinary Action	(1) The following acts shall constitute misconduct in the practice of massage therapy for which disciplinary penalties may be imposed after opportunity to be heard pursuant to the procedure in the Alabama Administrative Procedures Act:(c) aiding, assisting, procuring, or advertising any unlicensed person to practice massage therapy contrary to the rules and regulations of the Board or the Massage Therapy statutes.
Colorado	Colo. Rev. Stat. § 12-235-112	(2) The director may seek an injunction in accordance with section 12-20-406 to enjoin any person from engaging in or aiding and abetting an act or practice prohibited by this article 235.
Delaware	Del. Code tit. 24 § 5313	(1) Has employed or knowingly cooperated in fraud or material deception in order to acquire a license as a massage and bodywork therapist or certification as a massage technician; has employed or knowingly cooperated in fraud or material deception in order to acquire a massage establishment license; has impersonated another person holding a license or certification, or allowed another person to use the massage or bodywork license or massage technician certification, or aided or abetted a person not licensed as a massage or bodywork therapist or certified as a massage technician to represent that person as a massage or bodywork therapist or massage technician;
Florida	FL Stat. 480.046 Grounds for disciplinary action by the board. (f) 64B7-30Section 480.046(1)(f)	(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):
Illinois	225 ILCS 57/ Sec. 45. Grounds for discipline. (5)	(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action, as the Department considers appropriate, including the imposition of fines not to exceed \$10,000 for each violation, with regard to any license or licensee for any one or more of the following: (5) aiding, abetting, assisting, procuring, advising, employing, or contracting with any unlicensed person to practice massage contrary to any rules or provisions of this Act;
Iowa	IAC 645—134.2(23) Grounds for discipline.	The board may impose any of the disciplinary sanctions provided in rule 645—134.3(147,272C) when the board determines that the licensee is guilty of any of the following acts or offenses:  134.2(23) Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice as a massage therapist.
Louisiana	LRS §3563. Grounds for discipline (A) (6)	A. The board may suspend, revoke, or refuse to issue or renew a license after notice and opportunity for hearing pursuant to the Administrative Procedure Act, upon proof of any of the following:  (6) Violating or aiding and abetting in the violation of any provisions of this Chapter or the rules and regulations promulgated hereunder.

# State Aiding and Abetting Language Excerpts

State	Statute/Rule	Language <i>(For complete language, please refer to the Statute/Rule)</i>
Maryland	MD Code Chapter 789 §6-501 and 504	<p>§6-501 (B) A person may not aid or abet the unauthorized practice of massage therapy in the state.</p> <p>§6-504 (B) A person who aids or abets the unauthorized practice of massage therapy in violation of § 6-501(b) of this subtitle is guilty of a felony and on conviction is subject to: (1) for a first offense, a fine not exceeding \$5,000 or imprisonment not exceeding 1 year; or (2) for a subsequent offense, a fine not exceeding \$20,000 per day or imprisonment not exceeding 5 years.</p>
Massachusetts	Title 269 CMR: 5.02 (12)	<p>(12) Not knowingly aid and abet another person to use the term “Massage” as part of a professional title when that person is not authorized to do so; knowingly employ a person not authorized to use the regulated professional title in the course of such employment; advertise as a massage therapist, also known as a muscular therapist, myotherapist, masseur, masseuse or a Massage Therapy Establishment unless a person in its employment holds a valid license under M.G.L. c. 135; combine advertising for a licensed massage therapy service with advertising for an escort or dating services; use any sexually suggestive language or images in advertising; advertise as performing massage in a form in which the person has not received training, or of a type that is not licensed or otherwise recognized by law or administrative rule; or advertise by using any term other than therapeutic massage or massage therapy to refer to the service. The term “advertise” shall include, but not be limited to, the issuance of any card, sign, or device to another; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure; advertising in a newspaper or magazine or on television or on the internet; any listing or advertising in a directory under a classification or heading that includes the word “massage” or commercials broadcast by airwave transmission.</p>
Mississippi	Miss. Code 73-67-27. Grounds for denial, suspension or revocation of license; investigative proceedings; prostitution in connection with massage; penalties	<p>(1) The board may refuse to issue or renew or may deny, suspend or revoke any license held or applied for under this chapter upon finding that the holder of a license or applicant:(g) Is guilty of false, misleading or deceptive advertising, or is guilty of aiding or assisting in the advertising or practice of any unlicensed or unpermitted person in the practice of massage therapy;</p>
Nevada	NRS 640C.920 Unlawful acts relating to licenses; penalty	<p>1. A person shall not:</p> <p>(a) Counterfeit or forge or attempt to counterfeit or forge a license to practice massage therapy; or</p> <p>(b) For the purpose of aiding or abetting an unlawful act:</p>
New Mexico	NMAC 61-12C-24.1. Denial of license.	<p>B. The board has authority to take an action set forth in Section 61-1-3 NMSA 1978 upon a finding by the board that the licensee, registrant or applicant: (9) is guilty of aiding, assisting or advertising any unlicensed or unregistered person in the practice of massage therapy;</p>
North Carolina	NC Gen. Stat. § 90-631.3. Grounds for suspension, revocation, or refusal of massage and bodywork therapy school approval; notice and hearing; judicial review.	<p>(a) The Board may deny, suspend, revoke, or refuse to approve a massage and bodywork therapy school for any of the following reasons:(2) Engaging in any act or practice in violation of any of the provisions of this Article or of any of the rules adopted by the Board, or aiding, abetting, or assisting any other person in the violation of the provisions of this Article or rules adopted by the Board.</p>

# State Aiding and Abetting Language Excerpts

State	Statute/Rule	Language <i>(For complete language, please refer to the Statute/Rule)</i>
Oklahoma	OK Stat.59-4200.13. Violations	3. Any person who knowingly aids and abets one or more persons not authorized to use a professional title regulated by the Massage Therapy Practice Act or knowingly employs or contracts with a person or persons not authorized to use a regulated professional title in the course of the employment, shall also be subject to disciplinary action by the Board. It shall be a violation of the Massage Therapy Practice Act for any person to advertise massage therapy services in any combination with any escort or dating service.
Pennsylvania	PA Stat. Section 9. Refusal, suspension and revocation of licenses.	(10) Knowingly aiding, assisting, hiring or advising someone in the unlawful practice of massage therapy.
South Carolina	SC Code SECTION 40-30-230. Grounds for denial of licensure to massage therapist applicant.	(4) has intentionally or knowingly, directly or indirectly, aided or abetted in the violation or conspiracy to violate this chapter or a regulation promulgated pursuant to this chapter;
Tennessee	TN Code 63-18-108. Grounds for denial, revocation, or suspension of license or other discipline.	The board is authorized to deny, restrict or condition any application for licensure or revoke, suspend or otherwise discipline the license of a massage therapist or an establishment, if the applicant, licensee or holder of an establishment license upon proof: Has violated or attempted to violate, directly or indirectly, or has assisted in or abetted the violation of, or conspired to violate, any provision of this chapter or any lawful order of the board issued pursuant to this chapter;
Washington	WAC 246-830-422 Denial, suspension, or revocation of approval for a massage school, massage program, transfer program or apprenticeship program	(d) Engaging in fraudulent practices including, but not limited to, the creation of fake documents to aid or abet students seeking licensure, aiding or abetting a student in cheating on the licensing examination, aiding or abetting students to use false documents or to present false testimony in hearings, aiding or abetting students in engaging in fraudulent practices with respect to hearings, making false claims, or otherwise engaging in fraudulent practices;
Wisconsin	MTBT 5.02 Unprofessional conduct.	<p>MTBT 5.02 Unprofessional conduct. "Unprofessional conduct" includes the following, or aiding, abetting, or conspiring the same:</p> <p>(1) Violating s. 460.14 (2) (a) to (j), Stats., or any provision of a board order.</p> <p>(2) Being convicted of an offense under s. 940.22, 940.225, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09, 948.095, or 948.10, Stats.</p> <p>(3) Engaging in fraud, misrepresentation, or deceit in applying for or procuring a license to practice massage therapy or bodywork therapy, in connection with applying for or procuring periodic renewal of a license, or in otherwise maintaining a license.</p> <p>(4) Engaging in any act of fraud, deceit, or misrepresentation, including acts of omission to the board or any person acting on the board's behalf, including department of safety and professional services personnel.</p> <p>(5) Employing illegal or unethical business practices, including either of the following:</p> <p>(a) Fraud, deceit, or misrepresentation in obtaining or attempting to obtain any fee or third-party reimbursement.</p> <p>(b) Engaging in uninvited, in-person solicitation of actual or potential clients, who because of their particular circumstances are vulnerable to undue influence.</p> <p>(6) Knowingly, negligently, or recklessly making any written or oral statement while practicing massage therapy that is likely to deceive, defraud, mislead, or create an unacceptable risk of harm to a client, the public, or both.</p>

# Model Law for Massage Establishment Regulation





# Model Law for Massage Establishment Regulation

## ARTICLE I. TITLE, PURPOSE

SECTION 103. DEFINITIONS	SECTION 103. DEFINITIONS
	<p>The FSMTB Establishment Task Force developed terminology within this document that is the least restrictive to accomplish public protection and sympathetic to the variety of terms and phrases used throughout regulation to describe the way massage therapy is provided by licensed practitioners according to location.</p> <p>Definitions of terms used throughout the Model Establishment framework are necessary to ensure that terms are used consistently throughout the document and within the various jurisdictions.</p>
<p><b>(O)</b> Massage therapy establishment or massage establishment means a place of business held out to the public where massage is practiced, including clinics located in massage therapy schools.</p>	<p><b>(O)</b> It is the intent of this Model Establishment Framework to suggest that clinics located in massage therapy schools must maintain the same or similar standards of any massage establishment regulated by state boards.</p>
<p><b>(R)</b> Mobile massage therapy means a licensed massage practitioner who works out of a vehicle, mobile unit, and/or travels to events to provide massage services.</p>	<p><b>(R)</b> The mobile massage therapy definition is consistent with the expanding practice of services being provided in mobile locations offering portability of services and accessibility at multiple venues.</p>
<p><b>(S)</b> Out-Call massage therapy means a licensed massage practitioner who travels to clients' homes, offices, or locations to provide therapeutic massage services. The phrases "house call massage" or "offsite massage" shall be synonymous with Out-Call massage therapy.</p>	<p><b>(S)</b> The out-call massage therapy definition is consistent with industry and healthcare standards describing the act of a licensed practitioner traveling to clients' location. It is distinct from mobile massage which applies to an establishment on wheels that is equipped to move to an event to provide massage services.</p>
<p><b>(T)</b> Sexually oriented or adult-oriented business means any establishment depicting or offering services of an erotic nature.</p>	<p><b>(T)</b> Sexually oriented or adult oriented businesses are defined to allow for the exclusion of business enterprises that do not align with the intention of the practice of massage therapy for therapeutic purposes.</p>
<p><b>(U)</b> Sole practitioner or solo practitioner means a massage business where the owner is a licensed massage therapist who owns one hundred (100) percent of the business, practices independently for compensation at or for that business, is the only person who provides massage for compensation at or for that business, and has no other employees, independent contractors, or rent-space massage therapists.</p>	<p><b>(U)</b> The sole practitioner definition is intended to clarify that a sole proprietorship business, owned and run by only one licensed massage therapist, is not legally distinct from the owner and massage therapy business. Some jurisdictions may choose to allow an exemption from fees or even from licensure for these establishments.</p>
<p><b>(V)</b> Responsible manager means the person responsible for controlling or administering all or part of the business where massage therapy is offered.</p>	<p><b>(V)</b> The responsible manager definition is intended to provide for a point of contract for the day-to-day business operations of the establishment and facilitate the interface between state regulatory authorities and the business.</p>
SECTION 104. PRACTICE OF MASSAGE THERAPY	SECTION 104. PRACTICE OF MASSAGE THERAPY
<p><b>(B)</b> The practice of Massage Therapy does not ever include any adult oriented business or sexually oriented business.</p>	<p><b>(B)</b> The intention of this exclusion is to ensure that adult and sexually oriented businesses are excluded from the practice act and unable to obtain a massage establishment license.</p>

