State of Alaska

Board of Massage Therapists

Board Packet

September 10-11, 2018

550 W. 7th Ave, Suite 1270

Anchorage, AK

PUBLIC

Roll Call

PUBLIC

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

Member	Appointed	Term Expires
Ron Gibbs *Licensed Massage Therapist*	November 25, 2014	March 1, 2020
Traci K. Gilmour *Licensed Massage Therapist*	November 25, 2014	March 1, 2021
Vacant *Public Member*		March 1, 2017
Chair **David Edwards-Smith** *Licensed Massage Therapist*	November 25, 2014	March 1, 2022
Jill Motz Licensed Massage Therapist	Jan 23, 2017	March 1, 2022

PUBLIC

Ethics

PUBLIC

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]

PUBLIC

******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. 4th 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 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 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 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

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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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Review of Agenda

PUBLIC

Alaska Board of Massage Therapists
Robert Atwood Building
550 W. 7th Ave, Suite 1270
Anchorage, Alaska
Conference Line Call In: 1-800-315-6338
Access Code: 14875

September 10, 2018-
September 11, 2018
(if needed)
8:30 a.m.
Meeting Agenda (Draft)

Day 1

Time	**Subject**	**Lead Person(s)**
1. 8:30 a.m.	Call to Order/Roll Call	Chair
2. 8:35 a.m.	Ethics Report	Chair
3. 8:40 a.m.	Review/Approve Agenda	Chair
4. 8:45 a.m.	Review/Approve Past Meeting Minutes	Chair
5. 8:50 a.m.	Old Business • Task List from June 11-12, 2018 • Alaska Human Trafficking Work Group • Alaska Human Trafficking Work Group Report • Response to Complaint Process- Investigations • Review Updated FAQ's • Review Board Breakdown of Massage Curriculum	Chair Motz
6. 9:30 a.m.	Decision on DeFord/Shelden Appeal Case	ALJ Swiderski
7. 10:00 a.m.	Investigative Case Review & Probation Reports; Memos & Consent Agreements (Executive Session, if needed)	Investigators Roark & Bond
8. 10:40 a.m.	Division/Financial Update • Inter-Agency Safety, Hearing/Mediation, and Legal Breakdown • Investigative Cost to Board (Investigations Error)	Deputy Director Chambers
9. 11:00 a.m.	Fingerprinting	Deputy Director Chambers
10. 11:30 a.m.	Continuing Education • Consent Agreements • Continuing Education Content- Review Unacceptable List & Ortho-Bionomy	Paralegal Zimmerman

DRAFT PUBLIC

Alaska Board of Massage Therapists
Robert Atwood Building
550 W. 7th Ave, Suite 1270
Anchorage, Alaska
Conference Line Call In: 1-800-315-6338
Access Code: 14875

September 10, 2018-
September 11, 2018
9:00 a.m.
Meeting Agenda (Draft)

Day 1 (continued)

Time	**Subject**	**Lead Person(s)**
10. 12:00 p.m.	Lunch	
11. 1:15 p.m.	Public Comment	Chair
12. 1:30 p.m.	Board Business	Chair
	• Update on California Massage Therapy Regulations	Gibbs
	• Review Tabled Applications	
13. 2:15 p.m.	New Business	Chair
	• ACPE School Approvals	
	• FSMTB National Database (MTLD)	Simmons
14. 3:15 p.m.	Administrative Business	Chair
	• Meeting Calendar	
	• Document Signing	
	• 2018 Annual Report	
	• FSMTB Annual Meeting	
	• Correspondence	
	• New Task List	
15. 4:00 p.m.	Adjourn or Recess until 9:00 a.m. September 11, 2018	Chair

Day 2

	Time	**Subject**	**Lead Person(s)**
16.	9:00 a.m.	Call to Order/Roll Call	Chair
17.	9:05 a.m.	Review Agenda	Chair
18.	9:10 a.m.	Drafting Language for Potential Regulations Projects	Chair
		• Regulations Questionnaire	
		• Massage Establishment Licensing	McCullough, Francois, Roark, Zinn
		• Classroom Hours via Distance Education	Motz
		• Code of Ethics	
19.	1:00 p.m.	Adjourn	Chair

DRAFT PUBLIC

Review Previous Meeting Minutes

PUBLIC

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

BOARD OF MASSAGE THERAPISTS

MINUTES OF THE MEETING
June 11-12, 2018

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

These minutes have not be reviewed or approved by the Board.

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By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Massage Therapists was held via teleconference on June 11-12, 2018.

Agenda Item 1 Call to Order/Roll Call 8:30am:

Board Members present, constituting a quorum:

David Edwards-Smith, Board Chair- Licensed Massage Therapist
Traci Gilmour, Licensed Massage Therapist
Ron Gibbs, Licenses Massage Therapist
Jill Motz, Licensed Massage Therapist

Division Staff present:

Dawn Dulebohn, Occupational Licensing Examiner
Melissa Dumas, Administrative Officer II
Marylene Wales, Accountant III
Autumn Roark, Investigator III
Christina Bond, Investigator II
Jasmin Bautista, Investigator III
Joan Wilson, Department of Law
Marilyn Zimmerman, Paralegal II

Agenda Item 2 Ethics Reporting:

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

Agenda Item 3 Review/Approve Agenda:

Jill Motz suggests amending the agenda to add a review of Code of Ethics and Standards of Practice to include discussion on changes that should be made to those documents. Chair Edwards-Smith

amends the agenda to add a Code of Ethics and Standards of Practice discussion to June 12, 2018 at 2:00 p.m.

In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously consent, it was RESOLVED accept the agenda as written with the amendment for a discussion on Code of Ethics and Standards of Practice at 2:00 p.m on June 12, 2018.

Agenda Item 4 Review/Approve Past Meeting Minutes

Board members discussed the new board program, OnBoard, and knowledge they have acquired with use. OLE Dulebohn reminds the board that OnBoard is made to keep documents secure within its site and anything confidential that they choose to download may make their personal devices discoverable. Traci Gilmour asked OLE Dulebohn to show her some more OnBoard tools at break.

The board reviewed the minutes. Chair Edwards-Smith commented that the minutes were "exceptional and very thorough".

In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed with unanimous consent, it was RESOLVED to accept the March 8-9, 2018 meeting minutes as written.

Agenda Item 5 Old Business

Report on Task List from March 8-9, 2018

Task List:

Chair Edwards-Smith asked OLE Dulebohn to report on the Task List from the March 8-9, 2018 board meeting.

- The Board Breakdown of Massage Curriculum as determined by the board in the March 8-9, 2018 meeting was sent to OLE Dulebohn to be included in that meeting's minutes.
- The board has the authority to further define AS 08.61.100 by regulation- per Sara Chambers in the March 8-9, 2018 meeting.
- The Continuing Education Disciplinary Matrix was posted on the board's website under "Disciplinary Matrices".
- OLE Dulebohn consulted the Paralegal on whether the board should make their disciplinary matrices a regulations project to give it more authority and the answer was that it was not needed and no other program has done so.
- OLE Dulebohn consulted Supervisor Hoffard and it was determined that the board cannot adopt an "inactive" status for licensees because they do not have the statutory authority to do so.
- A meeting was arranged on April 25, 2018 for board appointee Jill Motz, Regulations Specialist, and Department of Law to discuss the board's intention and to clarify the language for the regulations projects stemming from the November/December 2017 and March 2018 meetings.

PUBLIC

- The Guidelines for Acceptable Continuing Education list was not ready for the June 11-12, 2018 board meeting as OLE Dulebohn never received compilations from the board.
- OLE Dulebohn consulted Paralegal Marilyn Zimmerman as to whether the board was able to review and approve continuing education submissions on a case by case basis after they complete their acceptable content list and was told that practice is acceptable and encouraged.
- The Massage Establishment Regulations Worksheet was not updated as OLE Dulebohn never received information from Chair Edwards-Smith.
- The current FAQ's were not updated as OLE Dulebohn never received a completed list of additions and corrections from board members.
- OLE Dulebohn did not contact ABMP, FSMTB, NCBTMB, and AMTA for their recommendations on 4 hour Bloodborne pathogens courses because of the statutory change reducing the requirement to 2 hours made in 2018.
- The Annual Report Template for 2017 and 2018 was both e-mailed to the board and included in the June 2018 board meeting packet.
- Fingerprint cards do not have to be processed within 30 days of receipt to generate a background report. They, in fact, have no set time limit but one may be "imposed abruptly at any time".- Gaffney e-mail 5/23/2018
- Alaska does not have the possibility of a fingerprinting "rap back" program without an authorizing statute- Gaffney e-mail 5/23/2018

<u>Status of HB 110 and HB 275</u>

Chair Edwards-Smith reports both bills have passed and have been signed by the Governor.

<u>Review/Update Website FAQ's</u>

The board discussed a list of amendments and corrections that should be done to update the website FAQ's. OLE Dulebohn made notes and will update the FAQ's accordingly.

Chair Edwards-Smith called a break at 8:57 a.m. to allow OLE Dulebohn to disseminate the Massage Hours Breakdown he created to the board.

<u>Amendment of the Board Breakdown of Massage Curriculum- 500 hours</u>

Back on the record at 9:14 a.m.

The board discussed the Board Breakdown of Massage Curriculum (BBMC) that they created in the March 2018 meeting and how there was a slight math error that brought the total to 510 instead of 500. The board discussed where they might reduce 10 hours to provide a correct breakdown and decided to deduct 5 hours from Anatomy & Physiology, Pathology, Kinesiology and deduct 5 hours from Massage Theory and Practical Applications.

The board also discussed how they would increase the hours to comply with the passing of HB 110 to 625 hours that will be effective as of July 1, 2019.

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Board Breakdown of Massage Curriculum*
(Definition of Massage School)

Content	500 Hours	625 Hours (effective 7-1-2019)
Anatomy & Physiology Pathology, Kinesiology Includes: -At least 40 hours in pathology, including indications and contraindications. -Muscular system -Nervous system -Osteology -Circulatory System -Kinesiology	**130**	**162**
Massage Theory and Practical Application Includes: -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	**220**	**275**
Clinical Practice: -Universal and standard precautions -Self-care -Body mechanics -Draping -Record Keeping -Business Practices and professional development -Medical terminology	**110**	**138**
Ethics and Law: -Local and state laws -Therapeutic relationships -Professional boundaries	**40**	**50**
*the Board reserves the right to adjust these numbers if the total program hours change		

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In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a roll call vote, it was RESOLVED to CORRECT the Board Breakdown of Massage Curriculum- 500 hours drafted in March 2018 to amend Massage Theory & Practical from 225 to 220 hours and Anatomy and Physiology from 135 to 130 hours. The increased Curriculum of 625 hours by statute is: Anatomy & Physiology Pathology, Kinesiology 162 hours, Massage Theory and Practical Application 275 hours, Clinical Practice 138 hours, Ethics and Law 50 hours.

Status of Appeals- Shawn DeFord and Christopher Shelden

Chair Edwards-Smith asks OLE Dulebohn to report on the status of the appeal cases for DeFord and Shelden. OLE Dulebohn reports that instead of separate hearings, Mr. DeFord and Mr. Shelden will be having a joint hearing that will happen on June 19-20, 2018 in Anchorage. OLE Dulebohn and Deputy Director Sara Chambers are scheduled to testify.

Agenda Item 5 Old Business (continued)

Review/Update Website FAQ's

The board continued their discussion of amendments and corrections that should be done to update the website FAQ's. OLE Dulebohn made notes and will update the FAQ's accordingly

Chair Edwards-Smith called a break at 9:56 a.m.

Agenda Item 6 Division/Financial Update

Back on the record at 10:01 a.m.

The Financial Update was presented in person by Melissa Dumas, Administrative Officer II and was joined by Marylene Wales, Accountant III. Ms. Dumas reviewed and went through the FY 2018 3nd Quarter Financials including the Schedule of Revenues and Expenditures and Sum of Expenditures and answered questions by the Board on those topics.

Ms. Dumas states that the Division will conduct a fee analysis in March 2019 to see if the board could lower license fees in the future. The board discussed the financial impact of reducing fingerprinting to once every 3 licensing periods and licensing massage establishments. Ms. Dumas pointed out to the board that Inter-Agency Safety (3100) is fingerprint processing.

Ms. Dumas was asked by Mr. Gibbs about the Contractual Expenditures of $47,144, Personal Services (Investigations) of $102,805, and Inter-Agency Hearing/Meditation (3094) $5,105.89.. Ms. Dumas stated that she would send a breakdown of costs and details to OLE Dulebohn to distribute to the board.

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FY 2018 Schedule of Revenues and Expenditures 1st – 3rd Quarter:

MAS	2017
314,680	**Licensing Revenue**
102,805	Direct Expenditures
53,111	Indirect Expense
208,581	**TOTAL EXPENSES**
106,487	Annual Surplus
265,127	Beginning Cumulative Surplus
$371,614	**2018 Ending Cumulative Surplus**

The Division website has Quarterly Reports for all boards.

Agenda Item 7 Investigative and Probation Reports

Joining the meeting in person in the Anchorage office from the Department of Investigations are Autumn Roark, and Christina Bond. Ms. Roark gave the Investigative Report and stated that the Division opened 14 matters and closed 13 in the period of February 28, 2018 through May 22, 2018. Ms. Gilmour asked if there was any way for her to get information on a current unlicensed practice case to which Ms. Roark stated that she could not divulge information on an open case. OLE Dulebohn asked Ms. Roark (for the record) to clarify that a complaint of unlicensed practice does not impact an applicant for licensure as they are two separate issues according to Ms. Bautista. Ms. Roark concurred that an investigation into an allegation of unlicensed practice definitely should not affect a person's application process.

Ms. Bond gave the Probation Report stating there are 8 licensees who are currently on probation and in compliance. Hearing no questions and having no requests to the Board, she concluded her report. Ms. Motz asked about Arturo Ramirez being on "hold" status and what that meant and Ms. Gilmour followed up asking if anyone had contacted him to verify that he was not practicing. Ms. Bond replied that Mr. Ramirez let his license lapse in September 2017 and that she would attempt contact and report to the board on the June 12 meeting.

Jasmin Bautista joined the meeting at 10:24 a.m.

Mr. Gibbs asked about the Investigative Report Case # 2017-001057 and 1058 with its closure of "non Action-Lack Jurisdiction" and was answered by Ms. Bautista that it could mean that it was a shop complaint that the board doesn't have jurisdiction over.

After a brief discussion with the Investigators, the board chose to go into Executive Session.

In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed with unanimous consent, it was RESOLVED to enter into Executive Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of

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discussing "matters which by law, municipal charter, or ordinance are required to be confidential." Board staff Dawn Dulebohn, Jasmin Bautista, Christina Bond, Autumn Roark, Marilyn Zimmerman, Joan Wilson to remain in the room during Executive Session.

Off the record at 10:28 a.m.
Back on the record from Executive Session at 10:41 a.m.

Agenda Item 8 Investigative Case Review

Chair Edwards-Smith comments that this case is an example of the board making the best decision they could base on the information that was provide to them and importance of the appeals process. In light of new information that was provided by Investigations that resulted in a different view, Chair Edwards-Smith asks the board for a motion.

In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with a roll call vote, it was RESOLVED to RECIND the DENIAL issued for Shu Hua Cao that was issued in the March 2018 meeting based on the new information provided by Investigations.

OLE Dulebohn was asked by the board to build the application file for Shu Hua Cao so the board can review and make a decision on licensure during this meeting.

Ms. Wilson left the meeting at 10:38 a.m.

Agenda Item 12 Board Business

Review/Approve Continuing Education Consent Agreements

Paralegal Marilyn Zimmerman wishes to address 3 continuing education consent agreements and instructs the board to enter Executive Session.

In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed with unanimous consent, it was RESOLVED to enter into Executive Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing "matters which by law, municipal charter, or ordinance are required to be confidential." Board staff Dawn Dulebohn and Marilyn Zimmerman to remain in the room during Executive Session.

Off the record at 10:46 a.m.
Back on the record from Executive Session at 10:57 a.m.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the consent agreement for continuing education for Opal Sidon Case #2018-000039 as written.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the consent agreement for continuing education for Shannon Cothren # 2018-000104 as written.

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In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the consent agreement for continuing education for Michelle Kocan #2018-000103 as written.

Marilyn Zimmerman out at 10:57 a.m.

Agenda Item 9 Old Business (continued)

Report on U.S. Massage Schools Hours Breakdown

Traci Gilmour reports on 406 schools and 495 programs across the United States that she found on the American Massage Therapy Association (AMTA) website as an example of curriculum hours as a response to questions during the last legislative session on why the board felt the program hours should increase from 500 to 625. The bulk of schools on the list range from 600-800 hours. She found one 2100 hour school.

Nancy Potter from ABMP joined the meeting telephonically.

Matrices as Regulations Projects

As discussed earlier during the Task List, it has been determined that disciplinary matrices do not need to be regulation in order to have weight. No other program has their disciplinary matrix as a regulation.

Update on Current Regulations Projects

The board discussed the current regulations projects that include: Standard for Apprenticeship Programs, Chain of Custody for Exam Scores, Transcripts, and License Verifications, Board Breakdown of Massage Curriculum, and Stale Application Language. The draft language is to be found in the OnBoard file.

The board posed questions to OLE Dulebohn on whether the current version of the regulations language has cleared law and could go to public comment. OLE Dulebohn responds that the unchanged is ready to go out as soon as the board formally approves it and that she believes after speaking with Supervisors and the Regulations Specialist that since the curriculum change was expected and minor that it should be able to go out for public comment together. Ms. Motz suggests contacting the 3 approved schools in Alaska to make them aware of the potential new regulations to make sure they participate in public comment. OLE Dulebohn volunteers to contact the schools after the board members provide the registrar/administrative e-mail addresses to her.

Board Accepted Content for Continuing Education

Ms. Gilmour makes a request of the Chair to allow for follow-up conversation on this topic tomorrow. Chair Edward-Smith acquiesces to Ms. Gilmour's request.

Chair Edwards-Smith directed the board to define what the purpose of continuing education is and what it serves. The board decided that continuing education is:

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

The board reviewed documents provided by Chair Edwards-Smith, the National Certification board for Therapeutic Massage and Bodywork (NCBTMB) list of acceptable continuing education, and the Model Administrative Rules for State Massage Regulatory Boards provided by Mr. Gibbs. The board discusses what they feel is acceptable content for continuing education and what are "valuable tools in a massage therapist's toolbox". Some topics that were discussed were: administrative work and tax preparation, massage therapists are not allowed to prescribe supplements, animal massage, breast massage, and energy work. To expand upon whether licensed massage therapists can do animal massage, OLE Dulebohn informed the board that she had already had a discussion with Virginia Geary, OLE for the Board of Veterinary Medicine and it was determined that to perform animal massage in Alaska you must be a licensed veterinarian or Vet Tech..

OLE Dulebohn points out that the board can always but a limit of hours on continuing education topics they feel are useful tools but that they don't want a therapist to do all of their 16 hours exclusively in. The board states frequently that licensees can do continuing education in anything they want, they just cannot submit it for license continuing education credit.

The board asks that OLE Dulebohn discuss with the Paralegal the addition of the board's definition of continuing education as regulation.

Ms. Gilmour suggests moving the continuing education content discussion to tomorrow to allow for some additional board research. Chair Edwards-Smith agrees and brings up additional topics he wants to discuss on June 12, 2018 such as fingerprinting suggestions made by Sara Chambers during the 2018 legislative session discussion of HB 110 and HB 275 which includes chain of custody, requiring applicants and licensees only get their fingerprints done by a Department of Public Safety approved establishment, and that it be required that the fingerprinting card be sent directly to Division from the finger printer. Some questions arose as to whether the board has the authority to require a fingerprinting establishment to submit the cards directly.

Chair Edwards-Smith calls a break for lunch until 1:15 p.m.
Off the record at 11:51 p.m.

Agenda Item 10 Lunch

Agenda Item 11 Public Comment

On the record at 1:17 p.m.

Joining the meeting telephonically for Public Comment is:

Edward Toal

The Board prepared to hear public comment. Mr. Toal's statement began at 1:19p.m. and was as follows:

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"Ok, for the record, this is Edward Toal, LMT. I would like to comment that at the March board meeting we heard from Jill Motz as to the nature of COMTA accreditation. In particular Institutional Accreditation which is the highest level of COMTA accreditation. It is what the Rolf Institute of Structural Integration has and according to Ms. Motz that accreditation did not qualify Rolf Institute as a school of massage therapy for purposes of licensing because, according to her, Institutional Accreditation does not examine curriculum or content. Now that the board is in possession of a letter from the Executive Director of COMTA explaining otherwise. That they do, indeed, scrutinize the curriculum and that any COMTA accredited institution is teaching what our statute defines as massage therapy. It's far-fetched to make the argument that because the word massage does not appear in the curriculum that it is not a massage school. Harriet Milk, I believe she is with the Attorney General's Office, she instructed you at the November 30, December 1st meeting (I forget which day it was), she instructed you to ignore the word massage and instead focus on whether or not the curriculum met the statutes in the definition of massage therapy, which I believe the board is compelled to adhere to. I don't know why you abandoned that definition. It's in statute; it's the law.
So, now that you're in possession of that letter, which makes it clear that the Rolf Institute curriculum is indeed massage therapy as defined in our statute, I wonder if you'll persist in your…it's obvious that you guys wanna deny Rolfing and the Rolf Institute as an approved school. That's clear but I wonder if facts matter and if you'll actually start to obey the law instead of continuing down this pathway that you've chosen. That's my comment. Thank you."

Chair Edwards-Smith seeing that no one else has a comment, closes the Public Comment period. Chair Edwards-Smith remarks that the board appreciates public comment and that it does help to inform the board and influence their decision making process.

Agenda Item 12 Board Business

OLE Dulebohn informs the board that the application they wanted to review stemming from the Investigative Report is ready for them in the OnBoard file.

Chair Edwards-Smith acknowledges that all continuing education consent agreements were taken care of earlier in the day.

Review Tabled Applications

Mr. Gibbs makes the introductory comment that the board is dealing with an issue in all three of these tabled applications are on a non-approved list with the California Council of Massage Therapy. Prior to 2016, there was no evaluation of schools in California. So anybody who graduated from a school prior to July 1, 2016 did not come from an approved school because there was no accreditation process in place. The only exception was a postsecondary approval on a local level. All three of these graduates are from schools now not approved but are grandfathered in by California. According to CAMTC, had any of these three of let their license lapse and had to reapply, they would not be licensed in their state with that education. Mr. Gibbs expresses confusion on how to proceed and how to approach these applications since they are not accredited now and prior to 2016 California was pretty much giving anyone a license. The board discusses California possibly not meeting statute by not being a state that "are substantially equal to or greater than the requirements of this state" according to AS 08.61.040(9)(A) because they issue licenses to

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applicants who did not graduate from an accredited school and that have a hours requirement less than 500

The board continues discussion on the standards of other states and Ms. Gilmour states that she wants the board to continue their fastidious research into other states standards for licensure. Ms. Motz points out that Alaska had a grandfathering process when it was first formed in which people that did not meet the current standards in statutes were issued a license and brings up the point that it wasn't the licensees fault in California that regulations weren't in place when they were licensed.

The board decides that it needs to examine some of these applicant's transcripts to ensure they graduated from a California post-secondary approved or nationally accredited school of 500 hours or more.

The board reviews and discusses the application of S.C.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the application for a massage therapist license for Shu Hua Cao PENDING the review of an official transcripts from an accredited school, referencing AS 08.61.040 and AS 08.61.030.

When N.C.'s application was tabled, the board requested additional documents in the form of transcripts which the applicant provided. The board reviews and discusses the tabled application of N.C.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the application for a massage therapist license for Na Chen PENDING the review of an official transcripts from an accredited school, referencing AS 08.61.040 and AS 08.61.030.

The board reviews and discusses the tabled application of E.N. As of 2016, her schools are on California's unapproved list. This application is unique in the fact that the applicant states she has approval of her education from the National Certification board for Therapeutic Massage and Bodywork (NCBTMB). The board notes the Bureau of Private and Postsecondary Education (BPE) License # 1939211 and NCBTMB #490112 on her Americana College certificate but not on her transcript. BPPE is part of the Department of Consumer Affairs and is not an educational accrediting agency according to research done by OLE Dulebohn previously confirmed by Ms. Motz during this meeting. Chair Edwards-Smith informs the board that the NCBTMB has assigned school status that would allow them to accredit schools.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the application for a massage therapist license for Elissa Nian PENDING the review accreditation verification from National Certification board for Therapeutic Massage and Bodywork in 2009 from Americana & American International Vocational College..

The board reviews and discusses the tabled application of S.Z. OLE Dulebohn was asked by the board if S.Z. provided any additional information as requested by the board and were notified that

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even though correspondence was sent asking for additional information, none was ever received by Division.

In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to DENY the application for Shirley Zhang citing AS 08.61.030(3)(A). ***"The Board shall issue a license to practice massage therapy to a person who furnishes evidence satisfactory to the board that the person has completed a course of study of at least 500 hours of in-class supervised instruction and clinical work from an approved massage school."***

Chair Edwards-Smith calls for a break at 2:11 p.m.
Back on the record at 2:15p.m.

Agenda Item 13 New Business

Alaska Human Trafficking Work Group

The board discusses the Alaska Human Trafficking Work Group (AHTWG) and expresses disappointment in only gaining knowledge of their existence recently. According to Ms. Gilmour, Amanda Unser, the group's former contact on the board, failed to notify AHTWG when she was no longer on the board and didn't notify the board of AHTWG's contact information. Ms. Gilmour reports that she was introduced to the group during the 2018 legislative session and encouraged them to contact OLE Dulebohn. OLE Dulebohn received an invitation for the board to attend the AHTWG's next meetings on August 15th and November 20th which she accepted and notified the board via e-mail.

Ms. Gilmour suggests the board appoint a liaison to the AHTWG that can attend the board meetings and report. OLE Dulebohn reminds the board that appointing a liaison isn't necessary and they may invite a member of AHTWG to attend scheduled board meetings.

Ms. Motz committed to attend the August 15, 2018 meeting at 1:00 p.m. in Anchorage and will report to the board in the September meeting.

The board discusses the importance of having a representative of AHTWG attend the next meeting along with Labor and Wage and law enforcement when they are discussing the massage licensing establishment regulations language.

Alternative Education

Chair Edwards-Smith invites Ms. Motz to report on Alternative Education. Stemming from being approached by a potential applicant who was frustrated with the application process, Ms. Motz began doing research on educational options in the Anchorage area. Ms. Motz contacted Alaska Career College (ACC) about the possibility of them allowing applicants to take select courses or hours when they have deficient to allow them a pathway to licensure. Mr. Gibbs points out that there is a precedent for that sort of program with Alaska Academy of Advanced Cosmetology (AAAC) in Juneau. A former applicant (current licensee) did not have enough hours and supplemented the balance at AAAC.

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Ms. Motz continues with her report on ACC, stating the school would be willing to work out a program as long as it didn't impact their accreditation status. The representative Ms. Motz spoke to at ACC asks that the board write a letter saying it will accept supplemental credits/hours and the board didn't need to provide any documents as long as they were an accredited massage school. Ms. Motz reports that she doesn't believe the board needs to do anything to make this pathway available since the board Curriculum Breakdown is already going through the regulations process. It would just be a matter of accredited school's being willing to allow applicants to attend a portion of their program. Ms. Gilmour interjects that she believes the boards only duty would be to assess applications that have shortages and assign the remedial classes needed to remedy the applicant's previous education.

The board discusses whether they should require a certain amount of massage hours to be completed at one school or program before they will allow an applicant to make up classes for licensure. Chair Edwards-Smith brings up that there may be many circumstances to take into account before you make requirements of people's education. Ms. Gilmour believes that the amount of schools you attend does not matter as long as you complete all the education that the board determines the applicant is lacking. Ms. Motz agrees with this way of thinking.

<u>Combination Education</u>

Ms. Motz goes on to speak about Combination Education that she became aware of it when she was speaking with ACC and was doing research for the apprenticeship program. Combination Education has you do all of your book work online (including exams at the end of every section) and then you attend their school in person for a month to complete your clinical portion off 200 hours. When you complete your program you graduate with 625 hours. The program she has in mind is accredited by Commission on Massage Therapy Accreditation (COMTA), is far less costly than some traditional massage programs, meet all the criteria, and would work well in a place as geographically challenging as Alaska. Ms. Motz mentions that the board has already awarded licenses to graduates of these schools in the past. She goes on to expand on the possibilities of this program because there may be a possibility to do your clinical portion in Alaska in a postsecondary approved school or someday in an apprenticeship scenario.

The board discusses the pros and cons of allowing a combination education program, whether the statue allows this type of education since it specifically says "500 hours of in class supervised instruction and clinical work…", and if the student would have interaction with the instructors.

Chair Edwards-Smith directs the board to think about language and to write it up on June 12th when they are discussing the other regulations projects. OLE Dulebohn interjects that she believes that this may have to be a statute change and that she would like to consult the Paralegal and Regulations Specialists.

Chair Edwards-Smith calls for a brief break to allow OLE Dulebohn to speak with Regulations Specialists at 2:45 p.m.
Back on the record at 2:56 p.m.

OLE Dulebohn reports from her conference with Regulations Specialists Jun Maiquis and Sher Zinn were split because of the words "in class supervised". Their suggestion was that the board draft regulations language to allow for combination education by defining "in class supervised" and

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submit it with all the others they will be doing on June 12th. This will allow Department of Law to review it and if it does, in fact, need to be a statutory change, LAW will let the board know and if not it will proceed and go to public comment which will allow for more feedback.

Traci Gilmour left at 2:58 p.m.
Traci Gilmour back at 3:09 p.m.

Agenda Item 14 Administrative Business

2018 Annual Report

OLE Dulebohn has completed the administrative portion and Chair Edwards-Smith will send the board's portion to her to complete the report.

Chair Edwards-Smith calls for a break at 3:05 p.m.
Back on the record at 3:09 p.m.

Meeting Calendar

The board discusses changing the September 10-11, 2018 from teleconference to an in-person meeting in Anchorage and the December 3-4, 2018 in-person in Anchorage to a teleconference citing work on regulations language and weather travel restrictions in December. The board also discussed their meeting calendar dates for 2019.

In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed with unanimous consent, it was RESOLVED to AMEND the meeting of September 10-11, 2018 from a teleconference to an in-person meeting in Anchorage and the December 3-4, 2018 meeting from an in-person meeting in Anchorage to a video conference. Furthermore, the board would like to schedule 2019 meetings: March 4-5, 2019 in-person meeting in Juneau, a June 10-11, 2019 video conference, a September 19-20, 2019 in-person meeting in Anchorage, and a December 2-3, 2019 video conference.

FSMTB Executive Summit Summary

OLE Dulebohn reports on the 2018 Executive Summit she attended in Kansas City, MO on April 12-13. This is an annual summit geared to executive staff and administrators. Throughout the 2 day summit there were 10 seminars that covered topics such as human trafficking, how to build alliances with law enforcement, how to develop continuing education courses through FSMTB, the development of the Massage Therapy Licensing Database (MTLD) (central repository of licensing information, license actions, school information, and MBLEx scores), risk management and disaster planning, communicating with special populations, and detecting fraud in the licensure process. All of these seminars were interactive with the questions being asked helping to provide a more well-rounded look at the subjects.

Of all these courses, Dawn took away the most useful information from the Detecting Fraud in the Licensure Process workshop, the Human Trafficking seminar, and Communicating with Special Populations.

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The Human Trafficking seminar was the most heartbreaking. It was hosted jointly by law enforcement and the head of the human trafficking task force in Missouri. It reiterates that human trafficking is slavery and over 40 million people are subjected, $150,000,000,000 is made from it annually, and $2,500,000,000 of that is just from "massage" establishments. There are online websites that allow you to find illicit establishments as easily as finding a restaurant (and yes, there are listing in Alaska). Those websites have reviews and disturbing details of services provided. These syndicates are well run, well-funded, and branch into diploma mills, and bribed school officials. These criminal organizations seek out people in poverty with a promise of a better life because there is a demand for "unskilled" labor and they keep these captives working for them by threatening their friends, family, community, the person's reputation, and telling them if they report the situation to U.S. law enforcement they will be deported and their "co-workers" will be punished. It was a somber reality check.

The last workshop Dawn found especially relevant was entitled Communication with Special Populations. It asked questions such as how are we protecting the public? Does your investigations process protect victims? Do you accept anonymous complaints to protect a victim's confidentiality? Does investigations accept complaints from a 3rd party? If a sexual complaint is filed, how is the public/board notified of the status of that complaint? Do you have investigative training to help you communicate with victims? Dawn found that she did not know the answers to any of these questions and feels as though she should attend some sort of investigative training to be able to not only better interact should these situations present themselves but to verify that the public is treated with the respect they deserve.

In closing, this conference served to educate Dawn on things unknown, remind her of the massage industry outside Alaska, and allowed networking with states who have gone through processes Alaska has yet to cross such as establishment licensing. Dawn made many contacts with administrators in several states who will be a resource for her in the years to come as this new board grows and evolves.

Ms. Gilmour asks that OLE Dulebohn post a written summary of this Summit to the website to allow dissenters to see how valuable these conferences are, why the massage industry is involved in licensing establishment to help combat human trafficking, and what the outcome of these meetings are. OLE Dulebohn responded that she would look into getting approval to post a summary.

OLE Dulebohn took this opportunity to talk to the board about their quarterly newsletter and that they become more involved in the process. The board all apologized for not participating when asked and assured OLE Dulebohn they would be much more involved in the future. The board discussed adding a disciplinary action summary to the newsletter as a possible deterrent to licensees with a link to the Disciplinary Action List on the website.

<u>Correspondence</u>

The board discussed the letter sent by Commission on Massage Therapy Accreditation (COMTA) sent to them via OLE Dulebohn by Acting Executive Director Dawn M. Hogue on April 12, 2018 pertaining to Specialized Accreditation. The board determined that since it was a statement, there was no need to reply.

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New Task List

New Task List

June 11, 2018

#	Task	Who to complete?	When is the deadline?	Distribute to the Board?	Completed
1.	Check with Paralegal about prorated licensing fees for 2017-2019 period	Dawn	September meeting	No	
2.	Breakdown of financial report on Inter Agency Safety (fp), Inter Agency Hearing/Mediation, and Legal	Melissa Dumas	September Meeting	No	
3.	Contact Arturo Ramirez to about his held probationary status	Christina Bond	June 12, 2018	No- will report during meeting	Yes. June 12, 2018 via e-mail reported by OLE Dulebohn
4.	Build application for Shu Hua Cao for the board to review.	Dawn	June 11, 2018- after lunch	No- will report during the meeting	Yes- June 11, 2018
5.	Whether the board incurs the cost for hearings when the cause was a Division (Investigations) error	Dawn	September meeting	No	
6.	Contact Alaska's 3 postsecondary approved schools about the upcoming regulations language concerning curriculum.	Traci	August 1, 2018	No	
7.	The acceptable CE list from NCBTMB from Jill	Dawn/Jill	August 1, 2018	Yes	
8.	Attend Alaska Human Trafficking Work Group on August 15, 2018 at 1p.m.	Jill	Report during the September meeting	No	
9.	Classroom hours via distance education language from Board of Certified Real Estate Appraisers regulation to David	Dawn	June 12, 2018	Yes	June 12, 2018
10.	Board Narrative Statement, Goals & Objectives, and Future Regulations Projects for 2018 Annual Report	David	ASAP	No.	
11.	Put disciplinary actions and Executive Summit Summary link in quarterly newsletter	Dawn	July 31, 2018	Yes.	

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12.	Send answers to questions formed by FSMTB conference from Chief Francois to board and possibly include in the newsletter	Dawn	September meeting		

Chair Edwards-Smith has recessed for the day and will reconvene the meeting at 9:00 a.m. on June 12, 2018. Off the record at 3:39 p.m.

Tuesday, June 12, 2018

Agenda Item 16 Call to Order/Roll Call 9:08 a.m.

Board Members present, constituting a quorum:

David Edwards-Smith, Board Chair-Licensed Massage Therapist
Traci Gilmour, Licensed Massage Therapist
Ron Gibbs, Licenses Massage Therapist
Jill Motz, Licensed Massage Therapist

Division Staff present:

Dawn Dulebohn, Occupational Licensing Examiner
Autumn Roark, Investigator III
Janey McCullough, Director of the Division of Corporations, Business, and Professional Licensing
Sher Zinn, Regulations Specialist II

Agenda Item 17 Review Agenda

Chair Edwards-Smith leads the board in reviewing the agenda for June 12, 2018. Goals to accomplish today are:

- Come up with an outline and mission statement for massage establishment licensing regulations
- Draft language for fingerprinting regulations including the aforementioned chain of custody issues
- Draft language for Bloodborne pathogens hours change
- Continue board list of unacceptable continuing education
- Draft language for qualifying education by distance education
- Review and amend Standards of Practice and Code of Ethics
- Review and approve the current draft language for regulations so it can go on to Public Comment.

Ms. Roark joined the meeting in-person in Anchorage

Janey McCullough joined the meeting in person in Juneau

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Agenda Item 18 Drafting Language for Potential Regulations Projects

Massage Establishment Licensing

Chair Edwards-Smith identifies that the key topics to be addressed are:

- Application requirements
- Renewal requirements
- Change of ownership
- Operations of establishment itself- Not operating between 12am and 5am
- Inspection (lead to Investigations if necessary)
- Exemptions

Conversation ensued between the Board, Director Janey McCullough, Regulations Specialist Sher Zinn, and Investigator Autumn Roark.

Owners and Transfer of Ownership- The application is for the owner of the establishment (not the property). Ms. Zinn brings up that when referring to the person who needs to apply for licensure, business licensing already has a definition for the word "entity" and that the board may want to use the word "owner" and then define it at the end of regulations. It is decided that a license is not transferable, the new owner must apply for new license after they purchase the establishment, and they must have a new, approved license before conducting business. When speaking of change of ownership, Ms. McCullough references Barbers and Hairdressers 12 AAC 09.110(B) as an option for sample language and the board agreed it was applicable.

Inspection/Investigations- Ms. Roark states that Investigations will not be going in to inspect properties personally. Ms. Motz believes what is needed is just the authority to allow inspectors in the establishments, inspect within their scope, and reporting to appropriate authority. Some of the things the inspector will be looking for are: Licenses displayed, check advertisements, personal property, transactions (including gratuities) not operating between 12 am and 5am, no controlled substances, no onsite living, and doors are not locking from the outside. Ms. McCullough asks the board whether they will be requiring an initial inspection prior to licensure and the board considers the pros and cons.

Photography- Ms. Gilmour brings up the issue of photography equipment in the establishments and the board discusses having no cameras where patients are being treated except for therapeutic purposes with a signed patient waiver.

Ms. Motz suggests the board forming a subcommittee to meet and come back with proposed language documents for review. This notion is supported by the other board members.

Massage Establishment Licensing (MEL) Subcommittee Assignment Breakdown:
Traci- Applications and Renewal Requirements
Dave- Exemptions and Change of Ownership
Ron- Disciplinary Matrix and Fine Schedule
Jill- Operations and Inspections

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Ms. Zinn goes over the process and time frame for such extensive regulations in order to have them adopted before the July 1, 2019 deadline. She cautions the board of the busy time for LAW and Regulations Specialists during legislative session. It is discussed that 3-4 month of lead time is needed to clear all the steps for regulation which would mean the board needs to have its 1st language draft done by December 2018 at the latest. It is suggested that the board pull language from other Alaska regulations as to not "re-invent the wheel". Ms. Zinn suggests helpful regulations may be Barbers and Hairdressers and Pharmacy.

Mr. Gibbs asks that all of the components compiled by the board members be completed and distributed before the September 2018 meeting to allow everyone time to review the compilation of the research and be ready to assemble it and make a motion in September.

Regulation Changes Questionnaire

Regulations Specialist Sher Zinn presents the revamped Regulation Changes Questionnaire. She explains the form and that, going forward, this form be filled out by the board in its entirety and be submitted with any regulations changes that are being proposed.

Ms. McCullough, Ms. Zinn, and Ms. Roark left the meeting at 10:17 a.m.

Continuing Education

Chair Edwards-Smith reiterates the definition on what the purpose of continuing education (CE) is and what it serves. Continuing education is the *professional development activities that enhance and expand the skills and knowledge of massage therapists that enable them to sender competent service to clients, the profession, and the public in accordance with AS 08.61.100(5).*

The Board would like it noted for the record that a massage therapist can take any kind of continuing education that they would like to expand their knowledge and business practices. The list the board is formulating is only regulating what continuing education will be accepted for the renewal of a massage therapist license.

The board reviewed the NCBTMB list of unacceptable continuing education courses (which can be found at ncbtmb.org) as part of their research in formulating their own list. The list does not mention specific brands or techniques but content.

Unacceptable Content List for Continuing Education

2017-2019 Licensing Period

Created June 2018

1. Diagnoses (allopathic-based) of clinical conditions
2. Implementation of allopathic medical/surgical procedures
3. Physically invasive modalities (e.g., ear candles, intra-anal, intra-vaginal modalities, etc.)

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

The board reserves the right to review and approve continuing education documents on a case-by-case basis if necessary.

In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a roll call vote, it was RESOLVED to ADOPT the Unacceptable Content List for Continuing Education, 2017-2019 Licensing Period as outlined in the June 12, 2018 meeting.

Chair Edward- Smith called for a break at 11:04 a.m.
Back on the record at 11:10 a.m.

Fingerprinting Amendments

Chair Edwards-Smith begins by stating that the following regulations change is a result of a statutory amendment that happened during the 2018 legislative session. Chair Edwards-Smith states that it was recommended in a letter from Sara Chambers to Representative McKinnon that Division will recommend to its boards to adopt regulations requiring that licensees visit Alaska State Trooper posts or use DPS approved finger printers. Regulation may also propose that finger printers send

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fingerprint cards to the Division instead of returning them to the applicant. The board discusses some possible issues with implementing these requirements:

- What if the applicant lives in a remote location in Alaska?
- Do all Alaska State Trooper posts do fingerprinting for the public?
- Will it add additional cost to the applicant (i.e. fee from agency to mail fingerprint cards)?
- How they will implement these requirements to people who live out of state?
- Does the board have any statutory authority to require finger printers to mail fingerprint cards directly to the Division since they are not regulated under the Board of Massage Therapists? Maybe it would be Centralized Regulation?

Ms. Motz calls attention that the board might not have a choice in implementing this regulation since it came from Division and the Legislature. Ms. Gilmour states that the idea is great because it solves the chain of custody issue but that this conversation needs to involve the Department of Public Safety, Health and Social Services, and the Alaska State Troopers. She believes this may be better suited as a Public Safety statute change.

Chair Edwards-Smith asks OLE Dulebohn to see if Deputy Director Sara Chambers is available to consult with the board at this time.

After a brief conversation with Sara Chambers in her office, OLE Dulebohn reports to the board that Ms. Chambers believes this discussion would be better if was done in the next scheduled board meeting.

<u>Bloodborne Pathogens</u>

The board has a brief discussion of the language for the following motion regarding the statutory change in the 2018 legislative session on the subject of renewal fingerprinting requirements and the reduction of Bloodborne pathogens completion hours.

In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a roll call vote, it was RESOLVED to AMEND 12 AAC 79.100(a) (5) to reduce the requirements for Bloodborne Pathogens/Universal Precautions from four to two hours and 12 AAC 79.210(c) to reduce an applicant for renewals ability to receive four hours of continuing education credit for completion of a Bloodborne pathogens and universal and standard precautions course to two hours.

<u>Regulations Language Approval</u>

The board reviewed the draft language that had been given to them from the Regulations Specialists and Department of Law concerning stale application language, board approved apprenticeship programs, chain of custody for exams scores, license verification, and school transcripts, and the Board Curriculum Breakdown for 500 hours.

Chair Edwards-Smith calls for a break at 11:42 a.m.
Back on the record at 11:49 a.m.

In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to ACCEPT the regulations projects language as

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written with the AMENDMENTS of 12 AAC 79.100(5) changing the 4 hours of Bloodborne pathogens to 2 hours, 12 AAC 79.140(b) to 500 hours by reducing 1)130 hours and 2) 220 hours and including the Massage Curriculum Breakdown to accommodate the approved statutory increase to 625 hours as of July 1, 2019. The 625 Massage Curriculum Breakdown would be: Anatomy & Physiology-162 hours, Clinical Practice- 138 hours, Ethics & Law- 50 hours, and Massage Theory and Practical Applications- 275 hours.

Investigative Email from Christina Bond

OLE Dulebohn reports on an e-mail she received from Investigator Christina Bond. In yesterday's meeting Ms. Bond was asked to follow up on the probation that was put on hold for Arturo Ramirez. Ms. Bond states that she spoke with Mr. Ramirez on 6/12/2018 and he confirms that he is no longer practicing massage therapy, he is still in Alaska, and he is unsure whether or not he will be returning to the profession. Ms. Bond asked him to keep her updated on his status.

Massage Establishment Licensing Mission Statement

OLE Dulebohn brings to the board's attention that there was not a motion in earlier in the meeting for the board to adopt the proposed mission statement for Massage Establishment Licensing and she asked if the board wanted to address that presently. Chair Edwards-Smith affirms that he does want to proceed with that process and asks the board to consider making a motion. The board discusses the statement and language that would like to utilize.

In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll call vote, it was RESOLVED to ADOPT the following Massage Establishment Mission Statement: "Massage establishment regulations will serve the purpose of safeguarding legitimate massage establishments, therapists, and the public from illicit massage establishments and human trafficking activity."

Code of Ethics Change

Ms. Motz reports on an issue that has come to her attention that there are perhaps some therapists that are using sex to market their massage services via social media. Ms. Motz believes any type of sexualizing behavior as advertising is detrimental because it does harm to the profession and peers by insinuating that massage has a sexual component. She would like to bring this issue to the board for discussion and to include in that discussion a change to the Code of Ethics, #8. She explains that adding this language to the Code of Ethics will give the board authority when a complaint is reported to either call the accused in to explain, issue a letter of advisement, or the complaint can be forwarded to Investigations.

Ms. Motz continues to say this situation has been brought to the attention of some of the professional organizations and they will be amending their Code of Conduct as well.

The board discusses what makes advertising sexual, if the advertising in question was a one-time occurrence or a habit, how they do not want to allow therapists to perpetuate the stigma that massage has a sexual component, and if this type of infraction would fall under AS 08.61.060(3) that "after a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person

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licensed under this chapter if the board finds that the person advertised massage therapy services in a false or misleading manner".

In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a roll call vote, it was RESOLVED to AMEND the Code of Ethics #8 to read: "I will not, in any circumstance, initiate or engage in sexual conduct, activities, advertising, or sexualizing behavior involving a client, even if the client attempts to sexualize the relationship".

The board notes for the record that they would like to review all instances violating this change to Code of Ethics on a case by case basis beginning with Investigations.

Qualifying Education via Distance Education

On the June 11th, the board discussed the idea of combined education to allow for applicants to take part of their education online and the clinical and final exam in person. The board discusses AS 08.61.030 (3) (A) "the board shall issue a license to practice massage therapy to a person who furnishes evidence satisfactory to the board that the person has completed a course of study of at least 500 hours of in-class supervised instruction and clinical work from an approved massage school" in regards to their interpretation of what "in-class supervised instruction and clinical work" means and whether a distance education program would fit that criteria.

Ms. Motz, Chair Edwards-Smith, and OLE Dulebohn contributed documents to be used as research in this matter. It was discussed that the distance education program be accredited by an agency that specializes in distance education such as the Distance Education Accrediting Commission. The board discussed taking information from all of the available sources and forming language to present to the board that would end in a motion for a regulations project. Ms. Gilmour interjects that using an online glossary of terms as a tool in writing the draft language would be beneficial.

TASK: Jill Motz will gather information and draft language for distance education for to further define "in-class" to present to the board in the September 10 and 11 meeting (or next teleconference).

New Task List

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TASK LIST

June 12, 2018

Task	Who to complete?	When is the deadline?	Distribute to the Board?	Completed
Send David approved minutes, wall certificates, ce consent agreements to sign and return to Division	Dawn	07/15/2018	No	
Massage Licensing Establishment Language from board assigned tasks to send to Dawn	Board Members	08/16/2018	Yes	
Send Board List of Unacceptable Continuing Education Guideline to Dawn	David	06/12/2018	No	

Contact DPS to see if it's feasible for a finger print business to mail the fingerprint cards directly to the Division. Do they already provide this service? How does DPS maintain their database of preferred providers?	Dawn	Before September meeting	No	
Invite Sara Chambers to September 10-11, 2018 board meeting to discuss fingerprint cards	Dawn	Before September meeting	No	
Find out if a change to the Code of Ethics needs to be a regulations project	Dawn	Before September meeting	No	
Gather the information and present language for distance education for "in-class supervised" to present to the board at the September Meeting or next teleconference	Jill	Before September meeting	No	

At this time the Board concluded all scheduled Board business.

In a motion made by Jill Motz, seconded by Ron Gibbs, and passed with unanimous consent, it was RESOLVED to ADJOURN.

Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended at 12:16 p.m.