# Model Law for Massage Establishment Regulation

## ARTICLE III. LICENSING

### SECTION 350. MASSAGE (THERAPY) ESTABLISHMENTS

### SECTION 350. MASSAGE (THERAPY) ESTABLISHMENTS

The Model Establishment Framework empowers state boards to regulate massage establishments without prohibiting a county or municipality from licensing or regulating massage therapy businesses. It is the intent of this framework to unify the system of regulation between state boards, counties, and municipalities. Such delegation of authority from the state legislature to a governmental agency is constitutionally acceptable and will enable the state boards to protect the public health, safety, and welfare by empowering them to act against massage businesses which engage in sexually oriented or erotic behaviors.

**(A) License required.** Massage establishments shall be licensed by the board as one of the following.

1. Sole Practitioner Establishment License - shall entitle the license holder to deliver or offer massage therapy services from one designated location.
2. Mobile Establishment License - shall entitle the license holder to deliver or offer massage therapy services from all permanent and mobile structures defined by the license type.
3. Multiple Practitioner Establishment License - shall entitle two or more massage therapists to deliver or offer massage therapy services from one location as designated on the license.

**(A)** Recommended types of establishments set a baseline for locations where the practice of massage occurs and helps to define the structural differences in types of locations and number of therapists practicing.

An outcall practice does not have an establishment and is exempt from needing an establishment license.

**(B) Exemptions.** The Board may require any facility, establishment, or location to provide satisfactory evidence to support eligibility for an exemption.

1. Sole practitioners
2. Healthcare facilities licensed by [State] Department of Health
3. State/Federal government owned facilities if required by law

**(B)** Model frameworks commonly include exemptions for businesses licensed or owned by the State/Federal government in recognition of the principals of state and federal sovereignty and supremacy clauses as well as the additional regulatory oversight which occurs at those businesses. An exemption to massage business licenses for sole practitioners reduces the economic impact on or any restricted access to sole practitioners.

**(C)** Local/municipal regulation/ordinances are not pre-empted but shall not conflict with this Act.

**(C)** Allows for concurrent jurisdiction between the state and municipalities to ensure the ability for the boards to work with local agencies and ensure a statewide baseline for professional and ethical conduct.

**(D)** Sexually-oriented and/or adult oriented businesses are not eligible for a massage establishment license, shall not be licensed as a massage establishment, and shall not operate as a massage establishment.

**(D)** Sexually-oriented and/or adult oriented businesses pose a threat to the health and hygiene guidelines for establishments licensed herein. As governmental agencies work towards the eradication of labor and sex trafficking, the exclusion of these businesses from the model language provides an additional enforcement tool.

# Model Law for Massage Establishment Regulation

## ARTICLE III. LICENSING

### SECTION 350. MASSAGE (THERAPY) ESTABLISHMENTS

**(E) Requirements for initial license.** To obtain a license as a massage establishment, an applicant shall submit to the board:

1. A completed application on a form prescribed by the board for each location that must contain:
  - a. The name, address, and telephone number of all owner(s) of the massage establishment and managing representative(s) of the establishment.
  - b. The physical address, mailing address, and telephone number (website if applicable) of the premises of the massage establishment or sole practitioner establishment.
  - c. History of establishment ownership.

2. Payment of all required fees.

3. Evidence of completion of a criminal history background check/investigation for each owner that does not contain any disqualifying criminal history as prescribed by the board.

4. Massage establishment must be organized or registered under applicable state law as an entity; evidence of appropriate business license in the city/municipality.

5. Evidence of property damage and bodily injury liability insurance coverage in the name of the owner or, if the establishment is operated under a business name, in the name of both the owner and the business.

6. Evidence that each owner(s) of the massage establishment who is not a licensed massage therapist under this Act has completed a jurisprudence course regarding [State's] laws and rules governing massage therapy.

7. Upon the board's receipt and approval of the information required by this Section, the board may/shall conduct a pre-licensing inspection of the proposed massage establishment to determine whether the establishment may be licensed. This determination shall be provided on a form approved by the Board.

### SECTION 350. MASSAGE (THERAPY) ESTABLISHMENTS

**(E) 1.** Gathering this information ensures the ability of the State Board to verify eligibility to hold a license and provides points of contact if there are issues with the establishment. The history of establishment ownership is relevant to the state board's ability to recognize changes in ownership, narrows the set of historical precedents that would prohibit the issuance of the license, and strengthens the legitimacy of the current owner applying for the license.

**(E) 2.** Fees are required to offset the costs to the agency for providing licensure and oversight. The fees shall be adopted to offset actual costs of operation and not to cause undue burden on the business.

**(E) 3.** Criminal history background check/investigation reveals misconduct or patterns of misconduct which are inconsistent with the moral, ethical and professional standards for operating a massage therapy establishment.

**(E) 4.** Business licenses required by the state and/or local municipality/jurisdiction shall be provided for verification to ensure compliance and adherence to requirements deemed appropriate for the operation of a business within the state.

**(E) 5.** Property damage and bodily injury liability insurance coverage ensures the protection of the public and reimbursement if any form of bodily harm should occur to a member of the public within an establishment.

**(E) 6.** To ensure compliance with the laws and rules governing the practice of massage therapy, owners are required to demonstrate an adequate level of knowledge about those laws and rules that may be assessed by the passing score on an exam designed specifically for that jurisdiction. *(Members of the FSMTB are eligible to request that the Federation work with them in creating such an exam.)*

**(E) 7.** Initial and regular inspections of the massage establishment increase the awareness of potential hazards, the laws and rules, and help protect everyone who encounters the business from harm.



# Model Law for Massage Establishment Regulation

## ARTICLE III. LICENSING

SECTION 350. MASSAGE (THERAPY) ESTABLISHMENTS	SECTION 350. MASSAGE (THERAPY) ESTABLISHMENTS
<p><b>(F) Requirements for license renewal.</b> A massage establishment license must be renewed every two years pursuant to rules adopted by the board. A massage establishment license may be renewed by the board upon timely submission of the following:</p>	<p><b>(F)</b> Regularly scheduled renewal and verification of the continued qualification of meeting the standards of the industry assures public protection and an awareness of the laws governing the industry</p>
<p>1. Completed renewal application.</p>	<p><b>(F) 1.</b> Completion of the renewal application allows for verification that there has been no change in ownership, location, or other important items relating to the operation of the business.</p>
<p>2. Payment of applicable fees.</p>	<p><b>(F) 2.</b> Fees for renewal of the establishment license help to offset the cost incurred by the agency for providing services.</p>
<p>3. Owner(s) and responsible manager(s) who are not licensed massage therapists under this Act shall provide evidence of passage of the jurisprudence exam.</p>	<p><b>(F) 3.</b> Laws and rules change periodically. To ensure that owners and responsible managers of the establishment remain aware of the requirements, satisfactory completion of the jurisprudence exam is necessary.</p>
<p>4. Evidence of completion of an inspection by the board and payment of any applicable inspection/re-inspection fees.</p>	<p><b>(F) 4.</b> The state board will have the authority to promulgate rules to establish the frequency of inspections including initial and follow-up inspections as necessary. The fees shall be adopted to offset actual costs of operation and not to cause undue burden on the business.</p>
<p><b>(G) No transfer or assignment of license permitted.</b></p> <p>1. Upon any change or modification of the owner(s) or ownership:</p> <ul style="list-style-type: none"> <li>a. the current owners shall notify the Board of such changes/modifications at least thirty (30) days prior to the change/modification; and</li> <li>b. the new owner(s) shall apply for an initial license pursuant to Section E and all applicable requirements of Section E must be met; and</li> <li>c. failure to comply with this provision may result in denial of the new owner(s) application and/or disciplinary action on the current licensee.</li> </ul> <p>2. Massage establishment license is only valid for the owner(s) named on the initial application.</p> <p>3. Massage establishment license is only valid for the name of the establishment on the initial and any renewal applications. If there is any change in the name of the massage establishment, the owner(s) shall notify the board within 15 business days of this change in accordance with rules prescribed by the board.</p>	<p><b>(G)</b> The transfer or assignment of a license is not permitted. There is regulatory support in local, state, and federal statutes for the dissolution of a business license and the establishment of a new license when a change of ownership takes place. Prohibition of transfers ensures that each new owner is subject to the same set of historical precedents that would prohibit the issuance of the establishment license.</p>
<p><b>(H) Advertisements</b> shall contain the massage establishment license number.</p>	<p><b>(H)</b> Adding the massage establishment license number to the advertisement presents the business to the public as legitimate and authorized by the state board and also increases the level of accountability the owner has for what is being advertised.</p>

# Model Law for Massage Establishment Regulation

## ARTICLE III. LICENSING

SECTION 350. MASSAGE (THERAPY) ESTABLISHMENTS	SECTION 350. MASSAGE (THERAPY) ESTABLISHMENTS
<p><b>(I) Establishment requirements.</b></p> <p>1. The massage establishment shall publicly display the establishment license, local business license, and massage therapist license(s).</p>	<p><b>(I) Establishment Requirements</b></p> <p><b>(I) 1.</b> Displaying licenses allows the public to know the business is in compliance with state and local municipality laws and codes.</p>
<p>2. The massage establishment shall report the name of the responsible manager to the Board who is accountable for compliance with applicable laws, rules and regulations of the establishment and licensees practicing therein by maintaining current copies of the laws, rules and regulations, performing random background checks on employees, maintaining copies of active, unencumbered licenses.</p>	<p><b>(I) 2.</b> Requiring a responsible manager allows all regulatory agencies to have a point of contact to better ensure protection of the public.</p>
<p>3. No owner or responsible manager may request or direct any licensee to practice beyond the scope of their license or otherwise violate the law.</p>	<p><b>(I) 3.</b> Ensures that owners understand that licensees must practice within their scope. The jurisprudence exam would help to ensure that the owner understands what the scope includes.</p>
<p>4. The massage establishment shall properly maintain and secure client consultation, consent, treatment, and billing records and documentation.</p>	<p><b>(I) 4.</b> The confidentiality of the client information is critical to ensuring that no member of the public's information is compromised.</p>
<p>5. The massage establishment shall maintain a current roster of all massage establishment staff, employees, and/or independent contractors eligible to practice and/or practice at the establishment, including legal name, nickname/alias, license number, and license expiration date. This roster shall be supplied to the Board and/or inspector/investigator immediately upon request.</p>	<p><b>(I) 5.</b> Requiring a roster of nicknames/aliases used by licensed massage therapists in the licensed massage establishment is a matter of public protection and will allow investigators and inspectors to more readily identify licensees if a violation of the practice act occurs.</p>
<p>6. The massage establishment shall not allow any individual, including but not limited to a license holder, employee, or independent contractor to engage in sexual contact or conduct, as defined by the Board in rule.</p>	<p><b>(I) 6.</b> Sexual contact or conduct is not permissible.</p>
<p>7. The massage establishment shall not allow any individual, including a license holder, employee, or independent contractor to practice massage therapy in the nude or in clothing designed to arouse or gratify the sexual desire of any individual, client/customer.</p>	<p><b>(I) 7.</b> Practicing massage in the nude or in clothing designed to arouse potentially leads to illicit activity within the establishment and violations of the ethical conduct portion of the practice act.</p>
<p>8. The massage establishment shall not allow any individual, including a license holder, employee, or independent contractor to reside on the premises of the massage establishment; individuals practicing out of their home are exempted from this.</p>	<p><b>(I) 8.</b> To reduce the potential for human trafficking within massage establishments, the law should restrict persons from residing in establishments as defined in Article 1 Section 103. For states or jurisdictions that allow sole practitioners to practice out of their homes, an exemption to the standard practice may be granted by the Board.</p>
<p>9. The massage establishment shall require mandatory reporting of sexual misconduct and domestic violence/abuse to the appropriate entity.</p>	<p><b>(I) 9.</b> Mandatory reporting of sexual misconduct and domestic violence/abuse is intended to bring to bear the protective services available within each State. Mandated reporters are vital to public protection.</p>

# Model Law for Massage Establishment Regulation

## ARTICLE III. LICENSING

SECTION 450. DISCIPLINE OF MASSAGE ESTABLISHMENT LICENSE	SECTION 450. DISCIPLINE OF MASSAGE ESTABLISHMENT LICENSE
	<p>To ensure the enforcement of the laws, rules, and regulations regarding massage therapy establishments it is necessary to provide for the discipline of the license for failure to comply. Areas of noncompliance or potential noncompliance are addressed in Section 450. Fines and fees to be assessed for noncompliance may be adopted by rule making practices in the Board's state.</p>
<p><b>(A)</b> The holder of a license of a massage establishment may be disciplined, including the suspension, revocation, or other restriction of the license for:</p>	
<p>1. Violating any provision of Article III - Section 350;</p>	<p><b>(A) 1.</b> Violation of any of the provisions in Section 350 may be grounds for disciplinary action.</p>
<p>2. Violating any federal and/or state human trafficking, labor, or tax laws;</p>	<p><b>(A) 2.</b> Supports the efforts of state government to address the issues of labor and sex trafficking as well as the tax evasion aspect of predominately cash-based human trafficking, sexually oriented, and adult entertainment businesses and reduces the potential involvement of these businesses within the massage industry.</p>
<p>3. Violating any applicable federal or state law, rule, or policy;</p>	
<p>4. Violating any applicable local law, ordinance, building requirements, fire, safety, or health codes;</p>	<p><b>(A) 4.</b> To ensure public safety all applicable law, building requirements, and health codes should be followed. Failure to do so puts the public potentially in harm's way and is a violation of the responsibilities of the business owner.</p>
<p>5. Criminal conviction as prescribed by the board in rule;</p>	<p><b>(A) 5.</b> The state board may prescribe through the legislative process rules governing criminal convictions and specify the board's ability to deny or revoke a license based on those convictions.</p>
<p>6. Aiding or abetting another person in the violation of this Act or board rules or the unlicensed practice of massage therapy;</p>	<p><b>(A) 6.</b> Provides for consequences if the owner of an establishment is found to have aided or abetted another person in a violation of this Act or in the unlicensed practice of massage therapy.</p>
<p>7. Fraud, deceit, or misrepresentation in attempting to obtain or renew a license under this Act for an establishment license as defined in Article I Section 103;</p>	<p><b>(A) 7.</b> Provides for ability to inhibit the use of fraudulent licenses by an establishment and assist in ensuring that boards may address the use of a fraudulent license by an establishment.</p>
<p>8. Misuse of a license, including but not limited to sale or barter, or otherwise allowing use of a license by an unlicensed person or entity;</p>	<p><b>(A) 8.</b> Provides for consequences in the event that the board becomes aware of the misuse of a license or the sale of the license to an unqualified person rather than processing the sale of the business through the proper channels and appropriate application process.</p>
<p>9. Engaging in unprofessional conduct as determined by the board;</p>	<p><b>(A) 9.</b> State boards may adopt, through the legislative process, rules to clarify and delineate unprofessional conduct. This item allows for discipline of those acts deemed unprofessional.</p>

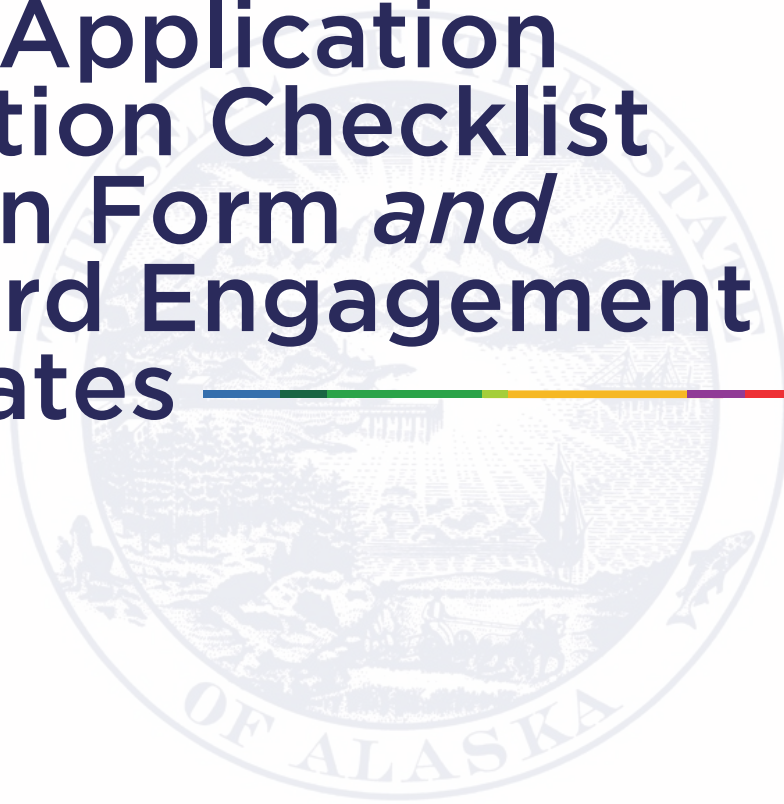



# Model Law for Massage Establishment Regulation

## ARTICLE III. LICENSING

SECTION 450. DISCIPLINE OF MASSAGE ESTABLISHMENT LICENSE	SECTION 450. DISCIPLINE OF MASSAGE ESTABLISHMENT LICENSE
<p><b>(A)</b> 10. Delegation of professional or managerial responsibilities to a person who is not educated, trained, qualified, or authorized to undertake such responsibilities;</p>	<p><b>(A) 10.</b> Provides for consequences if an establishment allows an individual to practice without the appropriate credentialing or if the establishment assigns a responsible manager that does not meet the qualifications as defined in Article I Section 103.</p>
<p>11. Deceptive billing practices or charges;</p>	<p><b>(A) 11.</b> Provides for consequences if establishments which may discount services choose to hide additional unanticipated fees from the consumer.</p>
<p>12. Failure to cooperate during an inspection or investigation, or failure to allow inspection;</p>	<p><b>(A) 12.</b> Ensures cooperation of the establishment in the inspection process which is essential to the assurance of public safety and compliance with all standards of professional conduct and sanitation requirements thereby ensuring the health, safety, and welfare of the public.</p>
<p>13. Has been adjudicated as mentally incompetent by regularly constituted authorities;</p>	<p><b>(A) 13.</b> Allows for addressing cases of owner mental incompetency, should they arise.</p>
<p>14. Demonstrated negligent behavior, unprofessional conduct, unsafe, or incompetent practice of massage therapy; or</p>	<p><b>(A) 14.</b> When the owner(s) of an establishment also practice massage therapy and are found to have demonstrated negligent behavior or are no longer competent to practice, this allows for the discipline of the establishment license concurrently with the license to practice.</p>
<p>15. Such other administrative discipline necessary to carry out the mission of public protection of this Act.</p>	<p><b>(A) 15.</b> Provides for the Board to address other items of inappropriate or illicit conduct that may not have been specifically defined previously in Article III Section 450.</p>
SECTION 451. CRIMINAL PENALTIES	SECTION 451. CRIMINAL PENALTIES
<p><b>(A)</b> Any violation of Section 450 shall be considered a [Class 1 Misdemeanor].</p>	<p><b>(A)</b> By allowing for violations of law to also have criminal penalties, the Board has the ability to address issues in a manner that is more trackable through background investigations. Each jurisdiction should determine whether a Class 1 Misdemeanor is the appropriate classification.</p>
<p><b>(B)</b> Nothing herein shall be construed to prohibit other criminal prosecutions under the applicable criminal code for violations of this Act.</p>	<p><b>(B)</b> In the event a violation has occurred that is prosecutable under other laws, there is nothing about these statutes that preclude a prosecutor from using those actions during a criminal prosecution.</p>
<p><b>(C)</b> The board, at its discretion, may assess and tax any part or all of the costs of any disciplinary proceedings conducted against either the accused, the charging party, or both, as it may elect.</p>	<p><b>(C)</b> This cost coverage language allows for boards to address the expenses incurred and pass some or all of those costs onto the responsible party.</p>

# Model Application Inspection Checklist Citation Form *and* Landlord Engagement Templates



# Model Massage Establishment INITIAL APPLICATION

I (print name) \_\_\_\_\_ certify, under penalty of law, that the information below is true, accurate, and complete.