Respectfully Submitted,

_____ _____

Dawn Dulebohn, Licensing Examiner **Date**

_____ _____

David Edwards-Smith, Boards Chair **Date**

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Old Business

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Task List from June 10-11, 2018

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New Task List

June 11-12, 2018

#	Task	Who to complete?	When is the deadline?	Distribute to the Board?	Completed
1.	Check with Paralegal about prorated licensing fees for 2017-2019 period	Dawn	September meeting	No	Central- 12 AAC 02.030- 90 days- license, not renewal $ -within 12 months, license ½ renewal $
2.	Breakdown of financial report on Inter Agency Safety (fp), Inter Agency Hearing/Mediation, and Legal	Melissa Dumas	September Meeting	No	Complete 8/14/2018
3.	Contact Arturo Ramirez to about his held probationary status	Christina Bond	June 12, 2018	No- will report during meeting	Yes. June 12, 2018 via e-mail reported by OLE Dulebohn
4.	Build application for Shu Hua Cao for the board to review.	Dawn	June 11, 2018- after lunch	No- will report during the meeting	Yes- June 11, 2018
5.	Whether the board incurs the cost for hearings when the cause was a Division (Investigations) error	Dawn	September meeting	No	Complete 8/14/2018
6.	Contact Alaska's 3 postsecondary approved schools about the upcoming regulations language concerning curriculum.	Traci	August 1, 2018	No	
7.	The acceptable CE list from NCBTMB from Jill	Dawn/Jill	August 1, 2018	Yes	Jill sent link on 06/11/2018
8.	Attend Alaska Human Trafficking Work Group on August 15, 2018 at 1p.m.	Jill	Report during the September meeting	No	Complete 8/15/2018. Follow-up e-mail sent to group 8/15/2018
9.	Classroom hours via distance education language from Board of Certified Real Estate Appraisers regulation to David	Dawn	June 12, 2018	Yes	June 12, 2018
10.	Board Narrative Statement, Goals & Objectives, and Future Regulations Projects for 2018 Annual Report	David	ASAP	No.	6/30/2018

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11.	Put disciplinary actions and Executive Summit Summary link in quarterly newsletter	Dawn	July 31, 2018	Yes.	Complete and sent to board 7/6/2018. NO RESPONSE
12.	Send answers to questions formed by FSMTB conference from Chief Francois to board and possibly include in the newsletter	Dawn	September meeting	Board Packet for September	8/3/2018
13.	Send David approved minutes, wall certificates, ce consent agreements to sign and return to Division	Dawn	07/15/2018	No	Mailed 06/22/2018 Sent CE via e-mail 06/21/2018
14.	Massage Licensing Establishment Language from board assigned tasks to send to Dawn	Board Members	08/16/2018	Yes	8/16/2018
15.	Send Board List of Unacceptable Continuing Education Guideline to Dawn	David	06/12/2018	No	06/12/2018- retyped and posted to website 8/17/2018
16.	Contact DPS to see if it's feasible for a finger print business to mail the fingerprint cards directly to the Division. Do they already provide this service? How does DPS maintain their database of preferred providers?	Dawn	Before September meeting	No	
17.	Invite Sara Chambers to September 10-11, 2018 board meeting to discuss fingerprint cards	Dawn	Before September meeting	No	Invite sent 8/2/2018
18.	Find out if a change to the Code of Ethics needs to be a regulations project	Dawn	Before September meeting	No	It does- per D. Hannasch 06/13/2018
19.	Gather the information and present language for distance education for "in-class supervised" to present to the board at the September Meeting or next teleconference	Jill	Before September meeting	No	8/16/2018

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Alaska Human Trafficking Work Group

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From: Kuhn, Shannon K.
To: "suzi_p@awaic.org"; "nicole_s@awaic.org"; "karen.sallee@providence.org"; "bryant.skinner@providence.org"; "dwallace@akcourts.us"; Buscaglia, Marti C (GOV); Monkton, Sarah R (GOV); "robin.bronen@akijp.org"; "anna.taylor@akijp.org"; "nnelson@alsc-law.org"; "tavery@anjc.net"; "antucker@anjc.net"; Dyson, Fred; Honest, Miranda L.; Freemon, Melinda L.; Kuhn, Shannon K.; Downes, Jessica A.; Doll, Justin; McCoy, Ken; Torres, Leonard; Kimmel, Mara; DeSmith, Kristin; Theno, Seneca A.; Davis, Jody L.; "ekrauszer@cssalaska.org"; "akear@covenanthouseak.org"; "jlouwerse@covenanthouseak.org"; "hcarson@covenanthouseak.org"; "dfleurant@dlcak.org"; "slaurie@downtownhopecenter.org"; "Jolene.Goeden@ic.fbi.gov"; "lisa.watson@ic.fbi.gov"; "erin.patterson-sexson@ic.fbi.gov"; "emily.ford@providence.org"; "katheryn.powers@providence.org"; "ronald.galt@providence.org"; Dulebohn, Dawn L (CED); "lifetouchalaska@gmail.com"; Francois, Greg A (CED); Roark, Autumn N (CED); Redick, Heidi E (HSS); Meredith, Lizbeth A (HSS); Baxter, Craig S (HSS); Mayes, Duane G (HSS); Keilman-Cruz, Lynne N (HSS); Drygas, Heidi L (DOL); Kelly, Deborah (DOL); Gerharz, Rhonda J R (DOL); Applegate, Jeremy L (DOL); Rathlin, Alecia K (DOL); Miovas, Paul J (LAW); Guay, Kim (HSS); Athens, Marika R (DOA); Aliberti, Thomas J (LAW); Widmer, Matthew C (DOA); Eniero, Monique E (DOA); Keeley Olson; "kyle.reardon@usdoj.gov"; "vshanklin@victimsforjustice.org"; "jzagorski@ywcaak.org"; "khtepas@hotmail.com"; "loganbasner@northerncompassgroup.com"; "rquinlan@anchoragedowntownpartnership.org"; "jamesleebethany@gmail.com"
Subject: AHTWG follow-up and photos
Date: Thursday, May 17, 2018 10:19:51 AM
Attachments: Employee Questionnaire - electronic 2.0.pdf
NIJ USC Labor Trafficking One-Pager.pdf

Hello, Alaska Human Trafficking Working Group members!

Photos from the Governor's bill signing Tuesday are attached. A special thank you again to the State Board of Massage Therapists for their work championing the passage of HB 110, and to Commissioner Drygas and Mayor Berkowitz for their support.

Some follow up items from our quarterly meeting:

1. **Referral Form:** The updated (fillable PDF) human trafficking referral form is attached, developed by the Law Enforcement committee. This form can be used when making trafficking and labor violation referrals to the FBI and Department of Labor. Send forms to either Jeremy Applegate (DOL) jeremy.applegate@alaska.gov or Jolene Goeden (FBI) Jolene.Goeden@ic.fbi.gov

2. **National Institute for Justice Labor Trafficking Study:** Research Professor Meredith Denk will be here the week of July 16th and would like to meet with interested members of the working group. The one-page project description is attached. Feel free to reach out to her directly at mdank@jjay.cuny.edu, (212) 393-6413, for more info, or let me know if you want to be involved.

3. **Upcoming Quarterly Meetings:** I sent out two calendar invites for ***August 15th, 1-2pm** and **November 20th, 1-2pm.**

Thanks for all your work!

Shannon Kuhn
Public Information Officer
Municipality of Anchorage
Department of Health & Human Services

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Employee Questionnaire and Referral

Name of Person Completing this form_____**Date**_____

Agency_____**Contact Information**_____

Type of Referral:

Sex Trafficking ☐ **Labor Trafficking** ☐ **Other Dept. of Labor Violations** ☐

Business Information

Name of Business_____

Business Owner_____

Business Physical Address_____

Business Mailing Address_____

Business Phone_____

Licensing Information_____

Owner/Trafficker Information

First Name_____**Last Name**_____

Date of birth_____**Gender**_____

Address_____**City**_____**State**_____

Phone_____**E-mail**_____

Country of origin_____

Primary language_____**Secondary Language**_____

Licenses_____

Employee/Victims Information

First Name_____**Last Name**_____

Date of birth_____**Gender**_____

Address_____**City**_____**State**_____

Phone_____**E-mail**_____

Country of origin_____

Primary language_____**Secondary Language**_____

Education, background, qualifications, licenses, and training?

_____

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When did they come to the US?

Where did they live before Alaska?

Housing arrangements or living conditions

Do they pay their employer or trafficker for housing? How much? By what method?

Work Hours/Schedule

Duties/responsibilities?

Monthly pay/compensation? How? When?

Are they provided with payroll documentation?

Where they made any promises regarding compensation?

How did they learn of the job?

How long have they worked for the employer or trafficker?

Work conditions

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Where did they work before?

How often do they see the employer or trafficker?

Relationship to the employer or trafficker?

Does the employer or trafficker use fear, threats, abuse, or violence?

Who has their documents? (ID/VISA/Work Papers)

Do they owe the employer or trafficker any money?

How do they get around town or too/from work?

How do they spend their time off? Are they free to leave or go into the community?

Do they have any family in the area? (who/relationship/contact)

Do they work anywhere else? (is that business related to this one)

Do they have phone or access to the internet? (number/email/social media accounts/usernames)

How do they communicate with the employer or trafficker?

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What is the employer or trafficker's cell or phone number, e-mail, social media account/username, that is used when communicating?

Other Notes:

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Northeastern University
School of Criminology and Criminal Justice

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

UMASS University of Massachusetts Lowell

An Exploratory Study of Labor Trafficking Among U.S. Citizen Victims

Labor trafficking is a devastating crime that robs victims of their humanity and denies workers basic human rights. Much of the focus on labor trafficking has been around individuals who are foreign nationals. Very little is known about U.S. and naturalized citizens who have experienced labor trafficking or exploitative labor practices. Many U.S. and naturalized citizens are at risk of a multitude of factors, such as homelessness, addiction, disadvantaged socio-economic backgrounds, and mental health conditions that could make them vulnerable or victims of labor trafficking. Understanding the labor trafficking experiences of U.S. and naturalized citizens will begin the process of addressing this important, and often hidden crime, as well as ensure victims are receiving the assistance they need for full recovery.

Supported by the National Institute of Justice, John Jay College of Criminal Justice, Northeastern University, and University of Massachusetts-Lowell have undertaken a research study that seeks to answer the following questions:

- What personal or structural vulnerabilities put U.S. citizens at risk for labor trafficking?
- How do U.S. citizens experience labor trafficking victimization?
- Where does labor trafficking experience fall on a continuum of labor exploitation for U.S. citizen workers?

The study is being undertaken in three different cities in the United States and will focus on individuals who are U.S. and naturalized citizens and at high risk for labor trafficking victimization. Surveys will be administered that include indicators of labor trafficking and abusive and exploitative labor practices. One-on-one interviews will be conducted with a sub-sample of these victims to further understand the context of their experiences.

The results of this study will be instrumental in the following ways:

- Provide information necessary to improve recognition and response to labor trafficking victimization.
- Inform additional national and international anti-trafficking initiatives to further address the issue of labor trafficking.
- Provide insight into how victims are engaging in service systems and their service needs.
- Identify the pathways in which individuals are recruited into labor trafficking or exploitative employment situations.
- Test a screening tool for identifying labor trafficking victimization.

Principle Investigators

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Funding
National Institute of Justice

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Alaska Human Trafficking Work Group Report

Jill Motz

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Response to Complaint Process

Investigations

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From:	Francois, Greg A (CED)
To:	Dulebohn, Dawn L (CED); Hoffard, Renee (CED)
Cc:	Chambers, Sara C (CED); Lipker, Sonia L (CED)
Subject:	RE: Complaint Process
Date:	Tuesday, May 22, 2018 2:22:14 PM
Attachments:	InvestigativeProcess.pdf CBPL_Investigative_Process_Explanation.pdf

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Dawn,

I understand that you have several questions into the Division's complaint/investigation process which I will try to address. We were unaware that you and the Board of Massage Therapists had questions of this nature as they have not been asked in the past.

First I would like to direct your attention to the attached complaint process that is available to all of the public on the Divison's website. This process explains the steps taken during investigations, the confidentiality, and dispositions of the majority of cases.

In answer to your questions;

1. Does our investigations process protect victims? You will need to be more specific regarding "protect". If you are referring to their identity it will be however, they may be required to testify in open court during subsequent hearings. If it a public safety / human trafficking issue we will partner with the local police and federal authorities as this investigative unit is part of the Alaska Human Trafficking Task Force.

2. Does our investigations process accept anonymous complaints? No we do not unless it can be verified by an independent source (media, newspaper, etc.) We will only accept a written complaint in normal circumstances.

3. Does Investigations accept complaints from a 3rd party? Depends on the information and circumstances and if they are willing to provide a written complaint along with being independently verified. An investigator or supervisor will determine the credibility of an information source.

4. If a sexual complaint is filed, how is the public/board notified of the status of that complaint? They are not as a complaint is an unverified allegation. If a complaint is filed the entire case is confidential. Board member(s) reviews the information and determines that a violation has occurred. Once the case has a final disposition, involving a license action, the action will be placed on the Board's public website. Otherwise a FOIA request may be made when final disposition is made.

5. Is there investigative training for staff and investigators to help with communications with victims? Our investigators have attended interviewing courses for interviewing not only victims, but complainants, witnesses, and Respondent's. You may find this information on the internet by searching for "interviewing skills"

If in the future you or the Board of Massage Therapists have further questions please contact me direct and I will and assist you.

Greg Francois
Chief Investigator
Alaska DCCED/DCBPL
550 West 7th Avenue, Suite 1500

Anchorage, Alaska 99501-3567
Phone 907-269-7901
Fax: 907-269-8195
Email: greg.francois@alaska.gov

From: Dulebohn, Dawn L (CED)
Sent: Tuesday, May 22, 2018 11:44 AM
To: Roark, Autumn N (CED) <autumn.roark@alaska.gov>
Cc: Lipker, Sonia L (CED) <sonia.lipker@alaska.gov>; Hoffard, Renee (CED) <renee.hoffard@alaska.gov>
Subject: Complaint Process

Hello Autumn,

I don't know if you are the best person (I know you're a busy gal!) to answer these questions so feel free to pass me off to someone else ☺

I attended the Federation of State Massage Therapy Board Executive Summit last month and it brought to me questions that I never thought to ask but after a conversation I had today, feel like myself and the Board of Massage Therapists should know.

1. Does our investigations process protect victims?
2. Does our investigations process accept anonymous complaints?
3. Does Investigations accept complaints from a 3rd party?
4. If a sexual complaint is filed, how is the public/board notified of the status of that complaint?
5. Is there investigative training for staff and investigators to help with communications with victims?

I would greatly appreciate an answer to these questions and any more information that you believe would be useful for myself and the board.

Best Regards,

Dawn Dulebohn
Licensing Examiner
Board of Massage Therapists
Board of Certified Real Estate Appraisers
Corporations, Business, and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806
PH: 907-465-3811
Fax: 907-465-2974
Dawn.Dulebohn@alaska.gov

Review Updated FAQ's

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THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

BOARD OF MASSAGE THERAPISTS

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

Massage Therapy Licensure FAQ's:

1. Who must become licensed to practice massage—and when?

When the Alaska State Legislature passed HB 328 in the fall of 2014 it adopted requirements for licensing both new and practicing massage therapists in Alaska, including education and exam requirements. The new law went into effect on July 1, 2015. Anyone who is not on the exemption list must be licensed before they practice massage in Alaska.

2. What about Native healers, Rolfers, and others who are exempt from licensing but may be performing massage-related techniques?

Please read this list to see whether your practice fully falls under one or more of these exemptions. Illegal activity in conjunction with the delivery of massage services remains a crime under Alaska law and will continue to be prosecuted. The exemption list can be found in statutes and regulations at: (https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx)

AS 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

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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.

3. How do I get a license?

Applications can be found on the board's website at:
https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists/ApplicationsForms.aspx

<u>There are 2 ways to apply for licensure:</u>

1. Credentials:
   - ✓ You must have a current (active), unrestricted license in good standing in another state or country that allows you to practice massage therapy.
   - ✓ The state or country that you are licensed in must have licensing requirements that are substantially equal to or greater than Alaska.

2. Examination:
   - ✓ You completed a course of study of at least 500* hours of in-class supervised instruction and clinical work from a board approved massage school or board approved apprenticeship program**.
   - ✓ You have passed a national exam (NCBTMB or MBLEX)
   - ✓ Complete at least 4 hours*** of bloodborne pathogens/universal precautions safety training in the 2 years preceding your application date.

<u>AND</u>

- ✓ Submit a FD-258 fingerprint card and pass a state and national criminal history record check
- ✓ Have a current CPR certification
- ✓ Submit the application and fees

* Education requirements will increase to 625 hours on 7/1/2019
** At this time the board has not yet approved an apprenticeship program. Applicants who would like to apply by apprenticeship should submit program information for approval on a case-by-case basis.
***Bloodborne Pathogens/Universal Precautions requirement will decrease to 2 hours on 7/1/2019

4. Can I still apply by Transition?

No. The deadline to apply by Transition ended on July 1, 2017 (12 AAC 79.120).

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5. What is the application process? How long will it take to get my license?

It takes most people 2-3 months to receive their license*. Applications have many contributors besides the person submitting it. In addition to the portion you submit, the licensing examiner must also receive your transcript and exam scores (if applying by Examination) OR your license verification (if applying by Credentials) directly from the institution or organization. These items cannot be accepted from the applicant. Also, your fingerprints must be sent out to the Department of Public Safety to generate your background reports.

Here is an idea of what this process looks like:

1. **You mail in your application:** Alaska is BIG and Juneau can be far away from where you are mailing your application from. It could take 5-7 business days for your application to arrive at the State Office Building.
2. **Your application arrives at the State Office Building:** The Licensing Examiner does not personally check the incoming mail or fax machine. All incoming mail goes to a mail room that sorts correspondence for the entire state! It can take up to 10 business days for mail to be sorted and sent to the correct department.
3. **Your application is delivered to the correct department:** All applications are processed in the order they are received. Licensing Examiners strive to do your initial application review within 10 business days. When your application has been reviewed, you will be sent an initial status update to your preferred method of contact that was indicated on your application. This status update will confirm that your application has been received and what documentation is needed for your file to be complete.
4. **Your file is complete:** once all your documents have been received, the Licensing Examiner will do a last review to make sure your file is complete. When this is verified, your application file will be sent to the Board of Massage Therapists for review and vote.
5. **Your file is sent to the board for review:** The Board of Massage Therapists reviews applications twice a month. Please allow them 10 business days to render their votes.
6. **The board votes on your application:** There are four possible outcomes to this process:
    a. Your license is approved! You will receive a status update letting you know the good news and that your license is active as of that day. A hard copy will be mailed to your address within 5 business days.
    b. Your license is approved pending… This means the board needs to see additional information in order to make a decision. You will be notified of this outcome by your preferred method of contact. Once you have submitted the requested information, the board will reconsider your application.
    c. Your application is "tabled" … This means that the board could not reach a majority vote. Your application review will be put on hold until the next scheduled board meeting. You will be notified of this outcome by your preferred method of contact.
    d. Your license is denied. The board decided by a majority vote to deny your license in compliance with a statute from AS 08. You will be given the option to appeal if you choose. You will be notified of this outcome by certified mail.

*If your file needs to be sent to Investigations for further review this time estimate is not applicable. Files sent to Investigations will be put on hold until clearance is has been received. You will be notified by your preferred method of contact by the Licensing Examiner if this happens and you will be contacted by the board's investigator for follow-up.

6. What are the board-approved schools or credentialing organizations?

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The Board of Massage Therapists has not approved specific schools.

AS 08.61.100 defines "approved massage school" as a massage therapy school or program that has:

- an authorization to operate from the Alaska Commission on Postsecondary Education https://acpesecure.alaska.gov/ or a similar entity in another state or
- is accredited by a nationally recognized accrediting agency.

As of August 2, 2018, the Alaska Commission on Postsecondary Education has approved 3 schools in Alaska: Alaska Career College, Alaska Institute of Oriental Medicine, Acupuncture, and Massage Therapy, and Alaska Academy of Advanced Cosmetology. For an updated list, please visit the ACPE website at https://acpesecure.alaska.gov/.

7. What are the board-approved exams?

On June 15, 2015, The Board of Massage Therapists approved the following exams:

- Federation of State Massage Therapy Boards (MBLEX) https://www.fsmtb.org/mblex/
- National Certification Examination for Therapeutic Massage and Bodywork (NCETMB/NCETM) https://www.massage-exam.com/ncetmb.php

8. I have completed a massage program but it was less than the required hours, can I still apply?

In the meeting on March 8-9, 2018, the Board of Massage Therapists drafted regulations to define what massage curriculum should consist of to be considered for licensure in Alaska. This would allow someone who has deficiencies in education be allowed to complete the rest of their hours (with board approval) to be considered for licensure.

This curriculum breakdown is in the beginning stages of regulations and would not go into effect until it is completed (best estimates is summer of 2019).

If you would like to be kept up to date on this regulations project, send your name, email or mailing address, and occupational area of interest to:
RegulationsAndPublicComment@alaska.gov

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9. What do my application fees pay for?

<u>$200 application fee</u>
Used directly to process your applications. Applications and supporting documents will not be reviewed without it. Is **non-refundable** once an initial status update has been sent.

<u>$290 licensing fee:</u>
Used directly to issue your license. A license cannot be issued until it is received. In most cases, the licensing fee can be requested to be refunded as long as a license has not been issued.

<u>$60 fingerprint processing fee:</u>
Used directly for the processing of your fingerprint card to generate background check reports. Is **non-refundable** once your fingerprints have been mailed to the Department of Public Safety.

Some additional information about what your fees are used for are:

- The Division must create, publish, and manage licensing application forms and fees, which entail adherence to the state's recordkeeping, security, payment, and refund policies and procedures.
- Requirement of licensees to meet professional fitness standards, which are evaluated by the license examiner and referred to the agency's investigative unit, if necessary for further review.
- Enforcement of disciplinary sanctions available to the agency if a licensee violates the state licensing statutes or regulations or individual practices athletic training without a license. Because state law requires all costs of a licensing program to be borne by the licensees of that program (AS 08.01.065), any investigative, attorney, or appeal expenses of the state will be recovered in the licensing fee.
- AS 08.61 defers to the board to adopt necessary regulations for management of the licensing program. This requires board and investigator travel, legal support, and other resources the board and division need to comply with the expectations of law. The Alaska Administrative Code prescribes the requirements for public notice and adoption of agency regulations—the cost of which is borne by the licensing program.
- The law required fingerprinting upon initial licensure, as well as upon renewal of licensure every 6 years (as of 7/1/2019). The Department of Public Safety sets fees and processes fingerprints to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400. This process is more comprehensive than a state background check, so it requires additional cost and time. **The FBI does not permit reuse of fingerprints or the resulting background checks.**

For more information about the Massage Therapists Board financial breakdown, please review the Legislative report at the following link:
https://www.commerce.alaska.gov/web/cbpl/AnnualPerformanceReports.aspx

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10. My license application is in process; may I start work?

No, no one may practice as a massage therapist in the state of Alaska without a current/unrestricted license.

11. If a massage therapist is denied a license and appeals the decision, can they practice in the meantime?

No, no one may practice as a Massage Therapist in the State of Alaska without a current/unrestricted license.

12. What do I need to do to renew my license?

All massage therapy licenses expire on September 30 of **odd** number years. It is not determined by when you were issued your license.

Renewal Application can be found on the board's website at:
https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists/ApplicationsForms.aspx

To renew your license:

- ✓ Fill out the renewal application and pay the licensing fee (if your license was issued on or before September 30th of **even** numbered years you will pay $290. If your license was issued on or after October 1st of **even** numbered years then your fee is $145)

- ✓ Indicate on your application that you have a current CPR/1st Aid certificate
- ✓ Indicate on your application that you have completed the required amount of continuing education for the previous licensing period (For the 9/30/17 renewal you need to have completed 6 continuing education credits. For the 9/30/2019 renewal you will need to complete 16 continuing education credits).
- ✓ Submit a set of fingerprints (DPS is not allowed to keep your fingerprints on file, therefore a new set is required at each renewal) with the $60.00 processing fee

13. If my license has lapsed, can I still renew it?

If you did not renew your license by September 30, 2017 your license is currently lapsed. This means you are not legally allowed to work as a massage therapist in Alaska unless you get it reinstated.

To reinstate your license:

- ✓ Fill out the renewal application and pay the licensing fee (if your license was issued on or before September 30th, 2016 you will pay $290. If your license was issued on or after October 1st, 2016 then your fee is $145).
- ✓ Submit proof that you have a current CPR/1st Aid certificate
- ✓ Submit proof that you have completed your 6 hours of continuing education between the dates of July 1, 2015 and September 30, 2017 from a board approved school or program, board approved and accredited institution of higher education, or professional organization that serves the massage profession (12 AAC 79.210)
- ✓ Submit a set of fingerprints (DPS is not allowed to keep your fingerprints on file, therefore a new set is required at each renewal) with the $60.00 processing fee

After all the documents and fees have been received, your reinstatement application will go to the board for review. The board reviews applications twice a month. Please allow them 10 business days to render a decision.

14. What are the continuing education (CE) requirements?

For the 2015-2017 licensing period
Licensees must have completed 6 CE between July 1, 2015 and September 30, 2017

For the 2017-2019 licensing period
Licensees must complete 16 CE between September 30, 2017 and September 30, 2019.

Licenses that have been issued more than 90 days but less than 12 months as of September 30th of **odd** numbered years will not be required to complete any continuing education (12 AAC 79.210).

Continuing education used to satisfy a consent agreement stemming from an audit or renewal will not count towards the 2017-2019 licensing period requirement

15. What if I don't meet my audit or reinstatement requirements? Do I lose my license?

Licensees who cannot meet their audit or reinstatement requirements will have the option of entering into a consent agreement with the state of Alaska.

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A consent agreement is a legal contract which will stipulate that the licensee will be subject to mandatory audits for two licensing periods, pay a fine based on each continuing education hour they are deficient, make up any continuing education they are missing, and have a disciplinary action on their record.

16. I have been notified that my application file has been sent to Investigations…what is that?

Investigations reviews and investigates complaints concerning violations of the Statutes and Regulations that govern Professional and Business Licensing. Investigations include fraud, malpractice, negligence, misconduct, ethics, and noncompliance of various licensing provisions. You may find more information about them at: https://www.commerce.alaska.gov/web/cbpl/Investigations.aspx

You may have received a notification that your file has been sent to Investigations, it was probably for one of the following reasons:

- You answered "yes" to one of the Professional Fitness Questions on your application.
- You neglected to disclose a criminal charge or conviction as outlined in your application.
- You neglected to disclose that you had any disciplinary action relating to any professional licensing or license denial.
- You neglected to disclose any discipline relating to an ethics violation, professional standards, or sexual misconduct.
- You falsified information or documentation in relation to your application.

17. What is the definition of moral turpitude?

12 AAC 79.910 provides the definition of moral turpitude:
(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.

18. How does the board determine fines and/or disciplinary action?

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The board takes disciplinary measures very seriously and will use all of the resources available before implementing fines, reprimands, or penalties. You can find the board's disciplinary matrices and fine schedule at:
https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists/DisciplinaryMatrices.aspx

19. What do I do if I know that someone is practicing without a license?

If you see or hear about someone practicing without a license or practicing outside of their scope of practice, please contact Investigations by filling out a Request for Contact Form located at: https://www.commerce.alaska.gov/web/cbpl/Investigations.aspx or calling 907-269-8174.

20. Must I also hold a business license in order to practice massage in Alaska?

The current business licensing laws have not changed. If you are a business owner or independent contractor-operating in Alaska, you must still hold an active state business license. You may apply for an Alaska business license at www.businesslicense.alaska.gov.
If you are an employee of a massage therapy business owned by someone else, a doctor's office, a chiropractic office, or similar, an Alaska business license is not necessary. Check with your municipality to see if a municipal business license is required in your area.

21. I am a Rolfer who WANTS a massage therapy license. Can I apply?

The Board of Massage Therapists determined in their March 8-9, 2018 meeting that applicants who only have a Rolfing education do not qualify for a massage license because they do not receive the same education that a massage therapy school or program offers.

In the same meeting, the board started drafting a regulation to define what a massage curriculum education would consist of (by hours) to allow a pathway to licensure for those who find themselves in that situation. Please see the letter on the board's homepage entitled "Board Statement for Applicants with Structural Integration Education".

If you would like to be kept up to date on this regulations project, send your name, email or mailing address, and occupational area of interest to:
RegulationsAndPublicComment@alaska.gov

22. Why can I NOT contact the Board directly?

The board is appointed by the Governor and they fall under the Open Meeting Act. What this means to the public is that the board cannot have contact, discuss board business, and/or correspond with the public in any way.

If you need to get information to the board or have questions that you would like to have the board address, you can do one of 2 things:

1. Write an email to the Licensing Examiner and request that it be presented to the Board at its next regularly scheduled board meeting

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2. Speak at a board meeting during the public comment period. You can call in or be present physically. The board's meeting agendas are always posted on their home page with the public comment time.

23. How do I attend a board meeting or teleconference?

The meeting schedule is posted on the board's webpage under Board Meetings & Agendas and can be found at:
https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists/BoardMeetingsAgendas.aspx

If you would like to attend a in- person meeting, it will be in one of two locations:

1. Juneau- State Office Building, 333 Willoughby Ave, 9th floor
2. Anchorage- Robert Atwood Building, 550 W. 7th Ave, see agenda for room

If you would like to call in to a teleconference, the call in information will be listed next to the date of the meeting or on the agenda.

Persons wishing to address the board should reference the agenda for the time allotted for Public Comment.

24. Why is the state regulating massage therapists?

A coalition of massage therapists formed in 2013 to assess whether Alaska should license massage therapists. This coalition included the American Massage Therapy Association-Alaska Chapter (AMTA-AK), the Associated Bodywork and Massage Professionals (ABMP), as well as chiropractors, Rolfers, reflexologists, physical therapists and many others. This coalition lobbied the Alaska State Legislature for licensure and state licensing legislation was passed in 2014. For more information about AMTA-AK or ABMP and why licensing has been a priority for these massage industry associations, please visit their respective websites: www.akamta.com and www.abmp.com.

25. Are there any conflict of interest rules for state board members?

Ethical considerations and requirements for appointed board members are governed by the Alaska Executive Ethics Act. A wealth of information can be found on the Department of Law website and this information (among other key responsibilities) is included in the board member orientation manual:
Main Ethics Act Page: http://www.law.alaska.gov/doclibrary/ethics.html
Board Info: http://www.law.alaska.gov/doclibrary/ethics/EthicsInfoBC.html
Procedures: http://www.law.alaska.gov/doclibrary/ethics/EthicsBC.html

Do you have a question that has not been answered? Please email: dawn.dulebohn@alaska.gov

Would you like to be notified about proposed regulations?

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Send your name, email or mailing address, and occupational area of interest to:
RegulationsAndPublicComment@alaska.gov

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Board Breakdown
of
Massage Curriculum

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Board Breakdown of Massage Curriculum*
(Definition of Massage School)

Content	500 Hours	625 Hours (effective 7-1-2019)
Anatomy & Physiology Pathology, Kinesiology Includes: -At least 40 hours in pathology, including indications and contraindications. -Muscular system -Nervous system -Osteology -Circulatory System -Kinesiology	**130**	**162**
Massage Theory and Practical Application Includes: -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	**220**	**275**
Clinical Practice: -Universal and standard precautions -Self-care -Body mechanics -Draping -Record Keeping -Business Practices and professional development -Medical terminology	**110**	**138**
Ethics and Law: -Local and state laws -Therapeutic relationships -Professional boundaries	**40**	**50**
*the Board reserves the right to adjust these numbers if the total program hours change		

PUBLIC

Decision on DeFord/Shelden Appeal

PUBLIC

To: Alaska State Board of Massage Therapists c/o Dawn Dulebohn

Date: August 6, 2018

Attached is a copy of the proposed decision in a case for which you are the final decisionmaker. **This is an informational copy only**. As provided by as 44.64.060, it is being sent to you at the time issued to the parties to trigger their opportunity to react to the proposed decision. They have been given a period of time in which to file proposals for final action that you will need to consider as well. When the deadline passes for filing of such proposals, our office will formally transmit the decision document and the parties' proposals (if any are filed), and we will make arrangements for you to have access during your consideration of the case to the case file and to the administrative law judge who heard the case on your behalf. The transmittal will set out the statutory deadline for your final action.

BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL BY THE ALASKA STATE BOARD OF MASSAGE THERAPISTS

In the Matter of	)	
	)	OAH Nos. 18-0372/0494-MAS
SHAWN DEFORD &	)	Agency Nos. 2018-000356/000450
CHRISTOPHER SHELDEN	)	

NOTICE REGARDING PROPOSED DECISION

We are sending you the administrative law judge's proposed decision in this matter. The final decision maker will be the Alaska Board of Massage Therapists. You may file a request, called a proposal for action, that the Board take one or more of the following actions:

(1) adopt the proposed decision as the final agency decision;
(2) return the case to the administrative law judge to take additional evidence, make additional findings, or for other specific proceedings;
(3) revise the proposed enforcement action, determination of best interests, order, award, remedy, sanction, penalty, or other disposition of the case;
(4) reject, modify, or amend a factual finding; or
(5) reject, modify, or amend an interpretation or application of a statute or regulation.

You do not have to file a proposal for action, but if you do, you must do the following:

- Ensure that the Office of Administrative Hearings **receives** the proposal for action on or before **4:30 p.m. on August 29, 2018.** Late proposals will not be accepted.
- Submit your original, signed proposal to the Office of Administrative Hearings. To ensure timely receipt, please fax or email a copy of it to 907-269-8172 or doa.oah@alaska.gov.
- Give the reasons for the action you propose. If you request action under option (4) regarding the proposed factual findings, you should identify evidence **in the record** (such as exhibits or testimony) that supports your request to change the factual finding.
- **Do not attach documents to the proposal for action.** If you wish to call attention to specific documents in the record, do so by referring to them in your proposal for action.
- **Do not submit additional evidence now.** Under option (2), you may request that the case be returned to take additional evidence that is not already in the record.

After the deadline for filing proposals for action has passed, we will send the proposed decision and any proposals for action that we receive to the Board. The Board will make a final decision and we will distribute a copy of that decision to you.

DATED: August 6, 2018.

I certify that on this date an exact copy of this Notice and the accompanying proposed decision were provided to the following:

Laura Dulic, counsel for Mr. DeFord & Mr. Shelden- by mail
Robert Auth, AAG – by email
CC: Lt Governor – by mail
CC: Board c/o Dawn Dulebohn– by mail

Signature Jessica L. Eyell Date 8/6/18

Jessica L. Eyell
Office of Administrative Hearings
550 W 7th Ave., Ste. 1940
Anchorage, AK 99501
907-269-8170 phone/907-269-8172 fax

BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL BY THE ALASKA STATE BOARD OF MASSAGE THERAPISTS

In the Matter of	)	
	)	
SHAWN DEFORD	)	OAH No. 18-0372-MAS
	)	Agency No. 2018-000356
	)	
In the Matter of	)	
	)	
CHRISTOPHER SHELDEN	)	OAH No. 18-0494-MAS
	)	Agency No. 2018-000450

DECISION

I. Introduction

Shawn DeFord and Christopher Shelden applied for licenses to practice massage therapy. The Board of Massage Therapists (Board) concluded that the school from which both applicants graduated, the Rolf Institute of Structural Integration (also referenced in this decision as RISI or Rolf Institute), does not meet the requirements to be recognized as an "approved massage school" under Alaska law. It denied both applications.

Following a consolidated hearing on both applicants' appeals, this decision concludes that, despite significant commonalities between the techniques used in the practice of structural integration (also known as Rolfing) and techniques used by massage therapists, Alaska's statutory scheme governing massage therapy distinguishes structural integration from massage therapy. This distinction exists because of the consistent advocacy of the Rolfing community, including the Rolf Institute, a Rolfing professional association called the International Association of Structural Integrators (IASI), and Rolfing practitioners, who have urged legislative recognition that structural integration is not a form of massage therapy, but rather a distinct profession. Consequently, Alaska's statute sets structural integration apart, indicating that it is sufficiently different from massage therapy as to merit treatment as a separate practice or profession. As a result, the Board correctly decided that applicants whose sole bodywork training comes from a Rolfing institution like RISI are not graduates of a "massage school" under Alaska law, as is required for a massage therapy license under AS 08.61.

II. Factual and Legislative Background

Mr. DeFord and Mr. Shelden are certified Rolfers and recent graduates of the Rolf Institute in Boulder, Colorado. Both men enrolled at the school as students new to the field of bodywork; neither had received prior massage or other bodywork training before they attended

RISI.[1] Mr. DeFord graduated on June 2, 2017.[2] Mr. Shelden graduated on July 21, 2017.[3] Following graduation, both returned to work in Alaska, where they joined a community of Alaskan Rolfers that currently totals approximately 47 members.[4]

A. Rolfing Structural Integration

"Rolfing" is a trademarked term named for its founder, Dr. Ida P. Rolf, Ph.D. It is also known as "Structural Integration" or "Rolfing Structural Integration."[5] Rolfing is a process of assessing and transforming the structure and movement of the body using "skillful hands-on techniques and Rolf Movement exercises to systematically reorganize the connective tissues, called fascia, throughout the entire body."[6] A core principle is that the body is supported and reinforced by gravity, and better function results from improving the dynamic relationship between the individual and gravity.[7] Its objective is to make lasting structural changes to the body, while assisting in injury recovery, relieving pain and stress, increasing body awareness, and improving balance and flexibility.[8]

Rolfing looks at the whole body and seeks systemic solutions.[9] Rolfers inquire into a client's health history and perform a physical assessment before beginning treatment. Because of the whole-body focus, a Rolfer may recognize that pain or tightness in one area originates from a structural imbalance elsewhere.[10] In that case, the Rolfer would treat the structural imbalance and not simply the area of discomfort. According to Edward Toal, a certified Rolfer, RISI member, and Chair of the Alaska Regional Chapter of Certified Rolfers, this whole-body focus is one factor distinguishing Rolfing from massage therapy, which more narrowly treats specific areas of pain.

Rolfing and massage therapy share certain commonalities. Both are hands-on bodywork modalities designed to provide therapeutic and rehabilitative relief. In treating clients, Rolfers manually manipulate soft tissues and fascia using the same techniques that massage therapists

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1 DeFord testimony; Shelden testimony.
2 Ex. A (Div. 000003, 7).
3 Ex. E (Div. 001020-1022).
4 Toal testimony.
5 Ex. A (Div. 000031-35); Ex. B (Div. 000171); Ex. C (Div. 000300-302).
6 Ex. A (Div. 000034); *see also* Ex. C (Div. 000931).
7 Ex. C (Div. 000931-932); Toal testimony.
8 Ex. A (Div. 000034).
9 Toal testimony.
10 Toal testimony.

use.[11] There are no techniques specific only to Rolfing or that are known as Rolfing techniques.[12] Some shared practices include, for instance, stroking, kneading, squeezing, gliding, and lifting techniques, and techniques for treating specific areas like the spine ("thumbs along spinal grooves"), the chest and pectoral muscles ("soft fist" and "pizza dough" techniques), and the rib basket ("squeeze/release").[13]

Despite many shared practices and techniques, there are differences between Rolfing and massage therapy. Rolfing cannot be defined simply as massage therapy on a whole-body or more advanced plane – a "massage-plus-more" mentality; it does not inherently encompass the field of massage therapy. The two modalities are more accurately seen as intersecting spheres, with a relatively large area that includes their shared techniques and some shared goals, but also separate areas representing other differences in philosophy, goals, areas of focus, and training.

From the beginning, Dr. Rolf envisioned structural integration as a separate profession from massage therapy; her first classes were designed for medical practitioners.[14] She believed that structural integration is qualitatively different than massage therapy, and the required training is more thorough. Based on Dr. Rolf's philosophy, RISI teaches that Rolfing is a distinct profession and not a form of massage therapy.[15] Mr. Toal testified that structural integration training could be compared to a form of graduate school for massage therapists, stating that it elevates massage practices to the next level. He also noted that the Rolfing industry holds itself to high standards and has no association with certain problems within the massage therapy industry, such as human trafficking.[16] As a result of these factors, Rolfers have historically seen themselves as practicing on a distinct and higher professional plane than massage therapists.[17] In a December 2017 letter to the Board, however, Mr. DeFord suggested that this view may be evolving, stating that he has come to see structural integration as a bodywork modality that falls within the large scope of manual or massage therapy.[18]

The impetus for any evolving views about Rolfing's relationship with massage therapy stems from the significantly improved professional employment opportunities available to

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11 Toal testimony; Shelden testimony.
12 Toal testimony.
13 Toal testimony; Ex. A (Div. 000009-21).
14 Toal testimony.
15 DeFord testimony; Shelden testimony; Ex. B (Div. 000174).
16 Toal testimony.
17 Toal testimony.
18 *See* Ex. A (Div. 000068-70).

individuals who hold a massage therapy license. Many therapeutic and rehabilitative medical practices employ Rolfers and licensed massage therapists. Employment may be available, for instance, with doctor and chiropractic offices, massage therapy centers, wellness and rehabilitation centers, and Pilates or other studios.[19] However, many employers will not hire unlicensed practitioners, as their services are not covered or reimbursed by insurance companies.[20]

B. Rolf Institute of Structural Integration

1. Curriculum

RISI's Rolfing certification program involves 731 hours of instruction over 22 weeks and three phases of training.[21] Mandatory three-month study intervals are required after Phase I and Phase II so students can practice the concepts learned, thereby extending the total time required to complete the program.[22] Phase I, entitled "Foundations of Rolfing Structural Integration," is a six-week, 218-hour course that provides essential skills and academic knowledge in the areas of anatomy, kinesiology and physiology.[23] It also includes a 70-hour class in a technique called "Skillful Touch," which teaches the manual skills needed for myofascial release and other Rolfing practices.[24] Though RISI does not describe any part of "Skillful Touch" as massage, the techniques taught are the same ones used by massage therapists.[25] Mr. Toal and Mr. Shelden explained that structural integrators simply apply those techniques with a different focus and goal. A condensed version of Phase I is offered to students who come to RISI with prior training in massage therapy, because those students are already familiar with the manual techniques used.[26] This further shows that a portion the regular Phase I class teaches introductory skills and knowledge that Rolfing practitioners share with massage therapists. However, it does not establish that "Skillful Touch" or Phase I training at RISI is fundamentally the same as the training and education provided at other schools the Board has accepted as approved massage schools.

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19 DeFord testimony; Shelden testimony.
20 DeFord testimony; Shelden testimony.
21 Ex. A (Div. 000037); DeFord testimony; Shelden testimony.
22 Ex. A (Div. 000037); DeFord testimony.
23 Ex. A (Div. 000009-30, 37-43).
24 Ex. A (Div. 00009, 84).
25 Toal testimony; Shelden testimony; DeFord testimony.
26 Toal testimony; DeFord testimony; Ex. A (Div. 000037).

Phase II, entitled "Embodiment of Rolfing Structural Integration & Rolf Movement Integration," involves eight weeks and 244 hours of training. This phase emphasizes recognizing structural patterns, seeing structure in relation to gravity, and developing a working knowledge of the principles, theories, and practices of Rolfing.[27] This process involves revisiting and broadening the manual techniques and practices taught in "Skillful Touch."[28]

Phase III, entitled "Clinical Application of Rolfing Theory," involves eight weeks and 269 hours of clinical and practical training through performance of Rolfing on actual clients under instructor supervision. It is designed to help students use their training and knowledge in sessions with clients.[29]

2. Accreditation

The Rolf Institute is accredited on an institutional level by the Commission on Massage Therapy Accreditation (COMTA).[30] COMTA is a nationally-recognized entity that accredits educational institutions and programs that offer instruction in "massage therapy and bodywork or esthetics and skin care."[31] COMTA offers three levels of accreditation.[32] Institutional accreditation, the level held by the Rolf Institute, is the highest and most complete level.[33] It includes COMTA's specialized review of the institution in the areas of: qualified faculty, curriculum meeting national competencies, supervised public clinic, transcript integrity, facilities and equipment, admissions practices, completion and placement benchmarks, financial stability, and management.[34]

However, in its accreditation process, COMTA does not label or differentiate schools as either "massage schools" or other "bodywork schools."[35] COMTA accepts a school's self-report of its identity and area of practice, and its review certifies whether the school delivers on its educational promises.[36]

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27 Ex. A (Div. 000037, 43); Shelden testimony.
28 Shelden testimony.
29 Ex. A (Div. 000037, 45).
30 Ex. A (Div. 000037); Ex. L. It is also approved by the Colorado Department of Higher Education. Ex. A (Div. 000034).
31 Ex. L; *see also* Ex. C (Div. 000314-354). COMTA has been recognized since 2002 by the U.S. Dept of Education as a specialized accrediting agency. Ex. L.
32 Ex. 1; Exhibit B (Div. 000175-207); Ex. C (Div. 000315-318).
33 Ex. 1; Hogue testimony.
34 Ex. 1; Hogue testimony.
35 Hogue testimony.
36 Hogue testimony; Ex. L.

As discussed previously, the Rolf Institute does not self-identify as a massage therapy school.[37] It remains true to Dr. Rolf's vision of structural integration as a distinct profession, and it teaches its students that Rolfers are structural integrators, not massage therapists.[38] As a result, the Rolf Institute is COMTA-accredited as a school of structural integration.

3. RISI Records

RISI's course materials and official transcripts do not identify classes or clinical time in "massage therapy" or "massage theory." However, in Mr. DeFord's case, someone at RISI appears to have regrouped his coursework in an unofficial transcript-like document, breaking his training into the following subcategories:

- 167 classroom hours, Anatomy, Physiology, Kinesiology;
- 40 hours, Pathology;
- 344 hours, Massage Theory, including
  - -64 hours, Skillful Touch
  - -15 hours, Movement,
  - -34 hours, Principles,
  - -156 hours, Rolfing Theory,
  - -64 hours, Rolfing Clinic,
  - -11 hours, Group practice,
- 62 hours, Ethics, Business, and Professional Skills;
- 118 classroom hours, Clinic.[39]

This document apparently was created to assist Mr. DeFord with the licensing process, unofficially reframing his training to show that he has received much of the same fundamental training that massage therapists receive. It is not an official RISI document, however, and it materially differs from Mr. DeFord's official transcript and the Rolf Institute's Basic Rolfing Certification Program course outline.[40] Nonetheless, the record contains ample evidence that structural integration training at RISI involves education in techniques and practices that are also taught in massage schools, as well as some other substantive similarities. It does not show, however, that structural integration education and training encompass or inherently include the education and training provided by schools that identify as massage schools.

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37 *See* Ex. B (Div. 000174-175, 000218-222); Ex. D (Div. 000284).

38 Shelden testimony; DeFord testimony. IASI also shares this philosophy. Ex. C (Div. 000301-302).

39 Ex. A (Div. 000007).

40 *See* Ex. A (Div. 000008, 09-30); Ex. A-1 (Div. 000982-984).

C. History of Massage Therapy Licensing and Advocacy of Rolfing Community

Effective July 1, 2015, the Alaska Legislature created the Board of Massage Therapists and set licensing requirements for massage therapists.[41] As a transitional measure, the Legislature required the Board to waive the course of study and examination requirements for certain individuals who applied for a license before July 1, 2017.[42] This was known as the "grandfathering" period, designed to recognize the experience of individuals in practice prior to the new law and bring them under the Board's purview.[43] It enabled certified Rolfers to obtain a massage therapy license if they applied before the deadline.[44] Mr. DeFord and Mr. Shelden are the first certified Rolfers to apply for a license "by examination" after the grandfathering period closed.[45]

When it enacted AS 08.61, the chapter of Alaska law containing the statutes that regulate massage therapists, the Legislature expressly removed certified Rolfers who only engage in the practice of structural integration from coverage under the chapter, including its requirement for a massage therapy license. As stated in relevant part in AS 08.61.080:

> **Exceptions to application of chapter.** This chapter does not apply to a
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> (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[.][46]

The Legislature included this exception at the request of the structural integration community.[47] Though there appears to be relatively little documentation of this history in the legislative record, the exception is entirely consistent with the efforts of the Rolf Institute, IASI (the umbrella professional association for graduates of approved schools of structural

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41 AS 08.61.

42 Chambers testimony.

43 Chambers testimony. Ms. Chambers attended all the legislative hearings leading up to the enactment of AS 08.61 and testified based on her personal knowledge of those events.

44 Toal testimony; DeFord testimony; Chambers testimony. Prior to the statute, massage therapists and Rolfers were licensed by some municipalities.

45 The statute separately offers licensing "by certification" for individuals who possess a massage therapy license from another state or country. AS 08.61.040.

46 AS 08.61.080(10).

47 Chambers testimony.

integration), and certified Rolfers – who have opposed legislative efforts to regulate Rolfing practitioners as massage therapists.[48] Those entities have historically argued that Rolfers already have a Certification Board for Structural Integration, which maintains professional and ethical standards for the industry, and it offers its own certification examination.[49] To the extent a state-issued professional license also is necessary, the long-term vision of the Rolfing community included creation of a separate board to oversee that licensing.[50]

In a November 2015 letter to the Board, which was at that time reviewing or re-evaluating legislation, RISI re-stated this position, asserting that: "Structural Integration is a distinct profession separate from the profession of Massage Therapy."[51] IASI and a number of Rolfing practitioners most recently expressed the same view – and their resulting opposition to licensing and oversight through the Board of Massage Therapists – in responses to House Bill 110, introduced in February 2017. That bill proposed eliminating the licensing exception for Rolfers, among other matters.[52] The Rolfing community strongly opposed it.[53] IASI's response argued that structural integration "theory, focus, and practice does not use nor require knowledge of or use of massage techniques, theory, training, or education."[54] It pointed out that structural integration practitioners have their own schools, curricula, continuing education programs, certification board, and certification exam.[55] And it argued that removal of the licensing exemption threatened Rolfers' status as a separate class of professionals by subjecting them to oversight by members of the massage therapy profession.[56]

A number of Alaskan Rolfers also submitted written opposition to the bill, repeating the claim that Rolfing is not a form of massage therapy, but instead a different profession. Many submissions relied on variations of the same form letter. Common statements, including those from Mr. DeFord and Mr. Toal, included the following:

> It is important to clarify that Rolfing is a distinctly different profession and is not massage therapy. Rolfing, also known as Structural Integration, is sometimes confused with massage therapy but is entirely different. . . . It is a system of

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48 *See* Ex. B (Div. 000174-259).
49 *See, e.g.,* Ex. B (Div. 000174).
50 Ex. B (Div. 000174); DeFord testimony.
51 Ex. B (Div. 000174).
52 *See* House Bill 110 ("An Act relating to the practice of massage therapy; relating to the Board of Massage Therapists; and providing for an effective date"), 30th Leg., 1st Sess. (2017).
53 *See* Ex. B (Div. 000216 – 255).
54 Ex. B (Div. 000217-221).
55 *Id.*
56 *Id.*

> manual therapy and movement education designed to improve biomechanical function. This is achieved by a combination of manual assessment of the connective tissue matrix as well as visual assessment of postural and movement patterns. It is a highly effective approach that encourages each individual client's body to become more efficient, resilient and optimally balanced. The underlying theories are unique, and practitioners require extensive education and practice in order to produce sustainable structural change. The existing statutory language recognizes the importance of this distinction.[57]

This history is significant because it explains the likely basis for the Legislature's decision to remove Rolfers from the chapter governing massage therapists.

III. Procedural History

A. DeFord Application and Denial

On November 3, 2017, Mr. DeFord submitted an application for a license to practice massage therapy.[58] He became the first applicant for a license "by examination" whose sole bodywork training and experience is as a certified Rolfer.[59]

At its October 20, 2017 and November 30-December 1, 2017 meetings, the Board expressed concerns about the Rolfing community's consistent position that structural integration is not a form of massage therapy. Because of its advocacy, the Legislature excepted individuals who only practice structural integration from the licensing and other requirements that apply to massage therapists.[60] The Board recalled that, only months earlier in 2017, IASI and many Alaska Rolfers (including Mr. DeFord) had restated this view while opposing House Bill 110.[61] The Board questioned how it should reconcile Rolfers' licensing exception and well-documented history of differentiating structural integration from massage therapy with the Board's obligations under AS 08.61. In particular, the Board expressed concerns whether the Rolf Institute is an "approved massage school" for Alaska licensing purposes.[62]

The Board formed an education subcommittee to provide recommendations on the education expected of a massage therapy school.[63] That subcommittee met on January 1, 2018.[64]

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57 Ex. B (Div. 000242, 256).
58 Ex. A (Div. 000002).
59 Ex. A-1 (Div. 000978). This decision uses the term "Rolfer" and "structural integrator" interchangeably.
60 *See* AS 08.61.080(10). *See also* Ex. B (Div. 0000174) (Rolf Institute 2015 letter to Board).
61 *See* Ex. B (Div. 000217-221, 238-257).
62 *See* Ex. B (Div. 000119-122).
63 Ex. C (Div. 000304); Ex. D (Div. 000261).
64 Ex. C (Div. 000304); Ex. D (Div. 000261-262).