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Application Type:** New Establishment    Additional Establishment

**Type of Business:** Sole Proprietor    Two or more Owners    Corporation    School    Mobile Massage

## Establishment Information:

Business Name	
Name of Owner(s)	
Owner Alias/Other Name(s) Known By	
Business Address	
Mailing Address (if different from business address)	
Business Phone Number	
Mobile Phone Number of Owner	
Business Email Address	
Business Website	
Social Media Handles	
FEIN / EIN / TIN / SSN	

***If the business is a corporation or LLC please provide the following on a separate page.***

- Full legal name of the Corporation/LLC
- State of incorporation
- Names and residential address(es) of each stockholder
- Registered Agent Name/Address (if applicable)

**Owner(s) Information**

1. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_ MI: \_\_ Suffix: \_\_\_\_\_

Home Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

Date of Birth mm/dd/yyyy		SS#	
Drivers License #/ Government ID #		State Issued By	

2. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_ MI: \_\_ Suffix: \_\_\_\_\_

Home Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

Date of Birth mm/dd/yyyy		SS#	
Drivers License #/ Government ID #		State Issued By	

**Establishment Manager(s) Information**

1. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_ MI: \_\_ Suffix: \_\_\_\_\_

Home Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

Date of Birth mm/dd/yyyy		SS#	
Drivers License #/ Government ID #		State Issued By	

2. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_ MI: \_\_ Suffix: \_\_\_\_\_

Home Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

Date of Birth mm/dd/yyyy		SS#	
Drivers License #/ Government ID #		State Issued By	

**\* To list additional owners or managers, please attach another page with the required information.**

## Property Information

**Please attach the following on a separate page.**

- Bill of Sale

**OR**

- Lease Agreement
- Landlord Information (Phone number, Email Address, First and Last Name, Business Name)

## Criminal Background Check

I (print name) \_\_\_\_\_ acknowledge and agree that the **[Insert Regulatory Board]** has the right to conduct and review a criminal background check of myself and all owners as listed on this application.

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Disciplinary Information

Have you ever been employed at a massage establishment that has had its license or permit denied, surrendered, suspended, revoked, or found in violation of the laws/rules?

Yes

No

Have you ever been convicted of a felony or misdemeanor related to the operation or service of massage therapy?

Yes

No

If you answered "yes" to any of the above, please use this space to explain:

---

---

---

---

---

### Establishment Details

Number of treatment rooms \_\_\_\_\_.

Please attach an additional page with the full menu of services offered at this establishment.

### Massage Therapists Authorized to Work at This Establishment

1. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

License #: \_\_\_\_\_

Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

2. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

License #: \_\_\_\_\_

Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

3. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

License #: \_\_\_\_\_

Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

4. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

License #: \_\_\_\_\_

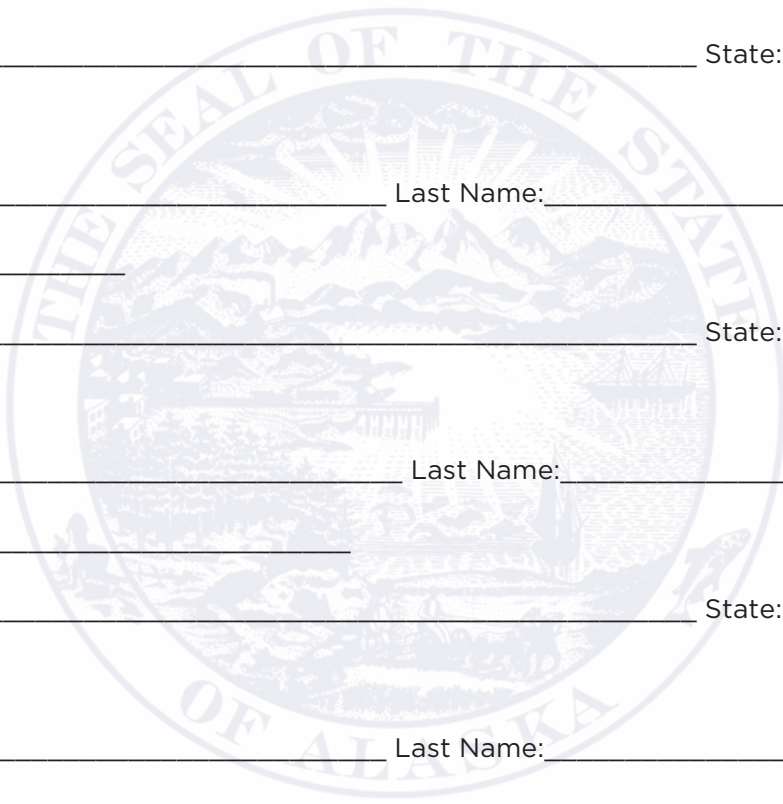
Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

5. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

License #: \_\_\_\_\_

Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**\* To list additional massage therapists, please attach another sheet with the required information.**





# Massage Therapy Establishment Self-Inspection Form

*This form is to be completed, signed, and submitted by the establishment owner with the Massage Therapy Establishment Application, along with any applicable fees.*

Establishment Name: \_\_\_\_\_ Projected Open Date: \_\_\_\_\_

Physical Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

Primary Phone Number: \_\_\_\_\_ Alt. Phone Number: \_\_\_\_\_

Managing Representative: \_\_\_\_\_

## Days & Times of Operation:

DAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
TIME							

**Exceptions (e.g., do times vary on holidays?):**

**Please respond to the following with: Yes, No, or N/A (not applicable).**

- \_\_\_\_\_ 1. I have put in place the proper sanitation methods required by my state.
- \_\_\_\_\_ 2. I have a current state license(s) posted publicly for each massage practitioner
- \_\_\_\_\_ 3. I am in compliance with the current fire safety codes.
- \_\_\_\_\_ 4. I have the proper insurance for this establishment.
- \_\_\_\_\_ 5. I have hot and cold running water.
- \_\_\_\_\_ 6. I have adequate restroom facilities.
- \_\_\_\_\_ 7. I have access to a working phone.
- \_\_\_\_\_ 8. I have massage treatment rooms that ensure a client's privacy and confidentiality.
- \_\_\_\_\_ 9. I have separate storage for soiled and clean sheets, towels and other equipment.
- \_\_\_\_\_ 10. I have a sufficient supply of clean and laundered sheets.
- \_\_\_\_\_ 11. I have a means of disinfecting tools and massage table surfaces.
- \_\_\_\_\_ 12. I have in place all the required equipment and tools to operate.
- \_\_\_\_\_ 13. I have placed massage oils, lotions, and other preparations in clean, labeled, closed containers.
- \_\_\_\_\_ 14. I have access to the establishment's video monitoring system.
- \_\_\_\_\_ 15. I have access to the establishment's security system.

**By signing below, I am stating that all of the above information is true and correct. I am also authorizing [Insert Agency/Board Name] to share the information in my application and self-inspection form with law and code enforcement officials.**

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Please complete this form if you have previously owned or operated another massage establishment.**

### Establishment Ownership History

Have you previously received a license or permit from any jurisdiction to own or operate a massage establishment?

Yes	No
-----	----

Have you ever had a massage establishment license or permit denied, surrendered, suspended, revoked, withdrawn, or denied?

Yes	No
-----	----

Were you ever notified of violations or penalties under the license or permit?

Yes	No
-----	----

Have you previously owned, had an ownership interest in, or operated a massage establishment or similar business in which the license or permit was denied, suspended, revoked, or subjected to abatement proceedings?

Yes	No
-----	----

If you answered yes to any of the above questions, please complete the table below and attach copies of any documentation/supporting material.

Issuing Authority Name and Address:	Date Issued:	Date Expired:
Establishment Name:	Establishment Address:	Check all that apply:  <input type="checkbox"/> Denied <input type="checkbox"/> Surrendered <input type="checkbox"/> Suspended <input type="checkbox"/> Revoked <input type="checkbox"/> Violations/Penalties
License/Permit Number:		

***\*If additional room is needed, please attach an additional page with the required information.***

\_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

[OFFICIAL LETTERHEAD]

# Model Massage Establishment INSPECTION CHECKLIST

Statutory Authority: \_\_\_\_\_

Establishment Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

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

Establishment License #: \_\_\_\_\_ Displayed: \_\_\_\_\_

Name of Manager On-site: \_\_\_\_\_

Business License #: \_\_\_\_\_

Business License Jurisdiction: \_\_\_\_\_

Number of massage therapy rooms: \_\_\_\_\_

Massage Therapist(s) employed by Establishment:

Name: \_\_\_\_\_ Lic.#. \_\_\_\_\_ Displayed: \_\_\_\_\_

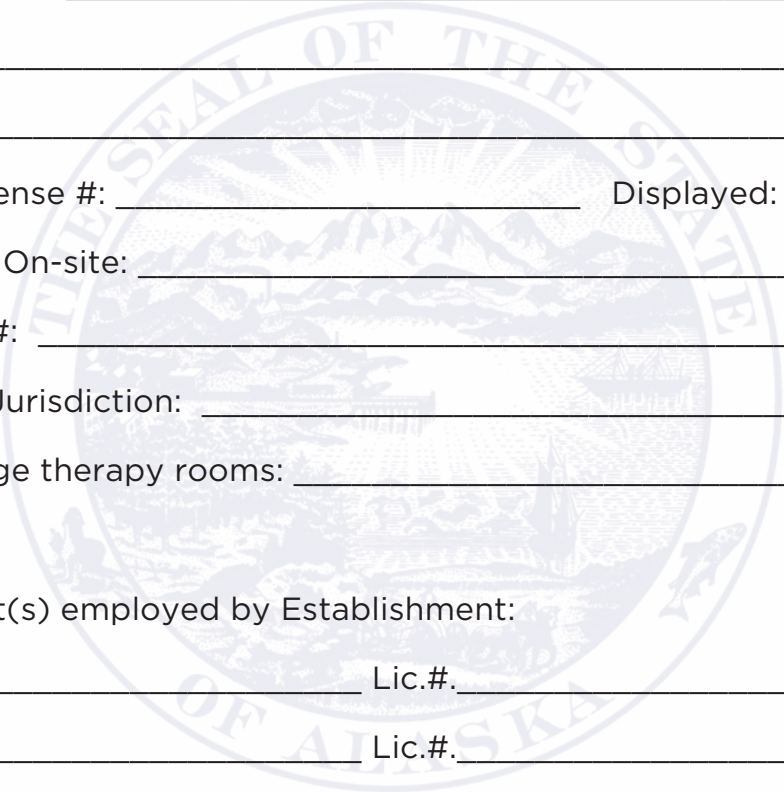
Name: \_\_\_\_\_ Lic.#. \_\_\_\_\_ Displayed: \_\_\_\_\_

Name: \_\_\_\_\_ Lic.#. \_\_\_\_\_ Displayed: \_\_\_\_\_

Name: \_\_\_\_\_ Lic.#. \_\_\_\_\_ Displayed: \_\_\_\_\_

Name: \_\_\_\_\_ Lic.#. \_\_\_\_\_ Displayed: \_\_\_\_\_

Name: \_\_\_\_\_ Lic.#. \_\_\_\_\_ Displayed: \_\_\_\_\_



[OFFICIAL LETTERHEAD]

## Standards and Compliance

- Current Liability Insurance Coverage
- Compliance with Fire/Safety Requirements  
(fire extinguisher, marked fire exits, current inspection)
- Laundering/Sanitation of equipment and sheets
- Adequate lavatory and toilet facilities
- Advertisements contain establishment license number
- No evidence of living on site
- Services offered are within scope
- Appropriate interior illumination
- Site is appropriately illuminated
- Appropriate client documentation
- All licenses properly displayed
- Picture ID available of individuals working in establishment
- Current roster of therapists is available
- Picture ID of establishment licensee
- Site is appropriately secured
- Site is in a good state of repair
- Site has legible and appropriate exterior signs to identify therapy rooms |  
and ensure the privacy of the client
- Provisions for extermination/pest control
- Advertisements contain massage establishment and/or therapist license number
- Site has appropriate federal, state and local permits
- Site is sanitary, clean and orderly
- The staff is knowledgeable about the cleaning and disinfection of compartments and equipment
- An adequate supply of clean or disposable linens and supplies is available and in good repair
- Site has a means, which must meet local and state requirements,  
for disposal of hazardous materials and waste
- Massage tables are used appropriately
- Massage tables must have an impervious surface suitable for cleaning and disinfecting
- Soiled sheets are contained to prevent contamination
- Single use towels and a sink are readily accessible, as appropriate
- Site has working lavatory and toilet facilities that are maintained in a clean and orderly manner
- Site is well ventilated and free of persistent offensive odors

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[OFFICIAL LETTERHEAD]

Citation Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

License Number: \_\_\_\_\_

# CITATION FORM

Name: \_\_\_\_\_ DL/ID \_\_\_\_\_ State \_\_\_\_\_

Home Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

VIOLATION CODE	First	Second	Third	TOTAL
<i>Statute / Rule</i>	<i>\$---</i>	<i>\$---</i>	<i>\$---</i>	
ADMINISTRATIVE FEE				

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_



# MODEL LANDLORD LETTER 1

[OFFICIAL LETTERHEAD]

To Whom It May Concern:

The **[Board/Agency]** recently investigated an Illicit Massage Business (IMB) that, according to the preliminary investigation, may be connected to you or your entity as the **[property owner/landlord/leasing agent/property manager]**. Massage Therapists in **[State]** must have a valid license to practice massage. Many IBs may be involved in human trafficking and other illicit endeavors. The **[Board/Agency]** cannot provide legal advice. You should ask your attorney about Landlords and their agents being held responsible for the conduct of nuisance tenants, including criminal activities of tenants, and failure to protect other tenants and neighbors by allowing a public nuisance.

BUSINESS NAME	
ADDRESS	
ILLEGAL ACTIVITY	
OTHER	
ADDITIONAL INFO	

You are encouraged to take proactive steps to stop these IMBs from conducting business in our communities and prevent them from leasing properties in the future. If you have any questions or would like to perform a license check for potential tenants who claim to be opening a legitimate massage facility, the **[Board/Agency]** has this information available on their website located at **[Weblink]**. The **[Board/Agency]** can assist you by sharing information on how to identify such illicit businesses and providing tools to research prospective tenants to determine if they are properly licensed and permitted to provide massage in **[State]**.

Please join us in disrupting the human trafficking network and illicit organizations that are masquerading as massage businesses. Your action and prevention can keep our communities safer, reduce your liability, and help impact these illicit activities.

Sincerely,  
**[Your Name]**  
**[Your Position/Title]**  
**[Contact Information]**



# MODEL LANDLORD LETTER 2

[OFFICIAL LETTERHEAD]

To Whom It May Concern:

It has come to the attention of the **[Board/Agency]** that one of your tenants, **TENANT**, may be in violation of **[State]** law. For reasons explained below, there is evidence that **TENANT** is operating a public nuisance located at **TENANT ADDRESS** by advertising services on websites used to facilitate prostitution activity. Failure to promptly evict a tenant who is operating a public nuisance may subject you, the landlord, to legal action.

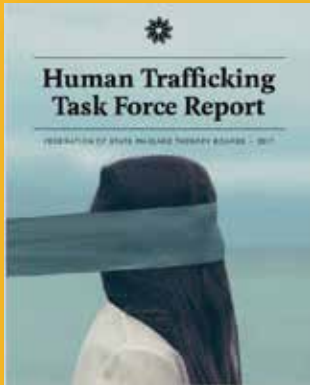
Under **[State]** law, **[enter applicable law]**, **TENANT** is suspected of being involved in facilitating prostitution or other illicit/illegal activity based on **[evidence]**.

Failure to evict or terminate the lease with a tenant operating or assisting in the operation of **[human-trafficking/prostitution]** may result in legal action against you, the landlord: **[enter applicable law]** The **[Board/Agency]** may seek preliminary and permanent injunctive relief barring the persons, entities, and locations involved in these **[human-trafficking/prostitution]** activities from any further participation in prostitution activity. If the court finds that the owner knew or had reason to believe that the premises were being used regularly for **[human-trafficking/prostitution]** activity, the court may order **[punishment/fine]**.

Please take action to immediately end any **[human-trafficking/prostitution]** activity occurring on your property.

Please also contact the **[Board/Agency]** immediately upon receipt of this letter **[send certified mail]** to discuss your next steps.

Sincerely,  
**[Your Name]**  
**[Your Position/Title]**  
**[Contact Information]**



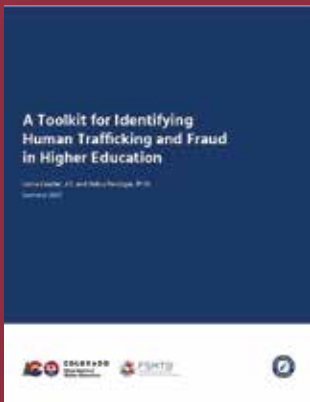
## Human Trafficking Task Force Report

Federation of State Massage Therapy Boards - 2017

The FSMTB Human Trafficking Task Force released the Human Trafficking Task Force Report in November 2017. This report is the culmination of nearly two years of study, listening, discussion and consensus building. It includes an evaluation of the prevalence and impact of human trafficking on the massage profession, areas within the jurisdiction of FSMTB to combat human trafficking and measures that could be pursued by individual Member Boards to curtail or eliminate human trafficking in the massage profession.



**SCAN TO ACCESS:**  
Human Trafficking Task Force Report



## A Toolkit for Identifying Human Trafficking and Fraud in Higher Education

Lorna Candler, J.D. and Debra Persinger, PhD. - Summer 2022

This toolkit, co-authored by FSMTB Executive Director Dr. Debra Persinger and Lorna Candler of the Colorado Department of Higher Education, is a practical guide for state authorizers to identify and take action on human trafficking in higher education institutions. The toolkit focuses on sex trafficking that is increasingly perpetrated in higher education by organized, sophisticated criminal enterprises that stretch regulatory and enforcement resources. The toolkit is specifically designed to assist state regulators and agencies, organizations, or entities that regularly intersect with the responsibilities and duties of state regulators.



**SCAN TO ACCESS:**  
A Toolkit for Identifying Human Trafficking & Fraud in Higher Education

## National Strategy to Combat Human Trafficking

U.S. Department of Justice - January 2022



**SCAN TO ACCESS**

## Combatting Massage Licensing Fraud: How Traffickers Exploit Gaps in Education Oversight

January 2023



**SCAN TO ACCESS**

# Apprenticeship Programs



# MAS – Apprenticeship Program – Draft

Program impact on the massage industry:

- Potential increase of education opportunities where a licensed massage therapists meets the apprenticeship program requirements.
- Ageing massage therapists will be able to create a business opportunity to continue to work as educators.
- Retains licensed massage therapists as educators.
- Potential to increase licensed massage therapists’ profession.
- Bolsters the need for an active massage therapy board with the growing profession.

## **MAS Statute: Sec. 08.61.030. Qualifications for license.**

*The board shall issue a license to practice massage therapy to a person who;*

*(1) applies on a form provided by the department;*

*(2) pays the fees established under AS 08.61.090;*

*(3) furnishes evidence satisfactory to the board that the person has completed a*  
*(A)course of study of at least 625 hours of in-class supervised instruction and clinical work from an approved massage school; or*

*(B)board-approved apprenticeship program.*

## **Board Approved Apprenticeship Program**

**Definition:** A Massage Therapy Apprenticeship program is a form of study that includes a sponsoring mentor one sponsoring mentor and one an apprentice and results in a Board of Massage Therapy approved license and includes accredited Alaska commission on postsecondary education curriculum and hands on training.

- An apprentice may not receive Compensation if the apprentice does not hold a current State of Alaska license as per 08.61.100
- An apprentice program must be completed within 36 months. Curriculum must be accredited (Accreditation Defined) Timeline Parameters of apprenticeship benchmarks?

**Sponsor Definition:** A licensed massage therapists that has been actively practicing massage therapy for a minimum of 5 (X) years.

## **Qualification of the Apprenticeship Sponsor/Mentor**

(1) applies on a form provided by the department.

(2) pays the fees established under AS 08.61.090;

(3) furnishes evidence satisfactory to the board that the sponsor had completed.

~~(A) — course of study of at least 625 hours of in-class supervised instruction and clinical work from an approved massage school~~



(B) documentation of a current professional massage therapy license that has been active for a minimum of 5 years in a state that has substantially equivalent requirements to Alaska. You must be a licensed practicing massage therapist in the State of Alaska for a minimum of 2 years. Cannot be under a current investigation or incomplete audit.

(C) Documentation of a minimum of 2 years of State of Alaska residency.

(D) Documentation of continued education of a minimum of 40 hours of continued education as per ACC.79.100 that has been completed within the past 5 years. 50 percent in person. *Coursework specifics include ... (pathology?)*

(E) Documentation of formal education of a minimum of XX hours in adult education completed through an approved continued education provider as per ACC79.110... or a postsecondary .....

(F) Documentation of professional practice as a massage therapist for a minimum of 5 years with a minimum of 2500 hours of clinical experience (client-log, employment letter, tax docs. ???)

(G) Has successfully completed a nationally recognized competency examination approved by the board as per acc 79.110....

(H) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or who has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely.

(I) Has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.16 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

(K) The mentor has completed XXX of in person board approved continued education courses

(4) A sponsor massage therapist shall serve as the sole supervisor for their massage apprentice and may not allow another massage therapist to also supervise that massage apprentice; and a massage therapist may not supervise a massage apprentice who is under the supervision of another massage therapist. A massage therapy apprenticeship sponsor may develop an apprentice program approved by the board. An apprenticeship sponsor is permitted to have multiple mentors providing direct instruction but is limited to a one-to-one ratio for direct instruction. An apprenticeship program must be limited to five students per apprenticeship program course of study. (Ratio to be determined by the board)

#### Qualifications of the Apprentice

(1) is 18 years of age or older.

~~(2) applies on a form provided by the department.~~

(2) Highschool Diploma or equivalent

~~(4) Pays the fee established under AS 08.61.090;~~

(5) 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;

### **Apprenticeship Program Curriculum Qualifications**

COMTA CURRICULM APPROVED – ELAP STANDARDS?

(4) The sponsor massage therapist shall train the massage apprentice in the areas of:

(a) anatomy, physiology and kinesiology - XXX??? hours; including indications and contraindications, Muscular system, Nervous system, Osteology, Circulatory System, Kinesiology.

(b) pathology – XXX?? hours.

(c) Massage Theory and Practical Application: Assessment-Basic massage therapy techniques dedicated to the study of massage therapy and various clinically related modalities. No more than 50 hours should address techniques that are exempt from license requirements. Practical application not to exceed more than 20% of total hours of the massage program massage techniques including the five basic Swedish massage strokes - XXX??? hours.