Prior to the subcommittee meeting, Mr. DeFord submitted a letter to the Board, explaining that his views regarding the relationship between Rolfing and massage therapy had changed.[65] He expressed regret for any tension created by Rolfers' prior opposition to Board oversight and licensing requirements, and he stated that he had come to see his education at RISI as preparing him to be "a massage therapist who specializes in the [R]olfing technique."[66]

At its March 8-9, 2018 meeting, the Board discussed the education subcommittee's research, which included: a summary of state-by-state curriculum standards for massage therapy schools,[67] submissions from the Alaska Commission on Postsecondary Education,[68] COMTA information,[69] Rolf Institute information and materials,[70] and a document known as the Entry Level Analysis Project (ELAP) Blueprint, a national massage industry study that recommended minimum entry-level educational standards for massage therapists.[71] It also heard public testimony from Mr. DeFord, Mr. Toal, and a representative from the Alaska Commission on Postsecondary Education.[72]

The Board later voted to deny Mr. DeFord's application, concluding that he did not furnish evidence satisfactory to the Board that he had completed a qualifying course of study from an approved massage school.[73] It sent Mr. DeFord notice of its decision on March 15, 2018.[74] The Board decided it could not determine what type of massage therapy education Mr. DeFord received at RISI, since the school does not describe any part of its program as involving massage therapy, and since both RISI and IASI have steadfastly asserted that structural integration is a distinct profession from massage therapy.[75] The Board also found that the Rolf Institute only offers training in a single modality of bodywork rather than the broad training that massage schools offer.[76]

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65 Ex. A (Div. 000068-70).
66 Ex. A (Div. 000069).
67 Ex. C (Div. 000308-309, 884-912).
68 Ex. C (Div. 000310-313).
69 Ex. C (Div. 000314-354).
70 Ex. C (Div. 000913-964).
71 Ex. C (Div. 000356-883).
72 Ex. D (Div. 000265-267).
73 Ex. D (Div. 000283-285).
74 Ex. A (Div. 000966-967).
75 Ex. D (Div. 000283-285). *See also* Ex. A (Div. 00009-60), Ex. B (Div. 000174, 218-220); Ex. C (Div. 000913-964).
76 Ex. C (Div. 000913-964); Ex. D (Div. 000283-285).

After acting on Mr. DeFord's application, the Board voted to initiate the rulemaking process for regulatory changes that will clarify its expectations of an approved massage therapy school or program. These regulation changes are still pending and do not apply to Mr. DeFord's or Mr. Shelden's applications.

B. Shelden Application and Denial

Mr. Shelden submitted his application for a massage therapy license on February 21, 2018.[77] His supporting materials were not complete when the Board reviewed and voted on Mr. DeFord's case.[78] On April 20, 2018, the Board denied Mr. Shelden's application by mail ballot vote.[79] The Board determined that the Rolf Institute "is not a massage therapy school," and the education it offers does not meet the definition of a "massage therapy school or program."[80]

On April 27, 2018, the Board issued a public statement notifying prospective applicants that the Rolf Institute "does not currently meet the curriculum requirements to be recognized as an approved massage therapy program due to its limited focus on a single modality."[81] It noted that pending regulatory changes are designed to provide a pathway to licensure for RISI graduates.

C. Hearing

After the Board denied their respective applications, Mr. DeFord and Mr. Shelden separately requested hearings. The hearing on their consolidated appeals took place on June 19-20, 2018. Mr. DeFord and Mr. Shelden were represented by Attorney Laura Dulic. Both applicants testified, as did Mr. Toal and Dawn Hogue, Acting Executive Director of COMTA. Assistant Attorney General Robert Auth represented the Division of Corporations, Business and Professional Licensing (Division). Licensing Examiner Dawn Dulebohn testified for the Division, as did Division Operations Manager Sara Chambers. The hearing was audio-recorded. All exhibits were admitted to the record, which closed on June 29, 2018.

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77 Ex. E (Div. 001000-1005).
78 Ex. E (Div. 001016).
79 Ex. E (Div. 001025-1030).
80 Ex. E (Div. 001029).
81 Ex. I.

IV. Discussion

As initial applicants for licenses to practice massage therapy, Mr. DeFord and Mr. Shelden bear the burden of proof to show by a preponderance of the evidence that they satisfy all eligibility requirements.[82]

A. Rolfing and the "Practice of Massage Therapy"

A person may not practice massage therapy or represent that he or she is a massage therapist unless the person holds a valid license issued by the Board.[83] The "practice of massage therapy" is defined in AS 08.61.100(5), which states:

> In this chapter,
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> * * * *
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> (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"
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> (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.[84]

This broad definition generally encompasses the services Rolfers provide as well as the manual techniques they use to manipulate and treat soft tissues. Though the parties did not agree on this question, it is clear that – at a minimum – Rolfers and massage therapists share similar goals of enhancing soft tissue function and of promoting relaxation and well-being through manipulation and treatment of the soft tissues. And, structural integrators use at least some of the manual techniques identified in the statute, even though they may apply those techniques with different purposes than massage therapists and even though other differences between the two modalities exist. Thus, on a broad level, the practice of Rolfing arguably falls within the

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82 AS 44.62.460(e)(2); 2 AAC 64.290(e).
83 AS 08.61.020; AS 08.61.070.
84 AS 08.61.100(5).

statutory definition of the "practice of massage therapy" under Alaska law. But this conclusion does not resolve the dispute here, which concerns whether the applicants have met all of the requirements for licensure under AS 08.61.

B. Relevant Qualifications for a Massage Therapy License by Examination

The qualifications for a massage therapy license "by examination" are enumerated in AS 08.61.030. If an applicant satisfies all nine requirements, the Board is required to issue the license. However, the statute provides the Board with discretion to determine whether an applicant has shown that he or she satisfies the minimum educational requirements set out in subsection (3). The statute reads in relevant part:

> **Sec. 08.61.030. Qualifications for license.** The board shall issue a license to practice massage therapy to a person who
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> * * * *
>
> (3) furnishes evidence satisfactory to the board that the person has completed a
>
> (A) course of study of at least 500 hours of in-class supervised instruction and
> clinical work from an approved massage school; or
>
> (B) board-approved apprenticeship program.[85]

An "approved massage school" is then defined in AS 08.61.100(1) to mean a school that has an authorization to operate from the Alaska Commission on Postsecondary Education or a similar entity in another state, or a school that is accredited by a nationally recognized accrediting agency. The definition provides:

> (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[.][86]

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85 AS 08.61.030(3).
86 AS 08.61.100(1).

C. Is RISI an "Approved Massage School?"

Mr. DeFord and Mr. Shelden argue that the Board must issue them massage therapy licenses because they satisfy all the qualifications for a license by examination. Most specifically, they assert that they received well over the 500-hour minimum of in-class supervised instruction and clinical work at RISI, and the school is accredited by COMTA, a nationally recognized accrediting agency in the massage therapy field.[87] They further assert that the Rolf Institute is dedicated to education and training that satisfies the broad definition of the "practice of massage therapy," and they argue it therefore must be accepted as an "approved massage school." In their view, RISI provides at least the substantive equivalent of a massage therapy education, even though it refuses to characterize its program that way. They analogize RISI's long-standing distinction between structural integration and massage therapy to a branding or marketing decision. Their argument is that Rolfing is functionally a form of massage therapy, at least for purposes of licensing in Alaska, even though this conclusion may directly conflict with Dr. Rolf's philosophy and the previously-stated positions of RISI, IASI and many Rolfers.

The statutory definition offers little guidance on the substantive qualities of an "approved massage school." It sets no educational content standards other than the minimum 500-hour requirement, instead relying on state authorization to operate or accreditation status. However, state approval to operate and COMTA accreditation do not resolve the issue whether RISI is accredited *as a massage school*. By RISI's own terms, it is *not* a massage school; it teaches a profession that is distinct from the profession of massage therapy.[88] And COMTA has accredited it, but based on RISI's self-designation, the accreditation is as a school of structural integration.

Further, COMTA accreditation cannot be determinative, because COMTA accredits more than just massage schools or programs. It also accredits "bodywork" schools and programs. From this distinction it follows that, under the statutory definition of "an approved massage school," an educational program may be qualitatively different from a massage therapy education and not be treated as a massage school, despite accreditation and certain areas of overlap with massage therapy education. Therefore, although Mr. DeFord and Mr. Shelden

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[87] They additionally point out that RISI is recognized by the Colorado Division of Higher Education, an entity they argue is similar to the Alaska Commission on Postsecondary Education.

[88] *See, e.g.*, Ex. B (Div. 000174).

received well over 500 hours of in-class supervised instruction and clinical work at RISI, and there is no dispute that RISI is a respected institution offering a quality education, these facts do not require the Board to find that RISI is an approved massage school. This case depends upon the interpretation of AS 08.61 as a whole, rather than an interpretation of selected subsections in isolation.

Questions of statutory interpretation begin with an examination of the statutory language construed in view of its purpose.[89] The objective "is to give effect to the intent of the legislature, with due regard for the meaning that the statutory language conveys to others."[90] Though unambiguous statutory language is to be given its ordinary and common meaning, the Alaska Supreme Court has rejected the "plain meaning" rule as an exclusionary rule and permits looking to legislative history as a guide to construing a statute's words.[91]

As the Board recognized, the definition of an "approved massage school" is not clear on its face. It leaves unresolved a number of potential questions, including the importance of an institution's self-identification and accreditation *as a massage school*. Because the definition is vague, it should be examined in the broader context of the statutory whole. That statutory whole includes, notably, an express Rolfing exception to coverage under the statute.

Listed among the ten exceptions to application of the chapter is an exception expressly pertaining to structural integrators who both (1) engage only in the practice of structural integration *and* (2) who graduated from a program recognized by IASI, specifically including the Rolf Institute.[92] In the context of interpreting the meaning of an "approved massage school" for AS 08.61 purposes, this legislative exception for Rolfers who graduated from RISI - and whose sole practice involves structural integration - becomes significant.

The parties agree that, in light of the exception in AS 08.61.080(10), certified Rolfers who only provide Rolfing services need not obtain a massage therapy license and, in that case, they are not subject to the other provisions or AS 08.61, including Board oversight. They also agree a Rolfer can be dual-certified as both a structural integrator *and* a massage therapist, as Mr. Toal is – if the applicant meets all licensing requirements. But they disagree whether the Board

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89 *Ganz v. Alaska Airlines, Inc.*, 963 P.2d 1015, 1017 (Alaska 1998).

90 *Id.* (citing *City of Dillingham v. CH2M Hill Northwest, Inc.*, 873 P.2d 1271, 1276 (Alaska 1994)).

91 *Id.*

92 AS 08.61.080(10). The second clause of subsection (10) also references persons who are "current members" of an organization recognized by IASI. Based on the record, membership in such an organization still requires graduation from a recognized school of structural integration.

must issue a massage therapy license to an individual whose sole bodywork education comes from a school or program that teaches structural integration.

By its very specific language, the exception in AS 08.61.080(10) reflects the Legislature's agreement with the approach advocated by RISI, IASI and many certified Rolfers – and it recognizes that Rolfing is qualitatively different from the kind of massage therapy the Legislature intended to regulate. This language shows legislative agreement or acquiescence that individuals who only practice Rolfing merit different treatment than massage therapists, even if Rolfing practices would otherwise satisfy the definition of the "practice of massage therapy."

Because structural integration is sufficiently distinct from massage therapy to merit recognition as its own category of bodywork, it necessarily follows that a structural integration education is also qualitatively different from a massage therapy education. This conclusion is consistent with the language of AS 08.61.080, which provides that the chapter governing massage therapists "does not apply" to individuals like Mr. DeFord and Mr. Shelden, whose only education, training, and area of practice is in the field of structural integration.

The evidence shows that RISI offers a rigorous program that graduates skilled practitioners of structural integration. However, the Board does not have discretion to issue massage therapy licenses to individuals who do not meet the statutory criteria, even if they have considerable education and experience.[93] Though the Rolf Institute teaches massage techniques as part of a Rolfing education, it is not accredited as a massage school – and the applicants have not shown it is the same as a massage school.[94] More importantly, the AS 08.61 statutory scheme reflects a legislative determination to treat structural integrators and their educational institutions differently than massage therapy practitioners and schools, in recognition of the Rolfing community's own advocacy for this result.

Despite significant overlap between Rolfing and massage therapy practices, the Rolfing community has consistently and successfully advocated for a legislative acknowledgement of the distinction between Rolfing and massage therapy. As a result, the Legislature carefully distinguished Rolfing from massage therapy for licensure and other purposes. Specifically, it

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93 *See In re Chingduang*, OAH No. 18-0025-MAS at p. 3 (Board of Massage Therapists, 3/9/18).

94 In its initial decision, the Board determined that the Rolf Institute only offers training in a single modality of bodywork rather than the broad training that massage schools offer. The applicants did not present evidence that overcomes this finding. Regardless, this determination is not controlling in light of the statutory language and purpose of AS 08.61 as a whole.

removed a person "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" from coverage under the statute.[95] Given this statutory distinction, the Board correctly decided that applicants whose sole bodywork training comes from a Rolfing institution like RISI are not graduates of a "massage school" for AS 08.61 licensure purposes.[96]

V. Conclusion

As a bodywork modality, structural integration has much in common with massage therapy, and the Legislature could have placed its practitioners under the purview of the Board of Massage Therapists. However, at the request of IASI and the broader Rolfing community, the Legislature chose not to do so. By its language and purpose, AS 08.61 as a whole reflects legislative agreement that Rolfing and massage therapy are distinct professions. As a result, the statute very specifically excepted Rolfers who only engage in the practice of structural integration and who are graduates of RISI (or members of an organization recognized by IASI) from Board oversight. By extension, a school that only teaches structural integration is also something other than a massage school.

Mr. DeFord and Mr. Shelden did not show they graduated from a school that qualifies as an "approved massage school" for purposes of massage therapy licensing under Alaska law. The Board's denial of their license applications therefore should be affirmed.

DATED: August 6, 2018.

Kathryn Swiderski
Administrative Law Judge

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95 AS 08.61.080(10).

96 Nothing in this decision should be construed as precluding the Board from taking regulatory action designed to fill gaps between a structural integration education and a massage therapy education.

Adoption

The Board of Massage Therapists adopts this decision as final under the authority of AS 44.64.060(e)(1). Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of distribution of this decision.

DATED this _____ day of _____, 2018.

By: _____
Signature

_____
Name

_____
Title

Investigative and Probation Reports

PUBLIC

Investigative Case Review
&
Consent Agreements

PUBLIC

B.B.

PUBLIC

L.C.

PUBLIC

J.O.

PUBLIC

X.L.

PUBLIC

Division/Financial Update Report

PUBLIC

Board of Massage Therapists
Schedule of Revenues and Expenditures

	FY 12	FY 13	FY 14	FY 15	FY16	FY17	FY18 1st - 3rd Qtr
Licensing Revenue	$ -	$ -	$ -	$ 660	$ 586,230	$ 228,015	$ 314,680
Allowable Third Party Reimbursement	-	-	-	-	-	-	$ 388
Total Revenue	-	-	-	660	586,230	228,015	315,068
Direct Expenditures							
Personal Services	-	-	-	34,676	116,046	76,106	102,805
Travel	-	-	-	6,585	17,726	10,216	5,516
Contractual	-	-	-	12,627	52,528	67,008	47,144
Supplies	-	-	-	274	13	155	5
Equipment	-	-	-	-	-	-	-
Total Direct Expenditures	-	-	-	54,162	186,313	153,485	155,470
Indirect Expenditures*	-	-	-	16,424	68,579	70,815	53,111
Total Expenses	-	-	-	70,586	254,892	224,300	208,581
Annual Surplus (Deficit)	-	-	-	(69,926)	331,338	3,715	106,487
Beginning Cumulative Surplus (Deficit)	-	-	-	-	(69,926)	261,412	265,127
Ending Cumulative Surplus (Deficit)	$ -	$ -	$ -	$ (69,926)	$ 261,412	$ 265,127	$ 371,614

** For the first three quarters, indirect costs are based on the prior fiscal year's total indirect amount on a percent of year completed basis.
The 4th quarter board reports reflect the current year's actual indirect expenses allocated to the boards.

PUBLIC

Appropriation	(All)
Sub Unit	(All)
Activity Code	MAS1

Sum of Expenditures		Object Type Code				
Object Code	Object Name	1000 - Personal Services	2000 - Travel	3000 - Services	4000 - Commodities	Grand Total
1011	Regular Compensation	54,105.87				54,105.87
1023	Leave Taken	6,176.42				6,176.42
1028	Alaska Supplemental Benefit	3,705.06				3,705.06
1029	Public Employee's Retirement System Defined Benefits	6,616.95				6,616.95
1030	Public Employee's Retirement System Defined Contribution	1,559.08				1,559.08
1034	Public Employee's Retirement System Defined Cont Health Reim	1,295.91				1,295.91
1035	Public Employee's Retiremnt Sys Defined Cont Retiree Medical	311.27				311.27
1037	Public Employee's Retiremnt Sys Defined Benefit Unfnd Liab	3,479.56				3,479.56
1039	Unemployment Insurance	195.94				195.94
1040	Group Health Insurance	19,448.69				19,448.69
1041	Basic Life and Travel	30.29				30.29
1042	Worker's Compensation Insurance	586.30				586.30
1047	Leave Cash In Employer Charge	1,392.83				1,392.83
1048	Terminal Leave Employer Charge	723.34				723.34
1053	Medicare Tax	831.16				831.16
1069	SU Business Leave Bank Contributions	1.04				1.04
1077	ASEA Legal Trust	98.80				98.80
1079	ASEA Injury Leave Usage	8.75				8.75
1080	SU Legal Trst	4.00				4.00
1970	Personal Services Transfer	2,234.10				2,234.10
2000	In-State Employee Airfare		1,153.56			1,153.56
2001	In-State Employee Surface Transportation		90.75			90.75
2002	In-State Employee Lodging		948.00			948.00
2003	In-State Employee Meals and Incidentals		603.00			603.00
2005	In-State Non-Employee Airfare		802.49			802.49
2007	In-State Non-Employee Lodging		866.00			866.00
2008	In-State Non-Employee Meals and Incidentals		420.00			420.00
2009	In-State Non-Employee Taxable Per Diem		64.00			64.00
2010	In-State Non-Employee Non-Taxable Reimbursement		70.25			70.25
2020	Out-State Non-Employee Meals and Incidentals		193.00			193.00
2022	Out-State Non-Employee Non-Taxable Reimbursement		302.70			302.70
2036	Cash Advance Fee		2.46			2.46
2970	Travel Cost Transfer		-			-
3002	Memberships			968.80		968.80
3035	Long Distance			365.48		365.48
3045	Postage			182.64		182.64
3046	Advertising			309.47		309.47
3069	Commission Sales			39.00		39.00
3088	Inter-Agency Legal			1,491.42		1,491.42
3094	Inter-Agency Hearing/Mediation			5,105.89		5,105.89
3100	Inter-Agency Safety			38,681.00		38,681.00
4002	Business Supplies				4.60	4.60
Grand Total		**102,805.36**	**5,516.21**	**47,143.70**	**4.60**	**155,469.87**

PUBLIC

Inter-Agency Safety, Hearing/Mediation, and Legal Breakdown

PUBLIC

Document Last Update Date	AL Unit Name	Sub Unit	Activity Code	Activity Name	Document Code	Document FQ	Object Class Code	Document Description	Expenditures
12/8/17	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080000567-1	3024	RSA 880012 FY18 CBPL LEGAL SERVICES	331.44
12/27/17	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080000781-1	3024	RSA 880012 FY18 CBPL LEGAL SERVICES	82.86
1/22/18	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080000974-1	3024	RSA 880012 FY18 CBPL LEGAL SERVICES	331.42
3/6/18	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080001175-1	3024	RSA 880012 FY18 CBPL LEGAL SERVICES	331.42
3/23/18	Corporations, Business and Professional Licensing	INVE	MAS1	Massage Therapists	IET	IET-08-18080001370-1	3024	RSA 880012 FY18 CBPL LEGAL SERVICES	414.28
4/17/18	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080001573-1	3024	RSA 880012 FY18 CBPL LEGAL SERVICES	5,037.58
5/4/18	Corporations, Business and Professional Licensing	INVE	MAS1	Massage Therapists	IET	IET-08-18080001799-1	3024	RSA 880012 FY18 CBPL LEGAL SERVICES	49.71
5/4/18	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080001799-1	3024	RSA 880012 FY18 CBPL LEGAL SERVICES	331.42
6/6/18	Corporations, Business and Professional Licensing	INVE	MAS1	Massage Therapists	IET	IET-08-18080002036-1	3024	RSA 880012 FY18 CBPL LEGAL SERVICES	1,049.49
6/6/18	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080002036-1	3024	RSA 880012 FY18 CBPL LEGAL SERVICES	9,938.09
11/28/17	Corporations, Business and Professional Licensing	INVE	MAS1	Massage Therapists	ITA	ITA-08-180001474-1	3030	ADN 0280752 DCCED-CBPL	1,190.40
2/23/18	Corporations, Business and Professional Licensing	INVE	MAS1	Massage Therapists	ITA	ITA-08-180002374-1	3030	ADN 0280752 DCCED-CBPL HEARING SERVICES	422.40
3/20/18	Corporations, Business and Professional Licensing	INVE	MAS1	Massage Therapists	ITA	ITA-08-180002658-1	3030	ADN 0280752 DCCED-CBPL HEARING SERVICES	3,493.09
4/27/18	Corporations, Business and Professional Licensing	INVE	MAS1	Massage Therapists	ITA	ITA-08-180003173-1	3030	ADN 0280752 DCCED-CBPL HEARING SERVICES	230.40
5/25/18	Corporations, Business and Professional Licensing	INVE	MAS1	Massage Therapists	ITA	ITA-08-180003511-1	3030	ADN 0280752 DCCED-CBPL HEARING SERVICES	1,071.61
6/28/18	Corporations, Business and Professional Licensing	INVE	MAS1	Massage Therapists	ITA	ITA-08-180003862-1	3030	ADN 0280752 DCCED-CBPL HEARING SERVICES	2,226.10
11/29/17	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080000579-1	3036	RSA 880011 FY18 CBPL FINGERPRINTING JULY 2017	8,272.00
2/15/18	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080001188-1	3036	RSA 880011 FY18 CBPL FINGERPRINTING	17,578.00
3/12/18	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080000793-1	3036	RSA 880011 FY18 CBPL FINGERPRINTING	12,831.00
4/20/18	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080001588-1	3036	RSA 880011 FY18 CBPL FINGERPRINTING	1,128.00
5/4/18	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080001814-1	3036	RSA 880011 FY18 CBPL FINGERPRINTING	1,034.00
6/18/18	Corporations, Business and Professional Licensing	PROF	MAS1	Massage Therapists	IET	IET-08-18080002050-1	3036	RSA 880011 FY18 CBPL FINGERPRINTING	423.00

PUBLIC

Investigative Cost to Board (Investigations Error)

PUBLIC

From: Dumas, Melissa L (CED)
To: Dulebohn, Dawn L (CED)
Subject: RE: MAS- Follow-up on June Meeting
Date: Wednesday, August 8, 2018 2:49:36 PM

Hi Dawn,
Without knowing the all the details of the situation I can say that we use positive time keeping and that if charges were incurred that related to the MAS program the MAS program will pay for the resulting expenses.

From: Dulebohn, Dawn L (CED)
Sent: Tuesday, August 7, 2018 12:34 PM
To: Dumas, Melissa L (CED) <melissa.dumas@alaska.gov>
Subject: RE: MAS-

Follow-up on June

Meeting Melissa,

As for the second question, in the June 11-12 meeting, INV brought to the board's attention a application that the board previously had denied because INV reported that the person had been convicted of a moral turpitude charge. Well, the applicant got a lawyer and there was a hearing that resulted in the fact that the moral turpitude conviction was dismissed (that information was available when INV was looking into her). This has resulted in a lot of additional cost for the board and they want to know if they will have to pay for it since it was an error on the part of INV.

The attorney for the state is Joan Wilson, if you need to talk to her about the specifics.

Best Regards,

Dawn Dulebohn

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

PUBLIC

Fingerprinting

PUBLIC

Massage Establishment Applicant Requirements

The business name, location, and mailing address of the massage establishment

A copy of the occupancy permit for the building in which the massage establishment will operate

Fingerprinting background check

Lead Alaska Licensed LMT Designation with signature

Current Liability Insurance

A photocopy of two valid state or federal issued photo identification;

Establishment requirements upon inspection

- Establishment license is displayed

- Establishment must adhere to all state, local and federal fire, health, safety and building codes.

- Hours of Operation. Every massage establishment shall be closed for business between the hours of 12:00 a.m. and 5:00 a.m.

- No massage establishment shall be used as a shelter or living quarters for any person. No owner or manager shall allow a licensed massage establishment to be used for housing, sheltering, or harboring any person(s), or as living or sleeping quarters for any person(s). The owner and family members of a massage establishment operated as a home occupation, as defined by State Code Title 21, are exempt from this prohibition. If a massage establishment is located within, but is ancillary to, a business such as a hotel or motel, this prohibition shall apply only to the areas designed, designated, or used as a massage establishment.

- Every massage establishment shall keep and maintain:
  a. A book containing the names, dates of birth, and a legible photocopy of the Alaska massage license of every massage therapist employed by or contracting with the massage establishment; and

  b. A menu of all services available at the massage establishment, including the price for each service, which shall be posted in plain view of clients.

Commented [CSC(1]: Of whom? The owner of the business? What if the business is a corporation? All officers of the corporation?

Commented [CSC(2]: What does this mean? It needs to be explained. What type of process is the designation? What happens when the designee changes? What are the penalties for not reporting a change in designation? What happens if the establishment does not have a lead?

Commented [CSC(3]: Of the business? Any particular limits or coverages?

Commented [CSC(4]: Alaska

Commented [CSC(5]: When is the inspection? Prior to licensure? Annual? Upon complaint? Who does the inspection?

Commented [CSC(6]: What happens if they don't?

Commented [CSC(7]: ?

Commented [CSC(8]: As approved by the board

PUBLIC

c. A log including the date, time, and type of massage or massage therapy service performed, the amount of money or other payment received from the client, including the amount of tip or gratuity.

- Every document and record required by this chapter shall be dated and kept at the massage establishment for a minimum period of three (3) years from the date of the last record contained therein, and on or off the premises for the period required by state law or the rules, code of ethics, or standards of practice of the State of Alaska Board of Massage Therapy.

- Every owner, manager, massage therapist, and employee shall immediately present the records required herein for inspection or review upon request of the department, local, federal or state agency.
- The inspector will verify that the establishment is operating within the Establishment Operations regulations

No massage establishment license shall be issued to any applicant if any person required to be on the application:
1. Is under the age of eighteen (18) years;
2. Is not the bona fide owner or lessee of the premises within which the massage establishment is to be operated; or
3. has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude 12 AAC 79.910., 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 affect the person's ability to practice competently and safely.
5. Does not provide documentation of current liability insurance
6. Has not ~~provided been~~ completed the fingerprint background check
7. Has not ~~provided~~ paid fees required by the Department
8.The Department shall not issue a massage establishment license to any applicant if it is determined that the application included any false, misleading, or fraudulent information.

Massage Establishments - Operations

- No massage establishment shall operate or be open for business between the hours of 12:00 a.m. and 5:00 a.m.

- No massage establishment shall operate in conjunction with a cocktail lounge, photography studio, model studio, art studio, telephone answering service, motion picture theater or adult-oriented business.

Commented [CSC(9]: Needs to be more specific

Commented [CSC(10]: Law enforcement? Licensing? Other?

Commented [CSC(11]: Who is the inspector? It sounds like it would be a division employee since we can't compel another agency to check for these things. Inspection process, timing, etc. needs to be clarified.

Commented [CSC(12]: Too vague. What if a corporation?

Commented [CSC(13]: Does this extend to the officers of a corporation?

Commented [CSC(14]: Limits and coverage?

Commented [CSC(15]: What if a corporation?

Formatted: Strikethrough

Commented [CSC(16]: Board shall not approve

Commented [CSC(17]: Ever? What if the application is corrected? Does the board plan to deny these?

Commented [CSC(18]: A hotel/motel appears to be okay (above), but a cocktail lounge is not. What if the cocktail lounge is also in the hotel/motel?

PUBLIC

- No alcohol consumption or sales within the massage establishment

- The owner and manager of every massage establishment shall notify the Department in writing within ten business (10) days of any change in ownership of the massage establishment.

- The owner and manager of every massage establishment shall notify the Department in writing within 10 business (10) days of every change in **the designated lead massage therapist** of the massage establishment, whether such change is by new or renewed employment, termination or discharge, transfer, or other employment change.

- No person shall perform massage or massage therapy in any cubicle, room, or area equipped with a ~~door~~ locking door.

- ~~No person shall use a massage establishment as housing, living quarters, or sleeping quarters.~~

- No owner or manager shall permit or allow a massage establishment to be used as housing, living quarters, or sleeping quarters by any person.

- No owner, manager, massage therapist, or employee shall allow or permit any person under the age of eighteen (18) years to come into or remain in any massage establishment without a written parent or legal guardian consent.

- No owner, manager, massage therapist, or employee shall sell, give, dispense, provide, or keep, or cause or permit to be sold, given, dispensed, provided, or kept, any controlled substance within any massage establishment.

- No owner, manager, massage therapist, or employee shall initiate or engage in any sexual contact or sexual act in any massage establishment.

- No owner, manager, massage therapist, or employee shall keep, or allow to be kept, within any massage establishment any item known as or commonly used as a marital or sexual aid, including, but not limited to, any contraceptive item or device, vaginal or anal lubricant, or any sex toy.

Commented [CSC(19]: What does this person do? How are they qualified? What impact does this have on their license or our process?

PUBLIC

- No owner, manager, massage therapist, or employee shall solicit, initiate, engage in, permit, or allow any act that violates Alaska Statutes sections 08.61 et seq., the Regulations of the Alaska State Board of Massage ~~Therapy~~Therapists, or the code of ethics or standards of practice set forth by the Alaska State Board of Massage ~~Therapy~~Therapists.

- No owner, manager, massage therapist, or employee shall engage in unprofessional conduct, including but not limited to the following:

  a. Engaging in sexually suggestive advertising related to massage services.

  b. Engaging in any form of sexual activity on the premise of a massage establishment where massage is provided for compensation.

  c. Engaging in any form of sexual activity while providing massage services for compensation.

  d. Engaging in any form of assignation

- No owner, manager massage therapist, or employee shall allow television, video or recording equipment in any room where massage services are being provided, but a security surveillance monitor that can only receive images of the inside of the common areas of the establishment may be located in these rooms at any time. With written client consent, a massage therapist may use video and photography equipment for therapeutic purposes.

Commented [CSC(20]: "Sexual activity" and "suggestive advertising" should be defined

Commented [CSC(21]: No idea what this means

PUBLIC

Exemptions.

A. The following are exempt from the massage establishment license requirement:

1. Hospitals, residential care facilities, and assisted living facilities licensed by the state of Alaska;

2. Public and private secondary schools or accredited colleges and universities who are approved by the board and when massage is performed as an educational requirement.

3. Sports venues at which massage may be conducted on the members of professional sports franchises by athletic trainers employed by

Commented [CSC(22]: Requirement of whom?

professional sports or collegiate sports franchises.

4. The business locations in which barbers and cosmetologists, currently licensed by the state of Alaska, practice massage limited to the neck, face, scalp, hair, hands, or feet, when such massage is conducted in conjunction with a cosmetic service such as a haircut or styling, shave, manicure, or pedicure.

5. A massage therapist licensed in the State of Alaska who owns and operates a massage business with or without employees.

Commented [CSC(23]: This doesn't make sense to me. I may need to discuss with you.

License Term and Expiration, Application and Renewal.

A. Every massage establishment license shall be valid for a period of one (2) years from the date of issuance, unless suspended, revoked, or surrendered prior to expiration.
B. Every application for a new or renewed massage establishment license shall be:

1. Made upon the form provided by the Department and
2. Filed with the Department
3. Accompanied by a non-refundable application fee set by the Department,
4. Completed to the satisfaction of Department and Board
5. Signed by every person who is an owner and lead massage therapist of a massage establishment.
6. Completed a federal fingerprint background check

Commented [CSC(24]: See all concerns listed above.

C. It is the massage establishment operator's responsibility to ensure the license application is filed timely with the Department to avoid a lapse in lawful operation prior to renewal. Renewal applications filed at least 30 days before expiration of the license are timely. Applications filed less than 30 days before expiration are not considered timely and may result a lapse is lawful operation.

Commented [CSC(25]: This really shouldn't be in regulation.

PUBLIC

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

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

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

(2) the applicant's fingerprint information described in 12 AAC 79.130;

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

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

(5) documentation that the massage therapist satisfied the continuing education requirements in 12 AAC 79.210.

Authority: AS 08.61.020 AS 08.61.050

PUBLIC

Continuing Education

PUBLIC

Review/Approve

CE Consent

Agreements

PUBLIC

Continuing Education Consent Agreement

Jessyca Blackburn

PUBLIC

Continuing Education Consent Agreement

Kathryn Potts

PUBLIC

Continuing Education Consent Agreement

Brittany Starling

PUBLIC

Continuing Education Content

PUBLIC

Unacceptable Continuing Education List

PUBLIC

Unacceptable Continuing Education

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

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

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

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25. Erroneous, misleading titles of modalities; a description of the course must be added to the title if the modality cannot be easily deciphered by the title.
26. Articles or online content that does not include a final examination.
27. Animal Massage

PUBLIC

From: Ron Gibbs
To: Dulebohn, Dawn L (CED)
Cc: dave@edwards-smith.com; lifetouchalaska@gmail.com
Subject: Re: CBD Oil and Dry Needle Therapy
Date: Friday, July 6, 2018 11:32:45 AM

Dry needling does not meet the definition for massage therapy, it does not manipulate soft tissue.
What oil or lotion is used is not something that is regulated. Informed consent should be used when using any topical products.

Healing Harbor Bodytherapy

On Jul 6, 2018, at 11:23 AM, Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov> wrote:

> Hello,
>
> I have had quite a few phone calls about whether a therapist can use CBD Oil. I know in the discussion about unacceptable continuing education, it was deemed that they may not take a ce class for credit but I can't find anything in Statutes and Regs saying therapists cannot use it during their massage.
>
> Also, since we're on the subject, can a therapist use "dry needle" therapy? It was also deemed not an acceptable ce content.
>
> I do not see either of these mentioned in the SOP. Please reply to all. In the spirit of disclosure, I will summarize this conversation in the September meeting.
>
> Best Regards,
>
>
> **Dawn Dulebohn**
> Licensing Examiner
> Board of Massage Therapists
> Board of Certified Real Estate Appraisers
> Corporations, Business, and Professional Licensing
> P.O. Box 110806
> Juneau, AK 99811-0806
> PH: 907-465-3811
> Fax: 907-465-2974
> Dawn.Dulebohn@alaska.gov
>

From: Ron Gibbs
To: Dulebohn, Dawn L (CED)
Cc: dave@edwards-smith.com; lifetouchalaska@gmail.com
Subject: Re: CBD Oil and Dry Needle Therapy
Date: Friday, July 6, 2018 11:36:50 AM

If people receive specific training in a skill I don't see why you should not be able to use it as supplemental to your massage techniques, similar to hydrotherapy.

Healing Harbor Bodytherapy

On Jul 6, 2018, at 11:23 AM, Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov> wrote:

> Hello,
>
> I have had quite a few phone calls about whether a therapist can use CBD Oil. I know in the discussion about unacceptable continuing education, it was deemed that they may not take a ce class for credit but I can't find anything in Statutes and Regs saying therapists cannot use it during their massage.
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> P.O. Box 110806
> Juneau, AK 99811-0806
> PH: 907-465-3811
> Fax: 907-465-2974
> Dawn.Dulebohn@alaska.gov

From: lifetouchalaska
To: Dulebohn, Dawn L (CED)
Subject: Re: CBD Oil and Dry Needle Therapy
Date: Friday, July 6, 2018 12:10:33 PM

CBD oils aren't in our authority to regulate its application in my opinion.

Dry needling ENTERS the body. We dont have the scope to do that kind of internal work.

Jill Motz, LMT, CDT
(907) 727-2596
LifeTouch Massage and Wellness

-------- Original message --------
From: "Dulebohn, Dawn L (CED)" <dawn.dulebohn@alaska.gov>
Date: 7/6/18 11:23 AM (GMT-09:00)
To: dave@edwards-smith.com, healingharbor@icloud.com, lifetouchalaska@gmail.com
Subject: CBD Oil and Dry Needle Therapy

Hello,

I have had quite a few phone calls about whether a therapist can use CBD Oil. I know in the discussion about unacceptable continuing education, it was deemed that they may not take a ce class for credit but I can’t find anything in Statutes and Regs saying therapists cannot use it during their massage.

Also, since we’re on the subject, can a therapist use “dry needle” therapy? It was also deemed not an acceptable ce content.

I do not see either of these mentioned in the SOP. Please reply to all. In the spirit of disclosure, I will summarize this conversation in the September meeting.

Best Regards,

Dawn Dulebohn

Licensing Examiner

Board of Massage Therapists

Board of Certified Real Estate Appraisers

Corporations, Business, and Professional Licensing

P.O. Box 110806

Juneau, AK 99811-0806

PH: 907-465-3811

Fax: 907-465-2974

Dawn.Dulebohn@alaska.gov

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Ortho Bionomy

PUBLIC

From: David Edwards-Smith
To: Dulebohn, Dawn L (CED)
Subject: Society of Ortho Bionomy
Date: Monday, July 16, 2018 11:20:56 AM

My research indicated that the Ortho Bionomy program is one of it's one paradigm that is similar to a RISI program. This program has it's own membership, training board and philosophy of bodywork.

The board needs to discuss whether this is an acceptable massage therapy program.

Dave

Virus-free. www.avg.com

Society of Ortho-Bionomy International

PUBLIC

From:	Keri Brown
To:	Dulebohn, Dawn L (CED)
Cc:	SOBI Office Danyell Wiley
Subject:	Ortho-Bionomy Exemption to Alaska Massage Law
Date:	Wednesday, July 18, 2018 9:04:21 AM
Attachments:	2016.12 Practitioner Handbook.doc 2018-Advanced-Practitoner-forms-rev-3-18.docx InstructorTraining-Forms-vers-3-18.doc Advanced-Instructor-Training-Program-Forms-and-Program-Completion-information-ver-2-18.doc Conflict resolution and Grievance Handbook revised Jan 2018 2.pdf SOBI Code of Ethics.pdf

---

To Dawn Dulebohn,

My name is Keri Brown. I am on the Board of Directors for the Society of Ortho-Bionomy® International, and the government relations liaison. We have been contacted by Jenny O'Fontanella, who would like to bring in one of our Advanced Instructors to teach Ortho-Bionomy in Alaska.

I am writing to help facilitate approval from your massage board for these classes. Because there is no “bodywork” profession, it is virtually impossible to establish appropriate licensing requirements as though there is one profession. Bodywork is a term primarily in use by massage therapists who wish to represent their work as different from massage. Many massage therapists use “bodywork” in order to bypass the licensing requirement by avoiding the term massage. This is most likely the largest group using the term “bodywork”, or “bodywork therapy”, and could appropriately be licensed under the umbrella of the board of massage.

However, there are unique professions that have been in existence for many years. These professions have established educational standards, scope of practice, ethics, continuing education requirements and professional membership organizations.

The professional organization for the Ortho-Bionomy® profession is:

Society of Ortho-Bionomy International® (SOBI)

* Established as a501c6 not for profit entity 1984
* Recognized by ABMP
* Recognizes registered Instructors who have completed the extensive training programs required, with oversight by advisors, and approval upon review by the Instructor Review Committee.
* Recognizes Practitioners and Advanced Practitioners who have completed all the required programs, taught by only Registered Instructors with oversight from advisors, and approval upon review by the Practitioner Review Committee
* Has continuing education requirements, including Ethics
* Has a grievance policy and process available to the public and SOBI members
* https://www.ortho-bionomy.org/

Ortho-Bionomy would fit into any of the CID classifications below:

51.3503 **Somatic Bodywork**.
https://nces.ed.gov/ipeds/cipcode/cipdetail.aspx?y=55&cip=51.3503

51.3601 **Movement Therapy and Movement Education**
https://nces.ed.gov/ipeds/cipcode/cipdetail.aspx?y=55&cipid=87831

51.3799 **Energy and Biologically Based Therapies, Other**
https://nces.ed.gov/ipeds/cipcode/cipdetail.aspx?y=55&cipid=87699

I'm also including our Instructor, Advanced Instructor, Practitioner, and Advanced Practitioner Training Programs, as well as our Code of Ethics, and Grievance policy.
Hopefully this information will persuade you of the legitimacy of Ortho-Bionomy classes and the quality of the professional training involved.

Thank you so much for your time, and please let me know of there is anything else I can provide to facilitate your approval process,

Warmly,
Keri Brown
Associate Instructor
Board of Directors, Government Relations

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~~Practitioner Training Program Handbook~~

~~Benefits of Enrolling in the Practitioner Training Program~~

~~*Having an **advisor**: a person whom you trust who is available on a one on one basis and who can help you with questions and problems, who monitors your progress and who can celebrate your success with you. Your advisor is available to support you in learning techniques, help you fine-tune your work with clients and aid you in developing into a practitioner. Together you establish your own mixture of pre-arranged meetings/sessions and more informal ways to check in.*~~

~~*The **instructor community** knows that you have more than a passing interest in Ortho-Bionomy and you will receive extra attention and monitoring in classes and in between.*~~

~~*Having made a **commitment** to the program helps students to stay focused and generates enthusiasm for the work and its evolution.*~~

~~*Further commitment often shifts the students work to a clearer and higher place of **evolvement**.*~~

~~*You gain a sense of **community**, belonging and support from other students in the program that helps you stay connected between classes.*~~

~~*Enrollment helps you to create a space to develop **relationships** with peers and professional colleagues and ways to develop this into a personal practice.*~~

~~*Your fees **support** the ongoing efforts of the Society of Ortho-Bionomy to increase the visibility of Ortho-Bionomy and to keep the organization functioning to the benefit of all its members.*~~

~~*A listing in the Ortho-Bionomy directory that you are in the program makes you a more likely candidate for **referrals** and allows instructors and peers to know that you have committed to the program.*~~

~~*Discount on Associate membership if enrolled in the Practitioner Training Program*~~

~~*Apart from the above named benefits, being enrolled in the practitioner program is a necessary step to becoming a registered practitioner.*~~

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~~***Handbook Revised January 2016 (new address to mail portfolio, email alerting SOBI***~~

~~***waiver/evolvement is coming, back up request of fax or email of portfolio)***~~

Evolvement of the Original Concept
E-mail: office@ortho-bionomy.org www.ortho-bionomy.org
Phone: 317-536-0064 Fax: 317-536-0065

Ortho-Bionomy

Society of Ortho-Bionomy International Practitioner Training Program Handbook

Overview .....page 2
Quick Start, Enrollment and the Program Milestones .....page 2
Enrollment Directions .....page 2, 11
Practitioner Training Program Checklists.....page 3
Practitioner Training Program Record Form…….....page 4-9
Program Detailed Descriptions…… .....page 6-18
Advisor, Choosing Your Advisor.....page 12
Fees for Enrolling/Applying and Evolving/Matriculating .....page 2, 3, 11
Waiver – Directions & Forms.....page 3,11,21
Practitioner Training Program Requirements.....page 3,12-16~~5~~
Class Descriptions.....page 13-16
Tutorials (Sessions, Consultations).....page 15
Study Groups .....page 15
Documented Sessions .....page 15
Evaluation Requirements .....page 3, 15-16, 22-24
Evolvement: Submission To Become A Registered Practitioner.....page 3,16, 22-24
Practitioner Member Benefits .....page 17
Continuing Education Requirements .....page 17
Trademark Guidelines & Code of Ethics .....page 18
New Student Membership Application Link .....page 2
Application for Practitioner Training Program Link.....page 2
Associate Membership Training Program & Forms .....page 5-6,19-20
Practitioner Evolvement Request Form…….....page 20
Evolvement & Waiver Helpful Notes…….....page 25-26
Documented Session Form.....page ~~24~~27~~5~~

Handbook Updates:

-

Active Teaching D~~D~~efinition: *~~In~~ Advisor Section - ~~Active Teaching –~~ 3-5 classes taught a year 11/1/13*
Member Fees and ***Evolvement address and email*** *updated 1/1/2016, Evolvement form created 8/16*
Advisor, Consultations, Feedback & Evaluation Sessions change *to Associate Instructor through Advanced Instructor as of 12/1/16.* ***Evolvement form*** *to submit with final Practitioner paperwork/Portfolio 12/1/16.*

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Contact Information: Website: www.ortho-bionomy.org E-mail: office@ortho-bionomy.org Fax: 317-536-0065

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Practitioner Training Program Overview:
The Ortho-Bionomy Practitioner Training Program includes 505 units, including:

- 330 units of classes and study groups, including Philosophy, Principles, Technique, Anatomy & Physiology, Ethics, Body Mechanics and more
- 11 units of tutorials, mentorship & more with Ortho-Bionomy Instructors
- 8 Ortho-Bionomy sessions received by the trainee
- 156 Ortho-Bionomy sessions given by the trainee, including 6 given to Ortho-Bionomy Instructors for feedback and evaluation

Quick Start and Program Milestones: The Handbook include more detail, but here are the Basic Steps for Starting, the Milestones, and Completion of the Practitioner Training Program.
Note: the **blue underlined** areas are links to specific forms and searches**:**

1. Become a SOBI Member Online form – Join Now

2. Complete Practitioner Online Application - Practitioner Training Program Application
   a. Complete form, Pay Application Fee $100
   b. Pick an Advisor before completing first 100 hours of Program

3. Find a class: Find a Class and start completing your Program form & requirements
   Most trainees choose to find a Phase IV or Basics class for their first class, but if a class does not have a pre-requisite, you can take it without taking a Phase IV/Basics class.

4. Evolve to Associate in Practitioner Training – Optional
   a. Complete the 114 unit Associate training portion of Practitioner Training Program (forms included in this handbook)
   b. Send in your Associate training evolvement form and program record forms
   c. Once approved, Associates are added to the Find a Practitioner public locator, may vote on SOBI matters, and gain limited us of the term Ortho-Bionomy, and more

5. Completion of Practitioner Program
   a. Complete Practitioner Training Program form - classes, requirements (505 units):
      i. Complete the Practitioner Evolvement form
      ii. Create your Practitioner Evolvement Portfolio Packets
      iii. Pay evolvement fee $150
      iv. Mail copied and Email in to SOBI Office

6. Practitioner Review Committee (PRC) reviews Practitioner Portfolio
   a. PRC makes recommendation to SOBI Board
   b. Board reviews and accepts recommendation
   c. SOBI Office notifies you of the results

7. Congratulations, you are now an Ortho-Bionomy Practitioner with the Society of Ortho-Bionomy

Commented [RG1]: Do we need this twice on the same page? no ds will delete this

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Practitioner Training Program 505 unit Curriculum and Program Checklist:
(Units are approximately equal to one hour, 16 units per weekend) Check box as you complete each class or requirement

❑❑❑❑	64 Units	Phase IV
❑	16	Phase V
❑	16	Phase VI
❑	16	Postural Re-education & Post Techniques
❑	16	Isometrics
❑	16	Exploration of Movement Patterns
❑	16	Chapman's Reflexes
❑	16	Ethics & Emotional Issues
❑	16	Demonstration Skills
❑	16	Elements of a Successful Practice
❑❑	32	Anatomy & Physiology
❑	16	Elective(s)
❑	40	Residential (5 day minimum)
❑	16	Practitioner Training Seminar
❑	18	Study Group (six 3/hour minimum)
❑	8	Sessions Received
❑❑❑	3	Feedback Sessions
❑	9	Consultations
❑❑❑	3	Evaluation Sessions Typed
❑	1	Supervised Demonstration (one) Typed
☐	1	Essay Typed
❑	150	Documented Sessions

Final Evolvement Portfolio Checklist: Prior to Sending to the Society Office for review by the Practitioner Review Committee (PRC) & SOBI Board of Directors:

- Confirm all curriculum requirements have been signed off by instructors or your advisor
- PRC deadlines are March 15, June 15, September 15 and December 15

Practitioner Evolvement Portfolio: Please include payment to SOBI & 4 copies of each:
❑ **Evolvement form** completed - Advisor Signature confirming completion of program and completion of evolvement portfolio. Please make this the top page of your evolvement portfolio
❑ **Program Record form** - completed
❑ **Essay** (Typed) – Applicant completed as least 1 page
❑❑❑ **3 Evaluation Letters** - Typed Letters of Recommendation including evaluation sessions documentation – Instructors
❑ 1 **Observed Demonstration Letter** - Typed Letter of recommendation from the Registered Instructor who observed your demonstration
❑ **Waivers** – signed by PRC chairman, if applicable for Anatomy & Elements of a Successful Practice
4 individually stapled copies of program records, waivers and support documentation (evolvement portfolio)

Reminders:

- **Keep a copy** of completed Practitioner evolvement portfolio for your records
- **Mail in 4 individually stapled portfolio copies** (**mail marked "no Signature required"**) to SOBI c/o Heather Spinner 15223 Shoreway East Ct, Carmel, IN 46032 **at least two weeks** prior to the next PRC deadlines.
- **Send Electronic Back up** – Fax 317-536-0065 or Email:office@ortho-bionomy.org your complete portfolio
- **Send an email** to office@ortho-bionomy.org with the tracking information for your envelope
- **$150 Evolvement Fee** to SOBI, via US check or send via Paypal to office@ortho-bionomy.org

You will receive notice from the SOBI office that your portfolio has been received. The office will contact you if there are any questions regarding your portfolio. We will notify you once we hear back on the PRC review & recommendations on

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your evolvement. **The SOBI Office can charge $25 for incomplete portfolios and/or that require signature at the Post Office.**

Registered Practitioner Program Record Form

(Record Form Page 1 of 6)

Please Type or Print Clearly

Society of Ortho-Bionomy International®
5335 N. Tacoma Avenue Suite #21G, Indianapolis, Indiana 46220
E-mail: office@ortho-bionomy.org www.ortho-bionomy.org
Phone: 317-536-0064 Fax: 317-536-0065

Name _____Date_____

Address _____ City _____

State/Province_____Zip/Postal Code_____ Country_____

Phone: _____E-Mail_____

~~Date Enrolled in Practitioner Training Program~~ _____

~~Date Completed Practitioner Training Program~~ _____

Advisor Information:

Advisor Name (Please print legibly) _____

Advisor ~~Signature~~ E-Mail _____

~~Date Advisor Signed~~ _____

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Associate and Registered Practitioner Program Record Form cont'd (Page 2 of 6)

Trainee Name

Commented [DSW2]: Added Trainee name to pages, so if pages are loose or are being signed in a pile, the signee knows whose form is being signed

Phase IV (64 units)

Location	Date	Units	Instructor Signature

Phase V (16 units)

Location	Date	Units	Instructor Signature

Phase VI (16 units)

Location	Date	Units	Instructor Signature

Postural Re-education & Post Techniques (16 units)

Location	Date	Units	Instructor Signature

Isometrics (16 units)

Location	Date	Units	Instructor Signature

Exploration of Movement Patterns (16 units)

Location	Date	Units	Instructor Signature

Chapman's Reflexes (16 units)

Location	Date	Units	Instructor Signature

Ethics & Emotional Issues (16 units)

Location	Date	Units	Instructor Signature

Demonstration Skills (16 units)

Location	Date	Units	Instructor Signature

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Associate and Registered Practitioner Program Record Form cont'd (Page 3 of 6)

_____
Trainee Name

Elements of a Successful Practice (16 units)

Location	Date	Units	Instructor Signature

Anatomy & Physiology (32 units)

Location	Date	Units	Instructor Signature

Residential (40 units – 5 day minimum)

Location	Date	Units	Instructor Signature

Practitioner Training Seminar (16 units)

Location	Date	Units	Instructor Signature

Electives (16 units)

Class	Location	Date	Units	Instructor Signature

Sessions for Feedback *(3 units)*

1. Session for Feedback

Date:_____ Instructor Signature: _____

Focus of session, Instructor comments and recommendations:_____

_____

_____

2. Session for Feedback

Date:_____ Instructor Signature: _____

Focus of session, Instructor comments and recommendations:_____

_____

_____

3. Session for Feedback

Date:_____ Instructor Signature: _____

Focus of session, Instructor comments and recommendations:_____

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_____

_____

Registered Practitioner Program Record Form cont'd (Page 4 of 6)

_____
Trainee Name

Study Groups (18 units – six 3 hour minimum)

1. Date: _____
   Inst./Pract. Name: _____Signature: _____
   Topic: _____
   _____
   _____

2. Date: _____
   Inst./Pract. Name: _____Signature: _____
   Topic: _____
   _____
   _____

3. Date: _____
   Inst./Pract. Name: _____Signature: _____
   Topic: _____
   _____
   _____

4. Date: _____
   Inst./Pract. Name: _____Signature: _____
   Topic: _____
   _____
   _____

5. Date: _____
   Inst./Pract. Name: _____Signature: _____
   Topic: _____
   _____
   _____

6. Date: _____

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Inst./Pract. Name: _____ Signature: _____

Topic: _____

_____

_____

Registered Practitioner Program Record Form cont'd (Page 5 of 6)

_____
Trainee Name

Tutorial It is recommended that for every 100 classroom units you complete, you receive 3 sessions, do 1 session for feedback and participate in 3 private discussions. Tutorials include 8 units of sessions received, 3 sessions given for feedback, and 9 units of consultations.