(d) Clinical Practice: Universal and standard precautions, Self-care, Body mechanics, Draping, Record Keeping, Business Practices and professional development, medical terminology

(e) Ethics and Law: Local and state laws, Therapeutic relationships, Professional boundaries hands-on instruction - X hours

(f) Practical application – X hours This curriculum can be performed on the public only after the division received documentation of completion of curriculum (a) –through (e)

(g) The supervising massage therapist shall submit with the massage apprentice's application a curriculum content outline that includes a list of the resource materials to be used, which has been preapproved by the Division.

(h) The apprenticeship program must be completed within 36 months of beginning the program.

(i) Benchmarks (Defined here)

(j) An apprentice may receive Compensation with an active State of Alaska massage therapy license.

(k) The massage apprentice shall follow the submitted Division-approved curriculum content outline  
Apprenticeship Program Standards

(1) A supervising massage therapist(mentor) and massage apprentice may begin an apprenticeship program after:

(a) the massage apprentice is approved by the board

(b) the apprenticeship programs, sponsor, apprentice and curriculum is approved by the board.



(2) Documentation requirements of the apprenticeship program

(a) The apprenticeship training records will be available to the Division immediately upon request.

(b) The verification of the completion of the apprenticeship program shall be documented on a form available from the Division.

(c) If the apprenticeship program is terminated, notify the Division within ten working days on a Notice of Disassociation form available from the Division; and

(3) Supervising mentor massage therapist shall provide direct supervision for a massage apprentice performing massage client volunteer subjects services by:

(a) Giving prior written or verbal instructions to the massage apprentice.

(b) Being present in the facility where the massage apprentice is performing the massage client service volunteer subjects; and present in the location of the massage for a minimum of 30 minutes.

(c) Being available to provide immediate face-to-face communication with the massage apprentice as necessary.

(l) An apprentice may receive Compensation with an active State of Alaska massage therapy license as per 08.61.....

(d) The supervising massage therapist may, but need not be, present in the room where the massage apprentice is performing massage client services on the public client.

(e) If a massage apprentice fails the FSMTB MBLEx three times the supervising massage therapist shall:

(a) with the massage apprentice, meet with the Board at the next appropriate Board meeting.

(b) explain to the Board why the massage apprentice cannot pass the examination; and

(c) provide to the Board a plan of study in the appropriate subject matter to assist the massage apprentice in passing the examination; and

(d) if the Division and Board approve, the massage apprentice shall again be eligible to take the FSMTB MBLEx.

# Mandatory Reporting



# Mandatory Reporting in Alaska

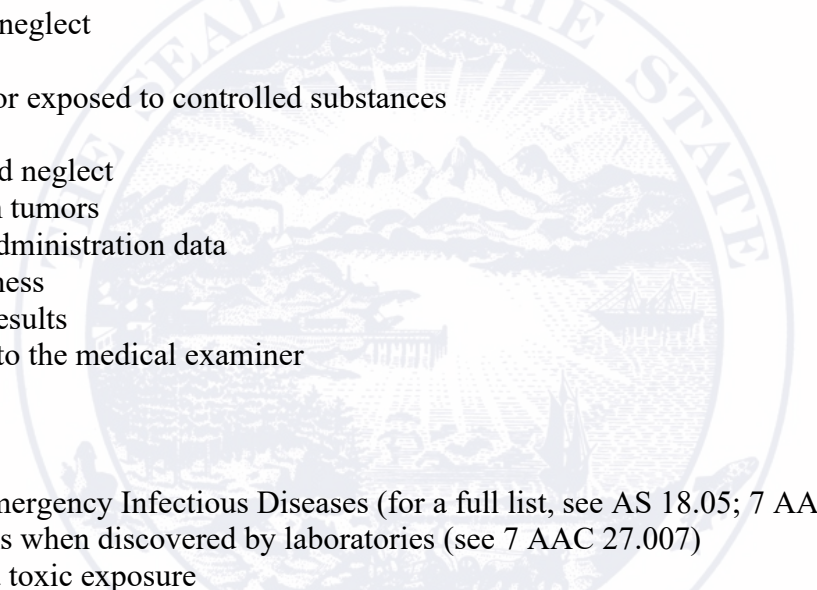
October 2020

The State of Alaska recently made a very important change in requirements for medical workers. Medical workers are now required to report suspected child sexual abuse not only to the Office of Children's Services, but to local law enforcement, as well. Please read on for a better understanding of reporting requirements in Alaska.

## What is it?

The State of Alaska requires certain workers to report certain medical conditions to state offices.

## What has to be reported?

The seal of the State of Alaska is visible in the background, featuring a mountain range, a ship, and a sun, surrounded by the text "SEAL OF THE STATE OF ALASKA".

- Child abuse and neglect
- Birth defects
- Infants affected or exposed to controlled substances
- Infant hearing
- Elderly abuse and neglect
- Cancer and brain tumors
- Immunization Administration data
- Occupational illness
- Blood lead test results
- Deaths reported to the medical examiner
- Burn injuries
- Knife injuries
- Gunshot wounds
- Public Health Emergency Infectious Diseases (for a full list, see AS 18.05; 7 AAC 27.005)
- Certain infections when discovered by laboratories (see 7 AAC 27.007)
- Heavy metal and toxic exposure

## Who has to report?

- Doctors
- Nurses
- Community Health Aides
- Chiropractors
- Dentists
- PA's
- Most other medical professionals. For a full list of medical practitioners require to report, see Alaska Statute (AS) 47.17.290
- Administrative officers of a medical institution
- Employees of an organizational unit providing counseling or treatment to individuals seeking drug or alcohol treatment
- Employees of domestic violence and sexual assault programs, crisis intervention and prevention programs

The first person in the system, or the provider who first identifies the reportable event or condition, must make the report.

### **Who do you report to?**

Child abuse or neglect – Office of Children’s Services (OCS) immediately upon assessment.

\*Suspected child sexual abuse must also be reported to local law enforcement

Birth defects – State of Alaska Birth Defect Register Coordinator (usually completed by an organization’s Health Information and Technology department’s quarterly report)

Infants affected or exposed to controlled substances – Office of Children’s Services (OCS)

Infant hearing – Early Hearing Detection and Intervention (EHDI) Program usually by monthly reporting to the into eSP, OZ-Systems, the web-based database.

Vulnerable Adult abuse or neglect – State of Alaska, Adult Protection Services within 24 hours.

Cancer and brain tumors – DPS tumor registry within six months.

Immunization Administration data – to VacTrAK, the State of Alaska’s Immunization Information System, within 14 days of vaccination.

Occupational Illness – Department of Public Health within 5 working days.

Blood Lead Test Results – Department of Public Health (see 7 AAC 27.014 for detailed reporting requirements).

Burn injuries, knife wounds, and gunshots – the Department of Public Safety (State Troopers), a local law enforcement agency, or a VPSO. Gunshots must also be reported to the DPH Section of Epidemiology.

Infectious diseases, laboratory infections, heavy metals and toxins – DPH Section of Epidemiology.

### **What must you report?**

Reporting will be slightly different for each. In general, you must report patient identifying information and address, parents’ names and contact information if the patient is a minor, the nature and extent of harm, any suspected abusers with contact information if known, and any other information helpful to an investigation. Many of the reporting requirement types have online databases, or an organization is able to submit weekly or monthly reports through their health information systems.

### **How can you ensure compliance?**

The best way to ensure compliance is to have a comprehensive Procedure in place outlining who has to report, what has to be reported, and to whom reports go. The above is a basic start, but you are welcome to contact the ANTHC Ethics and Compliance Department if you wish a more comprehensive document.

# Statute Review





# ***Statutes and Regulations*** **Massage Therapists**

**November 2024**



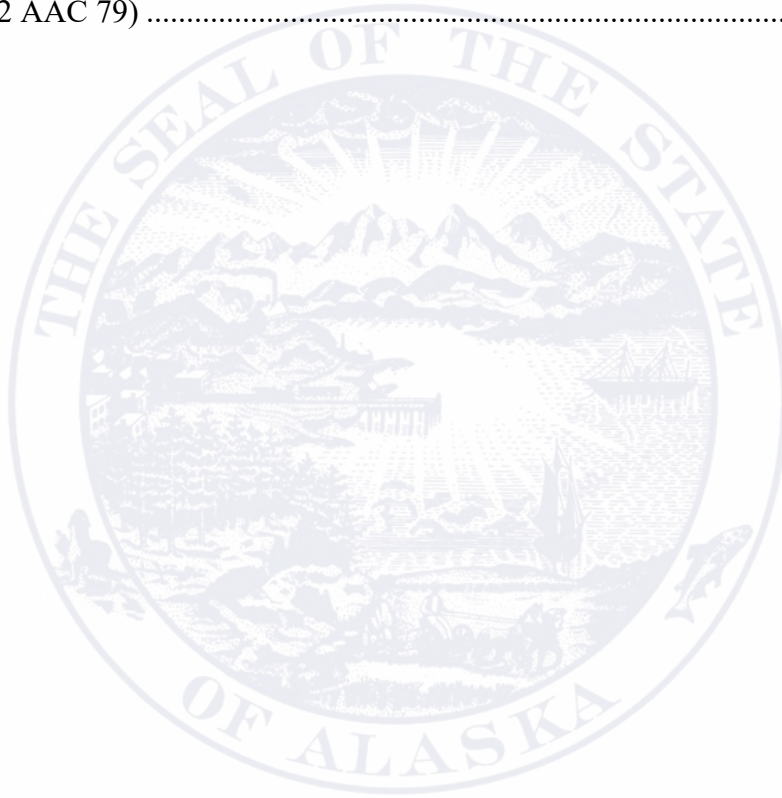
DEPARTMENT OF COMMERCE, COMMUNITY,  
AND ECONOMIC DEVELOPMENT

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

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**CHAPTER 61.  
MASSAGE THERAPISTS**

**Section**

- 10. Board established**
- 20. Duties and powers of board**
- 30. Qualifications for license**
- 40. Licensure by credentials**
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- 60. Grounds for imposition of disciplinary sanctions**
- 70. Practice of massage therapy without license prohibited**
- 80. Exceptions to application of chapter**
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**Sec. 08.61.010. Board established.** The Board of Massage Therapists is established in the department. The board consists of five members appointed by the governor as follows:

(1) four licensed massage therapists who have been engaged in the practice of massage therapy in the state for the three years immediately preceding appointment and who shall remain actively engaged in the practice of massage therapy while serving on the board; not more than one member appointed under this paragraph may have an ownership or partnership interest in a massage school; and

(2) one public member; the governor may not appoint as a public member

(A) a licensed health care provider;

(B) an employee of the state; or

(C) a current member of another occupational licensing board established under AS 08.

**Sec. 08.61.020. Duties and powers of board.** In addition to the duties specified in AS 08.01, the board shall

(1) provide for the examination of applicants by the board or through a nationally recognized competency examination approved by the board and issue licenses to applicants the board finds qualified;

(2) adopt regulations governing

(A) licensing of massage therapists;

(B) the practice of massage therapy; and

(C) massage therapy establishments;

(3) establish standards of professional competence and ethical conduct for massage therapists;

(4) establish standards for continuing education for massage therapists; standards adopted by the board under this paragraph must allow for approval of Internet-based continuing education courses;

(5) make available to the public a list of massage therapists licensed under this chapter;

(6) determine which states have educational and licensing requirements equivalent to the requirements of this state;

(7) enforce the provisions of this chapter and adopt and enforce regulations necessary to implement this chapter; and

(8) approve one or more nationally recognized competency examinations and publish and periodically update the list of approved examinations.