***Sessions Received* (8 units)**

Date	Instructor/Practitioner	Date	Instructor/Practitioner

***Consultations* (9 Units)**

1. Date: _____ Instructor Signature: _____
   Topic: _____

2. Date: _____ Instructor Signature: _____
   Topic: _____

3. Date: _____ Instructor Signature: _____
   Topic: _____

4. Date: _____ Instructor Signature: _____
   Topic: _____

5. Date: _____ Instructor Signature: _____
   Topic: _____

6. Date: _____ Instructor Signature: _____
   Topic: _____

7. Date: _____ Instructor Signature: _____
   Topic: _____

8. Date: _____ Instructor Signature: _____
   Topic: _____

9. Date: _____ Instructor Signature: _____

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Topic:_____

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Registered Practitioner Program Record Form cont'd (Page 6 of 6)

***Documented Sessions* (150 Units)** _____
Trainee Name

	Date	Units	Instructor Signature
Reviewed	_____	50	_____
Reviewed	_____	50	_____
Reviewed	_____	50	_____

Evaluation Sessions (3 Units)

	Date	Instructor Signature
❑ Typed Documentation of Session Attached	_____	_____
❑ Typed Documentation of Session Attached	_____	_____
❑ Typed Documentation of Session Attached	_____	_____

❑ **Supervised Demonstration (1 Unit)** Documentation of Demonstration Attached
Date: _____ Instructor Signature: _____

Essay
❑ Typed Essay – Attached

Additional Classes

Class	Location	Date	Units	Instructor Signature

Notes: _____

_____

~~Advisor/Instructor Signature Confirming Completion of Program~~

~~_____ (Advisor/Instructor Name Printed)~~

~~I _____ have reviewed the completed Record form and supporting documentation and the applicant has completed and documented the required elements for submission to satisfactorily evolve to Practitioner.~~

~~_____ _____~~
~~Advisor/Instructor Signature Date~~

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Registered Ortho-Bionomy® Practitioner Training Program

Overview: The Society of Ortho-Bionomy International has developed and oversees four professional Ortho-Bionomy training programs:

- Registered Practitioner Training Program (which includes the 114 units of the Associate Membership Training)
- ~~Program~~Registered Advanced Practitioner Training Program~~,~~
- Registered Instructor Training Program ~~Registered Practitioner Training Program, Registered Advanced Practitioner Training Pro~~
- ~~, and~~ Registered Advanced Instructor Training Program

~~**The is recognition of attaining 114 units of the Practitioner Training. The**~~ **Practitioner** and **Advanced Practitioner** Training programs are designed to give trainees a thorough understanding of the principles and philosophy of Ortho-Bionomy, in addition to providing extensive hands-on experience in both course work and supervised practice to be able to see clients and provide sessions. The **Instructor programs** are for those who are drawn to teaching Ortho-Bionomy.

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Enrollment in Training Programs help students to create a space to develop relationships with peers and professional colleagues. They gain a sense of community, belonging and support from other students in the program which helps them stay connected between classes. In addition, further work often shifts the students work to a clearer and higher place of evolvement.

The **Registered Practitioner Training Program** is designed to give individuals a thorough understanding of the art and practice of Ortho-Bionomy. The program is focused so the student can apply the principles of Ortho-Bionomy to the techniques they learn. The applicant will also be prepared to present and demonstrate Ortho-Bionomy in their own practice and community.

How to Start: To enroll in the Practitioner Training Program complete the application form online, attach your payment for your entrance fee (online by credit card/PayPal or check made out to SOBI) and send it in to the Society office. If you are not a Student or Associate Member, please also complete a new membership form. To learn more about Associate Membership, please read through that section of this handbook.

Once you have completed the Program application, you will begin filling in your Practitioner Program Record Form. We suggest that you take your program record form with you to your classes, study sessions and advisor meetings so your record form is kept up to date. You may also choose to save a copy of your form on your computer, type the documentation and have your advisor and instructors sign off.

The Program Record Forms assist you in keeping records of your class attendance and progress. Space is provided on the form for your instructors to initial the courses as you complete them. It is your responsibility to fill out each section and to give it to the instructor to sign at each class. If you have not had your classes signed off as you have taken them an Instructor can review your certificates and sign off classes on that basis. Please be diligent about completing your forms. The Society Office has just begun to keep and compile class records, so keeping your program record form up to date is important.

The Society of Ortho-Bionomy does not have a “school” that teaches the curriculum for the Training Programs. Instead there are many Registered Instructors who teach classes, usually on the weekends. Some Instructors teach in Massage Schools or Healing Arts Schools and as such they may offer classes on a set schedule according to those schools’ policies. You are encouraged to take classes with multiple Instructors. Classes are listed on the Society website at www.ortho-bionomy.org or in the Society’s quarterly newsletter. You may take classes in any order provided you meet the prerequisites for any given class. The prerequisites are set by the individual Instructors so you will find some classes may require you to have taken a Phase 4 foundation class while others may not have this requirement. To register for any class please get in touch with the Contact listed for the class that you wish to

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attend. A Class Contact is the person who is coordinating that class for the Instructor. You will find that most areas have a class coordinator who schedules classes at different times of the year for that area. Some Instructors may also be listed as a Class Contact. Class fees are set by the instructor and will vary depending on travel or location fees. Always check with the Class Contact regarding the fee for the specific class that you are interested in attending. Only classes taught by Registered Instructors in good standing with the Society of Ortho-Bionomy may count toward your Training Program.

Directions for Enrolling:

You may enroll in the Practitioner Training Program online at http://www.ortho-bionomy.org/Membership/Training_Program_Application.aspx, after meet or attaining the entrance requirements listed below:

Entrance Requirements:

1. Be or become a current member in the Society of Ortho-Bionomy Pay the Practitioner Program Entrance Fee
2. Select a program advisor within first 100 hours of training. See the Advisor section for a full description of how to choose an advisor

Commented [DS3]: Should we remove this from our requirements per Terri's email ? Also removing the fee so it is in 1 location, so if changes we have less areas to change it

Fees: $100 Entrance/Application Fee $150 Evolvement Fee when program is complete
An entrance fee is payable to the Society of Ortho-Bionomy International is due at the time of your application into the Registered Practitioner Program. An additional evolvement/matriculation fee is due on completion of the Program. These fees do not include your annual Practitioner membership fees in the Society. All fees are used to support the activities of the Society (a non-profit mutual benefit professional association). These include the staffing of the Society office, administration of membership and training programs, website, and general Society business. Your fees provide you with affiliation to a registered professional organization and trademark protection.

Waivers: See waiver & evolvement page for details on sending in waiver for approval. Waivers of demonstrated course proficiency are available for some of the Practitioner subjects. You must be enrolled in the Practitioner Training Program to submit a waiver for classes required for the completion of the Training Program. You may not use the same class for both the Practitioner and Advanced Practitioner Training Program unless the training included enough hours to meet the total requirements for both parts of the Registered Programs. The following classes may be waived and the criteria for waiving these subjects are as follows:

- ***Elements of a Successful Practice*** – (Replaces Business & Marketing) Business management and public relations experience and/or class(es) taken at college or in work related training
- ***Anatomy & Physiology*** – Course taken at a local college, professional training in the medical field, or training in massage school with an equivalent number of hours.

After discussion with your advisor regarding the classes you wish to waive, submit four copies of the following: 1) the waiver form signed by your advisor, 2) the letter requesting your waiver, 3) appropriate documentation which indicates why the class can be waived (such as a school transcript from an accredited institution and/or your résumé documenting your relevant experience) and 4) a letter of support from your advisor describing why s/he believes you have the competence to waive the class. This should be done as early in your Program as possible, as the Practitioner Review Committee only meets four times a year, and your waivers must be approved before you submit your completed paperwork to become a Practitioner. If the Committee approves your waiver request, indicate on your Program Record Form that the class is waived and be sure to submit the approval letter along with your paperwork at the completion of your training. A waiver form can be found in this handbook, check table of contents for page.

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Choosing Your Advisor:

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An integral part of the Registered Practitioner Training is the guidance, support, and feedback received from an advisor. Although it is strongly recommended that you experience working with as many Registered Instructors, Registered Practitioners and students as possible, the relationship you have with your advisor is unique. S/he will be working specifically with you as you progress in your training. It is necessary to choose an advisor prior to enrolling in the training program; however, you may begin taking classes and filling out your Program Record Form immediately. Classes taken from a Registered Instructor prior to enrollment in the program count toward fulfillment of Program requirements. It is strongly suggested that you choose an advisor before completing your first 100 hours of the program. **As soon as you have an advisor you may send your Application to enroll in the Practitioner Training Program to the Society office**.

The following are some tips and guidelines for selecting and working with an advisor:

- Can the Instructor clearly articulate what s/he requires from advisees?
- Can the Instructor talk in detail about how s/he views his/her role as advisor?
- Do you feel that you will get the time and attention that you need from the Instructor? Be direct and ask for what you envision or ask the Instructor in what ways s/he is available outside of class for his/her students.
- What are the Instructor's fees for Feedback Sessions, Consultations, and Evaluation Sessions?
- Does s/he have a written contract? Not all Instructors have a contract but s/he should be able to talk in detail about what they expect from a student. Talk with several Instructors before choosing an advisor. This is a relationship in which you, as the student, will need to be supported and guided. Find an Instructor who matches your needs and at the same time will challenge you to continue to grow.

Advisor Eligibility: A Registered Associate Instructor, Instructor, Advanced Instructor. An advisor must be actively involved with Ortho-Bionomy through teaching or seeing clients. Choose the person who will provide you with the best guidance in your training.

Agreement: Talk with the advisor of your choice to discuss expectations. Specify what you expect from an advisor and hear what s/he expects her/his role to be. When you come to an understanding that is clear for both of you, put your agreement in writing. You will have your agreement to refer back to if necessary.

On-going Relationship: Becoming a Registered Practitioner of Ortho-Bionomy is an on-going process. It is both a personal process and a process of coming to understand the work and how to utilize it. Maintaining on-going communication with your advisor is an invaluable aid in moving along in your process. Together you can establish your own mixture of pre-arranged meetings/sessions and more informal talks and ways to check in. Your advisor does not need to be local. With video conferencing, phone and such, much of your non-hands on time can be done in numerous ways. You will want to be able to see your advisor in person for feedback, evaluation sessions, so if your advisor does not travel to teach in your area, you may need to travel to a class of theirs or plan to meet up at the SOBI Conference. Doing sessions for feedback with your advisor, having him/her observe your work with clients, having one-on-one discussion in person or by telephone are all excellent ways for your advisor to get a sense of where you are in your training and to guide you in your training. It is a good idea to plan together how and when you will stay in contact as part of your initial agreements. Be clear with your advisor if and where a fee is appropriate in exchange for her/his time.

Practitioner Training Program Requirements: The training program consists of classes, sessions received, private consultations, a lecture/demonstration of Ortho-Bionomy, documentation of sessions with clients, feedback sessions and evaluation sessions with Registered Instructors. In this handbook you will find a complete list of the requirements for the Practitioner Training Program. Below you will find a complete

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description of each component of the training program. If you have any questions, please ask any Instructor for clarification.

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Class Descriptions

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Basics/Phase Four: This foundation class covers the history, philosophy and concepts of Ortho-Bionomy and provides an overview of the basic release techniques and anatomy for each major joint in the body. Movements and positions of comfort are demonstrated to facilitate the release of muscular tension and overall stress by stimulating the inherent, self-corrective reflexes of the body which help the body create structural alignment and balance from within. This course is typically taught for specific body area/anatomy, such as Spine, Extremities, Thoracics, etc. to break the coursework into more manageable sections.

Phase Five: The focus of Phase Five is to move to a more subtle level of awareness of the practice and principle of Ortho-Bionomy. Specific techniques develop and increase the student's understanding and proprioceptive sensitivity to the self-corrective movements initiated by the client. Through the practice of observing, following and supporting subtle movement patterns, muscular tension is released, range of motion is increased and pain is reduced. In Phase Five, students are encouraged to do less and let the client be the guide for his/her exploration of change.

Phase Six: This class is designed to help participants access and track sensation and energetic perception in themselves and in their clients, and to learn how to make contact without necessarily engaging physically. Techniques will be presented that monitor and acknowledge the inter-relationship between energetic, emotional and physical levels and that demonstrate how energetic shifts can affect changes in physical patterns.

Phase Seven: This class demonstrates the principles and applications of the Phase Seven pattern to assist with self-correction. The pattern addresses all levels of human experience and teaches participants a non-forceful, elegant way to approach problems of many kinds.

Exploration of Movement Patterns: Exploration of Movement Patterns adds a dynamic dimension to the positional release techniques. Participants will learn to recognize and palpate patterns of joint and muscle movement in order to facilitate increased range of motion to promote a general sense of well-being in the body. By gently exploring and supporting preferred patterns of movement or stillness, the client is invited to actively participate and recognize their patterns. Functional anatomy will also be discussed.

Postural Re-Education and Post Techniques: In this class participants learn to evaluate and address inefficient postural habits through accurate observation and simple exercises. Techniques to work with spinal curvatures and scoliosis are presented and practiced, including related anatomy. Post techniques focus on assessing and releasing areas of tension as well as integrating the work done in a session. In addition, exercises are taught to facilitate the client's ability to maintain balance through the neuro-muscular re-education of postural habits.

Isometrics: Isometric and isotonic techniques for working with inefficient muscular tension patterns as well as underdeveloped muscle tone are presented and practiced, including related anatomy. Through the use of restraining movement while the muscle is engaged, self-correcting reflexes are stimulated and habitual holding patterns can be released. Participants learn how the conscious use of obstacles can help promote change from rigid physical patterns to greater mobility and allow the client to actively participate in the session.

Chapman's Reflexes: This class presents the Chapman's Reflexes system of identifying and stimulating reflex points to facilitate lymphatic drainage and the balancing of the organs. The class also focuses on the relationship between the neurolymphatic reflexes and the endocrine system and its affect on structural balance as well as the individual's physical and emotional well-being.

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Ethics and Emotional Issues: Participants learn skills for addressing emotional responses that may arise during a session in an appropriate and professional manner. In addition, participants discuss the guidelines for professional conduct and review the Society of Ortho-Bionomy International's Code of Ethics.

Elements of a Successful Practice: This class addresses the business side of having an Ortho-Bionomy practice. Participants learn about issues such as marketing and advertising, developing a business plan, setting up an office, setting fees, and attending to tax and legal issues. The class also covers communication with clients, record keeping and staying within the scope of practice.

Demonstration Skills: In this class participants learn how to describe and present Ortho-Bionomy to family, friends and the public in general. Participants are encouraged to find ways to communicate the "unexplainable" and practice presenting Ortho-Bionomy in a clear and accurate way. Techniques for building confidence and for improving public speaking and presentation are included.

Residential: Residential training programs provide participants with the opportunity to broaden and deepen their understanding of Ortho-Bionomy techniques and principles through an in-depth immersion for five or more days of uninterrupted study. Residentials allow time for learning and personal growth as well as relaxation to facilitate the integration of technique, philosophy and the qualities of "Be-ing" rather than "doing".

Practitioner Training Seminar: This seminar addresses issues and questions that arise for individuals completing the Practitioner Training Programs and helps participants synthesize their entire training experience. The class format includes time to discuss questions or problems that arise during a session, an opportunity to receive feedback and supervision about difficult cases, and information on how to best structure a session, set fees, and communicate with clients. Participants can also discuss their changing role in the community as they move from being a student to becoming a professional in the health care field.

Anatomy and Physiology: Anatomical and physiological structures and functions relevant to the practice of Ortho-Bionomy are presented in this class. Both general classes as well as classes which focus on specific systems or body parts are available. Additionally, functional anatomy plays an integral role in many of the classes in the training program.

Study Groups: Study groups are tailored to the participants needs and give students a chance to review techniques, receive clarification about the application and principles of Ortho-Bionomy and to gain insight about specific client cases or situations that concern them.

Electives: The principles and techniques of Ortho-Bionomy can be applied in many different circumstances and situations. Elective courses provide participants with more specialized techniques and applications. Elective topics include: Self Work, Cranial Work, Ortho-Bionomy Approach to Whiplash, TMJ and Carpal Tunnel Syndrome, Visceral Work, Women's Care, Men's Care, Witnessing and Clear Presence, Shock and Trauma Resolution, Beyond Technique, and others.

Cranial: This seminar applies the principles of Ortho-Bionomy energy work to the function of the cranial system. Participants are encouraged to feel the energetic patterns existing in the cranial system and allow the recipient to find a better balance through the self-correcting reflexes.

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Self Care: The Self Care class will demonstrate specific exercises that clients and practitioners can do to facilitate release of structural imbalances and discomfort within themselves, as well as providing clients with exercises that they can do after the session to integrate the changes experienced within the session itself.

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Tutorials *(23 units)**:*** Tutorial time spent with your advisor or instructor augments your study of Ortho-Bionomy outside regular classes. The 23 units of tutorial time required include**: 1)** 8 received sessions, **2)** 3 sessions for feedback, **3)** 3 sessions for evaluation and **4)** 9 consultations. A unit is equal to approximately one hour – individual segment length of tutorial time is at the discretion of the advisor.

1) Sessions Received *(8 units):* As part of your tutorials, sessions received from a Registered Practitioner through Registered Advanced Instructor, during your training, help you to understand and integrate what you have learned in class and what happens with the client (on the table and the follow on).

2) Sessions for Feedback *(3 units):* Feedback sessions (initiated by you, the student) are required with a Registered Associate – Registered Advanced Instructor. These sessions allow you to receive feedback on your work, separate from evaluation. It is helpful to have a session for feedback from more than one individual and useful to have one of those individuals be your advisor. The program highly recommends that you complete a minimum of one session for feedback during each 100 unit period of training.

3) Sessions for Evaluation *(3 units):* These are sessions that you, the applicant give to a Registered Associate Instructor - Advanced Instructor to demonstrate your Ortho-Bionomy skills. The recipient provides feedback and a typed letter documenting the evaluation. At least two of the evaluations must be with Registered Instructors, and one from the student's advisor.

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4) Consultations *(9 units):* As part of your tutorials, this is one-to-one time that you arrange to spend with a Registered Associate Instructor – Advanced Instructor to discuss your own questions and concerns about any aspect of Ortho-Bionomy. Not all consultations need to be with your advisor.

Be sure to document your tutorial time. Include time, date and Instructor comments. At the end of your program, your advisor will check your documentation and sign an acknowledgement of the fulfillment of requirements. Fees for tutorial time are arranged by the individual instructors.

Study Groups *(Minimum of six 3 hour sessions)**:***
A group led by a Registered Associate – Advanced Instructor, that meets to address the interests of participating students, i.e. review of class material, practice of technique, demonstration of Ortho-Bionomy, sharing/questions concerning ethical and emotional issues, approaches to issues that have come up in the practice of Ortho-Bionomy, etc. Study group fees are determined by the individual instructors. With Advisor approval, two of the study groups requirements can be met additional classes taken over the number required for the Practitioner training program, (if you have not met the minimum number of study groups).*

~~***Peer Practice Sessions*** *(Recommended, optional, not for program credit)**:*** Students are strongly encouraged to meet with their peers to review and practice Ortho-Bionomy. Such meetings can greatly enhance learning and embodying the work. They are particularly helpful where there is not regular, easy access to an Instructor. Unresolved questions arising from these sessions make excellent tutorial topics with your advisor.~~

Documented Sessions *(Supervised Practice)**:*** The 150 documented session hours with clients must be with a minimum of 20 different people. Each session must be a minimum of 30 minutes (even if the session extends beyond one hour it will still count as one) and must consist entirely of Ortho-Bionomy. We recommend that you begin documenting sessions given outside of class immediately upon your entrance into the program.

Check with your advisor to confirm what documentation format they prefer. A PDF of a documented session form is included in this handbook. At the completion of each 50 session section (three sections of 50 sessions) set up an appointment with your advisor to discuss the sessions and initial the program record form.

Evaluation for Registered Practitioner Program
Upon completing the Practitioner Training Program curriculum, you will enter into the evaluation phase of your program. The following activities are included as part of your evaluation process:

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1. Documentation (typed) of three sessions given to any level of Registered Instructor. At least one with the student's advisor. (Typed)
2. Demonstration of Ortho-Bionomy given as an introduction to your practice, to a minimum of four people, observed and documented (typed) by an Instructor.
3. A typed essay (at least one page) on what the philosophy and principles of Ortho-Bionomy mean to you personally and professionally.

Completing Your Evaluation Portfolio: When you have completed your evaluation activities, **send four individually stapled completed packets of the required documentation to the Society office.** All **waivers must be approved** by the Practitioner Review Committee (PRC) **prior to sending in your final packet**. Please do not send in your materials piecemeal. Please remember to keep the originals of all documentation for yourself. To confirm you are ready to submit copies of your Practitioner Training Program refer to the **Final Checklist** (included in this handbook, see table of contents) prior to Sending Documentation to the Society Office for the PRC.

Evolvement - Submission To Become A Registered Practitioner: Once you have completed all the requirements and documentation to become a Practitioner, including having your advisor sign off on your completed Practitioner Training Program Record Form, please send to SOBI address on evolvement checklist **4 copies of your Training Program packet**. This includes:

1) ~~a typed letter announcing your request to be registered as a Practitioner~~evolvement request form signed by applicant and advisor
~~2)~~ 2) typed letters of Recommendation from the three instructors who received your evaluation sessions
3~~3~~) typed letter of recommendation from the Instructor who observed your demonstration
4~~4~~) if have waivers – included copy of the approved signed waiver form
5) Program Record Form, with your advisor's signature confirming satisfactory completion of program and confirmation that all the documentation is included in your portfolio
6) your completed typed essay~~.~~
7) the $150 evolvement fee to the Society
8) send an email to office@ortho-bionomy.org with your USPS mail tracking number from your envelope
9) for back up, please **email** or **fax** a copy of your original portfolio. Email -scan and email to office@ortho-bionomy.org or fax to 317-536-0065

Please **keep the originals of all your documentation** and send an additional copy of your packet to your Advisor.

Please send your complete packet **two weeks prior** to the submission deadline to confirm you make the deadline and, if there is anything missing from your packet, you have time to submit this documentation and do not have to wait for the next submission date. The Practitioner Review Committee (PRC) submission **deadlines are March 15, June 15, September 15 and December 15**. The PRC will verify the completeness of the file and also conduct a qualitative examination of the documentation to assess the readiness of a candidate to become a Registered Practitioner. The PRC may send recommendation to SOBI to approve your application or request some clarification or additional work for you to qualify. The PRC may also contact your advisor for clarification. Please note the review committee will only review one level of evolvement at a time and therefore, you must be a member & be registered in the Training program.

A Waiver/Practitioner portfolio submission checklist has been provided, check table of contents of this handbook.

The SOBI office holds all paperwork until the next committee date, at which time your Practitioner paperwork is sent to the three Instructor/Practitioner members of the Practitioner Review Committee (PRC). The committee reviews all of your documentation and assesses if you are ready to evolve to the Practitioner level. The

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Practitioner Review Committee may request some clarification or some additional work based on their review of the application.

The SOBI office receives notice of decisions from the PRC by the next submission deadline. As soon as notice is received from the PRC, the Board approves their decision. Then SOBI office will email or mail you the results of your submission. Once you have been approved by the PRC as a Practitioner, you will receive correspondence from the Society of Ortho-Bionomy welcoming you as a Registered Practitioner member, as well as a Practitioner Certificate. **Please note it takes approximately 4 weeks from notice of your evolvement for your certificate to be mailed.** As a student or associate member, you may need to pay the difference between your current membership level and the Practitioner level to make your membership current for the year. This depends on where you are in your membership cycle. Please remember, you must be in good standing with the Society to receive your certificate.

Registered Practitioner Benefits: As a Registered Practitioner member of the Society, you will

1) have voting privileges
2) receive referrals through the Society office
3) receive logos from the Society
4) be entitled to use the words "Registered Practitioner", "Practitioner of Ortho-Bionomy", Ortho-Bionomist on your literature and personal website
5) will be listed on www.ortho-bionomy.org with your contact information in the Find a Practitioner locator
6) be entitled to use the Sand Dollar registered mark and all of the other benefits included as part of Student or Associate membership

Continuing Education Units:
Sixteen units of continuing education are due every other year (attendance of full SOBI conference meets the CEU requirement), along with the annual payment of membership dues to maintain active status as a Registered Practitioner. All Continuing Education must be taken with a Registered Ortho-Bionomy Instructor in good standing.

Congratulations on your decision to begin the Practitioner Training Program and enjoy your journey.

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Society of Ortho-Bionomy International Trademark Guidelines & Code of Ethics

TRADEMARK GUIDELINES

The Society of Ortho-Bionomy International, Inc. owns these registered trademarks:
Ortho-Bionomy®, Society of Ortho-Bionomy International®, and the Sand Dollar design.

The Society encourages its members to promote their individual Ortho-Bionomy practices in ways that maintain the integrity and reputation of the Society's programs and services.

STUDENT MEMBERS: Student Members cannot use any of the Society's trademarks.

ASSOCIATE MEMBERS: Associate Members can use the term Ortho-Bionomy in promotional literature by listing "Ortho-Bionomy®" among the bodywork modalities that they practice. Associate Members can also state that they are members of the Society of Ortho-Bionomy International®. They cannot use the Society's trademarks in any way that suggests they specialize in, or exclusively practice, Ortho-Bionomy or in any way that suggests they have completed the Society's Registered Practitioner Program. They cannot use the words "registered," "practitioner," or "instructor" in conjunction with the term Ortho-Bionomy®. Associate Members cannot use the Sand Dollar trademark.

PROFESSIONAL MEMBERS: Professional Member can use the trademarks Ortho-Bionomy®, Society of Ortho-Bionomy International® and Sand Dollar design in promoting their Ortho-Bionomy practice or teaching. Practitioner Members can also use the phrase "Registered Practitioner of Ortho-Bionomy®" in promotional literature. Instructor Members can use the phrase "Registered Instructor of Ortho-Bionomy®." The Sand Dollar trademark may be used in any size, but it may not be modified in any other way. The Sand Dollar trademark must always be accompanied by the symbol "®". In order to ensure that Ortho-Bionomy training meets the standards of the Society, Instructor Members must submit their instructional materials to the Society for review and approval.

CODE OF ETHICS

As a registered member of the Society of Ortho-Bionomy International I agree to uphold the highest standards of professional behavior, guided by the Code of Ethics stated below.

1. The philosophy and concepts of Ortho-Bionomy shall be the guiding principles in my work with clients.
2. I will at all times render the highest quality of services possible for the well being and benefit of my client.
3. I will only offer skills or services in which I have specifically been trained. For issues that fall beyond the scope of my practice, I will refer clients to other qualified professionals.
4. To protect the privacy of my clients, I will keep all communications, clients' records and client identity confidential.
5. Recognizing the vulnerability of the client in a therapeutic relationship, I will maintain the highest standard of professional conduct. I will show regard for common legal, moral and ethical standards.
6. To preserve the integrity of Ortho-Bionomy, I will make a clear distinction between Ortho-Bionomy and other modalities that I use.
7. I will bring to the notice of the Society any action of another member that appears to be ethically inappropriate or contrary to standards set by the Society.
8. I will use all Society trademarks only in accordance with the current established guidelines. Failure to follow guidelines will lead to suspension of said trademark use.
9. I will endeavor to improve my technical skills and professional standards through continuing educational training.
10. I will uphold professional relationships, never slandering a member of the Ortho-Bionomy community or the allied professional community.
11. Anyone in my employment will abide by the policies and trademark regulations set by the society of Ortho-Bionomy.
12. I will display a copy of this code of ethics in my work area where it is clearly visible.
13. I understand that transgression of the Codes of Ethics may result in the surrender of my membership.

5335 N. Tacoma Avenue Suite #21G, Indianapolis, Indiana 46220 Website: www.ortho-bionomy.org
Phone: 317-536-0064 E-mail: office@ortho-bionomy.org Fax: 317-536-0065

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Associate Membership Training Program Summary

Benefits of Completion of Ortho-Bionomy Associate Member Training:

- **Limited Trademark Privileges:** Associate Members may use the term "Ortho-Bionomy®" in their promotional literature by listing Ortho-Bionomy among the modalities they practice. (However this cannot give the impression, directly or indirectly, that the user is a Practitioner or Instructor of Ortho-Bionomy).
- **Referral Listings:** Online Listing in "Find a Practitioner" & listing in the "Member Resource Directory"
- **Insurance Discount:** Discount on liability insurance & membership with Associated Bodywork & Massage Professionals (ABMP) in the U.S., if qualify.
- **Practitioner Training Program (PTP)** – Associate units transfer directly to the Practitioner Training Program. Those completing the Associate Training Program are ¼ through the Requirements of the PTP and have completed over 35% of the classroom units. Those trained in complementary modalities may be eligible for waivers for some coursework, placing them over 50% through the classroom units of the PTP.
- **Discount on SOBI Membership –** $15 off membership by also applying for the Practitioner Training Program
- **Voting Privileges:** Associate Members are entitled to vote on general matters pertaining to the Society of Ortho-Bionomy International such as electing the Board of Directors.
- **Newsletter Subscription** to "Ortho-Bionomy News" the Society's quarterly newsletter and e-newsletters.

Evolvement Requirements to Complete Associate Member Training Program (114 total units):

Complete 114 units of Ortho-Bionomy instruction consisting of a minimum of 32 units of Basics/Phase Four, 16 units of Phase Five, and 16 units of Phase Six. The balance of units should be from the Registered Practitioner Training Program (PTP). *Note: The Associate units transfer directly to the PTP.*

- **Ethics requirement:** There are two options to meet the Ethics requirement: tutorial or class
  1. **Tutorial:** A 3 hour Ethics tutorial with an Ortho-Bionomy Instructor. This would also count for a tutorial in the PTP.
     OR
  2. **Ethics and Emotions (E&E) Class:** Completing an 8 unit or a 16 unit Ortho-Bionomy Ethics & Emotions (E&E) course. This would count towards 8 or 16 units of E&E in PTP.
- **Receive an Ortho-Bionomy Session (1 unit):** Receive a session from a Registered Practitioner, Advanced Practitioner or any level of Instructor.
- **Give an Ortho-Bionomy Session for Feedback (1 unit):** Complete a satisfactory feedback session with a Registered Instructor of Ortho-Bionomy.
- **Associate membership fee* -** $125, discounted to $110 if also enrolled in Practitioner Training Program.
- **Fax, Email from original or Mail1 legible copy of your completed Associate program evolvement form and page 2 & 3 of Associate/Practitioner Program Form. Fax or Email is preferred so we have back up of your forms. Keep your originals for your records**

*****Note: If you are currently a Student member and are not due to renew, you may pay the difference between the Associate and Student fee.

Associate Member Continuing Education Requirement:
Associate Members complete 16 units of continuing education in Ortho-Bionomy every two years and payment of annual dues.

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Ortho-Bionomy Associate Membership Evolvement Form (please write clearly)

Name _____Date_____

Address _____ City _____

State/Province_____Zip/Postal Code_____ Country_____

Phone: _____E-Mail_____
☐ Check if new member or updated contact information

Associate Portion of Practitioner Training Program: Trainee has completed the following, as shown on their practitioner training program record form, and met the requirements to evolve to Associate member:

❑32 units Phase IV
❑16 units Phase V
❑16 units Phase VI

❑ 1 option from Ethics requirement – see below
❑ 1 Session Received
❑ 1 Feedback Session with instructor signature below
❑ 32-45 Elective units for program total of 114 units

Ethics Requirement: (3, 8 or 16 units) check the box below for the option you choose and have instructor sign

❑ **Tutorial Option**: 3 unit Associate Ethics Tutorial (this transfers to a study group on the Practitioner Training Program), trainee will complete additional 45 class/elective units to complete the 114 unit Associate program.

Tutorial _____
Instructor Signature **Date**

❑ **Class Option**: 8 or 16 unit Ethics & Emotional Issues Course, trainee will complete additional 40 or 32 class/elective units to complete the 114 unit Associate program.

Ethics Class _____ _____ _____ _____
Class Date Unit Instructor Signature

Instructor Recommendation:

I *(Registered Instructor)*_____have received a satisfactory feedback session from the Associate member trainee listed above and find that s/he has a competent understanding of Ortho-Bionomy to evolve to Associate member.

Directions: Email or Fax ***one copy of this page, and page 2 and 3 of the Associate/Practitioner Program Record*** form, (which show the record of the classes you have completed) for your Associate program & fee to SOBI. The downloaded Associate form includes these pages. Please keep original for yourself. Fax or Email of your original forms are preferred so we have back up of your form, mail is also accepted.
Associate Membership Fee: **$125, $110 if enrolled/registered in the Practitioner Training Program** (additional one time fee of $100 to apply to Practitioner training and an application, if you have not already done so)

You may pay by credit card/Paypal on the SOBI website www.ortho-bionomy.org or make your check/money order in U.S. funds payable to SOBI. *If you are a current member not due to renew within the next 6 months **you may pay the difference between the Associate and Student fee.**

You will be notified within 2-4 weeks of the SOBI office receiving your completed Associate Membership Evolvement Form and payment. A certificate and Associate membership information will be emailed to you.

Society of Ortho-Bionomy International®
5335 N. Tacoma Avenue Suite #21G, Indianapolis, Indiana 46220

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E-mail: office@ortho-bionomy.org www.ortho-bionomy.org
Phone: 317-536-0064 Fax: 317-536-0065

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Society of Ortho-Bionomy International®
Practitioner Training Program Class Waiver Request

(Submit **4 stapled copies** of the waiver form, letters and support documentation.
Must be a member enrolled in Practitioner training to apply for Waiver)

Name _____Date_____

Address _____ City _____

State/Province_____ Zip/Postal Code_____Country_____

Phone _____

E-Mail_____

I _____ am requesting a waiver for the following Practitioner Training Program requirements of:

___ Elements of a Successful Practice – Business management and public relations experience and/or class(es) taken at college or in work related training.

Please attach a **letter** to the Practitioner Review Committee **detailing** the **reasons** a waiver should be granted as well as a **letter** of support **from** your **advisor**. All letters must be typed & copied/included with **each** packet.

___ Anatomy & Physiology – Course taken at a local college, professional training in the medical field, or training in massage school with an equivalent number of hours. Letter from applicant required, No letter from advisor.

Supporting documentation should be attached. See complete instructions on completing a waiver request. Trainee must be a member of SOBI and enrolled in the Practitioner Training Program before requesting a class waiver.

Applicant Signature: _____ Date: _____

Advisor Signature: _____Date: _____

Send 4 copies with documentation sent USPS Priority, no signature required to special address below:

SOBI c/o Heather Spinner 15223 Shoreway East Ct, Carmel, IN 46032
E-mail: office@ortho-bionomy.org www.ortho-bionomy.org
Phone: 317-536-0064 Fax: 317-536-0065

(Committee Use Only)

__ Request Granted (PRC Chairperson) __ Request Not Granted (Explanation Attached)

Signed: _____Date: _____

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Practitioner Evolvement Request Form

Name _____ Date _____

Address _____

City _____ State/Province _____

Zip/Postal Code _____ Country _____ E-mail _____

Phone _____

Date Enrolled in Practitioner Training Program _____

Date Completed Practitioner Training Program _____

I formally request to be considered for evolvement to Practitioner. I have completed the Practitioner training program, including classes, demonstration, documented sessions, study groups, consultations and evaluation sessions. I am ready to evolve to Practitioner.

Signature: _____ Date: _____

Practitioner Evolvement Fee: $150

ADVISOR APPROVAL for Trainee to evolve to Practitioner

I recommend this trainee to be evolved to Practitioner. Trainee is a current SOBI member, is enrolled in Practitioner training program, and has completed their classes, demonstration, documented sessions, study groups, consultations and evaluation sessions. They are ready to satisfactorily evolve to Practitioner.

Advisor Name _____ Date: _____

Advisor Signature _____

Advisor Email: _____

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Training Program Application & Evolvement Reference, Summary and Helpful Notes

Applications and Evolvements can be confusing. Below is a summary for reference of applying (some are online applications, others are submissions), number of copies, fees and more. Please use this document as support, along with the Evolvement and Checklists in the complete Training Program Handbooks.

Program	What to Submit	How to Submit	# of copies to submit	Fee
Associate new Member	Associate Forms	fax or email preferred - mail also accepted	1	$125
Associate New Member also enrolling in Practitioner Training	Associate Forms	fax or email preferred mail also accepted	1	$110*
***Note - You must already be enrolled/enroll in -**	**Practitioner training online-**	**to be eligible for the discount**		
Associate - Evolving from student	Associate Forms	fax or email preferred mail also accepted	1	see note
*Note - if renewed within last 6 months, subtract	-what you paid on your renewal	-from the appropriate rate		
Practitioner	Application	**on-line application**	**0**	$100
	Course **Waiver** Form and Material	fax or email PDF and multiple copies mailed	4	none
	Training Completion Portfolio	fax or email PDF and multiple copies mailed	4	$150
*Note - Must be a SOBI member to apply				
Advanced Practitioner	Application	**on-line application**	**0**	$100
	Training Completion Portfolio	fax or email PDF and multiple copies mailed	4	$150
Instructor Training	Application Portfolio	fax or email PDF and multiple copies mailed	5	$100
Associate Instructor	Training Completion Portfolio	fax or email PDF and multiple copies mailed	5	$150
Instructor	Training Completion Portfolio	fax or email PDF and multiple copies mailed	5	none
Advanced Instructor Training	Application Portfolio	fax or email PDF and multiple copies mailed	5	$100
Associate Advanced Instructor	Training Completion Portfolio	fax or email PDF and multiple copies mailed	5	$150
Advanced Instructor	Training Completion Portfolio	fax or email PDF and multiple copies mailed	5	None

<u>Review Committee Cycle</u>:
Review Committee Session cycles begin on March 15 June 15 September 15 December 15

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The committee session ends the day before the next committee. Most times committees look at paperwork and forward their decisions early in the session, but they have until the next committee cycle to complete their findings.

2016.10

Practitioner & Advanced Practitioner Training Program Waivers, Evolvements, Instructor/Advanced Instructor Applications & Evolvements

- Mailed in Duplicate
- Copy of portfolio electronically scanned as a PDF and
- Email copy of portfolio to: office@ortho-bionomy.org or faxed to (317) 536-0065.
- **ALL** required documents should be included **BEFORE** it is mailed, collated and stapled into identical packets. **Do Not Send** incomplete packets.

Note: If you do not have ability to fax or email from your home, many libraries, office supply stores, and copy centers such as Kinkos, FedEx can scan and create a PDF for you.

Mailing Packets/Portfolios:

- Use an envelope/small box
  Address it to SOBI, c/o Heather 15223 Shoreway East Ct. Carmel, IN 46032
- Send Priority Mail with Delivery Confirmation, **No Signature Required, so you can track your package but we don't have to go to post office to pick it up.**
- Email the tracking information to **office@ortho-bionomy.org**
- Send packets early - by March 1, June 1, September 1, December 1 so they arrive before the 15th
- Committee sessions begin March 15, June 15, September 15, December 15th

Advisors' Support Crucial for Applicants: Please confirm the applicant's packet includes a cover letter with the applicant's name as the trainee would want it on a certificate, applicants email, phone and name and your name, phone and email as their advisor. This speeds up the process if the committee or staff has a question on a portfolio. Please help to the trainee confirm that their packet is complete.

There will be a $25 Processing Fee for Incomplete Training Program Applications and Evolvement Requests

Practitioner & Advanced Practitioner Detailed Directions for Evolvement Packets:

• SOBI Membership is current and you have enrolled and paid for Training Program
• All sections and requirements completed, waivers were approved in a prior PRC committee cycle
• FOUR individual packets should be stapled and included in each packet in this order:

1. Typed Evolvement Letter/Form from the applicant including date, applicant's name, address, phone, email and
   advisors name and email
2. Program Record Form
3. Waiver page signed by PRC, if waiver was requested – One page waiver form approved
4. Essay – typed by applicant
5. Evaluations: Letters of Recommendation & evaluation sessions documentation
6. Demonstration Letter of recommendation from the Instructor who observed demo

• Pay $150 Evolvement fee
• Keep original for yourself, check if your advisor wants a copy
• Scan to PDF a copy of packet in entirety and email to office@ortho-bionomy.org or fax to 317-536-0065

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Registered Advanced Practitioner Program Record Form (Pg. 1 of 6)

Please Type or Print Clearly

_____ _____
Name Date

_____
Address

_____ _____ _____
City State/Province Zip/Postal Code

_____ _____
Country Phone

_____
E-mail

Advisor Information:

Advisor Name (Please print legibly) _____

Advisor E-mail _____

Curriculum:

16 Units	Phase IV	16	Phase V
16	Phase VI	8	Phase VII
16	Isometrics	16	Exploration of Movement Patterns
16	Chapman's Reflexes	16	Ethics & Emotional Issues
16	Posture & Post Techniques	16	Cranial
40	Residential (5 day min.)		
120	Electives (specify in each category below)		
	___ Class credits ___ Research Project ____ Community Service Project		
18	Study Group (six 3 hr. min.)		
8	Sessions Received	3	Feedback Sessions
8	Consultations	3	Evaluation Sessions
1	Supervised Demonstration	1	Essay
150	Documented Sessions		

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Advanced Practitioner Program Record Form (Pg 2 of 6)

_____
Trainee Name

Phase IV (16 units)

Class	Location	Date	Units	Inst. Sign

Phase V (16 units)

Class	Location	Date	Units	Inst. Sign

Phase VI (16 units)

Class	Location	Date	Units	Inst. Sign

Phase VII (8 units)

Class	Location	Date	Units	Inst. Sign

Postural Re-education & Post Techniques (16 units)

Class	Location	Date	Units	Inst. Sign

Isometrics (16 units)

Class	Location	Date	Units	Inst. Sign

Exploration of Movement Patterns (16 units)

Class	Location	Date	Units	Inst. Sign

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Advanced Practitioner Program Record Form (Pg. 3 of 6)

_____
Trainee Name

Chapman's Reflexes (16 units)

Class	Location	Date	Units	Inst. Sign

Ethics & Emotional Issues (16 units)

Class	Location	Date	Units	Inst./Adv. Sign

Cranial (16 units)

Class	Location	Date	Units	Inst. Sign

Residential (40 units – 5 day minimum)

Class	Location	Date	Units	Inst. Sign

Electives (120 units)

Class	Location	Date	Units	Inst./Adv. Sign

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Advanced Practitioner Program Record Form (Pg. 3 of 6)

_____
Trainee Name

Study Groups (18 units - six 3 hour minimum)

1. Date: _____Inst. Name: _____Signature: _____

Topic:_____
_____

2 Date: _____Inst. Name: _____Signature: _____

Topic:_____
_____

3. Date: _____Inst. Name: _____Signature: _____

Topic:_____
_____

4. Date: _____Inst. Name: _____Signature: _____

Topic:_____
_____

Trainee Name

5. Date: _____Inst. Name: _____Signature: _____

Topic:_____
_____

6. Date: _____Inst. Name: _____Signature: _____

Topic:_____
_____

Tutorial (22 units) It is recommended that for every 100 classroom units you complete, you receive 3 sessions, do 1 session for feedback and participate in 3 consultations.

Sessions Received (8 units)

Date	Instructor/Practitioner	Date	Instructor/Practitioner

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Advanced Practitioner Program Record Form (Page 4 of 6)

_____
Trainee Name

Sessions for Feedback (3 units)

1. Session for Feedback Date: _____Instructor Signature: _____
Focus of session, Instructor comments and recommendations:

_____

_____

_____

2. Session for Feedback Date: _____Instructor Signature: _____
Focus of session, Instructor comments and recommendations:

_____

_____

_____

3. Session for Feedback Date: _____Instructor Signature: _____
Focus of session, Instructor comments and recommendations:

_____

_____

_____

Consultations (8 Units)

1. Date: _____ Instructor Signature: _____
Topic:_____

2. Date: _____ Instructor Signature: _____
Topic:_____

3. Date: _____ Instructor Signature: _____
Topic:_____

4. Date: _____ Instructor Signature: _____
Topic:_____

5. Date: _____ Instructor Signature: _____
Topic:_____

6. Date: _____ Instructor Signature: _____
Topic:_____

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Advanced Practitioner Program Record Form (Pg 5 of 6)

_____
Trainee Name

Consultations (cont'd)

7. Date: _____ Instructor Signature: _____
Topic:_____

8. Date: _____ Instructor Signature: _____
Topic:_____

Evaluation Sessions (3 Units)

❑ Typed Documentation of Session Attached
Date: _____ Instructor Signature: _____

❑ Typed Documentation of Session Attached
Date: _____ Instructor Signature: _____

❑ Typed Documentation of Session Attached
Date: _____ Instructor Signature: _____

Documented Sessions (150 Units) (Option: Some may be in case study format, but not required)

	Date	Units	Instructor/Advisor Signature
Reviewed	_____	50	_____
Reviewed	_____	50	_____
Reviewed	_____	50	_____

Supervised Demonstration (1 Unit)

❑ Typed Documentation of Demonstration Attached
Date: _____ Instructor Signature:
_____

Essay

❑ Typed Essay Attached

Notes:

_____

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Advanced Practitioner Evolvement Request Form

Name_____
Date_

Address_____

City_____ State/Province_____

Zip/Postal Code_____ Country_____ E-mail_____

Phone_____

Date Enrolled in Advanced Practitioner Training Program _____

Date Completed Advanced Practitioner Training Program _____

I formally request to be considered for evolvement to Advanced Practitioner. I have completed the Advanced Practitioner training program, including classes, demonstration, documented sessions, study groups, consultations and evaluation sessions. I am ready to evolve to Advanced Practitioner.

Signature:_____Date: _____

Advanced Practitioner Evolvement Fee: $150

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ADVISOR APPROVAL for Trainee to evolve to Advanced Practitioner

I recommend this student to be evolved to Advanced Practitioner. Trainee is a Practitioner in good standing, has completed their classes, demonstration, documented sessions, study groups, consultations and evaluation sessions. They are ready to satisfactorily evolve to Advanced Practitioner.

Advisor Name _____ Date: _____

Advisor Signature _____

Advisor Email: _____

Evolvement checklists, Program Applications, Waivers & Evolvement Reference

Applications and Evolvements can be confusing. Below is a summary for reference of applying (some are online applications, others are submissions), number of copies, fees and more. Please use this document as support, along with the Evolvement and Checklists in the complete Training Program Handbooks.

Program	What to Submit	How to Submit	# of copies to submit	Annual Fee
Advanced Practitioner	Application	**on-line application**	**0**	$100
	Training Completion Portfolio	fax or email PDF and multiple copies mailed	4	$150
Instructor Training	Application Portfolio	fax or email PDF and multiple copies mailed	5	$100

Review Committee Cycle:

Review Committee Session cycles begin on March 15 June 15 September 15 December 15

The committee session ends the day before the next committee. Most times committees look at paperwork and forward their decisions early in the session, but they have until the next committee cycle to complete their findings. **Do not wait until the 15th to mail your portfolios.**

Advanced Practitioner Training Program Evolvements,

- Mailed in Duplicate
- Copy of portfolio electronically scanned as a PDF and
- Emailed to office@ortho-bionomy.org or faxed to (317) 536-0065.
- ALL required documents should be included BEFORE it is mailed, collated and stapled into identical packets. Do Not Send incomplete packets.

Note: If you do not have ability to fax or email from your home, many libraries, office supply stores, and copy centers such as Kinkos, FedEx can scan and create a PDF for you.

Mailing Packets/Portfolios:

- Use an envelope/small box
  Address it to SOBI, c/o Heather 15223 Shoreway East Ct. Carmel, IN 46032
- Send Priority Mail with Delivery Confirmation, **No Signature Required, so you can track your package but we don't have to go to post office to pick it up.**
- Email the tracking information to **office@ortho-bionomy.org**
- Send packets early - by March 1, June 1, September 1, December 1 so they arrive before the 15th
- Committee sessions begin March 15, June 15, September 15, December 15th

Advisors' Support Crucial for Applicants: Please confirm the applicant's packet includes a cover letter with the applicant's name as the trainee would want it on a certificate, applicants email,

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phone and name and your name, phone and email as their advisor. This speeds up the process if the committee or staff has a question on a portfolio. Please help to the trainee confirm that their packet is complete.