**Sec. 08.61.030. Qualifications for license.** The board shall issue a license to practice massage therapy to a person who

(1) applies on a form provided by the department;

(2) pays the fees established under AS 08.61.090;

(3) furnishes evidence satisfactory to the board that the person has completed a

(A) course of study of at least 625 hours of in-class supervised instruction and clinical work from an approved massage school; or

(B) board-approved apprenticeship program;

(4) is 18 years of age or older;

(5) has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.16 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

(6) has a current cardiopulmonary resuscitation certification;

(7) has received at least two hours of safety education covering bloodborne pathogens and universal precautions in the two years preceding the application for the license; in this paragraph, "bloodborne pathogens" has the meaning given in AS 18.15.450;

(8) has successfully completed a nationally recognized competency examination approved by the board; and

(9) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or who has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely.

**Sec. 08.61.040. Licensure by credentials.** The board shall issue a license to practice massage therapy to a person who

- (1) is 18 years of age or older;
- (2) applies on a form provided by the department;
- (3) pays the fees established under AS 08.61.090;
- (4) has submitted the person's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;
- (5) is not the subject of an unresolved complaint or disciplinary action before a regulatory authority in this state or another jurisdiction;
- (6) has not had a certificate or license to practice massage therapy revoked, suspended, or voluntarily surrendered in this state or another jurisdiction;
- (7) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely;
- (8) has a current cardiopulmonary resuscitation certification; and
- (9) is currently
  - (A) licensed to practice massage therapy in another state or country that has licensing requirements that are substantially equal to or greater than the requirements of this state; or
  - (B) certified by a certification entity approved by the board.

**Sec. 08.61.050. Standards for license renewal.** The board shall renew a license issued under this chapter to a licensee who

- (1) pays the required fee;
- (2) meets the continuing education requirements established by the board;
- (3) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or has been convicted of, or pled guilty to or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely;
- (4) has a current cardiopulmonary resuscitation certification; and
- (5) has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check at least once every six years; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

**Sec. 08.61.060. Grounds for imposition of disciplinary sanctions.** After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter if the board finds that the person

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing massage therapy services or engaging in massage therapy;
- (3) advertised massage therapy services in a false or misleading manner;
- (4) has been convicted of a felony or another crime that affects the licensee's ability to continue to practice competently and safely;
- (5) intentionally or negligently engaged in, or permitted a person under the licensed massage therapist's supervision to engage in, client care that did not conform to minimum professional standards, whether or not actual injury to the client occurred;
- (6) failed to comply with a provision of this chapter, a regulation adopted under this chapter, or an order of the board;
- (7) continued to practice after becoming unfit because of
  - (A) professional incompetence; or
  - (B) addiction or severe dependency on alcohol or another drug that impairs the ability to practice safely; or
- (8) engaged in unethical conduct or sexual misconduct in connection with the delivery of massage therapy services to a client.

**Sec. 08.61.070. Practice of massage therapy without license prohibited.** (a) A person may not practice massage therapy or represent that the person is a massage therapist unless the person holds a valid license under this chapter. In this subsection, a person represents that the person is a massage therapist when the person adopts or uses a title or description of services that incorporates one or more of the following terms or designations: massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology,



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

(1) person licensed in the state under a statute outside this chapter who performs massage therapy within the scope of practice for which the person's license was issued;

(2) person who, while acting in an official capacity as an employee of the United States government, performs massage therapy;

(3) person who is licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country while the person is temporarily

(A) practicing massage therapy in this state in connection with teaching a course related to massage therapy;

or

(B) consulting with a person licensed under this chapter;

(4) student enrolled in an approved massage school or course of study who is completing a clinical requirement for graduation under the general supervision of a person licensed under this chapter if the student is clearly identified as a student while performing massage therapy services on members of the public and is not compensated for the massage therapy services;

(5) person only performing massage therapy on members of the person's family;

(6) person only performing techniques that do not involve contact with the body of another person;

(7) person only performing techniques that involve resting the hands on the surface of the body of another person without delivering pressure to or manipulating the person's soft tissues;

(8) person only performing services such as herbal body wraps, skin exfoliation treatments, or the topical application of products to the skin for beautification purposes when the services do not involve direct manipulation of the soft tissues of the body;

(9) person only performing massage therapy for the athletic department of an institution maintained by public funds of the state or a political subdivision of the state or only practicing massage therapy for the athletic department of a school or college approved by the board using recognized national professional standards;

(10) person engaged only in the practice of structural integration for restoring postural balance and functional ease by integrating the body in gravity using a system of fascial manipulation and awareness who has graduated from a program or is a current member of an organization recognized by the International Association of Structural Integrators, including the Rolf Institute of Structural Integration;

(11) person using only light touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement or to affect the energy systems;

(12) person performing only the traditional practices of Native American traditional healers;

(13) person practicing only the manipulation of the soft tissues of the hands, feet, or ears and not holding out to be a massage therapist.

**Sec. 08.61.090. Fees.** The department shall set fees under AS 08.01.065 for application, license issuance, license renewal, and investigation under this chapter.

**Sec. 08.61.100. Definitions.** In this chapter,

(1) "approved massage school" means a massage therapy school or program that

(A) has an authorization to operate from the Alaska Commission on Postsecondary Education or a similar entity in another state; or

(B) is accredited by a nationally recognized accrediting agency;

(2) "board" means the Board of Massage Therapists;

(3) "department" means the Department of Commerce, Community, and Economic Development;

(4) "massage therapist" means a person licensed under this chapter;

(5) "practice of massage therapy" means the provision, for compensation, of a service involving the systematic manipulation and treatment of the soft tissues, including the muscular and connective tissues of the human body, to enhance the functions of those tissues and promote relaxation and well-being; in this paragraph, "manipulation and treatment"

(A) includes manual techniques applied with the intent to physically affect local soft tissues, such as pressure, friction, stroking, percussion, kneading, vibration, muscular assessment by palpation, range of motion for purposes of demonstrating muscle exertion for muscle flexibility, nonspecific stretching, and application of superficial heat, cold, water, lubricants, or salts;

(B) does not include diagnosis, the prescription of drugs or medicines, the practice of physical therapy, attempts to manipulate any articulation of the body or spine, or mobilization of these articulations by use of a thrusting force.



**CHAPTER 79.  
MESSAGE THERAPISTS.**

**Article**

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

**ARTICLE 1.  
LICENSING.**

**Section**

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

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

- (b) An applicant for licensure by examination under this section must submit
- (1) a completed application, on a form provided by the department; the completed application must include
    - (A) the personal identification information requested on the form;
    - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
    - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
    - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
  - (2) verification of massage therapy education, sent directly from the school or program to the division office; verification must consist of
    - (A) on or before June 30, 2019, an official school transcript evidencing completion of a course of study of at least 500 hours of in-class supervised instruction and clinical work from a massage therapy school or program that
      - (i) has authorization to operate from the Alaska Commission on Postsecondary Education under AS 14.48 or from a similar agency of another state; or
      - (ii) is accredited by a nationally recognized accrediting agency;
    - (B) on or after July 1, 2019, an official school transcript evidencing completion of a course of study of at least 625 hours of in-class supervised instruction and clinical work from a massage therapy school or program that
      - (i) has authorization to operate from the Alaska Commission on Postsecondary Education under AS 14.48 or from a similar agency of another state; or
      - (ii) is accredited by a nationally recognized accrediting agency; or
    - (C) evidence satisfactory to the board of completion of an apprenticeship program that meets the requirements and standards of the Commission on Massage Therapy Accreditation (COMTA) and the requirements and standards of the Coalition of National Massage Therapy Organizations, Entry Level Analysis Project (ELAP) *Work Group, The Core: Entry-Level Massage Education Blueprint*, dated December 2013, and adopted by reference;
  - (3) verification, sent directly from the appropriate agency to the division office, of having passed
    - (A) the Massage and Bodywork Licensing Examination (MBLEx) administered by the Federation of State Massage Therapy Boards; or
    - (B) the National Certification Examination for Therapeutic Massage or the National Certification Examination for Therapeutic Massage and Bodywork, each administered by the National Certification Board for Therapeutic Massage and Bodywork, if the applicant took the examination before February 1, 2015;
  - (4) a current certification in cardiopulmonary resuscitation received through
    - (A) the American Red Cross;
    - (B) the American Heart Association;
    - (C) the American Safety and Health Institute;
    - (D) a course that adheres to the most recent American Heart Association guidelines; or
    - (E) a course that is compliant with current Joint Commission standards; and
  - (5) the following:
    - (A) on or before June 30, 2019, verification of having completed at least four hours of safety education in bloodborne pathogens and universal precautions in the two years preceding the application; or
    - (B) on or after July 1, 2019, verification of having completed at least two hours of safety education in bloodborne pathogens and universal precautions in the two years preceding the application.
- (c) In this section, "in-class supervised instruction" means education received either in a physical classroom or

through online distance education.

- (d) To meet the educational requirements of this section and 12 AAC 79.140, online distance education courses
  - (1) must be completed through a board-approved online distance education monitoring program;
  - (2) must meet the requirements of (b)(2)(B) of this section; and
  - (3) may not include the practical application hours described in 12 AAC 79.140(a)(2).

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

**Editor's note:** A copy of *The Core: Entry-Level Massage Education Blueprint*, published by the Coalition of National Massage Therapy Organizations, adopted by reference in 12 AAC 79.100, may be obtained from the ELAP website: [http://www.elapmassage.org/\\_files/ELAP\\_Blueprint.pdf](http://www.elapmassage.org/_files/ELAP_Blueprint.pdf).

**12 AAC 79.110. APPLICATION FOR LICENSURE BY CREDENTIALS.** (a) The board will issue a license by credentials to practice massage therapy to an applicant who meets the requirements of AS 08.61.040 and this section.

- (b) An applicant for licensure by credentials under this section must submit
  - (1) a completed application, on a form provided by the department; the completed application must include
    - (A) the personal identification information requested on the form;
    - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
    - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
    - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
  - (2) verification, sent directly from the appropriate agency to the division office, that the applicant
    - (A) holds a current license to practice massage therapy in another state, jurisdiction, or country where licensing requirements are substantially equal to or greater than the requirements of this state; or
    - (B) is certified by a board-approved credentialing entity; and
  - (3) a current certification in cardiopulmonary resuscitation received through
    - (A) the American Red Cross;
    - (B) the American Heart Association;
    - (C) the American Safety and Health Institute;
    - (D) a course that adheres to the most recent American Heart Association guidelines; or
    - (E) a course that is compliant with current Joint Commission standards.
- (c) Before approving an applicant for licensure by credentials, the board may require additional documentation to substantiate the education claimed by the applicant.