There will be a $25 Processing Fee for Incomplete Training Program Applications and Evolvement Requests

Advanced Practitioner Evolvement Checklist:

A. Program Checklist to complete before submit Practitioner evolvement (1 unit ≈ 1 hour)**:**

❑	16 Units	Phase IV	❑	16	Phase V
❑	16	Phase VI	❑	8	Phase VII
❑	16	Isometrics	❑	16	Exploration of Movement Patterns
❑	16	Chapman's Reflexes	❑	16	Ethics & Emotional Issues
❑	16	Posture & Post Techniques	❑	16	Cranial
❑	40	Residential (5 day min.)			
❑	120	Electives (specify in each category below)			
		___ Class credits ___ Research Project ____ Community Service Project			
❑	18	Study Group (six 3 hr. min.)			
❑	8	Sessions Received	❑❑❑	3	Feedback Sessions
❑	8	Consultations	❑❑❑	3	Evaluation Sessions
❑	1	Supervised Demonstration	❑	1	Essay
❑	150	Documented Sessions			

B. Advanced Practitioner Detailed Directions for Evolvement Packets/Portfolios:

- SOBI Membership is current and you have enrolled and paid for the Training Program
- All sections and requirements completed, waivers were approved in a prior PRC committee cycle
- FOUR individual packets should be stapled and included in each packet in this order:
  1. Typed Evolvement Form from the applicant, signed by advisor
  2. Program Record Form – Completed – use checklist above to confirm
  3. Elective Documentation- if chose Research or Community Service Project
  4. Essay – typed by applicant
  5. Evaluations: Three Letters of Recommendation/evaluation sessions documentation
  6. Demonstration Letter of recommendation from the Instructor who observed demo
- Pay $150 Evolvement fee online at office@ortho-bionomy.org or U.S. check payable to SOBI
- Keep original for yourself, check if your advisor wants a copy
- Scan to PDF a copy of packet in entirety and email to office@ortho-bionomy.org or fax to 317-536-0065

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EVOLVEMENT OF THE ORIGINAL CONCEPT

Documented Session

Student Name _____ Date _____

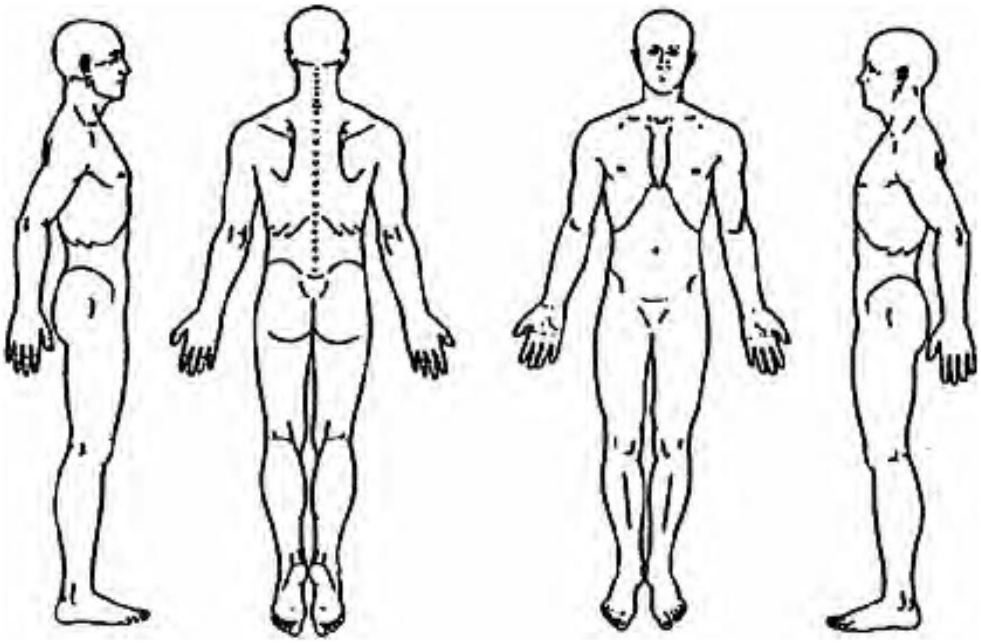
Client Name _____

Address _____

City _____ State/Prov _____ Zip/Post Code _____

Country _____ Home Phone _____ Work Phone _____

Length of Session _____ Date of Session _____



Focus of Session: _____

Client Response: _____

Client Signature: _____ Advisor: _____

Society of Ortho-Bionomy International®

5335 N. Tacoma Avenue Suite #21G
Indianapolis, Indiana 46220
Local or International: 317-536-0064 Fax: 317-536-0065
E-mail: office@ortho-bionomy.org www.ortho-bionomy.org

Application to Instructor Training Program (Page 1)

Name _____Date_____

Address_____

City_____ State/Province_____

Zip/Postal Code_____ Country_____ E-mail_____

Phone _____

Instructor Training Program Enrollment Fee: $100.00

Please type. Make your check or money order payable to SOBI (U.S. Dollars). Please do not send cash. You may also pay online on SOBI website www.ortho-bionomy.org – Members and Fees – using Paypal or credit card.

ELIGIBILITY INFORMATION/CHECK LIST

___ 1a. Completion of the Advanced Practitioner Training Program

-Or-

___1b. Completed a minimum of 375 hours of the Advanced Practitioner program

-must provide a copy of your Advanced Practitioner Program Form

-must submit a letter from your Advanced Practitioner Program Advisor stating you have completed a minimum of 375 hours of the Advanced Practitioner program

___ 2. Current Advanced Practitioner member of the Society of Ortho-Bionomy International

ADVISOR INFORMATION

I submit that my advisee is eligible and prepared for instructor training and forms are complete.

Program Advisor_____ Signature _____

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Application to Instructor Training Program (Page 2)
Applicant Essay Questions

Please type responses to the following questions on a separate sheet of paper:

1. What is your interest in becoming an Ortho-Bionomy instructor?

2. Describe several key learning experiences. What was the role of the instructor or their instruction in these experiences?

3. What do you think your strengths and weakness will be as an instructor? Please assess or comment in regards to the following areas about yourself: communication skills, patience, honesty, discernment, personal integrity, perseverance, commitment to the practice of Ortho-Bionomy, relationship to the Ortho-Bionomy community and the Society of Ortho-Bionomy International.

4. What do you think will be unique to your teaching?

5. As a practitioner, have you served as an advisor to students in the program? If so, what has been your experience in that role? If not, please describe the role your advisor took in your training process. Please comment on the value of that experience in your training process.

6. Describe the role and responsibilities of an Instructor.

7. Describe the roles and responsibilities of an Advisor.

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Society of Ortho-Bionomy International®
Phone: 317-536-0064 Fax: 317-536-0065
E-mail: office@ortho-bionomy.org Web: www.ortho-bionomy.org

ADVISOR Recommendation Form for Entrance Into Instructor Training Program (Page 1 of 2)

Trainee Name _____ Date _____

Address _____ Phone _____

_____

E-mail _____

Registered Instructor giving recommendation: _____

Instructions to recommending instructor: Please type your responses to this form and return to the applicant as soon as possible. The application will not be reviewed until all of his/her recommendation forms have been received. Thank you in advance for your participation in the process.

1. How long have you known this applicant? _____
2. What is your personal knowledge and familiarity with this applicant?

   Ortho-Bionomy Classes _____

   _____

   Ortho-Bionomy Sessions _____

   _____

   Other (e.g., professional association, other trainings, etc) _____

   _____

3. What are the applicant's:
   Strengths as a Student _____

   _____

   _____

   Strengths as a Practitioner _____

   _____

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Advisor Recommendation Form for Entrance Into Instructor Training Program Cont'd (Page 2 of 2)

Trainee Name _____ Date _____

Registered Instructor giving recommendation: _____

4. What qualities of the applicant will be suited for becoming an Ortho-Bionomy Instructor?

5. What areas will be particularly challenging for the applicant in their Instructor Training Process?

6. Any other comments regarding the candidate's application to the Instructor Training Program? (Attach additional sheets if necessary)

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____ I recommend the applicant be accepted into the Instructor Training Program

____ I do not recommend the applicant be accepted at this time. Please attach an explanation.

Instructor Signature: _____ Date: _____

Instructor Recommendation Form for Entrance Into Instructor Training Program (Page 1 of 2)

Trainee Name _____ Date _____

Address _____ Phone _____

_____

E-mail _____

Registered Instructor giving recommendation: _____

Instructions to recommending instructor: Please type response to this form and return to the applicant as soon as possible. The application will not be reviewed until all of his/her recommendation forms have been received. Thank you in advance for your participation in the process.

1. How long have you known this applicant? _____
2. What is your personal knowledge and familiarity with this applicant?

   Ortho-Bionomy Classes _____

   _____

   Ortho-Bionomy Sessions _____

   _____

   Other (e.g., professional association, other trainings, etc) _____

   _____

3. What are the applicant's:
   Strengths as a Student _____

   _____

   _____

   Strengths as a Practitioner _____

   _____

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INSTRUCTOR Recommendation Form for Entrance Into Instructor Training Program Cont'd (Page 2 of 2)

Trainee Name _____ Date _____

Registered Instructor giving recommendation: _____

4. What qualities of the applicant will be suited for becoming an Ortho-Bionomy Instructor?

5. What areas will be particularly challenging for the applicant in their Instructor Training Process?

6. Any other comments regarding the candidate's application to the Instructor Training Program? (Attach additional sheets if necessary)

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____ I recommend the applicant be accepted into the Instructor Training Program

____ I do not recommend the applicant be accepted at this time. Please attach an explanation.

Instructor Signature: _____ Date: _____

Advisor(s) Selection Form
For Instructor Training Program

Trainee:

Name _____ Date _____

Address _____ Phone _____

_____ E-mail _____

The following Registered Instructor(s) has/have agreed to serve as my Advisor(s) Please type:

1. _____

2. _____

3._____

Instructor(s): I/we have discussed the training process with the Trainee and have agreed to serve as his/her Advisor(s). Please have Advisor(s) sign below.

1._____

2._____

3._____

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Associate Instructor Evolvement Request Form

Name _____Date_____

Address_____

City_____ State/Province_____

Zip/Postal Code_____ Country_____ E-mail_____

Phone_____

I formally request to be considered for evolvement to Associate Instructor. I am currently a registered Advanced Practitioner. Please type your responses.

Signature:_____

Associate Instructor Enrollment Fee: $150 (Note: This fee includes the evolvement fee for both Associate and Instructor.

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ADVISOR APPROVAL for Trainee to evolve to Associate Instructor

I recommend this student to be evolved to Associate Instructor. Trainee has completed ITS I and 6-12 Bench Assists and is ready to evolve to Associate Instructor.

Advisor Name _____ Date: _____

Advisor Signature _____

Society of Ortho-Bionomy International®
5335 N. Tacoma Avenue Suite #21G Indianapolis, Indiana 46220
Phone: 317-536-0064 Fax: 317-536-0065
E-mail: office@ortho-bionomy.org Web: www.ortho-bionomy.org

ADVISOR Recommendation Form for Evolvement To Associate Instructor (Page 1 of 2)

Trainee/Candidate Name _____ Date _____

Registered Instructor giving recommendation: _____

Instructions to recommending instructor: Please type your responses this form and return to the applicant as soon as possible. The application will not be reviewed until all of his/her recommendation forms have been received. Thank you in advance for your participation in the process.

1. What is your knowledge of the trainee's Bench Assisting and training experience to date? *(Attach additional sheets if necessary)*

2. What is your assessment of the Trainee's readiness to begin co-teaching?

3. What areas of concentration should the Trainee be aware of during his/her co-teaching phase of Instructor Training?

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Advisor Recommendation Form for Evolvement To Associate Instructor (Page 2 of 2)

Trainee Name _____ Date _____

Registered Instructor giving recommendation: _____

4. Any additional comments?

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____ I recommend the applicant be appointed as an Associate Instructor

____ I do not recommend the applicant be appointed at this time. Please attach an explanation.

Instructor Signature: _____ Date: _____

Instructor Recommendation Form for Evolvement To Associate Instructor (Page 1 of 2)

Trainee/Candidate Name _____ Date _____

Registered Instructor giving recommendation: _____

Instructions to recommending instructor: Please type responses to this form and return to the applicant as soon as possible. The application will not be reviewed until all of his/her recommendation forms have been received. Thank you in advance for your participation in the process.

1. What is your knowledge of the Trainee's Bench Assisting and training experience to date? *(Attach additional sheets if necessary.)*

2. What is your assessment of the Trainee's readiness to begin co-teaching?

3. What areas of concentration should the Trainee be aware of during his/her co-teaching phase of Instructor Training?

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Instructor Recommendation Form for Evolvement To Associate Instructor (Page 2 of 2)

Trainee Name _____ Date _____

Registered Instructor giving recommendation: _____

4. Any additional comments?

PUBLIC

____ I recommend the applicant be appointed as an Associate Instructor

____ I do not recommend the applicant be appointed at this time. Please attach an explanation.

Instructor Signature: _____ Date: _____

Instructor Training Program Agreement (ITS Part I)

(please type)

Instructor Trainee Name:_____

****

ITS Part I **Date:**_____ **Location:**_____

ITS Instructor(s): _____

_____

Minimum Number of the following are Required :

Bench Assists _____

Co-teaches _____

Supervised Teaches _____

Additional training requirements or agreements:

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Estimated Time interval until ITS Part II _____

Signatures of ITS Instructors _____

Instructor Trainee Signature:_____

Advisor(s) Signature(s):_____

If your ITS Instructors are different than your Advisor(s), please provide him/her with copies of this training agreement.

Please send copy with Associate Instructor evolvement packet for IRC.

Instructor Training Program Agreement (ITS Part II)

(please type)

Instructor Trainee Name:_____

****

ITS Part II **Date:_____** **Location:_____**

ITS Instructor(s): _____

_____

Training Requirements Review:

Bench Assists Completed _____ **Bench Assists Remaining _____**

Co-Teaches Completed _____ **Co-Teaches Remaining _____**

Supervised Teaches Completed _____ **Supervised Teaches Remaining _____**

Additional training requirements <u>completed</u> since ITS Part I:

Additional training requirements <u>remaining</u> from ITS Part I:

Additional training requirements identified from ITS Part II:

Signatures of ITS Instructors _____

Instructor Trainee Signature:_____

Advisor(s) Signature(s):_____

Advisor(s) – Please provide your advisor(s) with an updated copy of your training agreement after ITS II.

Please send copy with Instructor evolvement packet for IRC.

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Instructor Training Program Record Form (Page 1)

(please type)

Name _____ Date _____

Address _____

City _____ State/Province _____

Zip/Postal Code _____ Country _____ E-mail _____

Phone _____

Advisor(s) _____

Instructor Training Program Curriculum

Completed in Instructor Training Seminars and in Tutorials

Clarification of Program, Roles & Responsibilities	(4-8 hours)
Demonstration of Teaching	(16-48 hours)
Clarification of Technique	(8-16 hours)
Demonstration of History and Philosophy	(4-6 hours)
Classroom Dynamics (Ethics and Energy)	(16-32 hours)
Business of Teaching	(8-16 hours)
Observation and Discussion of a Class	(20-32 hours)
Tutorial, Feedback and Demo Practice	(6-48 hours)
How to Teach so Students Will Improve	(16 hours)
How to Supervise Trainees	(4-8 hours)
Society's Policies and Ethical Relationships	(4-6 hours)

Suggested Elective: "Comparisons of Ortho-Bionomy to Other Modalities"

Classroom Observation and Experience

Please have 1 Self Evaluation Form AND 1 Instructor Evaluation Form filled out for EACH session

Bench Assisting (6-12 Sessions) Evaluation Form page 23 and 24	(96-192 hours)
Co-Teaching (3-6 sessions) Evaluation Form page 25 and 26	(48-96 hours)
Supervised Teaching (1-2 sessions) Evaluation form page 27 and 28	(16-32 hours)

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INSTRUCTOR TRAINING PROGRAM RECORD FORM (Page 2)

Please indicate if the hours are met in the ITS, an Ortho-Bionomy Class or in tutorial, then give the date, location and number of hours. Please type, and have the instructor you are working with initial your form.

Clarification of Program, Roles and Responsibilities		**4-8 hours**		**Initial**
ITS Part 1	_____	____	Hours	_____
ITS Part 2	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____

Demonstration of Teaching		**16-48 hours**		
ITS Part 1	_____	____	Hours	_____
ITS Part 2	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____

Clarification of Technique		**8-16 hours**		
ITS Part 1	_____	____	Hours	_____
ITS Part 2	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____

Demonstration of History and Philosophy		**4-6 hours**		
ITS Part 1	_____	____	Hours	_____
ITS Part 2	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____

Classroom Dynamics (Ethics and Energy)		**16-32 hours**		
ITS Part 1	_____	____	Hours	_____
ITS Part 2	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____
	_____	____	Hours	_____

PUBLIC

INSTRUCTOR TRAINING PROGRAM RECORD FORM (Page 3)

Business of Teaching **8-16 hours**

ITS Part 1 _____ ____ Hours _____
ITS Part 2 _____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____

Observation and Discussion of a Class **20-32 hours**

ITS Part 1 _____ ____ Hours _____
ITS Part 2 _____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____

Tutorial, Feedback and Demonstration Practice **6-48 hours**

ITS Part 1 _____ ____ Hours _____
ITS Part 2 _____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____

How to Teach So Students Will Improve **16 hours**

ITS Part 1 _____ ____ Hours _____
ITS Part 2 _____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____

How to Supervise Trainees **4-8 hours**

ITS Part 1 _____ ____ Hours _____
ITS Part 2 _____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____

PUBLIC

INSTRUCTOR TRAINING PROGRAM RECORD FORM (Page 4)

Society's Policies and Ethical Relationships 4-6 hours

ITS Part 1 _____ ____ Hours _____
ITS Part 2 _____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____

Suggested elective: "Comparisons of Ortho-Bionomy to Other Modalities"

ITS Part 1 _____ ____ Hours _____
ITS Part 2 _____ ____ Hours _____
_____ ____ Hours _____
_____ ____ Hours _____

Total Hours of Curriculum Coursework _____ Hours

Classroom Observation and Teaching Experience

Table/Bench Assists (6-12) 96-192 hours

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

PUBLIC

INSTRUCTOR TRAINING PROGRAM RECORD FORM (Page 5)

Classroom Observation and Teaching Experience cont'd

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Co-Teaches (3-6) 48-96 hours

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

PUBLIC

INSTRUCTOR TRAINING PROGRAM RECORD FORM (Page 6)

Classroom Observation and Teaching Experience cont'd

Supervised Teaches (1-2) **16-32 hours**

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

Date _____ Location _____ Course _____
Instructor(s) :

PUBLIC

Advisor Record Form Sign Off:

My signature below verifies that the information on this form is complete and true to the best of my knowledge.

Advisor Name: _____

Signature: _____ Date: _____

INSTRUCTOR TRAINING BENCH ASSIST SELF-EVALUATION

(Please keep a blank copy of this form and use a separate form for each bench assist. Please type out your responses.)

Instructor Trainee _____

Date _____ **Course _____**

Location _____ Instructor(s) _____

What were your goals/objectives/focus for this class?

_____

_____

_____

_____

What did you do in the class (e.g. what areas did you present, did you run a circle, what other ways did you participate)?

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Self-evaluation (How did it go for you? What did you learn? What was challenging? Where do you need to focus next?)

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If more space is needed, please attach additional sheet(s)

PUBLIC

INSTRUCTOR TRAINING BENCH ASSIST INSTRUCTOR EVALUATION

(Please save this form and use a separate form for each bench assist. Please type out your responses.)

Instructor Trainee _____

Date _____ **Course** _____

Location _____ **Instructor(s)** _____

Instructor(s) feedback and suggestions

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If more space is needed, please attach additional sheet(s)

Instructor's Signature _____

Reviewed by Advisor _____

PUBLIC

INSTRUCTOR TRAINING CO-TEACH SELF-EVALUATION

(Please save this form and use a separate form for each class. Please type out your responses.)

Instructor Trainee _____

Date _____ **Course** _____

Location _____ **Instructor(s)** _____

What were your goals/objectives/focus for this class?

_____

_____

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_____

What did you do in the class (e.g. what areas did you present, did you run a circle, what other ways did you participate)?

_____

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_____

Self-evaluation (How did it go for you? What did you learn? What was challenging? Where do you need to focus next?)

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If more space is needed, please attach additional sheet(s)

PUBLIC

INSTRUCTOR TRAINING CO-TEACH INSTRUCTOR EVALUATION

(Please save this form and use a separate form for each class. Please type out your responses.)

Instructor Trainee _____

Date _____ **Course** _____

Location _____ **Instructor(s)** _____

Instructor(s) feedback and suggestions

_____

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If more space is needed, please attach additional sheet(s)

Instructor's Signature _____

Reviewed by Advisor _____

PUBLIC

INSTRUCTOR TRAINING SUPERVISED TEACH SELF-EVALUATION

(Please save this form and use a separate form for each class. Please type out your responses.)

Instructor Trainee _____

Date _____ **Course** _____

Location _____

Self-evaluation (How did it go for you? What did you learn? What was challenging? Where do you need to focus next?)

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If more space is needed, please attach additional sheet(s)

PUBLIC

INSTRUCTOR TRAINING SUPERVISED TEACH INSTRUCTOR EVALUATION

(Please save this form and use a separate form for each class. Please type out your responses.)

Instructor Trainee _____

Date _____ **Course** _____

Location _____

Instructor's observations, feedback and suggestions

_____

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If more space is needed, please attach additional sheet(s)

Instructor's Signature _____

Reviewed by Advisor _____

PUBLIC

ADVISOR Recommendation Form for Evolvement To Instructor (Page 1 of 2)

Trainee/Candidate Name _____ Date _____

Registered Instructor giving recommendation: _____

Instructions to recommending instructor: Please type this form and return to the applicant as soon as possible. The application will not be reviewed until all of his/her recommendation forms have been received. Thank you in advance for your participation in the process.

1. What has been your experience with the Candidate's Instructor Training Process?

2. What would you identify as the Candidate's strengths as an Instructor?

3. What areas do you see as important for the Candidate's continued development after being appointed as an Instructor?

PUBLIC

Advisor Recommendation Form for Evolvement To Instructor (Page 2 of 2)

Trainee Name _____ Date _____

Registered Instructor giving recommendation: _____

4. Any additional comments?

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____ I recommend the applicant be appointed as an Instructor

____ I do not recommend the applicant be appointed at this time. Please attach an explanation.

Instructor Signature: _____ Date: _____

Instructor Recommendation Form for Evolvement To Instructor (Page 1 of 2)

Trainee/Candidate Name _____ Date _____

Registered Instructor giving recommendation: _____

Instructions to recommending instructor: Please type this form and return to the applicant as soon as possible. The application will not be reviewed until all of his/her recommendation forms have been received. Thank you in advance for your participation in the process.

1. What has been your experience with the Candidate's Instructor Training Process?

2. What would you identify as the Candidate's strengths as an Instructor?

3. What areas do you see as important for the Candidate's continued development after being appointed as an Instructor?

PUBLIC

Instructor Recommendation Form for Evolvement To Instructor (Page 2 of 2)

Trainee Name _____ Date _____

Registered Instructor giving recommendation: _____

4. Any additional comments?

PUBLIC

____ I recommend the applicant be appointed as an Instructor

____ I do not recommend the applicant be appointed at this time. Please attach an explanation.

Instructor Signature: _____ Date: _____

Instructor Evolvement Request Form (please type)

Name _____Date_____

Address_____

City_____ State/Province_____

Zip/Postal Code_____ Country_____ E-mail_____

Phone_____

I formally request to be considered for evolvement to Instructor.

Signature:_____

No Instructor Evolvement Fee: (Note: This fee was paid at the evolvement to Associate Instructor).

ADVISOR APPROVAL for Trainee to evolve to Instructor

I recommend this trainee be evolved to Instructor. Trainee has completed their requirements and is ready to evolve to Instructor.

Advisor Name _____ Date: _____

Advisor Signature _____

Society of Ortho-Bionomy International®
5335 N. Tacoma Avenue Suite #21G Indianapolis, Indiana 46220
Phone: 317-536-0064 Fax: 317-536-0065
E-mail: office@ortho-bionomy.org Web: www.ortho-bionomy.org

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Evolvement checklists, Program Applications, Waivers & Evolvement Reference

Below is a summary for reference of applying (some are online applications, others are submissions), number of copies, fees and more. Please use this document as support, along with the Evolvement and Checklists earlier in this handbook.

Program	What to Submit	How to Submit	# of copies to submit	One Time Fee
Instructor Training	Application Portfolio	Fax or email PDF, and multiple copies mailed If not an Adv Pract, include Adv Pract form and ltr from advisor	5	$100
Associate Instructor	Training Completion Portfolio	fax or email PDF and multiple copies mailed	5	$150
Instructor	Training Completion Portfolio	fax or email PDF and multiple copies mailed	5	none

<u>Review Committee Cycle</u>: Review Committee Session cycles begin on March 15 June 15 September 15 December 15. The committee session ends the day before the next committee. Most times committees look at paperwork and forward their decisions early in the session, but they have until the next committee cycle to complete their findings. **Do not wait until the 15th to mail your portfolios.**

<u>Instructor Training Program Applications & Program Evolvements,</u>

- Mailed in Duplicate
- Copy of portfolio electronically scanned as a PDF –and-
- Emailed to office@ortho-bionomy.org or faxed to (317) 536-0065.
- ALL required documents should be included BEFORE it is mailed, collated and stapled into identical packets. Do Not Send incomplete packets.

Note: If you do not have ability to fax or email from your home, many libraries, office supply stores, and copy centers such as Kinkos, FedEx can scan and create a PDF for you.

<u>Mailing Packets/Portfolios</u>:

- Use an envelope/small box
  Address it to SOBI, c/o Heather Spinner 15223 Shoreway East Ct. Carmel, IN 46032
- Send Priority Mail with Delivery Confirmation, **No Signature Required, so you can track your package but we don't have to go to post office to pick it up.**
- Email the tracking information to **office@ortho-bionomy.org**
- Send packets early - by March 1, June 1, September 1, December 1 so they arrive before the 15th
- Committee sessions begin March 15, June 15, September 15, December 15th

<u>Advisors' Support Crucial for Applicants</u>: Please confirm the applicant's packet is typed, legibleincludes the evolvement form with the applicant's name as the trainee would want it on a certificate, applicants email, phone and name and your name, phone and email as their advisor. This speeds up the process if the committee or staff has a question on a portfolio. Please help the trainee confirm that their packet is complete.

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There will be a $25 Processing Fee for Incomplete Training Program Applications and Evolvement Requests.

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Application to Enter Advanced Instructor Training Program

Name _____ Date _____

Address _____

City _____ State/Province_____ Zip/Postal Code _____

Country _____ E-mail _____

Phone _____

ELIGIBILITY INFORMATION & CHECK LIST

_____ 1. Registered Ortho-Bionomy Instructor, with minimum of two years of Ortho-Bionomy teaching experience
_____ 2. Minimum of 12 Ortho-Bionomy classes taught (including Phase 4, Exploration of Movement Patterns, Posture & Post Techniques, Isometrics/Isotonics). Submit documentation of classes with dates and number of students.
_____ 3. Instructor member in good standing of SOBI
_____ 4. 2 Recommendation forms from the two Advanced Instructors who agree to serve as Advisors and oversee your training.

APPLICANT STATEMENT

I submit that I am eligible and prepared for Advanced Instructor training and my application portfolio is complete. I have discussed the training process with my Advisors and am prepared for Advanced Instructor Training.

Signature of Applicant: _____

ADVISOR STATEMENT

We submit that our advisee is eligible and prepared for Advanced Instructor training and his/her forms are complete. We have discussed the training process with the Trainee and contract to serve as his/her Advisors throughout his/her training process.

1) Program Advisor _____

Signature _____

2) Program Advisor _____

Signature _____

Advanced Instructor Training Program Enrollment Fee: $100.00

Please make your check or money order payable to SOBI (U.S. Dollars). Please do not send cash. You may also pay on the SOBI website via Paypal, Visa or MasterCard.

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Essay Questions from Arthur Lincoln Pauls to Enter AITP

(Please type questions and responses on separate page)

1. Describe how you became interested in Ortho-Bionomy, and how did it occur?

2. What is your interest in teaching Advanced work?

3. What understandings do you feel Ortho-Bionomy has given you?

4. In having this understanding, what do you feel you can do for Ortho-Bionomy?

5. What do you think Ortho-Bionomy is, and how do you feel it relates to the "Evolvement of the Original Concept"?

6. What do you think is the difference between Basic and Advanced Instructor?

7. From your previous experience, what does Phase 7 mean to you?

Additional Essay Question

8. What do you feel are your strengths in regard to this training and what do you feel will be challenging for you?

PUBLIC

Instructor/Advisor Recommendation Form to Enter AIT Program

Trainee Name _____ Date _____

Registered Advanced Instructor giving recommendation: _____

Please complete this form and return to the applicant as soon as possible. Thank you in advance for your participation in the process.

1. How long have you known this applicant? _____

2. Based on your personal knowledge and familiarity with this applicant, please comment in regards to the following elements: How do they meet their students? Can they allow the process to happen? Can they adapt their teaching method to fit the students learning styles? How are they at staying out of the personal dramas?

3. Is the trainee able to self-assess and hear feedback?

4. What are the applicant's strengths as an Instructor?

5. What qualities of the applicant are suited for becoming an Ortho-Bionomy Advanced Instructor?

6. What areas will be particularly challenging for the applicant in their Advanced Instructor Training Process?

7. Are you committed to working with them in regards to their challenges in their training process?

8. Please comment on the Instructor's energetic ethics.

Recommending Instructor Statement:

____ I hereby recommend the applicant be accepted into the Advanced Instructor Training Program. My signature below is my contract to serve as the candidate's advisor throughout the training process

____ I decline to recommend the applicant at this time; my explanation is attached.

Advanced Instructor Signature: _____ Date: _____

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Advanced Instructor Training Program Record Form (page 1 of 2)

Name _____ Date _____

Address _____

City _____ State/Province_____ Zip/Postal Code _____

Country _____ E-mail _____

Phone (Home) _____ Phone (Work) _____

AITS Date _____ Location _____

Instructors _____ _____

Phase 5 Classes

	Date	Location	Instructor
Observation	_____	_____	_____
Observation	_____	_____	_____
Observation	_____	_____	_____
Bench Assist	_____	_____	_____
Bench Assist	_____	_____	_____
Bench Assist	_____	_____	_____
Bench Assist	_____	_____	_____
Bench Assist	_____	_____	_____
Co-Teach	_____	_____	_____
Co-Teach	_____	_____	_____
Co-Teach	_____	_____	_____
Supervised Teach	_____	_____	_____
Supervised Teach	_____	_____	_____

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Program Record Form (page 2 of 2)

Name _____

Phase 6 Classes

	Date	Location	Instructor
Observation	_____	_____	_____
Observation	_____	_____	_____
Observation	_____	_____	_____
Observation	_____	_____	_____
Bench Assist	_____	_____	_____
Bench Assist	_____	_____	_____
Bench Assist	_____	_____	_____
Bench Assist	_____	_____	_____
Bench Assist	_____	_____	_____
Co-Teach	_____	_____	_____
Co-Teach	_____	_____	_____
Co-Teach	_____	_____	_____
Co-Teach	_____	_____	_____
Co-Teach	_____	_____	_____
Supervised Teach	_____	_____	_____
Supervised Teach	_____	_____	_____
Other			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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Advanced Instructor Training Program Agreement Form Phase 5

Instructor Trainee Name_____

Date of AITS 1 if taken _____

AITS 1 Instructors _____

_____

_____

Based on the input of two advisors and AITS instructors (if relevant) the minimum number of the following is suggested in phase 5:

Bench Assists _____

Co-teaches _____

Supervised Teaches _____

Additional training requirements or agreements:

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Advisor Signature: _____

Advisor Signature: _____

Signatures of AITS 1 Instructors if relevant

_____

_____

_____

Instructor Trainee Signature: _____

Advanced Instructor Training Program Agreement Form Phase 6

Instructor Trainee Name_____

Date of AITS 2 if taken _____

AITS 2 Instructors _____

_____

_____

Based on the input of two advisors and AITS instructors (if relevant) the minimum number of the following is suggested in phase 6:

Bench Assists _____

Co-teaches _____

Supervised Teaches _____

Additional training requirements or agreements:

Advisor Signature: _____

Advisor Signature: _____

Signatures of AITS 2 Instructors if relevant

_____

_____

_____

Instructor Trainee Signature: _____

PUBLIC

Trainee Self-Evaluation Form (use one for each observation, bench assist, co-teach, and supervised teach)
NOTE: this form is to be filled out and submitted with your portfolio. The following page contains questions for your reflection on the experience; answers to the second page do NOT need to be submitted.

Trainee Name _____

Date _____ Course _____ Location_____

Number of units/hours _____ Number of students in class _____

Supervising Instructor(s)_____

This was a: Phase 5_____ Phase 6 _____ Other_____

Observation ____ Bench Assist _____ Co-Teach _____ Supervised Teach_____

If more space is needed, please attach additional sheet(s)

1. What were your goals/objectives/focus for this class?

2. What did you do in the class (e.g. what areas did you present, did you run a circle, in what other ways did you participate)?

3. Self-evaluation (How did it go for you? What did you learn? What was challenging? Where do you need to focus next?)

Trainee Signature: _____ Date: _____

Advisor Signature: _____ Date: _____

PUBLIC

Instructor Evaluation Form

(Please make multiple copies of this form and use a separate form for each evaluation and have ready for the instructor you are working with. If more space is needed, please attach additional sheets.)

Instructor Trainee _____

Date _____ Course _____ Location_____

Number of units/hours _____ Number of students in class _____

This was a: Phase 5 _____Phase 6 _____ Other _____

Observation ____ Bench Assist _____ Co-Teach _____ Supervised Teach_____

Instructor's observations, feedback and suggestions:

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Supervising Instructor Signature: _____ Date: _____

Advisor Signature: _____ Date: _____

Evolvement to Associate Advanced Instructor Request Form

Name _____ Date _____

Address _____

City _____ State/Province_____ Zip/Postal Code _____

Country _____ E-mail _____

Phone (Home) _____ Phone (Work) _____

Checklist:

____ I formally request to be considered for evolvement to Associate Advanced Instructor.

____ I am currently an Instructor member of the Society in good standing.

____ My completed Phase 5 portfolio is attached

Advanced Instructor Training Program Evolvement Fee: $150.00, can be paid now or at Advanced Instructor evolvement. **Note: submit 5 copies of this form and Training Program Agreement, all trainee evaluation and instructor evaluation bench assist forms, letters of Recommendation Forms and Program Record Form to office. Also provide both advisors with a copy of all of the above.**

1. How has your perception of Phase 5 changed during your training process?

2. What new understandings have you gleaned that you feel will make you a better instructor?

3. How has your understanding and experience of the phases, reflexes, and principles changed during your Phase 5 training?

4. What do you consider your strengths as a Phase 5 Instructor?

5. What areas do you still feel you need to improve or develop as a Phase 5 Instructor?

Trainee Signature_____

Reviewing Advisor Signature _____

PUBLIC

Recommendation Form for Evolvement to Associate Advanced Instructor

Trainee Name _____ Date _____

Recommending Advanced Instructor Advisor _____

Please complete this form and return to the applicant.

(Attach additional sheets if necessary)

1. What is your knowledge of the trainee's teaching and training experience to date?

2. What is your assessment of the Trainee's readiness to evolve?

3. What areas of concentration should the Trainee be aware of as they pursue Phase 6 training?

4. Do you have any observations regarding the trainees understanding of energetic ethics?

5. Is the trainee able to demonstrate Phase 5 in a way that is accessible to the students?

____ I recommend the applicant be appointed as an Associate Advanced Instructor

____ I decline to recommend the applicant at this time; my explanation is attached

Advanced Instructor Signature: _____ Date: _____

PUBLIC

Evolvement to Advanced Instructor Request Form

Name _____ Date _____

Address _____

City _____ State/Province_____ Zip/Postal Code _____

Country _____ E-mail _____

Phone (Home) _____ Phone (Work) _____

____ I formally request to be considered for evolvement to Advanced Instructor.

____ I am currently an Instructor member of the Society in good standing.

____ I am including my completed Phase 5 and Phase 6 portfolio

Advanced Instructor Training Program Evolvement Fee: $150.00, if not paid at Associate Advanced Instructor evolvement.
Note: submit 5 copies of this form and Program Agreement Phase 5 Form, Program Agreement Phase 6 Form, all trainee evaluation and instructor evaluation bench assist forms, and Program Record Form (pages 1 and 2) to office. Also provide both advisors with a copy of all of the above.

1. How has your perception of Phase 6 changed during your training process?

2. What new understandings have you gleaned that you feel will make you a better instructor?

3. How has your understanding and experience of the phases, reflexes, and principles changed during your Phase 6 training?

4. What do you consider your strengths as a Phase 6 Instructor?

5. What areas do you feel you still need to improve or develop as a Phase 6 instructor?

6. Do you feel able to demonstrate the relationship between energy & structure in a way that is accessible to the students?

7. How would you describe your understanding of energetic ethics?

8. We would appreciate your feedback regarding the Advanced Instructor Training Process. Please be as specific as possible in your descriptions of what was most useful to your process and what was least helpful. Thank you.

Trainee Signature_____

Reviewing Advisor Signature _____

PUBLIC

Recommendation Form for Evolvement to Advanced Instructor

Trainee Name _____ Date _____

Recommending Advanced Instructor Advisor: _____

Please complete this form and return to the applicant.

(Attach additional sheets if necessary)

1. What is your knowledge of the trainee's teaching and training experience to date?

2. What is your assessment of the Trainee's readiness to evolve?

3. What areas of concentration or challenges should the Trainee be aware of as they pursue further training (Phase 7, Ethics and Emotions, Residential, etc.)?

4. Do you have any observations regarding the trainees understanding of energetic ethics?

____ I recommend the applicant be appointed as an Advanced Instructor

____ I decline to recommend the applicant at this time; my explanation is attached

Advanced Instructor Signature: _____ Date: _____

Reviewing Advisor Signature:_____ Date:_____

PUBLIC

Advanced Instructor Program Applications & Evolvement Reference

Below is a summary for reference of applying (some are online applications, others are submissions), number of copies, fees and more. Please use this document as support, along with the complete handbook.

Program	What to Submit	How to Submit	# of copies to submit	Annual Fee
Advanced Instructor Training App	Application Portfolio	fax or email PDF and multiple copies mailed	5	$100
Associate Advanced Instructor	Training Completion Portfolio	fax or email PDF and multiple copies mailed	5	$150
Advanced Instructor	Training Completion Portfolio	fax or email PDF and multiple copies mailed	5	None

Instructor Review Committee Cycle:

Review Committee Session cycles begin on March 15 June 15 September 15 December 15

The committee session ends the day before the next committee. Most times committees look at paperwork and forward their decisions early in the session, but they have until the next committee cycle to complete their findings. **Do not wait until the 15th to mail your portfolios.**

Advanced Instructor Applications & Evolvements

- Mailed in Duplicate (5 complete, stapled copies)
- Copy of portfolio electronically scanned as a PDF –and-
- Emailed to office@ortho-bionomy.org –or- faxed to (317) 536-0065.
- ALL required documents should be included BEFORE it is mailed, collated and stapled into identical packets. Do Not Send incomplete packets.

Note: If you do not have ability to fax or email from your home, many libraries, office supply stores, and copy centers such as Kinkos, FedEx can scan and create a PDF for you.

Mailing Packets/Portfolios:

- Use an envelope/small box
  Address it to SOBI, c/o Heather Spinner 15223 Shoreway East Ct. Carmel, IN 46032
- Send Priority Mail with Delivery Confirmation, **No Signature Required, so you can track your package but we don't have to go to post office to pick it up.**
- Email the tracking information to **office@ortho-bionomy.org**
- Send complete packets early - by March 1, June 1, September 1, December 1 so they arrive before 15th
- Committee sessions begin March 15, June 15, September 15, December 15th

Glossary of Terms: Active teaching experience - 3-5 classes a year (updated 3.2013)

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Apply: Advanced Instructor Training Program Application

Application Pre-Requirements:

- Practical Experience:
  a. Minimum of 2 years of Ortho-Bionomy course teaching experience with demonstrated competence.
  b. Minimum of 12 Ortho-Bionomy classes taught (including Phase 4, Exploration of Movement Patterns, Posture & Post Techniques, Isometrics & Isotonics)
  c. Instructor member of SOBI in good standing

- Discussion with Advanced Instructors (minimum two) to determine Trainee's readiness & Instructors' participation, with review of entrance essay questions.

- Submission of application portfolio with required fee

Advanced Instructor Training Program Application Packet checklist and included in this packet order:

❑ Application to Advanced Instructor Training Program
❑ Typed answers to essay questions.
❑ 2 completed recommendation forms from 2 Registered SOBI Advanced Instructors who agree to be Trainee's Advisors and supervise training.

Advanced Instructor Training Application Detailed directions:

• SOBI Membership is current.
• All sections and requirements completed and typed.
• Five individual packets should be stapled and included in each packet in this order:
  1. Advanced instructor training program application.
  2. Essay questions (typed).
  3. 2 Recommendation form for entrance into Advanced Instructor Training Program from Advanced Instructors that agree to be Trainee's Advisors.
• Pay $100 application fee online at office@ortho-bionomy.org or U.S. check payable to SOBI.
• Keep original for yourself, send a copy to your Advisor.
• Scan **one** PDF a copy of packet in entirety and email to office@ortho-bionomy.org or fax to 317-536-0065. Please Do not sent individual or multiple documents or multiple emails.
• Email office@ortho-bionomy.org with your USPS mail tracking number from your envelope.

Advanced Instructor Application is sent to the Instructor Review Committee and their recommendation sent to the SOBI Board for approval. You will be notified of the status of your application into the Advanced Instructor Program after next IRC meeting. Once accepted trainee can begin Phase 5 training - Bench Assists, optional AITS, co-teaches and supervised teach.

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<u>Evolvement to Associate Advanced Instructor</u> – Associate Advanced (Phase Five) portion of the Training Program.

Evolvement packet checklist and included in this packet order:

- ❑ Evolvement to Associate Advanced Instructor request form from trainee.
- ❑ Program Record form page 1 to Advanced Instructor Training Program.
- ❑ Program Agreement form Phase 5, outlining number of bench, co-teach required.
- ❑ 2 completed recommendation forms from 2 Advanced Instructor Advisors.
- ❑ Bench Assist Phase 5 – Trainee Self-Evaluation & Instructor Class Evaluation. (minimum 2)
- ❑ Co-Teach Phase 5 – Trainee Self-Evaluation & Instructor Class Evaluation. (minimum 2)
- ❑ Supervised Teach Phase 5 – Trainee Self-Evaluation & Instructor Class Evaluation. (min. 1)

Associate Advanced instructor training program evolvement detailed directions:

• SOBI Membership is current.
• All sections and requirements completed and typed.
• Five individual packets should be stapled and included in each packet in this order:

1. Associate Advanced Instructor Training Program evolvement form from Trainee.
2. Program Record form.
3. Program Agreement form – outlining number of bench, co-teach, supervised teaches required.
4. 2 Recommendation form for evolvement to Associate Advanced Instructor Training from Trainee's Advisors.
5. 2 (or more) Bench assist phase 5 – trainee self-evaluation & Instructor evaluation.
6. 2 (or more) Co-teach phase 5 – trainee self-evaluation & Instructor evaluation.
7. 1 (or more) Supervised phase 5 – trainee self-evaluation & Instructor evaluation.

• Pay $150 evolvement fee online at office@ortho-bionomy.org or U.S. check payable to SOBI.
• Keep original for yourself, send a copy to your Advisor.
• Scan **one** PDF a copy of packet in entirety and email to office@ortho-bionomy.org or fax to 317-536-0065. Please Do not sent individual or multiple documents or multiple emails.
• Email office@ortho-bionomy.org with your USPS mail tracking number from your envelope.

Associate Advanced Instructor evolvement is sent to the next Instructor Review Committee and their recommendation is sent to the SOBI Board for approval. You will be notified of the status of your evolvement after next IRC meeting. Once accepted *the* Trainee can teach Phase 5 and continue Phase 6 training - Bench Assists, co-teaches and supervised teach.

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<u>Evolvement to Advanced Instructor</u>: Advanced Instructor (Phase Six) portion of the Training Program.

Evolvement packet checklist and included in this packet order:

- ❑ Evolvement to Advanced instructor request form from Trainee
- ❑ Program Record form completed page 1-2 to Advanced Instructor Training Program
- ❑ Program Agreement form Phase 5 & 6, outlining number of bench, co-teach required
- ❑ 2 completed recommendation forms from 2 Advanced Instructor Advisors
- ❑ Bench Assist Phase 6 – Trainee Self-Evaluation & Instructor Class Evaluation (min. 2)
- ❑ Co-Teach Phase 6 – Trainee Self-Evaluation & Instructor Class Evaluation (min. 2)
- ❑ Supervised Teach Phase 6 – Trainee Self-Evaluation & Instructor Class Evaluation (min. 1)
- ❑ Bench Assist Phase 5 – Trainee Self-Evaluation & Instructor Class Evaluation
- ❑ Co-Teach Phase 5 – Trainee Self-Evaluation & Instructor Class Evaluation
- ❑ Supervised Teach Phase 5 – Trainee Self-Evaluation & Instructor Class Evaluation

Advanced Instructor Training Program evolvement detailed directions:

• SOBI Membership is current.
• All sections and requirements completed and typed.
• ***FIVE*** individual packets should be stapled and included in each packet in this order:

1. Advanced Instructor Training Program evolvement form from Trainee
2. *Advanced Instructor Training* Program Record form
3. Program Agreement form – outlining number of bench, co-teach, supervised required
4. 2 Recommendation form*s* for evolvement to Advanced Instructor from *two* Advisors
5. 2 (or more) Bench assist phase 6 – Trainee self-evaluation & Instructor evaluation
6. 2 (or more) Co-teach phase 6 – Trainee self-evaluation & Instructor evaluation
7. 1 (or more) Supervised phase 6 – Trainee self-evaluation & Instructor evaluation
8. 2 (or more) Bench assist phase 5 – Trainee self-evaluation & Instructor evaluation
9. 2 (or more) Co-teach phase 5 – Trainee self-evaluation & Instructor evaluation
10. 1 (or more) Supervised phase 5 – Trainee self-evaluation & Instructor evaluation

• No evolvement fee if paid as an Associate Advanced Instructor.
• Keep original for yourself, send a copy to your Advisor.
• Scan **one** PDF a copy of packet in entirety and email to office@ortho-bionomy.org or fax to 317-536-0065. Please Do not sent individual or multiple documents or multiple emails.
• Email office@ortho-bionomy.org with your USPS mail tracking number from your envelope.

Advanced Instructor evolvement is sent to the next Instructor Review Committee, and their recommendation is sent to the SOBI Board for approval. You will be notified of the status of your evolvement after next IRC meeting. Once accepted the Trainee can teach Phase 6.

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Society of Ortho-Bionomy International®
5335 N. Tacoma Avenue Suite #21G Indianapolis, Indiana 46220 E-mail: office@ortho-bionomy.org www.ortho-bionomy.org

Society of Ortho-Bionomy International
Conflict Resolution, Complaint & Grievance Handbook

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Introduction

The purpose of the Society of Ortho-Bionomy International® ("Society") is to promote the practice, advancement and evolvement of Ortho-Bionomy® education/practice. The Society has the responsibility of establishing professional standards and ensuring compliance with our Code of Ethics.

As Ortho-Bionomy Practitioners, we share a mutual interest in the practice and teaching of Ortho-Bionomy. We apply these universal principles of:

- gentleness
- movement away from pain and tension
- movement towards ease
- non-judgmental healing interaction in all relationships
- recognition of on-going pattern and when to interrupt it

These principles apply in their fullest measure whenever one of our trainees or members makes a complaint about another trainee, a teacher, a Society officer or anyone else associated with the Society.

While the complaint & grievance procedures are, of necessity, somewhat impersonal in their logic, the actual process is served best by the model of healing rather than that of legal retribution. It is of creating a sense of safety for all involved in the process. **This is a process of good faith.** Our hope is that, by following the procedures *with a caring and supportive attitude,* activities that have led to complaints can be corrected in such a way as to improve the overall functioning of our Society. It should be handled with integrity, fairness and active observation, including good listening skills.

If a grievance or complaint does not reach the level of a breach of the Code of Ethics or professional standards, then the Grievance Committee may recommend or assist in informal conflict resolution. The Board of Directors has created "Conflict Resolution Guidelines" which contain steps and recommendations to resolve conflicts between Society members. When possible, the Grievance Committee may assist in negotiation, mediation or arbitration between members.

Unfortunately, in some circumstances it will be necessary for the Board to take disciplinary action. We also recognize there may be actions, activities or behaviors that require the termination of a membership in the Society.

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Glossary of Terms:

- **Complaint & Grievance Handbook -** Full document of forms and the process for a person (who may become the Complainant) to have support in an complaint or formal grievance
- **Complaint/Request for Conflict Resolution –** Person – member or non-member – completes form requesting conflict resolution support regarding a claim against a member. The complainant does not want to file a formal grievance that will go to the committee. This may be a request for conflict resolution third party support or mediation.
- **Grievance –** Person – member or non-member-completes form requesting a formal committee investigation on a complaint against a member.
- **Grievance Committee Handbook -** Full document of forms, the Grievance process, the Grievance Committee's role and responsibilities and the Board process
- **Grievance Packet -** complainant's grievance form, signatures and support documentation
- Signed Grievance form, support documentation
- **Grievance Committee**- Three-member committee who are neutral and impartial, that will review the current grievance
- **Board Grievance Liaison** (BGL)- Board member that is the point of contact for person filing grievance
- **Complainant -** Person/member filing the Grievance, complaint, or request for mediation support and conflict resolution.
- **Respondent -** Person/member the Grievance is against, person named in the Grievance, informal grievance or mediation.
- **Support Person -** Both parties may have a support person to help them through the Grievance process.
- **No hearing of Grievance investigation findings -** No further action required.
- **Mediation of Grievance investigation findings -** A mediator (neutral party) to mediate the Grievance between the complainant and respondent.
- **Hearing on Grievance investigation findings -** After the Grievance findings have been sent to both parties, if the Board votes that a hearing is necessary, a date is set for the Respondent to speak and be interviewed by the Board.
- **Procedural justice/fairness -** is the idea of fairness in the processes that resolve disputes and allocate resources. Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision for all involved.

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Suggestions for Conflict Resolution

When conflict arises within the Ortho-Bionomy community we encourage a process of resolution that preserves the integrity of all parties involved. Disagreement and conflict are a part of all communities and most relationships.

Turning away from conflict is likely to lead to negative feelings and disharmony, not only for those directly affected by the conflict but the community as a whole. Silence, rationalization, assigning of blame, minimizing what happened and an unwillingness to listen are some of the ways that leave conflict unresolved. Whenever possible, disputes and disagreements should be settled directly between the people concerned.

We recognize that some conflicts may require a formal resolution process and the Society has a formal grievance procedure. The formal process may be used for disputes concerning administrative actions, trademark violations and for member misconduct and or violations of our Code of Ethics.

For a formal grievance please contact the Board of Directors or the Society office as soon as possible. For clarification regarding a grievance, you may read through this handbook and if not clear, contact the SOBI Office.

There are many ways to achieve resolution, the following are some suggestions:

A) Preparing Yourself

Before contacting those involved in the conflict, we recommend that you prepare yourself and consider the following:

1) Timelines: While it is usually helpful to allow reactive emotions to settle before attempting resolution, it is important to attend to matters of dispute or misunderstanding without undue delays. If too much time passes, the other person may not accurately remember the event and unexpressed feelings may grow out of proportion, making resolution of the situation more difficult.

2) Reflection: Look within yourself and identify how your own actions, reactions and interpretations may have contributed to the conflict. Find out whether you are deriving benefit from the conflict even though it feels uncomfortable. Some questions you might ask yourself. Is there a “secondary gain” that you may not have been aware of? Is this situation a recurrent pattern in relationships for you? What fears do you have around the issue?

Keep in mind that misunderstanding can occur on many levels within us and between us and be willing to acknowledge that you may not know all there is to know about the situation.

As a practitioner of Ortho-Bionomy, remember what it is like to be curious, open and in the spirit of non-judgmental awareness to be willing to recognize that we all do the best we can at any given time. If we could do differently, we probably would and sometimes a conflict, illness or problem can be the doorway

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to more choices, skills and understanding. Be curious, open and willing to recognize that we all do the best we can at any given time.
Exercise your ability to empathize and see the larger picture. Imagine yourself stepping into the other person's shoes and be curious about what happened for the other(s), how they may be feeling or viewing the situation.

Taking the time to reflect on the person(s) involved and the misunderstanding as separate and parts to the whole process towards resolution will exercise your ability to empathize and see the larger picture. Separate the people from the problem. Focus on interests, commonality, options for mutual gain rather than on positions. This may help you to put things in perspective and to soften your communication with the other person(s).

3) Imagining a Best-Case Scenario: Identify and then actively imagine resolution(s) of the situation. Imagine the best possible way a face-to-face meeting may take place and identify how you and the other person(s) involved could grow and learn from the experience.

B) Asking for Help and Receiving Support:

1) Seeking Advice: To gain perspective and inspiration about dealing with a conflict, it may be helpful to talk to someone and seek advice on how to resolve the conflict. Remember to accept responsibility for your role in the situation when you talk to friends or other Society of Ortho-Bionomy members so that you are seeking advice rather than simply gossiping about a fellow member. You may also contact the SOBI National office for assistance.

2) Achieving Resolution with Assistance: When a situation is emotionally charged, it may be helpful to invite one or more uninvolved persons to take part in the conflict resolution. A third party may simply be a silent witness, providing a sense of calm and neutral presence, or may be an active participant who helps to ensure that each person is given uninterrupted opportunities to speak and helps to clarify what has been said. This person may also help distinguish opinion/blame/interpretation from direct statements of what happened and what feelings were experienced. Facilitators can be anyone whom both parties trust and respect, such as friends, neutral acquaintances, Ortho-Bionomy Instructors or Practitioners, or someone trained to be impartial in mediation.

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C) Resolution

To achieve resolution, it is usually necessary to get in contact with the person(s) involved in the conflict. This may happen in a face-to-face meeting, by telephone, by letter or a combination of the above. The following guidelines and suggestions are meant to support in the process of clarifying what happened, what interpretations and meanings the different parties have ascribed to the events and what may be needed to resolve the conflict.

A practice of applying the principles of Ortho-Bionomy with all persons involved in this dispute is a chance for everyone to be heard in an environment of respect, fairness and goodwill.

1) Stating the Facts: You may want to open the conversation by stating your hoped-for outcome, if that feels appropriate. Otherwise start with what happened as best as you remember. Share the events in chronological order so it is easy for the other persons to follow what you are saying. A crucial aspect of

conflict resolution is discerning between our interpretations and opinions of what took place and a factual description of events. Realize that another person may believe as strongly in their interpretation of what happened as you believe in yours. In this process, state the events as clearly and simply as possible. Then state how you felt about and interpreted those events. Specifics are essential. Focus on what occurred to create this conflict rather than on positions or personalities when possible.

2) "Active Listening" and the Opportunity of "Being Heard" It is important that everyone be given an opportunity to be heard, to recount the event as they remember it, to state their feelings regarding what happened, and to declare the goals they have for its resolution. In face-to-face meetings or phone conversations, preparing notes to help you stay focused on what you want to communicate or even having a written account that you can read is likely to reduce the emotional charge and ensure that you include everything that is important to you. Keep your statements factual rather than in a blaming or defensive way.

For instance, rather than saying: "You humiliated me by the way you talked to me in front of...." use the following formula for clear communication: "When you (said, did...) _____, I felt (humiliated) __ rather than (how you wanted to feel, were hoping to feel) _____, because I _____.

When differences in perception, feelings of frustration and anger, and difficulties in communication are acknowledged and addressed, each party may then be able to better understand the interests and sensitivities of the other party. Separating the people from the problem allows you to deal directly and empathetically with the other person as a human being, hopefully making it possible to reach an amicable agreement. Then, the parties involved can generate options and goals that are mutually satisfying and come to an agreement that will not harm, may improve this particular relationship and the community in general.

Allow adequate time for a calm, deliberate and complete account of the situation from all parties concerned.

3) Restating What Was Said.

To facilitate understanding, it is helpful for each party to briefly restate or summarize what the other has said, highlighting what was most important. For this to work, the listener must have the opportunity to summarize after a few sentences rather than trying to remember a fifteen or thirty minute speech. After the restatement, the other party says whether the restatement is accurate and complete or clarifies it, if needed. Not only does this process make sure that the speaker has the listener's full attention, but it also helps to divide the issue into manageable chunks and allows for misunderstanding to be cleared up quickly rather than letting them influence the listener's perception of the whole issue.

This process of listening attentively and being understood may be the first and sometimes only step necessary to resolve the conflict, as it clears up any misunderstanding and brings to light sensitivities and prior history that the other person may have been unaware of.

4) Accepting Personal Responsibility.

When each person takes responsibility for her/his contribution to the conflict, resolution and reconciliation is greatly facilitated. Even when one person seems to be more responsible, it is important

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for all parties to assess and own their contribution to the misunderstanding. Assuming personal responsibility is more likely to provide a safe, more trusting environment which allows everyone involved to open-up, speak their truth, gain understanding, and possibly apologize for their part of the conflict and move forward towards a desired outcome. In addition to improving the climate for the conversation, accepting personal responsibility for a situation is empowering. It provides the opportunity for each person to leave the "victim role" and to realize that they are ‘in charge’ of their own perceptions and change.

Rather than making resolution dependent upon an outside force or person, we can decide on the changes we need to make within ourselves to accept personal responsibility and therefore diminish the pressure for the other person to act differently than they do.

D) Documenting a Dispute.

If you have gone through the above steps and have not been able to arrive at an agreeable resolution or if you feel it is important to file the complaint even though the conflict was resolved, use the enclosed form to report your general “Conflict or Dispute” to the Board of directors (c/o SOBI National Office).

Your report will be recorded and filed. Someone representing the Board will contact you to acknowledge receipt of the complaint, make suggestions or offer further support for resolution, as needed.

If it is requested, or if the Board deems the situation beyond the level of a general “Conflict or Dispute”, “Guidelines for Filing a Formal Grievance” will be sent to you and the case will be forwarded to the Grievance Committee for formal investigation.

Disagreement and conflict are a part of all communities and most relationships. When resolution is not easily achieved, we can imagine that learning and healing needs to take place on a deeper level. We offer this process in the hope of facilitating healing and learning for all concerned.

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Filing: File a Complaint/Request for Conflict Resolution or File a formal Grievance
- How complainants (members and nonmembers) file

Complaint or Request for Conflict Resolution Support filing:
A complainant, member or non-member, requires conflict resolution support with a member (Respondent). The complainant does not want to file a formal grievance that would go to the Grievance Committee and feels it can be resolved in a less formal manner.

This may be a request for conflict resolution third party support or mediation. The process includes completing the form requesting conflict resolution support on a complaint and providing support documentation regarding the complaint. Complainant has an issue or challenge with a member that requires support to address.

A. Complaint/Request for Conflict Resolution Filing & Follow On Process:

- Complainant downloads the Complaint and Grievance handbook on SOBI website, and chooses an option of Complaint
  - Complainant obtains and submits a Complaint packet
    - Complaint/Grievance form -with Complaint selected
    - Support documentation for Complaint
    - Complainant release of information form
    - Sent via email to office@ortho-bionomy.org or by fax 317-536-0065.
  - See appendix for Complaint packet forms
- By choosing Complaint, complainants are supported by the Board Grievance Liaison without the formal Grievance and Grievance Committee process.
- The Board Grievance Liaison emails the complainant
  - to confirm the next steps and support, which could include
    - setting up a conference call
    - a mediator
    - an inquiry
    - a support person for the complainant
  - Contact with Respondent will be set up accordingly

B. Grievance filing

A complainant, member or non-member, believes there has been a breech in Code of Ethics, and requires a formal Grievance to go to a Grievance Committee. They have read through the Conflict Resolution and Complaint option, and feel their complaint better meets the formal Grievance process. The process includes completing the form requesting Grievance filing and providing support documentation and forms regarding a potential Grievance against a member.

The process to file a complaint or grievance packet:

- Complainant obtains and submits a Complaint/Grievance packet
  - Complaint/Grievance form -with either Complaint or Grievance selected
  - Support documentation for Complaint or Grievance
  - Complainant release of information form
- Sent by email to office@ortho-bionomy.org or certified U.S mail to the Society of Ortho-Bionomy International®, 5335 N. Tacoma Ave, Ste 21G, Indianapolis, IN 46220, by e-mail to office@ortho-bionomy.org, or by fax 317-536-0065.
- See Addendum for Complaint/Grievance packet forms

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The Role of the Grievance Committee

- The committee embodies neutrality and impartiality.
- Support and take the parties, in the grievance, from the past issues to some sort of resolution in the future for the Board to review.
- Equal support to both parties in their recommendation to the Board.
- Conduct preliminary investigation and determine breach of Code of Ethics
- Recommend or assist in conflict resolution.
- Complete a full investigation if it feels warranted.
- Provide a full report in writing at the conclusion of the investigation.
- Keep confidentiality around the Grievance process.

The Role of the Board Grievance Liaison

- The Grievance Board Liaison embodies neutrality and impartiality.
- Equal support and communication to both parties.
- Outlines the possible ways a complaint can be processed - Informal & Formal.
- Recommend or assist in conflict resolution.
- Keep confidentiality around the Grievance process.
- Follows up with the Grievance committee to support a timely response.
- Responds in a timely manner to all parties:
    - Even if the response is we have received your question and will get back to you
    - Try to include a date/range of time for response i.e. by next week
    - If can’t respond in the timeline given, email to let them know of the new timeline
- Throughout the process - the Board Grievance Liaison communicates with the Board:
    - Status/Timing of the Grievance process
    - Informs Board of Requests for Board documents and gets approval from the Board to send
    - Requests for Board Response from committee, respondent or complainant on behalf of the Board need to be approved by the Board prior to being sent
    - Follows up with Board to assist with a timely response
    - Does not share details of the Grievance or prior Grievances outside of the Board

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Timeline and Outline of Steps in the Complaint & Grievance Process

This is an outline of the steps of the Grievance process. The goal is to be a process of seventy-five days or less, with the understanding that it will not be a process that is rushed. Details on the sections of this process are outlined in this document.

Stage One – Complainant Reviews Complaint and Grievance Handbook, reviews the Conflict Resolution suggestions, and choose to File a Complaint or Grievance

- Complainant has an issue or challenge with a member (Respondent) that requires support to address.
- Complainant opens Complaint and Grievance handbook link on the SOBI website. The complainant:
    - reads through and processes the Conflict Resolution suggestions
    - If they feel they need additional support:
        - fills out the Complaint and Grievance form
        - compiles support documentation
        - and chooses the option of Complaint, or option of a formal Grievance
- If the complainant chooses Complaint, they are supported by the Board Grievance Liaison without the formal Grievance and Grievance committee process as outlined in Complaint section of this handbook
- If the complainant chooses Grievance, they are requesting the formal Grievance process, with Grievance committee as outlined in this handbook.

Stage Two-The set-up of the Grievance process

- Grievance is received from Complainant by the SOBI Office.
- SOBI Office replies to the complainant that their grievance was received by the Office, confirms that it is complete, and will forward the grievance confidentially to the Board Grievance Liaison.
    - SOBI Office includes within the email response, a receipt of the email, the full complaint or grievance packet submission received from the complainant, having the complainant confirm the packet includes:
        - the complaint or grievance request form
        - support documentation of the complaint or grievance

      If it is multiple documents or emails, the Office will combine the documents into a PDF and have the complainant confirm the packet is complete.
    - The complainant confirms that the packet is complete and ready to go to the Board Grievance Liaison
    - This is a confidential communication, and will be forwarded to the Board Grievance Liaison
- The Board Grievance Liaison informs the complainant that they have received the complaint or grievance. The Board Grievance Liaison will request that the complainant reconfirm they have received the complete Grievance packet.
- The Board Grievance Liaison informs the Board that there is a grievance filed
- Board votes for the Board Grievance Liaison to have permission to
    - start the Grievance process
    - contact the parties
    - contact Ombudsman/Grievance Committee Chair
- The Board Grievance Liaison emails both parties, the complainant and respondent,
    - to inform them that a Grievance has been filed
    - that a Grievance Committee is being formed.

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    - The email from the Board Grievance Liaison will include a copy of the Grievance handbook, the grievance, which the complainant has confirmed is the complete packet - grievance filing and support documentation
- If there is not a current Grievance Committee, the Board will vote for the Board Grievance Liaison to have permission to begin the process to gather a Grievance committee, using the Guidelines in this document
- Board Grievance Liaison sends the Grievance Committee form and letter of confidentiality for their signatures
- Board votes to approve the Grievance Committee members
- Board Grievance Liaison accepts, signs and returns the executed document on behalf of the Board

Stage Three- The Grievance Committee

- Grievance Committee designates the Chair.
- The Grievance Committee will implement the Grievance process with procedural fairness/justice which includes the principles of Ortho-Bionomy.
- Chair sends an email to both parties (complainant and respondent), letting them know the committee is formed and will be in contact. Chair lets the complainant know the committee has the grievance. The Chair has the complainant reconfirm the committee has the full and complete Grievance packet.
    - Chair lets the respondent know the committee has the grievance. The chair confirms that they received the Grievance Packet.
    - The Chair confirms both parties have a support person. If they do not have a person to support them, the Grievance Committee will assist them to find a support person to help them through the Grievance process. Ex. Be silent witness when the party is being interviewed by the Committee. Person for both parties to have as a sounding board. It is not up to the Support person to resolve the issue.
- The Grievance Committee has a neutral and impartial discussion of the Grievance packet.
- The Committee interviews both parties, and the parties provide their responses in writing.
- Throughout the process - the Board Grievance Liaison communicates with the Board
    - Requests for Board documents has to be approved by the Board to send
    - Responses on behalf of the Board need to be approved by the Board
- If after the initial interviews, the Committee determines the Grievance does not need to move forward, the Board Grievance Liaison alerts both parties of the finding.
- The Chair alerts the Board Grievance Liaison whether the investigation will or will not need to proceed.
- The Committee may conduct additional interviews and continue to investigate the Grievance.
- The Chair notifies the Board Grievance Liaison that the investigation is complete.
- The Committee discusses and compiles their recommendations for the Board in a report including response to the questions in the Grievance Committee handbook listed in detail in the Grievance Committee handbook.
- The report from the Grievance Committee to the Board includes the following:
    - Grievance committee report form, a summary which includes:
        - the complainant and respondents' names
        - a brief description of the original Grievance
        - Committee conclusions and recommendations
    - Details of the Grievance process that back up the findings
    - the issues underlying Grievance
    - the agreed common facts

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    - the information gathered from the interviewing process
    - the conclusions and the recommendations to the Board from a neutral and impartial perspective.

  The Grievance Committee will state and sign that this Grievance has been implemented with procedural fairness.
- The Committee forwards a PDF version of their report to the Board Grievance Liaison with a copy to the Office for file.

Stage Four-The Board

- Board Grievance Liaison forwards the report to the Board.
- Board members will review the report.
- Board can ask questions or inquiries to the Grievance Committee through the Grievance Committee Chair.
- Board votes for the report to be sent to both parties (complainant and respondent), informing both parties that the Grievance Committee portion of the investigation is complete, and the Board review has begun.
- Board discusses the Grievance Committee findings, and next steps.
- Board can again ask questions or inquiries of the Grievance Committee through the Grievance Committee Chair.
- When the Board discussion is complete, the Board votes on next step - Mediation, Hearing, No Action.
    - Board alerts both parties of next step - No Hearing Required, Mediation, Hearing, No Action. See below for more details regarding these three possibilities.
        - Board Decision, no Hearing required,
    - Hearing, the Board votes on the date of hearing,
        - Board Grievance Liaison provides minimum of 15 days notice of the hearing date via email and mail.
    - Mediation
    - No Action
- Board compiles final recommendations.
- Board votes on final recommendation.
- Board Grievance Liaison forwards formal recommendation to both parties.
- Board of Directors shall decide whether or not a member has engaged in conduct seriously prejudicial to the interests of the Society and should be expelled, or whether some lesser course of action or redress would be best for all involved.
- Party has right to appeal within 15 days of the Finding by mail or email.
- The Appeal may require a second investigation.
- Within 30 days of received appeal, the Board will appoint an ad hoc committee. This ad hoc Grievance Committee will address both the findings of the Grievance Committee and the action taken by the Board in response to the original Grievance Committee's report.
- The Grievance Ad Hoc Committee will follow the same procedure as the Grievance Committee.
- The Grievance Ad Hoc Committee will report their findings to the Board.
- No more than one appeal may be made for any investigation.
- The Board votes on the final decision.
- Board notifies both parties of their decision.
- The decision of the Board of Directors shall be final.

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Grievances - Prior or Concurrent Complaints

If there is Grievance and a Counter Grievance, or if there is a prior Grievance between both parties, the findings, recommendations and outcome of the prior Grievance will not be available, so the current Committee can remain impartial and work based on the current complaint. All the information of the prior Grievances is private and confidential, to protect all parties involved.

If one of the parties wants to submit the same documentation for a subsequent complaint, they can, but they can not provide the findings of the prior committee or communication from the previous committee.

The Grievance Investigation Phase

The explicit goals of any investigation include establishing the facts (i.e., what happened). Open communication among all parties will facilitate an investigation and enable the committee to make solid recommendations to the Board of Directors.

A grievance investigation will consist of the following:

1. Providing a copy of these guidelines to all parties involved. To the complainant by the Office and the respondent by the Grievance Committee.

2. Direct communication with each party (Complainant and Respondent) involved in the Grievance by a member of the Committee. Each new piece of information and each separate complaint must be communicated in a timely fashion to the Respondent. Whenever possible, any specific plans to obtain corroboration or refutation of the complaint(s) should also be communicated to the Respondent.

3. As part of every investigation, an effort must be made by the Committee to clarify the history of the relationship(s) among the parties. Have there been other conflicts? Is there a long-standing problem, or is this a recent development? The Committee will confirm and continue to check in that grievance interviews and process are keeping to the pieces and issues in the original grievance.

4. The Committee will attempt to identify what steps already have been taken to address the situation. If there is Grievance and a Counter Grievance, or if there is a prior Grievance between both parties, the findings, recommendations and outcome of the prior Grievance will not be available, so the current Committee can remain impartial. All the information of the prior Grievances is private and confidential, to protect all parties involved.

5. All complaints and information must be documented in writing, to be considered part of any investigation. Anything told to a committee member either casually or in the course of a deliberate investigative effort must be documented in writing in order to bear any weight in the matter. The source of the information (interviewee) will be asked to put it in writing.

6. Finally, it is the task of the Grievance Committee to make a decision, regarding their findings, as to the validity of the complaint(s), based on the corroborating information gathered.

7. After the Grievance Committee has finished their investigation it sends a report and recommendations to the Board. If there is a breach of the Code of Ethics by the complainant or the respondent or both, then the Board may have a hearing with either the complainant or the respondent or both if they feel it

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is warranted. If the Grievance Committee finds the grievance to be unsupported, no hearing or further action is required.

Mediation -Mediation of Grievance investigation findings - A mediator (neutral party) is found by the Board Grievance Liaison.

- The Mediator is agreed to by both parties, to mediate the Grievance between the complainant and respondent.
- The Mediator is neutral and impartial and keeps the process confidential.
- The Mediator can use the Grievance committee questions included in this handbook.
- The Mediator follows the process of mediation, looking for resolution with a written or verbal agreement between the parties made in good faith.
- The Mediator reports to the Board Grievance Liaison.
- The Mediator sends a copy of the written agreement between the parties.
- The agreement is included in the members' file. If they are not a member, a file is created in the Grievance file.
- The agreement is made in good faith, and both parties are responsible for the specific steps that are required to be completed by each party.

If an agreement cannot be reached, the Mediator report, and the complainant may choose to file a formal Grievance.

Board Decision, No Hearing Required - The Board finds the Grievance committee report was clear, the material presented, and the findings were clear and complete. No additional hearing or interviews required for Board to make decision on Grievance.

The Hearing Process

1. If the Grievance Committee finds there is an indication of behavior that constitutes a possible breach of ethical or professional standards, the Board of Directors will then go through the committee's findings, make a decision if a hearing is warranted, and schedule a hearing. Notice shall be given to such a member, by email or by certified first class mail, setting forth the reasons for the hearing as included in the original grievance and the investigation. The notice shall be given or mailed at least fifteen (15) days prior to the date of the meeting of the Board of Directors to consider the Grievance Committee's findings and shall state the time and place of the meeting and notify the member of his or her right to be heard.

2. The member in question shall be permitted to be heard personally or in writing before any action is taken by the Board of Directors. The member may also present statements of others, orally or in writing on his or her behalf.

   Basic Guidelines in the Hearing Process:
   - ***The hearing is about achieving resolution.***
   - During the process, the Board will confirm that grievance interviews and process are keeping to the dispute & issues in the original grievance, that the process does not stray away from the original grievance
   - The Board gives space for respondent to be heard
   - The Board will use the Grievance committee questions
   - The Board will ask for additional clarity on what the respondent shares
   - The Board will thank the respondent for their time

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3. Following the hearing, the Board of Directors shall decide whether or not a member has engaged in conduct seriously prejudicial to the interests of the Society and should be expelled, or whether some lesser course of action or redress would be best for all involved.

Appeals of the Boards Decisions

An individual against whom an action has been taken may appeal the Board's decision by submitting a formal request in writing by certified U.S mail to the Society of Ortho-Bionomy International®, 5335 N. Tacoma Ave, Suite 21G, Indianapolis, IN 46220, by e-mail to office@ortho-bionomy.org, or by fax 317-536-0065.

1. This request for an appeal must be received by the Society office within (15) days after the Board's decision has been mailed to the member.

2. The appeal may require a second investigation for which the Board will appoint an ad hoc committee. This ad hoc grievance committee will address both the findings of the Grievance Committee and the action taken by the Board in response to the Committee's report. No more than one appeal may be made for any investigation.

Actions taken by the Board

1. Action taken by the Board may include, but are not limited to: a verbal reprimand, a written reprimand to be placed in the member's file, publishing of a reprimand to the voting members or in the Society newsletter, a probationary period or expulsion from the Society. Any action which would result in expulsion from the Society will require a special Board hearing. If the party is a board member, immediate removal from the board could be an option.
2. If the respondent is a Board member, the Board may vote to request the Board member be temporarily suspended during the Grievance process.

3. The decision of the Board of Directors shall be final and shall be effective immediately.

Confidentiality

All investigations are sensitive and must be kept confidential. Only the Grievance Committee members, the Board of Directors and Legal Counsel (when appropriate) will have access to the records regarding a grievance.

Conflicts of Interest

Anyone who is a party to any of the investigated activities or with any direct involvement in the case or personal ties to the parties in the case will not serve in the investigation or resolution of the grievance.

Board Member Involvement

If a Board member is a party to any of the investigated activities or has any direct involvement in the case or personal ties to the parties in the case, they will not serve in the investigation or resolution of the grievance.
They will recuse themselves and are not involved in process or vote.
If the board member is the respondent, i.e. has the Grievance filed against them, they will voluntarily remove themselves temporarily from the Board. If the Board member does not voluntarily remove

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themselves, the Board may decide that due to the complaint, it would be best for the organization to direct them to be temporarily inactive until the Grievance process is complete.

Legal Issues - As an investigation proceeds, any party involved in a grievance or its investigation who recognizes a potential legal impact on the Society due to the activities under investigation will notify the Board of Directors as soon as possible.

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Grievance Investigation Procedures for Grievance Committee

Mission Statement: To follow the Principles of Ortho-Bionomy in reaching resolution in an impartial and neutral manner.

Role of the Grievance Committee: The Grievance Committee will mediate between the parties, in an impartial, neutral and confidential manner, and attempt to resolve the issues. If the committee is unable to do so, the Board will assist in the mediation.

- The committee embodies neutrality and impartiality.
- Support and take the parties, in the grievance, from the past issues to some sort of resolution in the future for the Board to review.
- Equal support to both parties in their recommendation to the Board.
- Conduct preliminary investigation and determine breach of Code of Ethics
- Recommend or assist in conflict resolution.
- Complete a full investigation if it feels warranted.
- Provide a full report in writing at the conclusion of the investigation.
- Keep confidentiality around the Grievance process.

A grievance investigation should consist of:

- Providing a copy of these regulations to all parties involved so that everyone will know what to expect;
- Communicating with all parties to clarify and outline all disagreements, charges and assertions, including written position papers from each of the parties providing a clear overview of the issues;
- Listing all information on which charges are based, and including corroborations of the information presented;
- Going through the list of questions with both parties
- Identifying what all parties wish to accomplish with their assertions/charges--what are their desired results;
- Clarifying the history of the relationship between the parties--has this been a long-term problem or a recent development, are there other areas of conflict, etc.
- Identifying what steps have already been taken to address the situation;
- Determining the validity of the charges/complaints.
- Offering support to both parties-the complainant and the respondent

Contact Guidelines:

- One individual from the Grievance Committee will be chosen to set up the conference call (video or phone) with each party (and their support person) and other sources, to schedule for the Grievance Committee. It is suggested that these communications be recorded, with permission.
- Committee members will need to use active listening skills, maintain an objective, impartial perspective, model and maintain integrity and detachment, and identify needs vs. wants.
- Once the Grievance investigation begins, the Grievance committee operates independently of the SOBI Board of Directors; the Board of Directors do not direct the process. The Board is not involved in the Grievance process, unless an individual on the Board is called to be witness or is directly involved in the Grievance. The Board receives the completed findings/recommendations of the Grievance committee. Then the Board makes decisions based on that material or requests additional information.

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Questions for the Investigation of the Complainant and Respondent by the Grievance Committee:

What was the dispute about which led to the grievance?

How long have you known the complainant/respondent?

Previous to the dispute, what was your relationship with the complainant/respondent like?

Have you had other disputes with the complainant/respondent

What was the timeframe of the dispute?

What do you think are the underlying issues of the dispute?

Were other people involved in this dispute? Who are they and what was their relationship to the dispute?

If you could put yourself in the position of the other person involved, what do you think are the issues and position they are holding?

What principles do you think were absent from this dispute?

Reality Checking (Coming present with the process)

What do you think would be the best outcome from this Grievance process?

What do you think would be the worst outcome from this Grievance process?

What do you think is the most likely outcome of this Grievance process?

The Committee will present a written report outlining the case including:

- All of the charges/disagreements/assertions;
- A list of all information and any corroboration;
- Identifying any issues that may have a direct legal impact on the Society;
- Rebuttals from each party.

Guidelines for the Written Grievance Committee Report (Committee Only) A report should contain the following elements:

1. A clear statement of all the charges/complaints/disagreements, etc. pertaining to the grievance.

2. A description of all relevant information along with corroboration. Statements or reports obtained in the course of the investigation must be documented in writing with a strong preference for documentation by the original source.

3. Identification of any issues that may have a legal impact on the Society.

4. Rebuttal statements in writing by each party or documentation of an individual party declining to make a statement.

5. Every statement by an individual witness or party to the investigation must bear that person's signature and be dated.

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6. A specific statement regarding whether or not the grievance involved a violation of the Society's Code of Ethics.

7. A full report of any and all efforts made to negotiate or mediate the conflict and the results of such efforts.

8. The report must bear the signatures of all members of the Grievance Committee.

9. Copies of the full report must be sent to both parties (the complainant and respondent)

Board Review of Committee Report

- The Board shall review information gathered from the complainant and respondent, and information gathered by the Grievance Committee. The Board may then gather further information, for clarification or input, from the Grievance committee.

All other duties as assigned:

Any questions, procedures, actions, etc., not covered by this handbook and procedure, will be handled by a decision of the Board on how to proceed.

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Addendum: Grievance Forms

I. **Complaint/Grievance Complainant Filing Form**
II. **Code of Ethics**
III. **Code of Conduct for Committee Members**
IV. **Grievance Committee Member & Letter of Confidentiality Form**
V. **Interviewee in Grievance Process & Letter of Confidentiality Form**
VI. **Grievance Committee Report Summary and Report**

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I.

Society of Ortho-Bionomy International®
5335 N. Tacoma Avenue Suite #21G Indianapolis, Indiana 46220
Fax: 317-536-0065 E-mail: office@ortho-bionomy.org www.ortho-bionomy.org

Complaint and Grievance Form

I wish to file an:

□ **Complaint** – Request for Conflict resolution/mediation support

□ **Grievance** - Formal – Request will go to Grievance Committee

Important: Please Print or Type

Date:
Complainant Name (person filing):
Address:
Telephone:
E-Mail:

Best time to reach you: daytime _____ evenings _____

Name of Subject of this Complaint (Respondent):
Contact information of respondent (if known)

Code of Ethics perceived to be breeched:

Nature and outline of the Complaint (attach additional sheets if necessary). Please be specific.

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The information given above (and attached) is true and accurate to the best of my knowledge. I realize the serious nature of filing a Complaint or Grievance. I recognize that the Grievance Committee will not be able to take action without my cooperation to provide additional information if needed. I understand that a copy of this complaint will be sent to the individual named above as the subject of this grievance in accordance with his/her legal rights.

Signed _____Date_____

II.

Society of Ortho-Bionomy International®

Member Code of Ethics – to be followed by the Grievance Committee

As a registered member of the Society of Ortho-Bionomy International® I agree to uphold the highest standards of professional behavior, guided by the Code of Ethics stated below.

1. The philosophy and concepts of Ortho-Bionomy shall be the guiding principles in my work with clients.
2. I will at all times render the highest quality of services possible for the wellbeing and benefit of my client.
3. I will only offer skills or services in which I have specifically been trained. For issues that fall beyond the scope of my practice, I will refer clients to other qualified professionals.
4. To protect the privacy of my clients, I will keep all communications, clients' records and client identity confidential.
5. Recognizing the vulnerability of the client in a therapeutic relationship, I will maintain the highest standard of professional conduct. I will show regard for common legal, moral and ethical standards.
6. To preserve the integrity of Ortho-Bionomy®, I will make a clear distinction between Ortho-Bionomy and other modalities that I use.
7. I will bring to the notice of the Society any action of another member that appears to be ethically inappropriate or contrary to standards set by the Society.
8. I will use all Society trademarks only in accordance with the current established guidelines. Failure to follow guidelines will lead to suspension of said trademark use.
9. I will endeavor to improve my technical skills and professional standards through continuing educational training.
10. I will uphold professional relationships, never slandering a member of the Ortho-Bionomy® community or the allied professional community.
11. Anyone in my employment will abide by the policies and trademark regulations set by the society of Ortho-Bionomy®.
12. I will display a copy of this code of ethics in my work area where it is clearly visible.
13. I understand that transgression of the Codes of Ethics may result in the surrender of my membership.

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Society of Ortho-Bionomy International®
5335 N. Tacoma Avenue Suite #21G, Indianapolis, Indiana 46220
Website: www.ortho-bionomy.org E-mail: office@ortho-bionomy.org

Phone: 317-536-0064 Fax: 317-536-0065

III.

Society of Ortho-Bionomy International
5335 N. Tacoma Avenue Suite #21G Indianapolis, Indiana 46220
Phone: 317-536-0064 Fax: 317-536-0065 E-mail: office@ortho-bionomy.org www.ortho-bionomy.org

Code of Conduct for Grievance Committee Members

As a member of a Society Grievance Committee, I will:

- Follow the philosophy of Ortho-Bionomy®
- Follow the Society Code of Ethics
- Listen carefully to my fellow committee members;
- Carefully consider and respect the opinions of my fellow committee members;
- Keep well-informed of developments relevant to issues that may come before the committee;
- Participate actively in committee meetings and actions. I will not discuss off-line what I am unwilling to discuss in committee meetings;
- Bring to the attention of the committee any issues I believe will have a significant effect on our organization or those we serve;
- Refer complaints directly to the proper person i.e., Committee chair, Board committee liaison;
- Represent all those whom this organization serves vs. geographic or special interest groups;
- Work to learn how to do my job better; acknowledge conflicts of interest between my personal life and my position on the committee;
- Declare any potential conflict of interest in writing before nomination to committee and during the term of service. I will abide by the ruling of an ad hoc committee appointed by the President concerning any conflicts of interest that are not readily resolved;
- Abstain from voting or attempting to influence issues in which I have a conflict of interest;
- Review and sign this Code of Conduct annually;
- Respect and support majority decisions of the Board of Directors;
- Recognize the authority vested in the Board of Directors;

As a member of a Society Grievance Committee, I will not:

- Criticize fellow committee members or their opinions, outside of committee meetings;
- Use the organization or my position for my personal advantage or that of my friends, relatives, or associates;
- Discuss the confidential proceedings of the committee outside of committee meeting other than to conduct committee business; i.e., requests of additional information from advisors, instructors or trainees.
- Promise how I will vote on any issue before hearing the discussion and becoming fully informed on that issue;
- Interfere with the duties of staff or undermine the committee chairperson to perform his/her duties;
- Speak for the organization unless specifically asked to do so.

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IV.

Society of Ortho-Bionomy International
5335 N. Tacoma Avenue Suite #21G Indianapolis, Indiana 46220 Phone: 317-536-0064 Fax: 317-536-0065
E-mail: office@ortho-bionomy.org www.ortho-bionomy.org

Grievance Committee Member Form & Letter of Confidentiality

Name:
Email:
Phone:

I have read and understand the Society of Ortho-Bionomy International® Compliant & Grievance handbook, including process, code of conduct, SOBI code of ethics and confidentiality.

I am aware that, as a committee member, I am investigating Grievances that have been filed within the scope of the Grievance Process outlined above. I, along with the Grievance committee members, will conduct interviews and gather information. I will work with the committee to compile a report of recommendations to the Board of Directors of the Society of Ortho-Bionomy International®. I recognize the Grievance committee does not make a final decision, but does provide recommendations to the Board of Directors, and the Board makes the final decision regarding actions on the parties included in the Grievance.

I agree to keep all matters related to Grievance Committee Process and any parties involved in their process confidential, included but not limited to, all correspondence, communications, and recommendations resulting from the Board/committee meetings. I will also keep confidential any discussion between myself, Board members or Officers of the corporation that occur as a result of this committee/ Board process. I will keep everything confidential regarding the committee/Board process and will continue to maintain this confidence unless directed otherwise by the President of the Society of Ortho-Bionomy International® or by the Society's attorneys.

If I have a conflict of interest, or if one arises during the process of this Grievance, I will notify the other members of the Grievance committee and Board of Directors.

I agree to be a member of the Grievance Committee.

_____ _____
Signature of Grievance Committee Applicant Date

Received and accepted by Board Representative:

_____ _____
Board Member Signature Date

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V.

Society of Ortho-Bionomy International
5335 N. Tacoma Avenue Suite #21G Indianapolis, Indiana 46220 Phone: 317-536-0064 Fax: 317-536-0065
E-mail: office@ortho-bionomy.org www.ortho-bionomy.org

Grievance Committee Interviewee Form & Letter of Confidentiality

Name:
Email:
Phone:
Parties in Grievance:

I have been asked to be interviewed, and document in writing, my responses to questions posed by the Society of Ortho-Bionomy International® Grievance Committee, regarding a current Society Grievance. I recognize that information is being gathered regarding the persons named in the Grievance, and that a Grievance does not mean they have done what has been listed in the Grievance.

I recognize that my interview, or portions of my interview, may be shared with both parties in the Grievance, and the Society Board of Directors. This includes, but is not limited to, all correspondence, communications, and recommendations resulting from the Board/committee meetings. I will also keep confidential any discussion between myself, Board members or Officers of the corporation that occur as a result of this committee/ Board process. I will keep everything confidential regarding the committee/Board process and will continue to maintain this confidence unless directed otherwise by the President of the Society of Ortho-Bionomy International® or by the Society's attorneys.

In addition, I will promptly declare any potential conflict of interest to the Committee.

I understand the Grievance Committee is investigating a Grievance, and it will provide information and recommendations to the SOBI Board of Directors. I understand the Board of Directors will receive the recommendations and make decisions on the outcome of the Grievance.

Received & Signed by Interviewee:

_____ _____
Signature Date

Interviewee Printed Name:

Received & Accepted by Grievance Committee Member:

_____ _____
Signature Date

Grievance Committee Member Printed Name:

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VI.

Society of Ortho-Bionomy International
5335 N. Tacoma Avenue Suite #21G Indianapolis, Indiana 46220 Phone: 317-536-0064 Fax: 317-536-0065
E-mail: office@ortho-bionomy.org www.ortho-bionomy.org

Grievance Committee Report Summary

This is a summary/cover page of the Grievance Committee Report.
Support documentation is included in the pages following the summary.

Date:
Name of Complainant:
Name of Respondent:
Support persons involved:
Date Grievance was Received by SOBI Office:
Names of Committee Members:
Name of Grievance Board Liaison:

Brief description of Grievance:

Findings of Committee:

Recommendations of Committee:

Does the Grievance involve a violation of the Society's Code of Ethics? Yes No

If yes, which of the Code of Ethics?

Are there issues that may have direct legal impact on the Society? Yes No
If yes, please list.

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The Grievance Committee agrees that this Grievance has been implemented with procedural fairness.

Signed by the Grievance Committee members

Grievance Committee Report Date:_____

- Details of the Grievance process that back up the findings
- the issues underlying Grievance
- the agreed common facts
- the information gathered from the interviewing process
- the conclusions and the recommendations to the Board from a neutral and impartial perspective.
- Identifying any issues that may have a direct legal impact on the Society;
- Rebuttals from each party in writing or documentation of individual declining to make a statement. Dated and signed or e-signed.
- A specific statement regarding whether or not the grievance involved a violation of the Society's Code of Ethics.
- A full report of any and all efforts made to negotiate or mediate the conflict and the results of such efforts.

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CODE OF ETHICS

As a registered member of the Society of Ortho-Bionomy International® I agree to uphold the highest standards of professional behavior, guided by the Code of Ethics stated below.

The philosophy and concepts of Ortho-Bionomy shall be the guiding principles in my work with clients.

I will at all times render the highest quality of services possible for the well being and benefit of my client.

I will only offer skills or services in which I have specifically been trained. For issues that fall beyond the scope of my practice, I will refer clients to other qualified professionals.

To protect the privacy of my clients, I will keep all communications, clients' records and client identity confidential.

Recognizing the vulnerability of the client in a therapeutic relationship, I will maintain the highest standard of professional conduct. I will show regard for common legal, moral and ethical standards.

To preserve the integrity of Ortho-Bionomy, I will make a clear distinction between Ortho-Bionomy and other modalities that I use.

I will bring to the notice of the society any action of another member that appears to be ethically inappropriate or contrary to standards set by the Society.

I will use all society trademarks only in accordance with the current established guidelines. Failure to follow guidelines will lead to suspension of said trademark use.

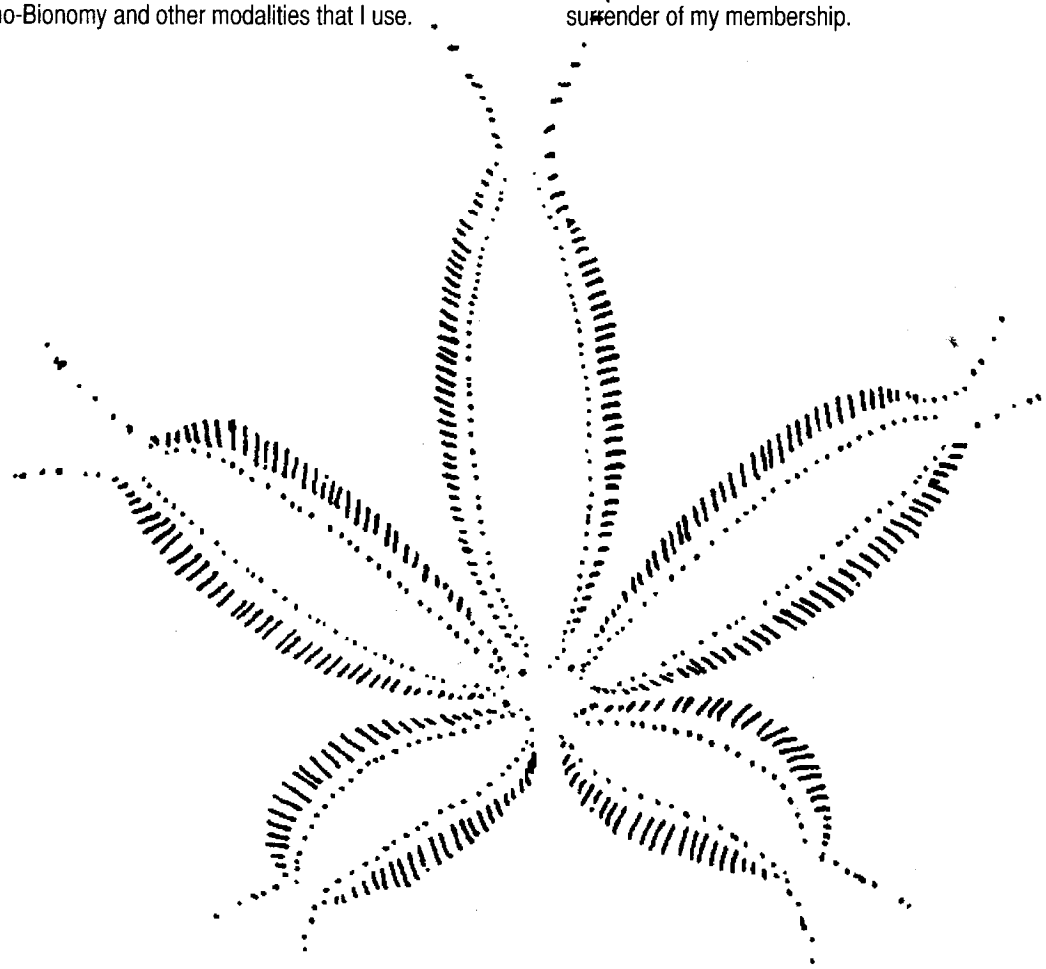
I will endeavor to improve my technical skills and professional standards through continuing educational training.

I will uphold professional relationships, never slandering a member of the Ortho- Bionomy community or the allied professional community.

Anyone in my employment will abide by the policies and trademark regulations set by the society of Ortho-Bionomy.

I will display a copy of this code of ethics in my work area where it is clearly visible.

I understand that transgression of the Codes of Ethics may result in the surrender of my membership.



Submitted Ortho-Bionomy Certificates

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From: David Edwards-Smith
To: Dulebohn, Dawn L (CED)
Subject: Society of Ortho Bionomy
Date: Monday, July 16, 2018 11:20:56 AM

My research indicated that the Ortho Bionomy program is one of it's one paradigm that is similar to a RISI program. This program has it's own membership, training board and philosophy of bodywork.

The board needs to discuss whether this is an acceptable massage therapy program.

Dave

Virus-free. www.avg.com

SOCIETY OF ORTHO-BIONOMY INTERNATIONAL®

Certificate of Completion

Be it known that

Jenne O Fantanilla

Has satisfactorily completed 8 **Units of instruction in a**

Visceral **Course in Ortho-Bionomy ®**

Given this date July 27, 2016

At Seattle, WA

Debi Lee

Registered Instructor of Ortho-Bionomy ®

Registered Instructor of Ortho-Bionomy ®

Society of Ortho-Bionomy International 5335 N Tacoma Ave. #21-G Indianapolis, IN 46220

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SOCIETY OF ORTHO-BIONOMY INTERNATIONAL®

Certificate of Completion

Be it known that

Jenna O'Fontanella

Has satisfactorily completed 24 **Units of instruction in a**

Post Techniques & Posture **Course in Ortho-Bionomy ®**

Given this date 7/23-25/16

At Seattle, WA

Jerri Lee

Registered Instructor of Ortho-Bionomy ®

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Society of Ortho-Bionomy International 5335 N Tacoma Ave. #21-G Indianapolis, IN 46220

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Lunch

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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.

PUBLIC

Board Business

PUBLIC

Update on California Massage Therapy Regulations

Ron Gibbs

PUBLIC

Informational Hearing of the
Business, Professions and Economic Development Committee

Update on the Regulation of Massage Therapy in California: Business Oversight and Best Practices

Monday, April 30, 2018
12 p.m., State Capitol, Room 3191

BACKGROUND PAPER

1. Introduction

In the past decade, massage therapy has become an increasingly popular industry within California, and the greater Untied States. According to the Bureau of Labor Statistics (BLS), employment of massage professionals nationwide is projected to grow 26% from 2016 to 2026, compared to the average growth of 7% for all occupations.[1] The BLS has stated that "as more states adopt licensing requirements and standards for massage therapists, the practice of massage is likely to be respected and accepted by more people as a way to treat pain and improve overall wellness...similarly, demand will likely increase as more healthcare providers understand the benefits of massage and these services become part of treatment plans."[2]

In California, the profession of massage therapy has been regulated on the state level since 2008 when SB 731 (Oropeza, Chapter 384, Statutes of 2008) created the Massage Therapy Act (Act) within the Business and Profession Code (BPC). Through SB 731, the Legislature also authorized the creation of a governing certification entity, the Massage Therapy Organization (MTO), which was later renamed the California Massage Therapy Council (CAMTC). Unlike other practice acts in the BPC that are administered by an agency under the Department of Consumer Affair (DCA), the CAMTC is a private nonprofit organization that is responsible for the voluntary certification and recertification of massage therapists.

2. Current Local Governance of Certified and Non-Certified Massage Practitioners

Background

Prior to 2008, there was no state-wide regulation of massage therapy. Instead, local governments were given the authority through AB 3325 (McAllister, Chapter 1352, Statutes of 1976) to regulate the operation of massage businesses through licensing procedures. Since the profession of massage therapy has often been unfairly linked to prostitution and human trafficking, it was argued that this regulatory scheme was enacted, in part, to deal with illicit massage businesses. In doing so, massage therapy businesses were subject to local ordinances that inappropriately and

[1] Bureau of Labor Statistics, U.S. Department of Labor, "Occupational Outlook Handbook: Massage Therapists Summary," (2016).
[2] Bureau of Labor Statistics, U.S. Department of Labor, "Occupational Outlook Handbook: Massage Therapists Job Outlook," (2016).

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oppressively regulated them as "adult entertainment," including restrictive zoning, excessive fees, venereal disease tests, required showers and separate restrooms, and prohibited home visits.

In 2005, the former Committee on Boards, Commissions and Consumer Protection (Joint Committee) was presented with the issue of whether California should establish state-level regulation of massage therapists. During the sunrise review process, the Joint Committee found that massage therapy was "regulated in California by a chaotic mish-mash of local vice ordinances primarily aimed at controlling illicit 'massage parlors'" and that "in essence, the current system seeks to regulate illegal activity under the guise of professional licensing." The Joint Committee concluded that the current system failed to serve the public or profession and recommended that the regulation of massage therapists shift from local jurisdictions to a state-based approach.

The regulation of massage therapy professionals transitioned from local governments to a state-wide system in 2008. SB 731 aimed to create a reliable certification system for professionals while eliminating discriminatory business regulations on healing arts professionals. In doing so, SB 731 restricted local government from enacting ordinances or other restrictions that applied to a certified individual or to a massage business that used only certified individuals, unless those ordinances or other restrictions rules were no different than requirements that were uniformly applied to all other individuals and businesses providing professional services. Because certification is voluntary, non-certified individuals may provide massage services in accordance with local rules and regulations.

In 2014, the CAMTC underwent its first sunset review through which issues were raised regarding the impact of the Act's land use preemption provisions on local governments' ability to regulate any massage business. In the years following the passage of SB 731, many cities and counties reported an increase in massage establishments within their jurisdiction.[3] According to the California League of Cities, the restrictions established by SB 731 on local government's ability to regulate businesses that employ only CAMTC-certified massage therapists gave massage therapists preferred status over other professions and effectively eliminated local jurisdictions ability to regulate these businesses at all. Local jurisdictions reported that illegitimate businesses found ways "to work within the confines of SB 731 by requiring one or two persons in their establishment to have a certification because they know they cannot be regulated if they are CAMTC certified." Because local jurisdictions were preempted from enacting local ordinances governing zoning, business licensing or health and safety requirement for massage therapy businesses employing CAMTC-certified massage therapists, illegitimate businesses working under the guise of massage therapy were able to proliferate. [4]

As a result of the 2014 sunset review of the CAMTC, AB 1147 (Bonilla, Chapter 406, Statutes of 2014) made numerous changes to the Act and granted the CAMTC a two-year sunset extension. Notably, AB 1147 shifted regulatory oversight of businesses back to cities and counties to regulate land use for massage establishments and businesses. AB 1147 also established restrictions on local government's ability to regulate certified massage professionals within the

[3] Kolpitcke, Kirstin, "Regulating the Massage Industry: Challenges and Opportunities," Western City Magazine, (March 2014).
[4] League of California Cities, "AB 1147 Notice of Oppose, Unless Amended," (April 29, 2013).

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Government Code (GC), including prohibiting local governments from imposing requirements that certified massage professionals take any test, medical examination, background check, or otherwise comply with any additional education requirements or impose any requirements that certified massage professionals obtain any other license, permit, certificate or authorization to provide massage for compensation, excluding requirements in excess of what is already considered unprofessional conduct by the CAMTC.

Since the passage of AB 1147, cities and counties throughout California have implemented new ordinances aimed at regulating massage therapy businesses. During its 2016 sunset review, the CAMTC noted that it has received reports from sole practitioners that the statutory changes in AB 1147 have been applied and interpreted by cities and counties in a manner that is harming them.[5] In 2017, the CAMTC conducted a survey of CAMTC certificate holders regarding local governments' implementation of the Act.[6] Those surveyed were asked if they believed the city or county in which they practice has been "imposing and enforcing only reasonable and necessary fees and regulations on massage businesses and certified massage professionals" and 24.93% of respondents answered "NO". Additionally, 46.65% of respondents reported that the city and county in which they work required them to be fingerprinted or pass a background check in addition to the fingerprinting and background check required for CAMTC certification.