**Authority:** AS 08.61.020 AS 08.61.040 AS 08.61.090  
AS 08.61.030

**12 AAC 79.115. TEMPORARY MILITARY COURTESY LICENSE.** (a) The board will issue a temporary military courtesy license or certification to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice massage therapy to an applicant who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

- (b) An applicant for a temporary military courtesy license or certification under this section
  - (1) must submit an application on a form provided by the department;
  - (2) must submit the fingerprint information described in 12 AAC 79.130;
  - (3) must submit a copy of
    - (A) the applicant's current active duty military orders showing assignment to a duty station in this state;
- or
  - (B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;
- (4) must submit documentation showing the applicant is currently licensed or certified in another licensing or certifying jurisdiction where licensing or certification requirements are substantially equal to or greater than the requirements of this state, as determined by the board, and the applicant's license or certification in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements;
- (5) may not have been convicted of a crime that affects the applicant's ability to practice massage therapy competently and safely, as determined by the board; and
- (6) must pay
  - (A) the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;
- and
  - (B) the fingerprint processing fee specified in 12 AAC 02.396.

(c) A temporary military courtesy license or certification issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.

- (d) While practicing under a temporary military courtesy license or certification issued under this section, the

holder of the temporary military courtesy license or certification must comply with the standards of practice set out in AS 08.61 and this chapter.

(e) The board may refuse to issue a temporary military courtesy license or certification for the same reasons that it may deny, suspend, or revoke a license under AS 08.61.060.

**Authority:** AS 08.01.062 AS 08.01.063 AS 08.61.020

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

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

**12 AAC 79.140. MASSAGE SCHOOL EDUCATION REQUIREMENTS.** (a) An applicant for a massage therapy license must show

(1) successful completion of not less than 625 hours of in-class supervised instruction and clinical work from an approved massage school; and

(2) that the practical application portion of the approved massage school curriculum is not more than 20 percent of the total hours of the massage therapy program.

(b) In this section,



(1) "in-class supervised instruction" means education received either in a physical classroom or through online distance education.

(2) "practical application" means a hands-on application of various clinical modalities dedicated to the practice of massage therapy.

**Authority:** AS 08.61.020 AS 08.61.030 AS 08.61.100

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

**Section**

**200. License renewal**

**210. Continuing education requirements**

**220. Audit and documentation**

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

(b) An applicant for renewal of a massage therapy license shall meet the requirements set out under AS 08.61.050 and 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; and
- (4) attestation that the applicant

(A) holds a current certification in cardiopulmonary resuscitation through

- (i) the American Red Cross;
- (ii) the American Heart Association;
- (iii) the American Safety and Health Institute;
- (iv) a course that adheres to the most recent American Heart Association guidelines; or
- (v) a course that is compliant with current Joint Commission standards; and

(B) has satisfied the continuing education requirements set out under 12 AAC 79.210.

(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

- (A) the American Red Cross;
- (B) the American Heart Association;
- (C) the American Safety and Health Institute;
- (D) a course that adheres to the most recent American Heart Association guidelines; or
- (E) a course that is compliant with current Joint Commission standards; and

- (2) proof satisfactory to the board of completion of all continuing education required by 12 AAC 79.210.

(d) A massage therapy license that has lapsed three years or more may not be reinstated.

**Authority:** AS 08.61.020 AS 08.61.050

**12 AAC 79.210. CONTINUING EDUCATION REQUIREMENTS.** (a) Each biennial licensing period, an applicant for renewal of a massage therapy license shall complete

(1) not less than 16 continuing education credits completed between the beginning of the concluding licensing period and the time of application, two of which must be in ethics; and

(2) a cardiopulmonary resuscitation course as required under 12 AAC 79.200.

(b) An applicant for renewal may receive two hours of continuing education credit for completion of a hands-on cardiopulmonary resuscitation course through the American Red Cross, American Heart Association, American Safety and Health Institute, a course that adheres to the most recent American Heart Association guidelines, or a course that is compliant with current Joint Commission standards.

(c) Continuing education must be completed through

(1) an approved massage school;

(2) a regionally or nationally accredited institution of higher education; a course, seminar, workshop, or other program through that institution must be approved by the board as directly related to the skills and knowledge required for the practice of massage therapy; or

- (3) a local, state, or national professional organization that serves the massage therapy profession, including
- (A) Associated Bodywork and Massage Professionals;

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

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

(e) An applicant for renewal may receive three continuing education credits for attending at least 75 percent of a regularly scheduled board meeting once every biennial licensing period.

(f) An applicant for renewal who has been licensed more than 90 days but less than 12 months of the concluding biennial license period is not required to submit an attestation of having satisfied continuing education requirements, as required under 12 AAC 79.200(b).

(g) For the purposes of this section,

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

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

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

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

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

**Authority:** AS 08.61.020 AS 08.61.050

### ARTICLE 3. GENERAL PROVISIONS.

**Section**

- 900. Code of ethics, standards of practice, and establishment standards of operation**
- 905. Disciplinary sanctions**
- 910. "Moral turpitude" defined**
- 920. Application form and verifications for licensure**
- 930. Regulation of massage therapy establishments**
- 940. Unregistered massage therapy establishment investigation**
- 950. Internet advertising requirements**
- 990. Definitions**

**12 AAC 79.900. CODE OF ETHICS, STANDARDS OF PRACTICE, AND ESTABLISHMENT STANDARDS OF OPERATION.** The *Alaska Board of Massage Therapists Code of Ethics, Standards of Practice, and Establishment Standards of Operation*, dated September 2019, is adopted by reference as the code of ethics for massage therapists in the state. In order to maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, massage therapists licensed in this state shall adhere to the code of ethics.

**Authority:** AS 08.61.020

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

**12 AAC 79.905. DISCIPLINARY SANCTIONS.** The following acts constitute grounds for disciplinary sanctions against a licensee:

- (1) failure by the licensee to
  - (A) cooperate with an official investigation by the board or an agent of the board;
  - (B) report to the board a disciplinary action taken against the licensee by another licensing jurisdiction, health care entity, or law enforcement agency within 30 days after the date of the action;
- (2) disciplinary action taken against the licensee by another licensing authority;
- (3) conviction of a crime that affects the licensee's ability to practice competently or safely.



**Authority:** AS 08.61.020

AS 08.61.040

AS 08.61.060

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

- (1) homicide;
- (2) manslaughter;
- (3) assault;
- (4) stalking;
- (5) kidnapping;
- (6) sexual assault;
- (7) sexual abuse of a minor;
- (8) unlawful exploitation of a minor, including possession or distribution of child pornography;
- (9) indecent exposure;
- (10) unlawful distribution or possession for distribution of a controlled substance;
- (11) prostitution;
- (12) sex trafficking;
- (13) murder;
- (14) human trafficking;
- (15) criminal sexual conduct;
- (16) incest;
- (17) robbery;
- (18) extortion;
- (19) forgery;
- (20) theft;
- (21) endangering the welfare of a child;
- (22) endangering the welfare of a vulnerable adult;
- (23) reckless endangerment.

**Authority:** AS 08.61.020

AS 08.61.030

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

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

(c) An applicant whose license application has been approved pending receipt of the license fee or additional required documentation must submit the license fee or documentation satisfactory to the board that the additional requirements have been met to the department within six months after being notified that the license application was approved. An applicant who does not submit the license fee or additional required documentation to the department within six months after being notified that the license application was approved must reapply for licensure.

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

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

**Authority:** AS 08.61.020

**12 AAC 79.930. REGULATION OF MASSAGE THERAPY ESTABLISHMENTS.** (a) A massage therapy establishment, unless exempted under (b) of this section, must register with the board by submitting

- (1) a completed application form provided by the department;
- (2) a notarized, completed self-inspection report form provided by the department, including certification of compliance with the establishment standards of operation adopted by reference in 12 AAC 79.900;
- (3) the fee required under 12 AAC 02.396; and
- (4) documentation of a current business license (AS 43.70) in this state.

(b) A massage therapy establishment is exempt from complying with (a) and (c) of this section if the majority owner of the massage therapy establishment business is a currently licensed

- (1) acupuncturist under AS 08.06;
- (2) chiropractor under AS 08.20;
- (3) naturopath under AS 08.45;
- (4) massage therapist under AS 08.61;
- (5) physician, osteopath, mobile intensive care paramedic, or physician assistant under AS 08.64;

- (6) direct-entry midwife under AS 08.65;
  - (7) advanced practice registered nurse under AS 08.68; or
  - (8) physical or occupational therapist under AS 08.84.
- (c) The owner or manager of a massage therapy establishment shall notify the department in writing by submitting the items required under (a) of this section for a new registration not later than 30 days following any change in ownership of the massage therapy establishment.
- (d) The owner or manager of a massage therapy establishment shall notify the department in writing not later than 30 days following a change in physical location by submitting
- (1) a completed form provided by the department;
  - (2) a completed self-inspection report form described under (a)(2) of this section; and
  - (3) the fee required under 12 AAC 02.396.
- (e) A massage therapy establishment required to be registered under this section must renew the registration on or before September 30 of every odd-numbered year by submitting
- (1) a complete registration renewal form; and
  - (2) the registration renewal fee required under 12 AAC 02.396.
- (f) A massage therapy establishment owner must notify the department in writing not later than 15 days after the establishment ceases operations.
- (g) The department will maintain a registry of all massage therapy establishments registered with the board.
- (h) In this section, "massage therapy establishment" means a fixed or mobile place of business that
- (1) is owned by a natural person, partnership, limited partnership, corporation, company, limited liability company, or other entity;
  - (2) engages in, conducts, or permits massage or massage therapy to be conducted for any form of compensation, or uses the word "massage" in any solicitation or advertisement.

**Authority:** AS 08.01.100 AS 08.61.020

**12 AAC 79.940. UNREGISTERED MASSAGE THERAPY ESTABLISHMENT INVESTIGATION.** Unless the massage therapy establishment is exempt from registration under 12 AAC 79.930(b), if an inspection or complaint of an unregistered massage therapy establishment results in an investigation, the unregistered massage therapy establishment owner shall pay the investigation fee required by 12 AAC 02.396 to the department for each investigation.

**Authority:** AS 08.01.065 AS 08.61.020

**12 AAC 79.950. INTERNET ADVERTISING REQUIREMENTS.** (a) A licensed massage therapist or registered massage therapy establishment shall display the licensee's license number or massage therapy establishment's registration number on each Internet advertisement.

(b) For purposes of this section, "Internet advertisement" means a message in an Internet medium that offers or solicits a person to utilize the services of the advertising massage therapist or massage therapy establishment.

**Authority:** AS 08.61.020 AS 08.61.060 AS 08.61.070

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

- (1) "criminal justice information" has the meaning given in AS 12.62.900;
- (2) "universal and standard precautions" means the infectious control precautions that are recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, to be used to prevent the transmission of bloodborne germs such as human immunodeficiency virus and hepatitis B virus.

(b) In this chapter, unless the context requires otherwise,

- (1) "board" means the Board of Massage Therapists;
- (2) "department" means the Department of Commerce, Community, and Economic Development;
- (3) "licensee" means a massage therapist licensed under AS 08.61;
- (4) "division" means the division of corporations, business, and professional licensing in the department.

**Authority:** AS 08.61.020