Initially there were some cities that implemented moratorium requirements to prevent establishments from operating within their jurisdictions, but it now appears that those cities have recently been moving towards passing ordinances to more closely regulate massage therapy businesses without placing a broader moratorium on allowing establishments within their cities.

Recently, the CAMTC has begun working directly with local jurisdictions to provide technical assistance on implementing policies and programs that are most effective for the regulation of the massage therapy profession. In October 2015, the CAMTC began a statewide outreach initiative to local law enforcement agencies offering to strengthen collaboration by coordinating enforcement protocols, increasing information sharing, and providing no-cost training for law enforcement. On March 12, 2018, the California Police Chiefs Association (Cal Chiefs) and the CAMTC announced a strategic partnership in order to increase cooperation, information exchange, and expertise between the two agencies.

<u>Examples of Concerns Raised</u>

The Senate Committee on Business, Professions and Economic Development (Committee) has received concerns from CAMTC-certified massage practitioners throughout California regarding new ordinances imposed by local governments on the business and practice of massage therapy. The Committee has been informed that some local jurisdictions have passed ordinances requiring conditional use permits, establishment permits, or business licenses often with associated fees. The City of Chino requires a special conditional use permit with an accompanying fee of an

[5] Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions, "Background Paper for the California Massage Therapy Council," (March 14, 2014).
[6] California Massage Therapy Council, "CAMTC Certificate Holder Survey Report 2017: A Survey Summary Report Requested by the California State Legislature About Local Governments' Implementation of the Massage Therapy Act," (December 2017).

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estimated $2,966.00. The City of Ontario requires a conditional use permit for an estimated fee of $2,869.00. Kern County requires all massage therapists operating businesses in the unincorporated areas of the County to obtain an annual massage establishment permit for an estimated fee of $1,600. The City of Temecula requires a massage establishment permit for an initial estimated fee of $656.00 that must be renewed each year for an estimate of $266.00. The City of Sunnyvale requires an estimated $1,000-per-year massage establishment license to cover, in part, the requirement that the massage businesses be inspected by two armed officers. The City of Novato requires massage therapists to obtain a "police massage permit" for an estimated fee of $274.00, which CAMTC-certified massage therapist are no longer exempt from.

The Committee has also been informed that some local jurisdictions have imposed zoning restrictions and spacing requirements for massage establishments. For example, the City of Simi Valley and the City of Chino both require that massage therapy businesses be located at least 500 feet apart. The City of Pasadena also requires massage establishments be a minimum of 500 feet from another massage establishment, personal service restricted use, pawnshop, or sexually oriented business and a minimum of 250 feet away from a residential district. The City of Long Beach prohibits massage therapy as its own business entity, instead requiring massage therapy to be an accessory to another business, such as a health club, hotel with one hundred or more rooms, beauty salons, barber shops, chiropractors' offices, or medical doctors' offices.

Similarly, the Committee has been informed that some jurisdictions have instituted restrictions or bans on out-call massage therapy. For example, the City of Huntington Beach bans massage therapy in a hotel or motel room, or in the private residence of the massage therapist. The City of Temecula prohibits massage in residential locations or anywhere where someone sleeps, such as resorts or hotels, and requires out-call services to be scheduled through a massage establishment, effectively making it illegal for an independent contractor to perform an out-call massage. The City of Murrieta prohibits massage establishments from having more than 40 percent of revenue from out-call or mobile massage and requires massage therapists to be affiliated with a city-permitted establishment in order to practice, therefore prohibiting independent contractors and individuals who are not employees from working as a massage therapist within the city.

In order to become CAMTC-certified as a massage therapist, applicants must successfully pass a background investigation[7] and local jurisdictions are prohibited from enacting ordinances that require CAMTC-certified individuals from taking any additional test, medical examination, or background check.[8] The Committee has been informed that several jurisdictions require background checks (live scan) in addition to completing the background check required to obtain CAMTC certification. The City of Temecula requires all individuals who practice massage within the city, including CAMTC-certified massage therapists, to obtain a massage technician permit, which requires the individual to complete a background check, in-person investigative interview, live scan, and obtain a health certificate to verify the therapist does not have a contagious or communicable disease. The City of Costa Mesa requires an establishment permit from the police department, with an accompanying criminal history check and fingerprints submission, for anyone practicing massage within the city, including CAMTC-certified sole

[7] Business and Professions Code § 4604(a)(4)
[8] Government Code § 51034(c)(8)

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practitioners who are already required to undergo a background check to become certified. The City of Costa Mesa also requires all massage therapists to wear a photo identification badge issued by the police department at all times when present in a massage establishment.

3. Illegitimate Massage Businesses and Human Trafficking

Background

According to the California Attorney General's report, *The State of Human Trafficking in California 2012*, human trafficking happens in various forms and can involve activities such as recruiting, smuggling, transporting, harboring, buying, or selling persons for prostitution, domestic servitude, and sweatshop labor.[9] The Attorney General's report also noted that sex trafficking can occur in a number of places, including brothels disguised as "massage parlors." In June 2016, the Committees held an informational hearing entitled, *The Role of Regulated Professions in Combatting Human Trafficking*. In the background paper for the hearing, the Committees noted the ongoing issue surrounding trafficking and its relationship with businesses, including the profession of massage therapy.[10]

In January 2018, the Polaris Project, a nation-wide, anti-human trafficking organization, released a report entitled *Human Trafficking in Illicit Massage Businesses.*[11] Through analyzing more than 32,000 human trafficking cases reported to the National Human Trafficking Resources Center Hotline (NHTRCH), which Polaris administers, Polaris found that trafficking related to "massage parlors" was second in prevalence only to trafficking in escort services. Additionally, Polaris found that more than 9,000 illicit massage businesses exist in the United States, bringing in approximately $2.5 billion annually. Polaris believes that California is home to over 35 percent of the country's illicit massage businesses, or around 3,000 illicit businesses, and contains two of the three main cities in the country through which victims are recruited: San Francisco and Los Angeles. The report detailed that illicit massage businesses are typically part of a larger network of illicit businesses that span internationally. Most commonly, women are recruited into "massage parlor" trafficking from China or South Korea under the guise of legitimate work. These women typically speak little to no English and are trafficked through the use of force, fraud, and coercion.

On November 16, 2017, the CAMTC issued a response to the Polaris Project's findings. The CAMTC stated that in reviewing its data it "does not have evidence that its certificate holders are either victims or perpetrators of human trafficking" and that "no CAMTC certificate holder has a criminal conviction for human trafficking and no certificate individual has stated to CAMTC that they have been trafficked."

The CAMTC's role in helping fight against human trafficking has been raised as an issue during the past two sunset reviews of the CAMTC and there have been various statutory changes to the

[9] Office of the Attorney General. "The State of Human Trafficking in California 2012," (2012).
[10] Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions, "Background Paper on the Role of Regulated Professions in Combatting Human Trafficking," (June 8, 2016).
[11] Polaris Project, "Human Trafficking in Illicit Massage Businesses," (2018).

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Act aimed at strengthening the CAMTC's ability to help address illicit massage businesses. AB 1147 reconstituted the CAMTC board to reduce the total number of authorized members from 20 to 13 and increased the diversity of the CAMTC board by making the seats available to a broader array of stakeholder, including public health representatives and anti-human trafficking advocates. The CAMTC is also authorized to discipline an owner or operator of a massage business or establishment who is certified for the conduct of all individuals providing massage for compensation on the business premise.[12] Additionally, the CAMTC may deny an application for certification or impose disciplinary conditions on a certificate holder for unprofessional conduct, which includes, but is not limited to, engaging in sexually suggestive advertising related to massage services and engaging in sexual activity while providing massage for compensation.[13]

4. Reports of Sexual Assault in Massage Therapy Establishments and Enforcement Opportunities

Background

Sexual harassment and sexual assault in massage therapy presents a problem to massage therapy practitioners, businesses owners, and state regulatory bodies on how to best prevent and handle such instances, as in other professions. Sexual harassment and assault can occur in all types of massage therapy businesses, from large, mutli-spa franchises to individual private practices, by practitioners of any gender, and against both massage therapy clients and massage therapists themselves.

In November 2017, the issue of sexual assault in the massage therapy industry came to national attention after *BuzzFeed News* reported that more than 180 people had filed sexual assault lawsuits, police reports, and state board complaints against the national massage chain, Massage Envy, as well as the individual spas and employees within the company.[14] Several of the complaints of sexual assault occurred in Massage Envy spas in California. In December 2014, a woman in Riverside claimed that her massage therapist inappropriately massaged touched her breasts during a prenatal massage. In November 2013, a massage therapist at the Massage Envy spa in Menifee claimed that a fellow massage therapist touched her vagina while she was getting a massage and that the PTSD from the experience has left her unable to work as a massage therapist.[15] In October 2016, another woman claimed that a massage therapist exposed himself and inappropriately touched her during an appointment at the Elk Grove Florin Road Massage Envy spa.[16] In 2014, CBS2 News reported on sexual assault claims made against massage therapists around Southern California, including in Glendale, Laguna Beach, and Seal Beach.[17]

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[12] Business and Professions Code § 4607
[13] Business and Professions Code §§ 4607, 4609(a)(1)(A),(C)
[14] Baker, Katie J.M., "More Than 180 Women Have Reported Sexual Assaults at Massage Envy," BuzzFeed News, (November 26, 2017).
[15] Lara, Jovana and Lisa Bartley, "SoCal woman tells of alleged sexual assault at Massage Envy," ABC 7 Investigations, (November 27, 2017).
[16] "2 women sue Massage Envy for sexual assault in Sacramento County," KCRA 3, (November 27, 2017)
[17] Goldstein, David, "Clients Claim Unwanted Sexual Advances During Massage At Spa Chain," CBS Los Angeles, (September 23, 2014)

Following the *BuzzFeed* report, Massage Envy announced a six-point plan to ensure the safety of clients. The plan included implementing updated background screening for all massage therapists on an annual basis and instituting an automated, third party system with Universal Background Screening; requiring franchisees to provide clients that report a sexual assault the contact information for local law enforcement and offer a private room to complete the call; creating a list of independent third-party resources for franchisees in their investigations of sexual assault claims; partnering with the Rape, Abuse & Incest National Network (RAINN) to review company reporting and investigation procedures and provide free immediate victim support through the National Sexual Assault Hotline; and creating a Massage Envy Safety Advisory Council that includes representatives from RAINN and Massage Envy sexual assault survivor and advocate Ms. Danielle Dick.

During a survey conducted of stakeholders within the California massage therapy industry, respondents ranked "protecting massage therapy clients from sexual assault or inappropriate behavior" second in importance of possible reasons for regulation of the industry behind "distinguish legitimate massage therapists from prostitutes".[18] In California, as in other states, certification or licensure of massage therapists serves as a way to "make it more difficult for a 'bad actor' to continue to interact with clients" by being able to suspend or revoke certification or licensure. Since California only provides for voluntary certification at the state-level, the CAMTC only has authority over CAMTC certificate holders and applicants, and not over uncertified massage therapists or massage therapy businesses. The CAMTC relies on victims, businesses, and law enforcement reporting sexual assault claims to be able to take any action against certificate holders but there is no law requiring massage therapy businesses report sexual assaults committed within, by, or against their employees or contractors. Those who wish to file a complaint against a CAMTC certificate holder or applicant can submit a formal complaint to complaints@camtc.org, as detailed on the CAMTC's website. If the CAMTC investigates a complaint against a certificate holder, the individual making the complaint may be required to provide a signed declaration under penalty of perjury, testify to the allegations, explain the individual's relationship to the massage professional, and provide any other evidence in the individual's possession.

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5. Recent Improvements to the Certification and School Approval Process of the California Massage Therapy Council

Background

Improvements to the Certification Process

AB 731 established a two-tier certification system in order to provide a pathway to certification for many massage professionals who had been practicing in California prior to the state-wide voluntary certification program. The CAMTC offered a Conditional Certified Massage Practitioner (CCMP) certification as a way to "grandfather in" professionals who had been engaged in the massage profession and who had less than 250 hours of education, in addition to the Certified Massage Therapists (CMT) certification. A CCMP designee was required to

[18] Blue Sky Consulting Group, "Licensure or Certification? A Feasibility Study for Licensure for Massage Therapists in California," (December 21, 2016).

provide evidence of completing at least 30 hours of continuing massage education per year until the massage education totaled 250 hours. Once an applicant had completed a minimum of 250 hours of massage education, from an approved school, the applicant would be eligible to apply for certification as a massage practitioner.

In 2014, AB 1147 eliminated the two-tier system in favor of a single pathway towards certification as a CMT to raise the professional standards in California. In order to further standardize the practice of massage therapy, AB 1147 also established the new requirements for certification that all applicants complete a minimum of 500 hours of education from an approved school, 100 of which must address anatomy and physiology, contraindications, health and hygiene, and business and ethics; pass a massage and bodywork competency assessment examination that is approved by the CAMTC Board; and pass a background investigation. In addition, AB 1147 provided that the CAMTC Board could establish reasonable fees to carry out its responsibilities and duties but that the fees for certification or renewal could not exceed $300. Two years later, the 2016 CAMTC sunset bill, AB 2194 (Salas, Chapter 411, Statutes of 2016) codified existing intent language requiring the fees imposed on massage businesses and establishments by local governments be reasonable and necessary and allowed for applicants to challenge a denial or discipline decision within 90 days instead of one year.

Currently, in order to obtain a CAMTC certification, an applicant must: 1) be 18 years or older; 2) pay a $150 fee; 3) submit fingerprints for a Live Scan; 4) pass one of the CAMTC approved exams, which include the Massage and Bodywork Licensing Exam (MBLEx), the Board Certification Exam in therapeutic Massage and Bodywork (BCETMB), the National Certification for Therapeutic Massage and Bodywork (NCETMB), or the New York State Massage Therapy Examination; 5) successfully complete a minimum of 500 hours of education from a CAMTC approved school; and 6) have not violated any of the provision of the Act or any CAMTC policies, procedures, or regulations.

Out-of-state applicants must have received education and training that was, at a minimum, substantially equivalent to the requirements applied to California school programs. Whether the education institutions has been approved by the national, regional, or state authority with responsibility for vocation program approvals is looked at in order to determine educational program equivalence. The status of out-of-state massage school programs can readily be determined by the CAMTC for each of the 50 U.S. states, U.S. territories, and the Canadian provinces of Ontario, British Columbia, Nova Scotia, and Newfoundland and Labrador.

CAMTC certification is valid for two years, at which time certificate holders are required to apply for recertification. The fee for recertification is $150, the same as the cost of certification. Continuing education is not required for recertification.

Improvements to the School Approval Process

Under the original Act enacted through SB 731, the CAMTC did not proactively approve massage therapy schools, but rather unapproved a school if it found that the school was engaging in inappropriate behavior or did not meet the minimum standards for training and curriculum. Effectively, as long as a school was approved by one of the specified entities, then the school

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was also approved by the CAMTC until it had reason to unapprove the school. Schools could be disapproved for selling or offering to sell transcripts, failing to require students to attend the classes listed on the transcript, failing to require students to attend all hours listed on the transcript, or engaging in fraudulent practices.

During the 2014 sunset review, the CAMTC's reactive school approval process was raised as an issue. The sunset review report recommended that the CAMTC take proactive steps to improve their current complaint-driven unapproval process, and instead find a more proactive-based approval process. In response, AB 1147 amended the Act to require that CAMTC develop policies, procedures, rules, or bylaws governing the requirements and process for the approval and unapproval of schools, including any corrective action required to return a school to approved status.[19] The bill also provided the CAMTC with explicit authority to establish a reasonable fee for the inspection or approval of schools.

Under the new system, in order for a school to be eligible for CAMTC approval they must meet the requirements specified in the CAMTC's Procedures for Approval of Schools, including: 1) offering at least one eligible program clearly identified as a professional massage program that grants a certificate, diploma, or degree in massage; 2) providing an organized plan of study of massage for a minimum of 500 supervised hours; 3) not currently having been un-approved by the CAMTC; and 4) be approved by the Bureau for Private Postsecondary Education (BPPE), DCA, the organization that accredit junior and community colleges, or be administered through the California State University or University of California system.

Applications for the CAMTC school approval became available on April 1, 2015, and schools that applied before the deadline and were approved were notified of the approval on or before July 1, 2016. Schools are currently required to complete an application packet, pay a non-refundable $1,500 application fee and any required background check fees, and host a scheduled site visit. The initial $1,500 application fee provides for a full two-year initial approval period. If the school has had no disciplinary action taken against it by the CAMTC and no break in the approval period, the school can apply for re-approval by paying a $3,000 re-approval fee that provides for a four-year CAMTC approval. The most recent policies and procedures for the approval of schools were updated on February 22, 2018.

As of April 24, 2018, there are 94 CAMTC-approved massage schools, zero CAMTC provisionally approved schools, 51 pending applications received for CAMTC approval, four schools denied CAMTC approval, and 77 schools that have been un-approved by the CAMTC.

Concerns Raised

Beginning July 1, 2016, the CAMTC began to only accept education from schools that received approval by the CAMTC. As of late 2015, the CAMTC had not recognized education earned by 62 schools since 2009, and identified and listed seven other schools for which students must provide additional proof of adequate education (beyond a transcript and diploma) when applying for certification. However, according to the CAMTC, a number of schools either failed to apply for the CAMTC approval or were denied approval by the CAMTC. Historically, when the

[19] Business and Professions Code § 4615(b)

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CAMTC unapproved a school, it would impose a 90-day grace period from the effective date of unapproval, during which time students could apply for certification using education from that school (they were also required to provide additional proof of adequate education). This policy changed for those students who applied on or after July 1, 2016.

In response to concerns raised to the CAMTC from some students who felt that the new policy of not accepting any credits earned by a school without CAMTC approval and the lack of a grace period was unduly harsh, the CAMTC changed its procedures in March 2017 to allow a full 90-day grace period, at a minimum, to be provided, allowing students to apply for certification with education from recently unapproved schools as long as the individual's application is received within 90 days from the date the CAMTC made the change to its policies, or the effective date of unapproval, whichever is later. Students in these circumstances must still provide additional proof of adequate education. Last year, the Governor signed SB 314 (Nguyen, Chapter 266, Statutes of 2017) into law which requires the CAMTC to accept hours earned by a massage therapy applicant if those hours were completed before July 1, 2016, and were earned from a school providing education in the state that was unapproved by the council after July 1, 2016, based solely on the fact that the National Certification Board for Therapeutic Massage and Bodywork took denial or disciplinary action against the school.

The Committee has been made aware of current concerns regarding the CAMTC's certification and school approval process. Stakeholders have notified the Committee that the timeframe between the submission of an application and certification for new applicants can take upward of four months. Similarly, some stakeholders have reported that recent CAMTC policy changes in regards to education requirements (i.e. elective courses, which schools the CAMTC will accept training hours from) have left some students waiting for extended periods of time for their application to be processed or unable to apply for CAMTC certification altogether. Stakeholders have also raised issues with a reported lack of communication between the CAMTC and schools about the frequent changes in the school approval and reapproval process and the ambiguity in the CAMTC's school approval and reapproval process timeframes, which can reportedly take anywhere from three months to a few years. In addition, inconsistencies in terminology and requirements between the BPPE and the CAMTC have created hardships for schools to stay in compliance with both regulatory agencies.

In July 2017, the Federation of State Massage Therapy (Federation) Board revised its education policy for individuals who apply to take the MBLEX. According to the Federation's website, the policy requires candidates for the MBLEX to have received education from an "approved massage therapy education program." An approved massage therapy education program is one that is approved or recognized by the state board or agency authorized to regulate massage therapy in the state in which the school is located.[20] As a result, students who attend or have attended a school that is currently pending approval from the CAMTC or a school which was denied approval by the CAMTC is not permitted to take the MBLEX, which is one of the few approved examinations by the CAMTC necessary for an individual to obtain certification.

[20] Federation of State Massage Therapy Boards, "Massage Education Policy FAQs," (2017).

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At the CAMTC's February 22, 2018 Board of Directors Meeting, the Board voted to cease accepting massage education received outside of the United States. The CAMTC's legal counsel determined that accepting education outside of the United States violates the Act.[21]

6. Recommended Best Practices: Registration of Massage Establishments and Local Governance

This hearing is intended to examine the current regulatory structure of massage therapy in California through the discussion of the multifaceted regulatory structures for massage businesses at the local level. This hearing will provide an opportunity for the Committee to explore the disciplinary process for those individuals who are certified by the CAMTC, and gain further insight into the problematic issue of human trafficking and illicit enterprises, and potential ways to address this issue. This hearing will also focus on the current process for certifying individuals and approving schools while identifying if there are any challenges or restraints in that process. Ultimately, this hearing should provide guidance to the Committee and the Legislature about whether or not additional legislation or other changes may be necessary to improve or address the regulatory structure of the massage therapy profession in California today.

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[21] Business and Professions Code §§ 4601(a), 4604(a)

Review Tabled Applications

PUBLIC

B.B.

PUBLIC

S.C.

PUBLIC

X.L.

PUBLIC

New Business

PUBLIC

Alaska Commission on Postsecondary Education

Current Approvals

PUBLIC

From:	Kussart, Kierke A (ACPE)
To:	Dulebohn, Dawn L (CED)
Subject:	Alaska Institute
Date:	Friday, July 27, 2018 4:26:06 PM
Attachments:	AI certificates.pdf

Good afternoon,

At the regular meeting of the Alaska Commission of Postsecondary Education on July 24th, the Alaska Institute of Oriental Medicine, Acupuncture & Massage Therapy's reauthorization was approved for 2 years and 3 months, through October 31, 2020. Please find attached the renewal certificates for your records.

Have a lovely weekend!

Regards,

Kierke A Kussart
Institutional Authorization
Alaska Commission on Postsecondary Education
907-465-6741
907-465-5316 (fax)

From: Kussart, Kierke A (ACPE)
To: Dulebohn, Dawn L (CED)
Subject: RE: Alaska Institute
Date: Tuesday, July 31, 2018 4:53:59 PM

Hello,

Alaska Career College is authorized through January 31, 2022. Alaska Academy of Advanced Cosmetology is authorized through October 31, 2018 and their renewal application will be on the October 30th meeting agenda of the Commission.

Regards,

Kierke A Kussart
Institutional Authorization
Alaska Commission on Postsecondary Education
907-465-6741
907-465-5316 (fax)

From: Dulebohn, Dawn L (CED)
Sent: Tuesday, July 31, 2018 10:49 AM
To: Kussart, Kierke A (ACPE) <kierke.kussart@alaska.gov>
Subject: RE: Alaska Institute

Hello Kierke,

Thank you for that update. Could you please tell me the expiration dates for the other two ACPE approved schools
(Alaska Career College and Alaska Academy of Advanced Cosmetology) so I may add that information to my records?

Best Regards,

Dawn Dulebohn

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

FSMTB National Database (MTLD)

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Administrative Business

PUBLIC

Meeting Calendar

PUBLIC

State of Alaska

2018 HOLIDAY CALENDAR

State Holidays

Date	Holiday
01/01	New Year's Day
01/15	MLK Jr.'s Birthday
02/19	Presidents' Day
03/26	Seward's Day
05/28	Memorial Day
07/04	Independence Day
09/03	Labor Day
10/18	Alaska Day
11/11	Veterans' Day (observed 11/12)
11/22	Thanksgiving Day
12/25	Christmas Day

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

Holiday

~~UNAVAILABLE~~

NEARLY UNAVAILABLE

APR MEETING

MAS MEETING

State calendar maintained by the Division of Finance, Department of Administration
http://doa.alaska.gov/calendars.html
Rev. 7/10/2017

PUBLIC

JANUARY

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FEBRUARY

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NOVEMBER

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STATE OF ALASKA

2019

HOLIDAY CALENDAR

PUBLIC

State Holidays

Date	Holiday
01/01	New Year's Day
01/21	MLK Jr.'s Birthday
02/18	Presidents' Day
03/25	Seward's Day
05/27	Memorial Day
07/04	Independence Day
09/02	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/28	Thanksgiving Day
12/25	Christmas Day

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

Holiday

NEARLY UNAVAILABLE ~~Unavailable~~

APR MEETING MAS MEETING

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

JANUARY

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FEBRUARY

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MARCH

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APRIL

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JULY

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AUGUST

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SEPTEMBER

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OCTOBER

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NOVEMBER

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DECEMBER

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Document Signing by Chair

PUBLIC

March 2018 Minutes

PUBLIC

The Board reviewed the tabled application of W.S. and determined that because she was licensed in California on November 20, 2012 (which was prior to the time of state accreditation of schools) it is recommended by the California Massage Therapy Council and this Board, to review her transcripts and verify if the school she attended was accredited or not.

In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the application for a massage therapist license for Wenjun Shan PENDING the verification of educational credentials by transcript according to statute AS 08.61.040(9)(A)(B) "the board shall issue a license to practice massage therapy to a person who is currently 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 certified by a certification entity approve d by the board."

The Board reviewed the tabled application and Investigative Memo for H.S. and found that she was cleared by Investigations to move forward to the Board for review. The Board found that her school is not accredited and it is on a "pending approval list" which means it still need to be reviewed and will not retroactively be approved. At the time she was in school, it was not accredited. The applicant is free to reapply at any point that Milpitas Massage College receives accreditation.

In a motion made by Ron Gibbs, seconded by Traci Gilmour, and passed unanimously with a roll call vote, it was RESOLVED to DENY the application for a massage therapist license for Hsin Shao according to AS 08.61.030(3)(A) "the board shall issue a license to practice massage therapy to a person who furnishes evidence satisfactory to the board that the person has completed a course of study of at least 500 hours of in-class supervised instruction and clinical work from an approved massage school"

At this time the Board concluded all scheduled Board business.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously, it was RESOLVED to adjourn.

Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended at 2:26 p.m.

Respectfully Submitted,

Dawn Dulebohn, Licensing Examiner — **Date** 7/31/18

David Edwards-Smith, Boards Chair — **Date** 7-6-18

Business Practices and professional development Medical terminology	
Ethics and law: local and state laws, therapeutic relationships, professional boundaries	**40**
***the Board reserves the right to adjust these numbers if the total program hours change	

In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a roll call vote, it was RESOLVED to send draft amendment language to the Regulations Specialist to create a regulations project to define massage school by utilizing the adopted Board Breakdown of Massage Curriculum and its four categories Anatomy and Physiology, Pathology, and Kinesiology, Massage Theory and Practical Application, Clinical Practice, and Ethics and Law referencing statute AS 08.61.020(2)(A) and AS 08.61.100(1).

At this time the Board concluded all scheduled Board business.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously, it was RESOLVED to adjourn.

Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended at 2:26 p.m.

Respectfully Submitted,

_____ _____

Dawn Dulebohn, Licensing Examiner **Date**

_____ _____

David Edwards-Smith, Boards Chair **Date**

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2018 Annual Report

PUBLIC

Annual Report

Fiscal Year 2018

ALASKA BOARD OF MASSAGE THERAPISTS

PUBLIC

Department of Commerce, Community and Economic Development

Division of Corporations, Business and Professional Licensing

This annual performance report is presented in accordance with Alaska statute AS 08.01.070(10).

Its purpose is to report the accomplishments, activities, and the past and present needs of the licensing program.

ALASKA BOARD OF MASSAGE THERAPISTS
FY 2018 Annual Report

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Identification of the Board	**Page 1**
Identification of the Staff	**Page 2**
Narrative Statement	**Page 3**
Budget Recommendations	**Page 4**
Proposed Legislative Recommendations	**Page 8**
Regulatory Recommendations	**Page 9**
Goals and Objectives	**Page 10**
Sunset Audit Recommendations	**Page 12**

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ALASKA BOARD OF MASSAGE THERAPISTS
FY 2018 Annual Report

Identification of the Board

Board Member	Duty Station	Date Appointed	Term Expires
David Edwards-Smith, Board Chair Licensed Massage Therapist	Soldotna	Nov 25, 2014	Mar 1, 2022
Ron Gibbs Licensed Massage Therapist	Kodiak	Nov 25, 2014	Mar 01, 2020
Traci Gilmour Licensed Massage Therapist	Juneau	Nov 25, 2014	Mar 01, 2021
Jill Motz Licensed Massage Therapist	Wasilla	Jan 23, 2017	Mar 01, 2022

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ALASKA BOARD OF MASSAGE THERAPISTS
FY 2018 Annual Report

Identification of Staff

Dawn Dulebohn – Licensing Examiner 10/16/2017- Present
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-3811

Dawn Hannasch – Licensing Examiner 12/01/2016-10/16/2017
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-3811

Renee Hoffard – Records and Licensing Supervisor 06/01/2017-Present
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-3811

Autumn Roark – Investigator
Division of Corporations, Business and Professional Licensing
Investigations Section
550 West 7th Avenue, Suite 1500
Anchorage, AK 99501-3567
Phone: (907) 269-8177

Jasmin Bautista – Investigator
Division of Corporations, Business and Professional Licensing
Investigations Section
550 West 7th Avenue, Suite 1500
Anchorage, AK 99501-3567
Phone: (907) 269-8026

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ALASKA BOARD OF MASSAGE THERAPISTS
FY 2018 Annual Report

Narrative Statement

The State of Alaska Board of Massage Therapists has been focused on achieving several goals as this new board focuses on both the challenges and opportunities for Alaskans presented by this new program. The Board has met seven times which included four teleconference meetings. The Division has received a total of 1525 applications since the beginning of the massage licensing program with a total of 1300 licenses issued and 954 license renewals. The Board has worked to make recommendations to improve our application process, public protection in the form of regulation and legislative recommendations, the adoption of a disciplinary fine schedules and a regulations projects involving education curriculum requirements.

This Board has been a successful team of experts in the massage therapy profession that have served Alaska as they achieved several goals. This Board has now approved a total of 1300 licenses. The Board continues to grow as we become more experienced with the application process.

Licensing Renewal
The Board and Division completed the first licensing renewal cycle. This renewal cycle resulted in the renewal of 954 massage therapy licenses.

Apprenticeship Program
The Board has proposed regulation for an apprenticeship program framework. The Board only accepts apprenticeship programs that meet COMTA and ELAP standards. This will create a high level of accountability in the profession. This program model that meets COMTA (Commission on Massage Therapy Accreditation) and ELAP (Entry Level Analysis Project) qualifications will create a high level of accountability in the profession.

Continued Education Fine Schedule
The Board has been adapting to the challenges of the first licensing renewal cycle of the massage therapy licensing program. The process also resulted in the adoption of a continued education disciplinary matrix to address incomplete continued education renewal requirements.

Continued Education Provider Guidelines
The board is in the process of adopting guidelines for continued education courses that do not meet board requirements. The guidelines are in accordance with the scope of practice of massage therapist are have been referenced from the National Certification Board of Massage and Bodywork.

Massage Therapy Board Sunset Audit HB275
The Board has successfully completed the first sunset audit for this massage therapy licensing program. The board met with legislators and attended committee hearings. The sunset audit was positive overall with recommendations in licensing procedures and fingerprint card procedures. HB275 was passed by the legislature and signed by the Governor with a recommended six-year extension of the program.

HB110
The board has worked with the legislature with recommendations in statute changes that served to strengthen the massage therapy program. The recommendations were focused on the modernization of education requirements, reduction of the burden of fingerprinting requirements of applications, normalization of the bloodborne pathogen educations requirements and implementation of an establishment licensing program that serves to protect the public from human and sex trafficking. HB110 was passed by the legislature and signed by the Governor.

Review of Establishment Regulation Recommendations
The Board reviewed anchorage draft municipal ordinance of massage establishment licensing as a framework for the Alaska Board of Massage Therapist's establishment regulations. This framework was reviewed, edited, improved and adopted as draft regulations. The Board understood that in the event the legislation of massage establishments was enacted that regulations would need to be prepared. These regulation recommendations would serve Alaskan in insuring legal practice and the national standard health and safety practices.

Improvements in communication with applicants
The Board worked with the Division to develop an improved frequently asked web page to address questions regarding this new program. The Board has instituted a quarterly newsletter that informs the public of board action and developing projects.

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ALASKA BOARD OF MASSAGE THERAPISTS
Fiscal Year 2018 Annual Report

Budget Recommendations for FY 2019

The Budget Recommendations section anticipates the board's fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as "other" so they may be tracked appropriately.

#1 Rank (Rank board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
September 11-12, 2018	Teleconference	5	1

☒ Airfare:	$1,300.00
☒ Hotel:	$1,125.00
☒ Ground:	$160.00
☒ Other:	$985.00
Total Estimated Cost:	**$3,570.00**

#2 Rank (Rank board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
December 3-4, 2018	Anchorage	5	1

☐ Airfare:	$0.00
☐ Hotel:	$0.00
☐ Ground:	$0.00
☒ Other: GCI Teleconference	$350.00
Total Estimated Cost:	**$350.00**

#3 Rank (Rank board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
March 2019	Juneau	5	1

☒ Airfare:	$2,100.00
☒ Hotel:	$1,300.00
☒ Ground:	$175.00
☒ Other:	$1,100.00
Total Estimated Cost:	**$4,675.00**

PUBLIC

ALASKA BOARD OF MASSAGE THERAPISTS
Fiscal Year 2018 Annual Report

Budget Recommendations for FY 2019

The Budget Recommendations section anticipates the board's fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as "other" so they may be tracked appropriately.

#4 Rank (Rank board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
June 2019	Teleconference	5	1

☐ Airfare:	$0.00
☐ Hotel:	$0.00
☐ Ground:	$0.00
☒ Other: GCI Teleconference	$350.00
Total Estimated Cost:	**$350.00**

Travel Required to Perform Examinations

☒ Not applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

☐ Airfare:	$0.00
☐ Hotel:	$0.00
☐ Ground:	$0.00
☐ Conference:	$0.00
☐ Other:	$0.00
Describe "Other" (break out all sections):	
Total Estimated Cost:	**$0.00**

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Out-of-State Meetings and Additional In-State Travel

☐ Not applicable

Date	Location	# Board	# Staff
October 4-5, 2018	Salt Lake City, UT	2	0

Description of meeting and its role in supporting the mission of the Board:

FSMTB Conference

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
☒ Airfare:	$766.00	$0.00	$692.00	$1,458.00
☒ Hotel:	$603.00	$0.00	$603.00	$1,206.00
☐ Ground:	$0.00	$0.00	$0.00	$0.00
☒ Conference:	$350.00	$0.00	$0.00	$350.00
☒ Other	$181.00	$181.00	$0.00	$362.00
Describe "Other" (break out all sections):				
Net Total:	**$1,900.00**	**$181.00**	**$1,295.00**	**$3,376.00**

Out-of-State Meetings and Additional In-State Travel

Date	Location	# Board	# Staff
April 2019	Kansas City, MO	0	1

Description of meeting and its role in supporting the mission of the Board:

FSMTB Executive Summit- attend seminars and gain knowledge in fraud, human trafficking, and events of the day.

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
☒ Airfare:	$0.00	$602.00	$0.00	$602.00
☒ Hotel:	$0.00	$0.00	$500.00	$500.00
☒ Ground:	$0.00	$0.00	$75.00	$75.00
☐ Conference:	$0.00	$0.00	$0.00	$0.00
☒ Other	$0.00	$200.00	$0.00	$200.00
Describe "Other" (break out all sections):				
Net Total:	**$0.00**	**$802.00**	**$575.00**	**$1,377.00**

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ALASKA BOARD OF MASSAGE THERAPISTS
Fiscal Year 2018 Annual Report

Budget Recommendations for FY 2019 (continued)

Non-Travel Budget Requests

☒ Not Applicable ☐ Resources ☐ Examinations
☐ Membership ☐ Training ☐ Other

Product or Service	Provider	Cost Per Event
		$0.00

Description of item and its role in supporting the mission of the Board:

Other Items with a Fiscal Impact

Cost Per Event: **$969.00**

☐ **Not Applicable** **Number of Events:** **1**

Product or Service	Provider	Total Cost
FSMTB Membership		$969.00

Description of item and its role in supporting the mission of the Board:
FSMTB is the Federation of State Massage Therapy Boards

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Summary of FY 2019 Fiscal Requests

Board Meetings and Teleconferences:	$8,945.00
Travel for Exams:	$0.00
Out-of-State and Additional In-State Travel:	$4,753.00
Dues, Memberships, Resources, Training:	$0.00
Total Potential Third-Party Offsets:	–$2,853.00
Other:	$969.00
Total Requested:	**$11,814.00**

ALASKA BOARD OF MASSAGE THERAPISTS
Fiscal Year 2018 Annual Report

Legislation Recommendations Proposed Legislation for FY 2019

☐ **No Recommendations**
The Board has no recommendations for proposed legislation at this time.

☒ **Recommendations**
The Board has the following recommendations for proposed legislation:

Licensing Fees and Investigative Costs (HB90)

The Board will continue to support the occupational licensing investigation pro rata investigative cost surcharge as appropriate for all licenses. The Board understands this to be a positive means of fee reduction to occupational licensees.

The Board anticipates regulation changes in the event of legislature changes that may occur with HB110. The Board is prepared to introduce regulation changes for massage establishments, minimum education requirement to 625 hours and a reduction in bloodborne pathogen coursework from 4 to 2 continued education hours.

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ALASKA BOARD OF MASSAGE THERAPISTS
Fiscal Year 2018 Annual Report

Regulation Recommendations Proposed Legislation for FY 2019

☐ **No Recommendations**
The Board has no recommendations for proposed regulations at this time.

☒ **Recommendations**
The Board has the following recommendations for proposed regulations:

Establishment Regulations
HB110 requires the licensing of massage establishments. This regulation will serve the purpose of safeguarding legitimate massage establishments, therapists, and the public from illicit massage establishments and human trafficking activity. The board will recommend regulations to support this statute as we work with resources from national organizations, local and federal law enforcement, the Department of Wage and Labor and the Division of Corporations, Business, and Professional Licensing to develop this regulation project.

Blood borne Pathogen Requirements
HB110 requires two hours of blood borne pathogen education. To be consistent with statute, the Board will recommend a change from four to two hours of the current blood borne pathogen continued education regulation requirement.

Massage Therapy School Curriculum
The board will be proposing a regulation that serves to define massage school curriculum that is approved by the board in accordance with an increase from 500 hours to 625 hours of massage school education as per HB110.

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ALASKA BOARD OF MASSAGE THERAPISTS
Fiscal Year 2018 Annual Report

Goals and Objectives

Part I

FY 2018's goals and objectives, and how they were met:

Objective: HB110

The Board determined that there were necessary updates to statute. These updates included massage establishment licensing, reduction in frequency of fingerprinting requirement upon renewal, reduction of blood borne pathogen education requirements, and modernization of massage school education course hour requirements.

The Board of Massage Therapists successfully worked with legislators, the Division of Corporations, Business, and Professional Licensing, the Department of Wage and Labor and national massage therapy organizations to propose statutory changes that served to protect the public and strengthen the massage therapy licensing program. The board was effective in working with these resources to determine the statutory language recommendations.

Meetings with legislators and attendance of committee hearings were successful as this board became aware of and answered questions or concerns as HB110 was undergoing legislative review.

Objective: Apprenticeship Program

The Board formed a subcommittee that was tasked with communicating with national organizations and studying resources such as the Entry Level Analysis Project to present regulation recommendations to the board.

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Goals and Objectives

Part II

FY 2019's goals and objectives, and proposed methods to achieve them. Describe any stengths, weaknesses, opportunities, threats and required resources:

Establishment Regulation Project

HB110 requires the licensing of massage establishments. This regulation will serve the purpose of safeguarding legitimate massage establishments, therapists, and the public from illicit massage establishments and human trafficking activity. The board will recommend regulations to support this statute as we work with resources from national organizations, local and federal law enforcement, the Department of Wage and Labor and the Division of Corporations, Business, and Professional Licensing to develop this regulation project.

The board will be in attendance of the Federation of State Massage Therapy Board annual meetings. This will be a valuable opportunity to determine strengths and weaknesses of massage establishment licensing programs that have been implemented throughout the United States.

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ALASKA BOARD OF MASSAGE THERAPISTS
Fiscal Year 2018 Annual Report

Sunset Audit Recommendations

Date of Last Legislative Audit: **n/a (new board)**
Board Sunset Date:

Audit Recommendation:	**n/a (new board)**
Action Taken:	
Next Steps:	
Date Completed:	

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FSMTB Annual Meeting

PUBLIC

Correspondence

PUBLIC

New Task List

PUBLIC

Roll Call

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

Member	Appointed	Term Expires
Ron Gibbs *Licensed Massage Therapist*	November 25, 2014	March 1, 2020
Traci K. Gilmour *Licensed Massage Therapist*	November 25, 2014	March 1, 2021
Vacant *Public Member*		March 1, 2017
Chair **David Edwards-Smith** *Licensed Massage Therapist*	November 25, 2014	March 1, 2022
Jill Motz Licensed Massage Therapist	Jan 23, 2017	March 1, 2022

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Review of Agenda

PUBLIC

Alaska Board of Massage Therapists
Robert Atwood Building
550 W. 7th Ave, Suite 1270
Anchorage, Alaska
Conference Line Call In: 1-800-315-6338
Access Code: 14875

September 10, 2018-
September 11, 2018
(if needed)
8:30 a.m.
Meeting Agenda (Draft)

Day 1

Time	**Subject**	**Lead Person(s)**
1. 8:30 a.m.	Call to Order/Roll Call	Chair
2. 8:35 a.m.	Ethics Report	Chair
3. 8:40 a.m.	Review/Approve Agenda	Chair
4. 8:45 a.m.	Review/Approve Past Meeting Minutes	Chair
5. 8:50 a.m.	Old Business • Task List from June 11-12, 2018 • Alaska Human Trafficking Work Group • Alaska Human Trafficking Work Group Report • Response to Complaint Process- Investigations • Review Updated FAQ's • Review Board Breakdown of Massage Curriculum	Chair Motz
6. 9:30 a.m.	Decision on DeFord/Shelden Appeal Case	ALJ Swiderski
7. 10:00 a.m.	Investigative Case Review & Probation Reports; Memos & Consent Agreements (Executive Session, if needed)	Investigators Roark & Bond
8. 10:40 a.m.	Division/Financial Update • Inter-Agency Safety, Hearing/Mediation, and Legal Breakdown • Investigative Cost to Board (Investigations Error)	Deputy Director Chambers
9. 11:00 a.m.	Fingerprinting	Deputy Director Chambers
10. 11:30 a.m.	Continuing Education • Consent Agreements • Continuing Education Content- Review Unacceptable List & Ortho-Bionomy	Paralegal Zimmerman

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Alaska Board of Massage Therapists
Robert Atwood Building
550 W. 7th Ave, Suite 1270
Anchorage, Alaska
Conference Line Call In: 1-800-315-6338
Access Code: 14875

September 10, 2018-
September 11, 2018
9:00 a.m.
Meeting Agenda (Draft)

Day 1 (continued)

Time	**Subject**	**Lead Person(s)**
10. 12:00 p.m.	Lunch	
11. 1:15 p.m.	Public Comment	Chair
12. 1:30 p.m.	Board Business	Chair
	• Update on California Massage Therapy Regulations	Gibbs
	• Review Tabled Applications	
13. 2:15 p.m.	New Business	Chair
	• ACPE School Approvals	
	• FSMTB National Database (MTLD)	Simmons
14. 3:15 p.m.	Administrative Business	Chair
	• Meeting Calendar	
	• Document Signing	
	• 2018 Annual Report	
	• FSMTB Annual Meeting	
	• Correspondence	
	• New Task List	
15. 4:00 p.m.	Adjourn or Recess until 9:00 a.m. September 11, 2018	Chair

Day 2

	Time	**Subject**	**Lead Person(s)**
16.	9:00 a.m.	Call to Order/Roll Call	Chair
17.	9:05 a.m.	Review Agenda	Chair
18.	9:10 a.m.	Drafting Language for Potential Regulations Projects	Chair
		• Regulations Questionnaire	
		• Massage Establishment Licensing	McCullough, Francois, Roark, Zinn
		• Classroom Hours via Distance Education	Motz
		• Code of Ethics	
19.	1:00 p.m.	Adjourn	Chair

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Drafting Language
for
Potential Regulations Projects

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Regulations Questionnaire

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Regulation Changes Questionnaire

Division/Board: _____ Meeting Date:_____

Regulation change being proposed: 12 AAC_____

General top of the regulation: _____

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

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

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

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

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Massage Establishment Licensing

PUBLIC

Statutes and Regulations

Barbers and Hairdressers

PUBLIC

Statutes and Regulations

Barbers and Hairdressers

June 2018

PUBLIC

DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

*DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING*

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CHAPTER 13.
BARBERS AND HAIRDRESSERS.

Article

1. **Board of Barbers and Hairdressers (§§ 08.13.010—08.13.050)**
2. **Examination and Licensing (§§ 08.13.070—08.13.195)**
3. **General Provisions (§§ 08.13.210—08.13.220)**

ARTICLE 1.
BOARD OF BARBERS AND HAIRDRESSERS.

Section

10. **Creation and membership of board**
30. **Powers and duties of the board**
40. **Meetings and examinations**
50. **Records of the board**

Sec. 08.13.010. Creation and membership of board. (a) There is created the Board of Barbers and Hairdressers consisting of seven members appointed by the governor.

(b) The board consists of

(1) one person licensed as a barber under this chapter;

(2) one person licensed to practice body piercing or licensed to practice tattooing and permanent cosmetic coloring under this chapter;

(3) two persons licensed as hairdressers under this chapter, one of whom is also licensed as an esthetician under this chapter;

(4) one public member;

(5) one person licensed to practice manicuring under this chapter; and

(6) one person licensed to practice any activity licensed under this chapter.

Sec. 08.13.030. Powers and duties of the board. (a) The board shall exercise general control over the vocations of barbering, hairdressing, manicuring, esthetics, and body piercing and the vocation of tattooing and permanent cosmetic coloring.

(b) The board shall

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

(2) authorize the issuance of licenses for schools of barbering, hairdressing, manicuring, and esthetics;

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

(c) The board may

(1) suspend or revoke a license or permit;

(2) on its own motion or upon receipt of a written complaint, conduct hearings and request the Department of Commerce, Community, and Economic Development or the Department of Environmental Conservation to investigate the practices of a person, shop, or school involved in the practice or teaching of barbering, hairdressing, manicuring, esthetics, body piercing, or tattooing and permanent cosmetic coloring;

(3) adopt regulations or do any act necessary to carry out the provisions of this chapter.

Sec. 08.13.040. Meetings and examinations. The board shall meet as often as necessary to conduct its business. It shall conduct separate examinations covering the following fields of practice: barbering, hairdressing, advanced manicuring, and esthetics. Examinations shall be given at least twice in every year for each of these fields of practice for which applications for licensure or endorsements are pending. An applicant may take an examination in more than one field during the same testing session. The board may not require an applicant for licensure as a manicurist to take or pass an examination conducted by the board for the field of manicuring; however, nothing in this sentence prohibits the board from requiring a licensed manicurist to pass an examination to obtain an optional endorsement as an advanced manicurist under AS 08.13.080(f).

Sec. 08.13.050. Records of the board. The Department of Commerce, Community, and Economic Development shall keep a record of the board's proceedings related to the issuance, refusal, suspension, and revocation of each license and permit. The record shall contain the name of the person to whom a license or permit is issued, the person's place of business, the date of issuance for each license and permit, and whether it is currently valid. The record shall be open to inspection by the public at all reasonable times.

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ARTICLE 2.
EXAMINATION AND LICENSING.

Section

70. License required
80. Qualifications of applicants
82. Apprenticeship
90. Examinations and other requirements
100. License
110. School license
120. Shop license
130. Display of license or permit
140. Lapsed license
150. Disciplinary sanctions and grounds for refusal of a license or permit
160. Application of license requirements
170. Temporary permits
175. Temporary license
180. Student permits
183. Use of title; unlicensed use prohibited
185. Fees
190. Failure to possess a license or permit
195. Civil penalty

Sec. 08.13.070. License required. A person may not

(1) practice barbering, hairdressing, manicuring, esthetics, body piercing, or tattooing and permanent cosmetic coloring without a license, temporary permit, temporary license, or student permit unless exempted under AS 08.13.160 (d);

(2) practice barbering, hairdressing, manicuring, esthetics, body piercing, or tattooing and permanent cosmetic coloring except in a shop or school licensed under this chapter unless exempted under AS 08.13.160 (d) or permitted under AS 08.13.160 (e);

(3) open or conduct a school of barbering, hairdressing, manicuring, or esthetics without a license;

(4) teach in a school of barbering, hairdressing, manicuring, or esthetics, or supervise an apprentice in barbering, hairdressing, or esthetics without an instructor's license;

(5) operate a shop in violation of AS 08.13.120 ;

(6) permit an employee or other person being supervised who is not exempted under AS 08.13.160 (d) to practice barbering, hairdressing, manicuring, esthetics, body piercing, or tattooing and permanent cosmetic coloring without a license, temporary permit, temporary license, or student permit;

(7) permit the use of the person's license, temporary permit, temporary license, or student permit by another person;

(8) obtain or attempt to obtain a license, temporary permit, temporary license, or student permit by fraudulent means.

Sec. 08.13.080. Qualifications of applicants. (a) An applicant for an examination authorized under AS 08.13.040 must

(1) have successfully completed all courses that a school with a curriculum in barbering approved by the board is required to teach in order to be licensed under AS 08.13.110 if applying for a license to practice barbering;

(2) have successfully completed all courses that a school with a curriculum in hairdressing approved by the board is required to teach to be licensed under AS 08.13.110 if applying for a license to practice hairdressing;

(3) have successfully completed all courses that a school with a curriculum in esthetics approved by the board is required to teach in order to be licensed under AS 08.13.110 if applying for a license to practice esthetics;

(4) have served an apprenticeship under AS 08.13.082;

(5) specify the field of practice in which the applicant intends to teach and have held a license to practice in the field for three years or have held a license in the field for one year and have completed 600 hours of student training as an instructor in the field of practice from a licensed school with a curriculum approved by the board if applying for a license as an instructor, except that a person licensed as an instructor in hairdressing may be an instructor in manicuring for courses that satisfy the requirements of (e) of this section, and the board may, by regulation, establish requirements for other manicuring instructors, including instructors who teach courses that satisfy requirements for an advanced manicurist endorsement; or

(6) have completed course work and, if applicable, an apprenticeship acceptable to the board.

(b) *[Repealed, Sec. 12 ch 27 SLA 2015.]*

(c) *[Repealed, Sec. 12 ch 27 SLA 2015.]*

(d) An applicant for a license to practice body piercing or a license to practice tattooing and permanent cosmetic coloring shall

(1) satisfy the training requirement of AS 08.13.082 (d);

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(2) by passing a written examination approved by the board, demonstrate to the board or the board's designee safety, sanitation, sterilization, and aseptic techniques that indicate that the applicant has adequate knowledge of infection control practices and requirements relating either to tattooing and permanent cosmetic coloring or to body piercing, as applicable; this demonstration may, at the option of the board, also include a practical examination in addition to the written examination; and

(3) pay the appropriate fee.

(e) An applicant for a license to practice manicuring shall

(1) submit documentation that the applicant has completed a course of 12 hours of instruction or training approved by the board that addresses health, safety, and hygiene concerns of manicuring customers and practitioners that are relevant to the practice of manicuring from a school licensed under AS 08.13.110 as a school of manicuring; documentation of completion of the course must include certification from the school that the applicant has passed a test given by the school covering the health, safety, and hygiene concerns of manicuring customers and practitioners that are relevant to the practice of manicuring; and

(2) pay the appropriate fee.

(f) An applicant for an endorsement to a license to practice manicuring or hairdressing indicating that the person is an advanced manicurist shall

(1) hold, or be approved for, a current license issued under this chapter for manicuring or hairdressing;

(2) request the endorsement;

(3) submit documentation from a licensed school of manicuring or hairdressing certifying completion of 250 hours of instruction in manicuring that meets the requirements of AS 08.13.110(e);

(4) pass an examination given by the board for advanced manicurists; and

(5) pay the appropriate fee.

Sec. 08.13.082. Apprenticeship. (a) The period of apprenticeship required to qualify an applicant for a license to practice barbering is 2,000 hours. The apprenticeship must be served in a shop approved by the board. The apprenticeship may not be completed in less than 12 months from the date of its commencement and must be completed in not more than two years from the date of its commencement.

(b) The period of apprenticeship required to qualify an applicant for a license to practice hairdressing is 2,000 hours. The apprenticeship must be served in a shop approved by the board. The apprenticeship may not be completed in less than one year from the date of its commencement and must be completed in not more than two years from the date of its commencement.

(c) The period of apprenticeship required to qualify an applicant for a license to practice esthetics is 350 hours. The apprenticeship must be served in a shop approved by the board. The apprenticeship may not be completed in less than six months from the date of its commencement and must be completed in not more than one year from the date of its commencement.

(d) The number of hours of training required to qualify an applicant for a license to practice either tattooing and permanent cosmetic coloring or body piercing shall be set by the board in regulations. The trainee must be at least 18 years of age when the training commences. The training required under this subsection

(1) may only be received

(A) in a licensed shop in this state under a person who has a practitioner's license under this chapter in the field in which the trainee seeks training; or

(B) outside the state from a person approved by the board at a site approved by the board;

(2) must include at least 12 hours of training in safety, sanitation, sterilization, aseptic, and other practices necessary to prevent transmission of diseases and infection;

(3) shall be completed in not more than 12 months from the date of its commencement; and

(4) shall be documented by certification from the trainer that the training was successfully completed by the trainee.

(e) *[Repealed, Sec. 12 ch 12 SLA 2017.]*

Sec. 08.13.090. Examinations and other requirements. (a) A written examination shall be given to each applicant for examination at a time and place determined by the board. The board may delegate the power of examination to a committee of the board or a board member.

(b) The written examination must cover subjects designated by the board and must test the applicant's knowledge of sanitary practices, safety of all procedures, and use of instruments, equipment, and chemicals permitted within the field of practice for which the applicant is seeking a license.

(c) The board may by regulation establish requirements for a practical examination for licensure.

Sec. 08.13.100. License. (a) The board shall authorize the issuance of a license for the practice of barbering, hairdressing, or esthetics to each qualified applicant who has passed an examination under AS 08.13.090 and meets other applicable requirements under this chapter. The board shall authorize the issuance of a license for the practice of tattooing and permanent cosmetic coloring or for body piercing to each applicant who has satisfied the requirements of AS 08.13.080(d). The board shall authorize the issuance of a license to practice manicuring to each applicant who has satisfied the requirements of AS 08.13.080(e). The board shall authorize the issuance of an endorsement to a license to practice manicuring or hairdressing indicating that the person is an advanced manicurist to each applicant who has satisfied the requirements of AS 08.13.080(f).

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(b) A practitioner license must state the areas of practice (barbering, hairdressing, manicuring, esthetics, tattooing and permanent cosmetic coloring, or body piercing) that the practitioner is qualified to perform.

(c) The board may by regulation create areas of limited professional licensing in the field of esthetics. Any limitation must be stated on the license.

(d) A person who holds a current valid license from a board of barbering, hairdressing, manicuring, or esthetics in another state or who is licensed by another state to practice tattooing and permanent cosmetic coloring or to practice body piercing is entitled to a license or endorsement under this chapter without examination or a new period of training in this state. An application must include

(1) proof of a valid license issued by another licensing jurisdiction; and

(2) proof of completed training, testing, and working experience that the board finds to meet the minimum requirements of this state.

(e) A person licensed as an instructor is considered to be licensed as a practitioner and is subject to the same requirements that a practitioner is subject to, in the same area for which the person is licensed as an instructor, except that, for purposes of setting fees under AS 08.01.065, the department shall consider instructors to be an occupation separate from practitioners. An instructor license shall state the areas of practice (barbering, hairdressing, manicuring, or esthetics) in which the licensee is qualified to instruct and practice.

Sec. 08.13.110. School license. (a) The board shall adopt regulations for the licensing of schools of barbering, hairdressing, manicuring, and esthetics. The regulations must include details of the curriculum, minimum hours of instruction, physical condition of the facilities, and financial responsibility of the owner. The curriculum required for a school of hairdressing must include the curriculum required for a school of manicuring.

(b) *[Repealed, Sec. 12 ch 27 SLA 2015.]*

(c) *[Repealed, Sec. 12 ch 27 SLA 2015.]*

(d) The board shall issue a license to a school of manicuring if the school offers a curriculum of 12 hours of instruction or training approved by the board that addresses health, safety, and hygiene concerns of manicuring customers and practitioners that are relevant to the practice of manicuring. A school of manicuring may offer instruction in addition to the 12 hours required for a license, but the board may not issue a license to a school of manicuring if the school requires its students to complete more than 12 hours of the required instruction or training in health, safety, and hygiene concerns before the school will certify that the student has completed the school's manicuring course for purposes of AS 08.13.080(e).

(e) A school of manicuring may seek approval from the board for a curriculum designed to qualify students for an advanced manicurist endorsement. The board shall establish the curriculum requirements applicable under this subsection through its authority under (a) of this section.

Sec. 08.13.120. Shop license. (a) The board shall adopt regulations for the licensing of shops. The regulations must require that a shop for tattooing and permanent cosmetic coloring or for body piercing be inspected and certified by the Department of Environmental Conservation as being in compliance with the regulations adopted under AS 44.46.020 before a shop license may be issued under this subsection. A shop owner shall be licensed to operate a shop without examination, but, unless the shop owner is a practitioner, the shop owner may not conduct business without employing a manager who is a practitioner. This subsection does not apply to a shop for the practice of barbering, hairdressing, or esthetics located in a community having a population of less than 1,000 people that is not within 25 miles of a community of more than 1,000 people.

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

Sec. 08.13.130. Display of license or permit. (a) A practitioner shall display the practitioner's license in a conspicuous location in the practitioner's place of business. Each shop owner is responsible for the display of the licenses of employees. A person holding a student permit, temporary license, or temporary permit shall display the permit or license in a conspicuous location in the school in which the person is enrolled or the shop in which the person works. The school or shop owner is responsible for the display of a permit or license for each enrolled student, apprentice, or temporary license holder.

(b) A license issued to a manicurist by the department must state that the manicurist has successfully completed a course of instruction or training in health, safety, and hygiene concerns related to the practice of manicuring.

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Sec. 08.13.140. Lapsed license. A lapsed license may be reinstated if the license has not been lapsed for a period of more than three years, or otherwise at the discretion of the board, and all renewal and delinquent fees for the period during which the license has been lapsed are paid.

Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license or permit. The board may, in addition to the actions authorized under AS 08.01.075, refuse, suspend, or revoke a license, student permit, temporary license, or temporary permit for failure to comply with this chapter, with a regulation adopted under this chapter, with a regulation adopted by the Department of Environmental Conservation under AS 44.46.020, or with an order of the board.

Sec. 08.13.160. Application of license requirements. (a) A person holding a valid license to practice barbering under former AS 08.12 is licensed under this chapter and may continue to practice barbering under the conditions imposed by former AS 08.12 and the regulations adopted under former AS 08.12 until the license expires.

(b) A person holding a valid license under former AS 08.28 may continue to practice under the conditions imposed under former AS 08.28 and the regulations adopted under former AS 08.28 until the license expires.

(c) A person holding a valid license issued under former AS 08.12 or former AS 08.28 shall be entitled upon its expiration to a license to practice under this chapter in the field of practice for which the person was originally licensed, without meeting requirements for new licensure.

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

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

(2) a licensed health care professional;

(3) a person licensed by another licensing jurisdiction in a field of practice licensed by this chapter while demonstrating techniques or products to persons holding licenses or permits under this chapter;

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

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

(e) The board shall adopt regulations to permit a person licensed under this chapter to practice barbering, hairdressing, or esthetics outside a licensed shop or school for limited purposes including

(1) care of clients confined to an institution or health care facility;

(2) care of clients with limited mobility;

(3) participation in charitable events; and

(4) participation in workshops or demonstrations of techniques or products.

(f) A person licensed under this chapter to practice hairdressing is considered to be licensed to practice manicuring and limited esthetics under the same license.

Sec. 08.13.170. Temporary permits. The department shall issue a temporary permit to an applicant for licensing who holds a license to practice barbering, hairdressing, manicuring, esthetics, tattooing and permanent cosmetic coloring, or body piercing in another state. The permit is valid until the board either issues a permanent license or rejects the application. The board shall act on an application within six months.

Sec. 08.13.175. Temporary license. A person who meets the requirements of AS 08.13.080(a)(1), (2), (3), (4), or (6) is entitled to be temporarily licensed after applying for examination under this chapter if the applicant works under the direct supervision, and within the physical presence, of a person who is licensed in the area of practice for which the applicant has applied for examination. A temporary license issued under this section is valid for 120 days and is nonrenewable. A person may not receive more than one temporary license for each area of practice licensed under this chapter. An application for a temporary license must be signed by the supervising licensee and accompanied by the temporary license fee required under AS 08.13.185.

Sec. 08.13.180. Student permits. A person attending a licensed school of barbering, hairdressing, manicuring, or esthetics and a person apprenticed to a licensed instructor in a shop approved by the board or receiving training from a practitioner of tattooing and permanent cosmetic coloring or body piercing shall obtain a student permit. A student permit to practice barbering or hairdressing is valid for two years. A student permit to practice esthetics, tattooing and permanent cosmetic coloring or body piercing is valid for one year. A student permit may not be renewed, but, upon application, the board may issue a new permit to the same person or extend an expired permit to the date of the next scheduled examination. Credit earned under an expired student permit may be transferred to a new permit as determined by the board.

Sec. 08.13.183. Use of title; unlicensed use prohibited. (a) A person licensed to practice manicuring in the state may use the title "licensed nail technician."

(b) A person who uses the title "licensed nail technician" who is not licensed to practice manicuring under this chapter is guilty of a violation.

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Sec. 08.13.185. Fees. (a) The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for initial licenses and renewals for the following:

(1) schools;
(2) school owners;
(3) instructor;
(4) shop owner;
(5) practitioner of barbering;
(6) practitioner of hairdressing;
(7) practitioner of manicuring;
(8) practitioner of esthetics;
(9) practitioner of tattooing and permanent cosmetic coloring;
(10) practitioner of body piercing;
(11) temporary shop license;
(12) temporary permit;
(13) temporary license;
(14) student permit;
(15) endorsement for advanced manicuring.

(b) The department shall set fees under AS 08.01.065 for examination and investigation.

Sec. 08.13.190. Failure to possess a license or permit. (a) A person who practices barbering, hairdressing, esthetics, tattooing and permanent cosmetic coloring or body piercing or operates a shop, or operates a school of barbering, hairdressing, or esthetics, or teaches in a school of barbering, hairdressing, or esthetics, without a license, temporary permit, temporary license, or student permit and who is not exempt under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

(b) A person who practices manicuring, operates a shop for manicuring, operates a school of manicuring, or teaches in a school of manicuring without the appropriate license, temporary permit, temporary license, or student permit and who is not exempt under AS 08.13.120 or 08.13.160(d) is guilty of a violation.

Sec. 08.13.195. Civil penalty. (a) In addition to any other provision of law, if a person violates AS 08.13.070 or 08.13.217, the board may enter an order levying a civil penalty.

(b) A civil penalty levied under this section may not exceed $5,000 for each offense. In levying a civil penalty, the board shall set the amount of the penalty imposed under this section after taking into account appropriate factors, including the seriousness of the violation, the economic benefit resulting from the violation, the history of violations, and other matters the board considers appropriate.

(c) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of issuance of notice by the board, a hearing on the record.

(d) In connection with proceedings under (a) and (b) of this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal with the superior court for judicial review of the penalty under AS 44.62.560 .

(f) If a person fails to pay a civil penalty within 30 days after entry of an order under (a) of this section, or if the order is stayed pending an appeal, within 10 days after the court enters a final judgment in favor of the board of an order appealed under (e) of this section, the board shall notify the attorney general. The attorney general may commence a civil action to recover the amount of the penalty.

(g) An action to enforce an order under this section may be combined with an action for an injunction under AS 08.01.087.

ARTICLE 3.
GENERAL PROVISIONS.

Section

210. Health and sanitary conditions
215. Notification requirements for tattooing and permanent cosmetic coloring and for body piercing
217. Tattooing and permanent cosmetic coloring or body piercing on a minor
220. Definitions

Sec. 08.13.210. Health and sanitary conditions. (a) Health and sanitary conditions in shops and schools of barbering, hairdressing, manicuring, esthetics, tattooing and permanent cosmetic coloring, and body piercing shall be supervised by the Department of Environmental Conservation.

(b) The Department of Environmental Conservation shall conduct an annual inspection of each shop licensed for the practice of tattooing and permanent cosmetic coloring or for the practice of body piercing to ensure that the shop meets the department's standards of cleanliness and sanitation established under AS 44.46.020. If the Department of Environmental Conservation determines that the shop is not in compliance with a regulation of the

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department, the department shall report the violation to the board and take appropriate action under its own regulations.

Sec. 08.13.215. Notification requirements for tattooing and permanent cosmetic coloring and for body piercing. (a) Before performing a tattooing and permanent cosmetic coloring procedure or a body piercing procedure on a client, a practitioner shall give written educational information, approved by the board, to the client.

(b) After completing a tattooing and permanent cosmetic coloring procedure or a body piercing procedure on a client, the practitioner shall give written aftercare instructions, approved by the board, to the client. The written instructions

(1) must include advice to the client to consult a physician at the first sign of infection;

(2) must contain the name, address, and telephone number of the shop where the procedure was performed;

(3) shall be signed and dated by the client and the practitioner; the practitioner shall keep the original and provide a copy to the client.

(c) The owner of a shop for tattooing and permanent cosmetic coloring or for body piercing shall prominently display

(1) a copy of the statement provided by the board under AS 08.13.030(b) that advises the public of the health risks and possible consequences of tattooing and permanent cosmetic coloring or body piercing, as applicable;

(2) the names, addresses, and telephone numbers of the Department of Commerce, Community, and Economic Development and the Department of Environmental Conservation and a description of how a complaint about the shop or a practitioner in the shop may be filed with either entity or with the board.

Sec. 08.13.217. Tattooing and permanent cosmetic coloring or body piercing on a minor. (a) A person may not practice tattooing and permanent cosmetic coloring on a minor.

(b) A person may not practice body piercing on a minor without prior written permission from the minor's parent or legal guardian and the presence of the parent or legal guardian during the body piercing procedure. The person who performs the body piercing shall keep a copy of the written permission on file for at least three years.

(c) A person who with criminal negligence violates this section is guilty of a class B misdemeanor. In this subsection, "criminal negligence" has the meaning given in AS 11.81.900.

Sec. 08.13.220. Definitions. In this chapter,

(1) "apprentice" means a person who receives on-the-job training under direct supervision;

(2) "barbering" means shaving, trimming, or cutting, styling, curling, permanent waving, bleaching, coloring, cleansing, or chemically straightening the beard or hair of a living person for a fee and for cosmetic purposes;

(3) "board" means the Board of Barbers and Hairdressers;

(4) "body piercing" means puncturing the body of a person by aid of needles or other instruments designed to be used to puncture the body for the purpose of inserting jewelry or other objects in or through the human body, except that, for purposes of this chapter, "body piercing" does not include puncturing the external part of the human ear;

(5) "esthetics" means the use of the hands, appliances, cosmetic preparations, antiseptics, or lotions in massaging, cleansing, stimulating, or similar work on the scalp, face or neck, including skin care, make-up, and temporary removal of superfluous hair, for cosmetic purposes for a fee;

(6) "hairdressing" means performing, for a fee, the following services for cosmetic purposes:

(A) trimming or cutting the beard of a living person; and

(B) arranging, styling, dressing, curling, temporary waving, permanent waving, cutting, singeing, bleaching, coloring, cleansing, conditioning, or similar work on the hair of a living person;

(7) "instructor" means a person who teaches barbering, hairdressing, manicuring, or esthetics in a school or who supervises an apprentice in barbering, hairdressing, or esthetics;

(8) “limited esthetics” means to perform for a fee for cosmetic purposes

(A) temporary removal of superfluous hair on the face or neck, including eyebrow arching by use of wax; or

(B) application of makeup or false eyelashes.

(9) "manicuring"

(A) means, for a fee, to

(i) cut, trim, polish, color, tint, or cleanse a natural or artificial nail;

(ii) affix material by artificial means to a natural nail for the addition to or extension of the natural nail;

(iii) cleanse, treat, or beautify the hands or feet for cosmetic purposes; or

(iv) otherwise treat the nails of the hand or foot except as provided in (B) of this paragraph;

(B) notwithstanding (A) of this paragraph, does not include

(i) massage treatment; or

(ii) cleansing, treating, or beautifying the hands or feet solely for the treatment of disease or physical or mental ailments.

(10) "practitioner" means a person licensed to practice barbering, hairdressing, manicuring, esthetics, tattooing and permanent cosmetic coloring, or body piercing under this chapter;

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(11) "shampoo person" means a person who, for a fee and under the supervision of a practitioner of barbering or hairdressing, cleanses or conditions the hair of the human head with products that have no effect other than cleaning or conditioning the hair;

(12) "shop" is an establishment operated for the purpose of engaging in barbering, hairdressing, manicuring, esthetics, tattooing and permanent cosmetic coloring, or body piercing.

(13) "tattooing and permanent cosmetic coloring" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into the dermal layer of the skin so as to form indelible marks, figures, or decorative designs for nonmedical purposes.

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CHAPTER 09.
BOARD OF BARBERS AND HAIRDRESSERS.

Article
1. **Examination Applications and Standards (12 AAC 09.002 – 12 AAC 09.038)**
2. **(Repealed)**
3. **Examinations (12 AAC 09.056 – 12 AAC 09.075)**
4. **Licensing Requirements (12 AAC 09.080 – 12 AAC 09.115)**
5. **Schools and Curriculum (12 AAC 09.120 – 12 AAC 09.175)**
6. **Student Permits, Training, and Apprentices (12 AAC 09.180 – 12 AAC 09.190)**
7. **General Provisions (12 AAC 09.900 – 12 AAC 09.990)**

ARTICLE 1.
EXAMINATION APPLICATIONS AND STANDARDS.

Section
- **02. Review of license applications**
- **03. (Repealed)**
- **04. Courtesy license**
- **05. Application for examination**
- **06. (Repealed)**
- **10. Examination dates**
- **15. (Repealed)**
- **20. Identification of applicant**
- **25. Conduct for examinations**
- **30. Station assigned and equipment**
- **35. Models**
- **38. Computation of grades**

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12 AAC 09.002. REVIEW OF LICENSE APPLICATIONS. (a) An applicant who meets the requirements on the relevant checklist set out in this section has demonstrated the necessary qualifications for the license or permit applied for. An applicant who does not meet the requirements on that checklist or whose application documents do not clearly show that the applicant is qualified to receive a license or permit will not be issued a license or permit unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.13 and this chapter for that license or permit.

(b) The following checklist is established by the board for review of an application for a barber license by examination. A barber license will be issued to an applicant who

(1) submits a completed, notarized form for application under this chapter that includes the

(A) applicant's name and address; and

(B) for each school or apprenticeship where the applicant was trained, the name and address of the school or apprenticeship, the dates of the training, and the number of hours of training completed;

(2) submits original or certified true copies of

(A) student monthly records verifying that the applicant has successfully completed 1,650 hours of training in a school approved by the board;

(B) certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed 1,650 hours of training that included the minimum number of practical operations set out in 12 AAC 09.160 in a school approved by that state's licensing agency;

(C) student monthly records verifying that the applicant has successfully completed 2,000 hours of training in an apprenticeship program approved by the board;

(D) certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed 2,000 hours of training that included the minimum number of practical operations set out in 12 AAC 09.160 in an apprenticeship program approved by that state's licensing agency; or

(E) a combination of the records required in this paragraph that verify the equivalent of 2,000 apprenticeship hours or 1,650 hours of course work when evaluated using the criteria in 12 AAC 09.090(b);

(3) pays the application fee established in 12 AAC 02.140;

(4) pays the written and practical examination fees established in 12 AAC 02.140;

(5) passes the written examination described in 12 AAC 09.056;

(6) passes all subjects of the practical examination described in 12 AAC 09.056; and
(7) pays the initial biennial license fee in 12 AAC 02.140.

(c) The following checklist is established by the board for review of an application for a hairdresser license by examination. A hairdresser license will be issued to an applicant who
(1) submits the documents and fees required by (b)(1) - (4) and (7) of this section;
(2) passes the written examination described in 12 AAC 09.060; and
(3) passes all subjects of the practical examination described in 12 AAC 09.060.

(d) The following checklist is established by the board for review of an application for an esthetics license by examination. An esthetics license will be issued to an applicant who
(1) submits the documents and fees required by (b)(1), (3), (4), and (7) of this section;
(2) submits original or certified true copies of
(A) student monthly records verifying that the applicant has successfully completed 350 hours of training in a school approved by the board;
(B) a certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed 350 hours of training, including the minimum number of practical operations set out in 12 AAC 09.163, in a school approved by that state's licensing agency;
(C) student monthly records verifying that the applicant has successfully completed 350 hours of training in an apprenticeship program approved by the board; or
(D) a certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed 350 hours of training, including the minimum number of practical operations set out in 12 AAC 09.163, in an apprenticeship program approved by that state's licensing agency;
(3) passes the written examination described in 12 AAC 09.065; and
(4) passes all subjects of the practical examination described in 12 AAC 09.065.

(e) The following checklist is established by the board for review of an application for a barber or hairdresser license by waiver of examination. A barber or hairdresser license will be issued to an applicant who
(1) submits the documents and fees required by (b)(1), (3), and (7) of this section;
(2) submits a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant
(A) holds a current license to practice barbering or hairdressing in that state; and
(B) qualified for licensure by passing a written and practical examination;
(3) submits verification of training and work experience that meets the requirements in 12 AAC 09.095(a)(3) or (b).

(f) The following checklist is established by the board for review of an application for an esthetics license by waiver of examination. An esthetics license will be issued to an applicant who submits
(1) the documents and fees required by (b)(1), (b)(3), and (b)(7) of this section;
(2) a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant
(A) holds a current license to practice as an esthetician in that state; and
(B) qualified for licensure as an esthetician by passing a written and practical examination;
(3) verification of training that meets the requirements in 12 AAC 09.100.

(g) The following checklist is established by the board for review of an application for a student permit while attending a licensed school of barbering, hairdressing, or esthetics. A student permit for an applicant attending an approved school will be issued to an applicant who submits
(1) a completed form for application under this chapter;
(2) the application fee established in 12 AAC 02.140;
(3) the permit fee established in 12 AAC 02.140; and
(4) proof of enrollment in a licensed school of barbering, hairdressing, or esthetics.

(h) The following checklist is established by the board for review of an application for a student instructor permit. A student instructor permit will be issued to an applicant who submits
(1) a completed form for application under this chapter;
(2) the application fee established in 12 AAC 02.140;
(3) the permit fee established in 12 AAC 02.140; and
(4) verification of one year of practice as a barber, hairdresser, manicurist, or esthetician that meets the requirements in 12 AAC 09.115.

(i) The following checklist is established by the board for review of an application for an instructor license by examination. An instructor license will be issued to an applicant who
(1) submits the documents and fees required by (b)(1), (3), (4), and (7) of this section;
(2) submits verification of a current license to practice as a barber, hairdresser, manicurist, or esthetician in this state;
(3) submits verification of at least
(A) three years of practice as a licensed barber, hairdresser, esthetician, or manicurist in this state or another jurisdiction; or
(B) one year of practice as a licensed barber, hairdresser, esthetician, or manicurist in this state or another jurisdiction followed by 600 hours of student instructor training in a school approved by the board or another licensing jurisdiction;

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(4) passes the written examination described in 12 AAC 09.070; and

(5) passes the practical examination described in 12 AAC 09.070; a practical examination is not required for a manicurist.

(j) The following checklist is established by the board for review of an application for an instructor license by waiver of examination. An instructor license will be issued to an applicant

(1) who submits the documents and fees required by (b)(1), (3), and (7) of this section;

(2) who complies with the requirements of (i)(2) of this section; and

(3) whose application includes a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant

(A) holds a current license to practice as an instructor in that state; and

(B) qualified for licensure as an instructor by passing a written and practical examination.

(k) The following checklist is established by the board for review of an application for a shop owner license. A shop owner license will be issued to an applicant who meets the requirements in 12 AAC 09.110(a).

(*l*) Repealed 6/8/2016.

(m) The following checklist is established by the board for review of an application for an advanced manicurist endorsement by examination. An advanced manicurist endorsement will be issued to an applicant who

(1) submits a completed, notarized form for application under this chapter that includes

(A) the applicant's name and address; and

(B) for each school where the applicant was trained, the name and address of the school, the dates of the training, and the number of hours of training completed;

(2) submits original or certified true copies of

(A) student records verifying that the applicant has successfully completed 250 hours of training in a school approved by the board or the Alaska Commission on Postsecondary Education;

(B) a certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed 250 hours of training; or

(C) repealed 6/21/2018;

(3) pays the application fee established in 12 AAC 02.140;

(4) pays the written examination fees established in 12 AAC 02.140;

(5) submits verification of passing the written examination described in 12 AAC 09.066; and

(6) pays the initial biennial license fee in 12 AAC 02.140.

(n) The following checklist is established by the board for review of an application for an advanced manicurist endorsement by waiver of examination. An advanced manicurist endorsement will be issued to an applicant who submits

(1) the documents and fees required by (b)(1), (b)(3), and (b)(7) of this section;

(2) a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant

(A) holds a current license to practice as a manicurist in that state; and

(B) qualified for licensure as a manicurist by passing a written examination; and

(3) verification of training that meets the requirements in 12 AAC 09.148.

(o) The following checklist is established by the board for review of an application for a license by examination to practice body piercing. A license to practice body piercing will be issued to an applicant who

(1) submits the documents and fees required by (b)(1), (3), (4), and (7) of this section;

(2) submits a certification, on a form provided by the department, from the applicant's trainer certifying that the applicant successfully completed the training requirements of AS 08.13.082(d) and either 12 AAC 09.167(a) - (c) or 12 AAC 09.167(e);

(3) submits certified true copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR); and

(B) blood borne pathogens; and

(4) passes the written examination described in 12 AAC 09.068.

(p) The following checklist is established by the board for review of an application for a license by waiver of examination to practice body piercing. A license to practice body piercing will be issued to an applicant who submits

(1) the documents and fees required by (b)(1), (3), and (7) of this section;

(2) a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant

(A) holds a current license to practice body piercing in that state; and

(B) qualified for licensure to practice body piercing in that state by passing a written examination;

(3) certified true copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR); and

(B) blood borne pathogens; and

(4) verification of training equivalent to that described in AS 08.13.082(d) and

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12 AAC 09.167(a) ─ (c).

(q) The following checklist is established by the board for review of an application for a license by examination to practice tattooing and permanent cosmetic coloring. A license to practice tattooing and permanent cosmetic coloring will be issued to an applicant who

(1) submits the documents and fees required by (b)(1), (3), (4), and (7) of this section;

(2) submits a certification, on a form provided by the department, from the applicant's trainer certifying that the applicant successfully completed the training requirements of AS 08.13.082(d) and either 12 AAC 09.169(a) and (b) or 12 AAC 09.169(d);

(3) submits certified true copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR); and

(B) blood borne pathogens; and

(4) passes the written examination described in 12 AAC 09.068.

(r) The following checklist is established by the board for review of an application for a license by waiver of examination to practice tattooing and permanent cosmetic coloring. A license to practice tattooing and permanent cosmetic coloring will be issued to an applicant who submits

(1) the documents and fees required by (b)(1), (3), and (7) of this section;

(2) a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant

(A) holds a current license to practice tattooing and permanent cosmetic coloring in that state; and

(B) qualified for licensure to practice tattooing and permanent cosmetic coloring in that state by passing a written examination;

(3) submits certified true copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR); and

(B) blood borne pathogens; and

(4) verification of training equivalent to that described in AS 08.13.082(d) and 12 AAC 09.169(a) and (b).

(s) The following checklist is established by the board for review of an application for a courtesy license to practice body piercing or to practice tattooing and permanent cosmetic coloring. A courtesy license to practice body piercing or to practice tattooing and permanent cosmetic coloring will be issued to an applicant who meets the requirements of AS 08.01.062(a) and who, at least 30 days before the applicant plans to begin practicing, submits

(1) a complete, notarized application on a form provided by the department;

(2) the applicable fees established in 12 AAC 02.140;

(3) verification of practicing body piercing for a fee, or of practicing tattooing and permanent cosmetic coloring for a fee, for at least 12 of the 24 consecutive months immediately preceding the date of application; the proof must include one of the following or a combination of the following:

(A) at least two sworn affidavits from students or employees verifying the applicant's experience;

(B) at least one copy per month of a client release form for at least 12 of the 24 consecutive months immediately preceding the date of application;

(4) a statement signed by the applicant's sponsor verifying that the sponsor is a practitioner of body piercing or practitioner of tattooing and permanent cosmetic coloring who holds a permanent license in this state and will sponsor the applicant; and

(5) certified true copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR);

(B) and blood borne pathogens.

(t) The following checklist is established by the board for review of an application for a student permit for an applicant to obtain training for hairdressing, barbering, or esthetics by a licensed instructor in an apprenticeship program in a licensed shop. A student permit to obtain training in hairdressing, barbering, or esthetics by a licensed instructor in a licensed shop will be issued to an applicant who submits

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

(2) the student permit fee established in 12 AAC 02.140; and

(3) a completed statement of responsibility form from the licensed instructor who will provide the training.

(u) The following checklist is established by the board for review of an application for a student permit for an applicant to obtain training for body piercing or for tattooing and permanent cosmetic coloring by a licensed practitioner in an apprenticeship program in a licensed shop. A student permit to obtain training for body piercing or for tattooing and permanent cosmetic coloring by a licensed practitioner in a licensed shop will be issued to an applicant who submits

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

(2) the student permit fee established in 12 AAC 02.140;

(3) a completed statement of responsibility form from the licensed practitioner who will provide the training;

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(4) certified true copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR);

(B) blood borne pathogens; and

(5) a copy of the current certificate of sanitary standards issued under 18 AAC 23.310 to the shop in which the training will take place.

Authority:	AS 08.01.062	AS 08.13.080	AS 08.13.100
	AS 08.13.030	AS 08.13.082	AS 08.13.120
	AS 08.13.070	AS 08.13.090	AS 08.13.180

12 AAC 09.003. TRANSITIONAL LICENSURE. Repealed 6/8/2016.

12 AAC 09.004. COURTESY LICENSE. (a) A courtesy license authorizes the licensee to practice body piercing or to practice tattooing and permanent cosmetic coloring as a guest practitioner in a shop licensed by the board. An applicant for a courtesy license to practice body piercing must have a sponsor who holds a permanent license to practice body piercing in this state. An applicant for a courtesy license to practice tattooing and permanent cosmetic coloring must have a sponsor who holds a permanent license to practice tattooing and permanent cosmetic coloring in this state.

(b) The board will issue a courtesy license to an applicant who meets the requirements of AS 08.01.062(a) and who, at least 30 days before the applicant plans to begin working, submits

(1) a completed application on a form provided by the department; a completed application must specify the dates for which the license is requested, the type of license requested, and the identity of the applicant's sponsor;

(2) the applicable fees established in 12 AAC 02.140;

(3) verification of practicing body piercing for a fee, or of practicing tattooing and permanent cosmetic coloring for a fee, for at least 12 of the 24 consecutive months immediately preceding the date of application; the proof must include one of the following or a combination of the following:

(A) at least two sworn affidavits from students or employees verifying the applicant's experience;

(B) at least one copy per month of a client release form for at least 12 of the 24 consecutive months immediately preceding the date of application;

(C) other information acceptable to the board;

(4) a statement signed by the applicant's sponsor verifying that the sponsor is a practitioner of body piercing or practitioner of tattooing and permanent cosmetic coloring who holds a permanent license in this state and will sponsor the applicant; and

(5) verification that the applicant successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

(A) cardiopulmonary resuscitation (CPR); and

(B) blood borne pathogens.

(c) A courtesy license to practice body piercing or to practice tattooing and permanent cosmetic coloring is valid for 30 consecutive days. A person may not be issued more than one courtesy license in a calendar year.

(d) The period during which a courtesy license is valid may not be counted towards the training requirements of 12 AAC 09.167 or 12 AAC 09.169.

(e) The board will issue a courtesy license to an applicant to practice hairdressing as a hairdresser for the purpose of working on a television, film, or stage production who meets the requirements of this chapter and AS 08.01.062, and by submitting the following:

(1) a completed application on a form provided by the department; a completed application must specify the dates for which the license is requested, the type of license requested;

(2) payment of the applicable fees established in 12 AAC 02.140;

(3) verification of a current hairdressing license from another state or jurisdiction.

(f) A courtesy license to practice hairdressing is valid for the duration of the production, not to exceed 12 months. If the license is required for a period longer than 12 months, the licensee must apply for a new and separate license.

Authority:	AS 08.01.062	AS 08.13.030	AS 08.13.070

12 AAC 09.005. APPLICATION FOR EXAMINATION. (a) A completed, notarized application for examination as a barber, hairdresser, advanced manicurist, esthetician, practitioner of body piercing, practitioner of tattooing and permanent cosmetic coloring, or instructor must be received by the division assigned occupational licensing functions at least 30 days before the next examination date and must

(1) be on the form provided by the department;

(2) include documents that verify that the applicant meets the requirements of AS 08.13.080; and

(3) include the applicable fees established in 12 AAC 02.140.

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(b) Only an application that is complete 30 days before an examination will be considered for that examination. An applicant whose application is not complete by that time must wait until the next administration of the examination.

(c) An applicant scheduled to take an examination who is unable to appear may postpone the examination by notifying the department before the examination and submitting the exam postponement fee required in 12 AAC 02.105(8).

(d) An applicant who fails an examination or fails to appear for an examination and who desires to be rescheduled for a future examination must apply in accordance with (a)(1) and (3) of this section no later than 30 days prior to the date of the examination that the applicant wishes to take.

(e) Except as provided in 12 AAC 09.075(g), an application is considered abandoned if the applicant has not taken an examination within one year after the date of initial application.

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.080

12 AAC 09.006. TRANSITIONAL PROVISIONS FOR LICENSEES AND ENDORSEMENT HOLDERS. Repealed 6/21/2018.

12 AAC 09.010. EXAMINATION DATES. The department will publish notice of the date and place of each administration of the examination at least 45 days before the examination.

Authority: AS 08.13.030

12 AAC 09.015. REEXAMINATION. Repealed 9/30/87.

12 AAC 09.020. IDENTIFICATION OF APPLICANT. (a) The department or its designee at the examination site will assign each applicant for examination a number by which the applicant is identified during the examination.

(b) Except for the purpose of receiving an identification number as described in (a) of this section, an applicant may not reveal the applicant's identity to an examiner until grading has been completed by the examiners.

(c) An applicant may not make a reference orally or in writing to an examiner about any school of barbering, hairdressing, manicuring, esthetics, body piercing, or tattooing and permanent cosmetic coloring, instructor, or present licenses held until grading has been completed by the examiners.

(d) Equipment, supplies, apparel, or items that are to be turned in to the board may not identify the applicant except by the number assigned by the department or its designee.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.025. CONDUCT FOR EXAMINATIONS. (a) No applicant may leave the practical examination site or the written examination site while the examination is being conducted without permission of an examiner.

(b) Any attempt by a school owner, instructor, or any person to communicate with or help an applicant in any way while taking the examination, or any attempt by an applicant to secure information from another applicant will disqualify the applicant from completing the examination.

(c) An applicant scheduled to take an examination who is not present at the official start of the examination will not be allowed to take that examination but will be rescheduled by the board.

Authority: AS 08.13.080 AS 08.13.090

12 AAC 09.030. STATION ASSIGNED AND EQUIPMENT. (a) Each applicant will be assigned a station equipped with a chair in which he or she will perform the required practical operations. Any change in station assignment must be approved by an examiner.

(b) An applicant must furnish the tools and supplies for the practical examination as designated by the board.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.035. MODELS. (a) An applicant shall secure his or her own model for the practical examination.

(b) An applicant shall provide the board with a statement of release of liability of the state and the applicant as executed by the model on a form provided by the department.

(c) An applicant shall provide the board with his or her model's name, age (if under 18 years of age), address and telephone number.

(d) A model for the practical examination must be at least 15 years of age.

(e) A model for the practical examination may not be a licensed barber, hairdresser, or esthetician, or a student or shop apprentice.

(f) A model for the practical examination who is under 18 years of age must obtain the signature of a parent or legal guardian on the statement of release required in (b) of this section.

Authority: AS 08.13.030 AS 08.13.090

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12 AAC 09.038. COMPUTATION OF GRADES. An applicant's final grade for each subject of the practical section of the examination is computed by totaling the number of points given to him or her by each examiner and dividing that total by the number of examiners grading the applicant.

Authority: AS 08.13.030 AS 08.13.090

ARTICLE 2.
BARBER EXAMINATION.

Repealed 2/28/88

ARTICLE 3.
EXAMINATIONS.

Section

56. Content and grading criteria for barber examination
60. Content and grading criteria for hairdresser examination
62. (Repealed)
65. Content and grading criteria for esthetician examination
66. Content and grading criteria for advanced manicurist endorsement
68. Body piercing and tattooing and permanent cosmetic coloring examinations
70. Content and grading criteria for instructor examination
72. (Repealed)
75. Reexamination

12 AAC 09.056. CONTENT AND GRADING CRITERIA FOR BARBER EXAMINATION. (a) The examination for a barber license consists of the following sections:

(1) a written examination entitled the *National Barber-Stylist Test*, sponsored by the National Interstate Council of State Boards of Cosmetology; and

(2) a practical examination with a maximum grade of 100 points in each of the following subjects:

(A) permanent waving;
(B) virgin tint;
(C) bleach touch-up and highlighting;
(D) haircutting, hair styling, and drying (not including finger waves, pin curls, and rollers); and
(E) shaving.

(b) Sanitation, comfort, and protection of the model are included in the grading of each subject of the practical examination.

(c) A passing grade on the written examination is 75 percent or above.

(d) A passing grade on each subject of the practical examination listed in (a)(2) of this section is 75 points or more.

(e) No foreign language interpreters are allowed in the written or practical examination room.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.060. CONTENT AND GRADING CRITERIA FOR HAIRDRESSER EXAMINATION. (a) The examination for a hairdresser license consists of the following sections:

(1) a written examination entitled the *National Hair Design Test*, sponsored by the National Interstate Council of State Boards of Cosmetology; and

(2) a practical examination with a maximum grade of 100 points in each of the following subjects:

(A) permanent waving;
(B) virgin tint;
(C) bleach touch-up and highlighting;
(D) haircutting (not including clipper cut), blower drying, and curling with a hot curling iron; and
(E) hair styling (including finger waves, pin curls, and rollers).

(b) Sanitation, comfort, and protection of the model are included in the grading of each subject of the practical examination.

(c) A passing grade on the written examination is 75 percent or above.

(d) A passing grade on each subject of the practical examination listed in (a)(2) of this section is 75 points or more.

(e) No foreign language interpreters are allowed in the written or practical examination room.

Authority: AS 08.13.030 AS 08.13.090

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12 AAC 09.062. CONTENT AND GRADING CRITERIA FOR HAIRDRESSING EXAMINATION. Repealed 2/28/88.

12 AAC 09.065. CONTENT AND GRADING CRITERIA FOR ESTHETICIAN EXAMINATION. (a) The examination for an esthetician consists of the following sections:

(1) a written examination entitled the *National Esthetician Test*, sponsored by the National Interstate Council of State Boards of Cosmetology; and

(2) a practical examination with a maximum grade of 100 points as may be given by an examiner in each of the following subjects:

(A) facial massage;
(B) skin and eye care;
(C) makeup;
(D) waxing and hair removal.

(b) Sanitation, comfort and protection of model will be included in the grading of each subject of the practical examination.

(c) A grade of at least 75 percent on the written examination section and a grade of at least 75 percent on each subject of the practical examination section is a passing grade.

(d) No foreign language interpreters are allowed in the written or practical examination room.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.066. CONTENT AND GRADING CRITERIA FOR ADVANCED MANICURIST ENDORSEMENT. (a) The examination for an endorsement as an advanced manicurist is the written examination entitled the *Nail Technology Examination*, sponsored by the National Interstate Council of State Boards of Cosmetology.

(b) A grade of 75 percent or higher on the examination listed in (a) of this section is a passing grade.

(c) Foreign language interpreters are not allowed in the examination room.

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

12 AAC 09.068. BODY PIERCING AND TATTOOING AND PERMANENT COSMETIC COLORING EXAMINATIONS. (a) The examination for a license to practice body piercing or to practice tattooing and permanent cosmetic coloring is a written examination prepared and administered by the board covering the subjects listed in AS 08.13.080(d)(2).

(b) A grade of 75 percent or higher on the examinations listed in (a) of this section is a passing grade.

(c) Foreign language interpreters are not allowed in the examination room.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.090

12 AAC 09.070. CONTENT AND GRADING CRITERIA FOR INSTRUCTOR EXAMINATION. (a) The instructor examination consists of a written examination and a practical examination.

(b) The written examination for an instructor license is the *National Teachers Test*, sponsored by the National Interstate Council of State Boards of Cosmetology.

(c) The practical examination, with a maximum grade of 100 points, is a 30-minute demonstration of a practical and theoretical lesson plan. From the category identified by the applicant, the board will choose at random the specific skill to be demonstrated. The categories, and specific skills within each category, are as follows:

(1) barbering;
(A) haircutting;
(B) hair styling and drying;
(C) permanent waving;
(D) haircoloring;
(E) shaving;
(F) scalp treatment;

(2) hairdressing;
(A) haircutting;
(B) hair styling and drying;
(C) permanent waving;
(D) virgin tint;
(E) bleach touch-up and highlighting;
(F) chemical hair relaxing;
(G) scalp treatment;

(3) esthetics;
(A) facial massage;
(B) skin and eye care;

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(C) makeup;
(D) waxing and hair removal.

(d) A passing grade on the written examination is 75 percent or above. A passing grade on the practical examination is 75 points or more.

(e) No foreign language interpreters are allowed in the examination room.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.072. CONTENT AND GRADING CRITERIA FOR COSMETOLOGY INSTRUCTOR EXAMINATION. Repealed 5/20/88.

12 AAC 09.075. REEXAMINATION. (a) An applicant who fails the entire examination, or one section of the examination may be reexamined at a future examination, subject to the limitations of (f) of this section.

(b) Except as provided in (g) of this section, an applicant who fails one or more subjects of the practical section of the examination may be reexamined in only a failed subject.

(c) Except as provided in (g) of this section, an applicant who fails the written section of the examination, but passes the practical section of the examination, may be reexamined in only the failed section.

(d) An applicant who fails the practical section of the instructor examination may be reexamined in the entire section.

(e) To be scheduled for reexamination, an applicant shall comply with 12 AAC 09.005(d) and (f) of this section, if applicable.

(f) At least 30 days before the next scheduled examination date, an applicant who fails the written section of the examination or any required subject of the practical section of the examination three times or more shall provide documentation to the board of successful completion of remedial training before the applicant will be scheduled for reexamination. An applicant applying under this subsection to retake the practical section of the examination shall provide documentation to the board of successful completion of 50 hours of training in each practical examination subject failed. An applicant applying under this subsection to retake the written section of the examination shall provide documentation to the board of successful completion of at least 50 hours of theoretical training. The applicant shall complete the remedial training in a school approved by the board or an apprenticeship program approved by the board and shall hold a valid student permit during the training as required in AS 08.13.180.

(g) An applicant who does not pass all required subjects of all sections of the examination within three years after the date the examination was first administered to the applicant shall retake and pass all required subjects of all sections, including the subjects and sections previously passed, to qualify for licensure. If the applicant does not retake the failed sections of the examination at least one time each year during the three years after the date the examination was first administered, the applicant's application will be considered abandoned and the applicant is required to reapply for the applicable examination under this chapter.

(h) In this section, "applicant" means an individual who has applied to take the examination for
(1) licensure as a barber, hairdresser, esthetician, or instructor; or
(2) endorsement as an advanced manicurist.

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

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ARTICLE 4.
LICENSING REQUIREMENTS.

Section

80. (Repealed)
82. Body piercing license by examination
84. Body piercing license by waiver
85. (Repealed)
86. Tattoo and permanent cosmetic coloring license by examination
88. Tattoo and permanent cosmetic coloring license by waiver
90. Barber or hairdresser license by examination
95. Barber or hairdresser license by waiver
97. Credit for hours of course work and training
100. Esthetician license by examination
105. Esthetician license by waiver
106. Instructor license requirements
107. Temporary permits
108. Advanced manicurist endorsement by examination
109. Advanced manicurist endorsement by waiver
110. Shop owner license
111. Mobile shops
112. Temporary shop license

115. Verifications

12 AAC 09.080. BARBER LICENSE BY EXAMINATION. Repealed 2/28/88.

12 AAC 09.082. BODY PIERCING LICENSE BY EXAMINATION. An application for a license by examination to practice body piercing must be submitted in accordance with 12 AAC 09.005. The application must include verification that the applicant has

(1) successfully completed at least 1,000 hours of training that meets the requirements of AS 08.13.082(d) and 12 AAC 09.167(a) ─ (c);

(2) successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

(A) cardiopulmonary resuscitation (CPR); and

(B) blood borne pathogens; and

(3) passed the written examination described in 12 AAC 09.068.

Authority:	AS 08.13.030	AS 08.13.080	AS 08.13.100
	AS 08.13.070	AS 08.13.082	

12 AAC 09.084. BODY PIERCING LICENSE BY WAIVER. An applicant for a license by waiver of examination to practice body piercing shall apply on a form provided by the department. The application must include

(1) payment of the applicable fees established in 12 AAC 02.140;

(2) verification that the applicant

(A) holds a current license to practice body piercing in another state; and

(B) is qualified for licensure to practice body piercing in that state by passing a written examination;

(3) verification that the applicant has successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

(A) cardiopulmonary resuscitation (CPR); and

(B) blood borne pathogens; and

(4) verification that the applicant has completed training equivalent to that described in AS 08.13.082(d) and 12 AAC 09.167(a) ─ (c).

Authority:	AS 08.13.030	AS 08.13.080	AS 08.13.100
	AS 08.13.070	AS 08.13.082	

12 AAC 09.085. BARBER LICENSE BY WAIVER. Repealed 2/28/88.

12 AAC 09.086. TATTOOING AND PERMANENT COSMETIC COLORING LICENSE BY EXAMINATION. An application for a license by examination to practice tattooing and permanent cosmetic coloring must be submitted in accordance with 12 AAC 09.005. The application must include verification that the applicant has

(1) successfully completed at least 1,000 hours of training that meets the requirements of AS 08.13.082(d) and 12 AAC 09.169(a) – (c);

(2) successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

(A) cardiopulmonary resuscitation (CPR); and

(B) blood borne pathogens; and

(3) passed the written examination described in 12 AAC 09.068.

Authority:	AS 08.13.030	AS 08.13.080	AS 08.13.100
	AS 08.13.070	AS 08.13.082	

12 AAC 09.088. TATTOOING AND PERMANENT COSMETIC COLORING LICENSE BY WAIVER. An applicant for a license by waiver of examination to practice tattooing and permanent cosmetic coloring shall apply on a form provided by the department. The application must include

(1) payment of the applicable fees established in 12 AAC 02.140;

(2) verification that the applicant

(A) holds a current license to practice tattooing and permanent cosmetic coloring in another state; and

(B) is qualified for licensure to practice tattooing and permanent cosmetic coloring in that state by passing a written examination;

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(3) verification that the applicant has successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

(A) cardiopulmonary resuscitation (CPR); and

(B) blood borne pathogens; and

(4) verification that the applicant has completed training equivalent to that described in AS 08.13.082(d) and 12 AAC 09.169(a) ─ (c).

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070 AS 08.13.082

12 AAC 09.090. BARBER OR HAIRDRESSER LICENSE BY EXAMINATION. (a) An application for a barber or hairdresser license by examination must be submitted in accordance with 12 AAC 09.005, with verification of

(1) 1,650 hours of course work in a school approved by the board or another licensing jurisdiction;

(2) 2,000 hours of training in an apprenticeship program as required by AS 08.13.082; or

(3) a combination of course work and apprenticeship approved by the board under (b) of this section or approved by another licensing jurisdiction.

(b) When evaluating a combination of course work and apprenticeship, the board will, in its discretion, use the following criteria to determine equivalent hours of course work and apprenticeship:

(1) one course work hour equals 1.212 of an apprenticeship hour; and

(2) one apprenticeship hour equals .825 of a course work hour.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

12 AAC 09.095. BARBER OR HAIRDRESSER LICENSE BY WAIVER. (a) An applicant for a barber or hairdresser license by waiver of examination shall apply on a form provided by the department. The application must include

(1) payment of the fees established in 12 AAC 02.140;

(2) verification of a current license to practice barbering or hairdressing issued by another state;

(3) verification of completed training and work experience equivalent to

(A) 1,650 hours of training in a school approved by the board or another licensing jurisdiction;

(B) 2,000 hours of an apprenticeship program approved by the board or by another licensing jurisdiction;

(C) at least one year of full-time work experience as a licensed barber or hairdresser, averaging no less than 32 hours per week, and a minimum of 1,500 hours of training in an approved school or an apprenticeship program approved by the board or by another licensing jurisdiction; or

(D) at least two years of full-time work experience as a licensed barber or hairdresser, averaging no less than 32 hours per week, and a minimum of 1,000 hours of training in an approved school or an apprenticeship program approved by the board or by another licensing jurisdiction; and

(4) documents verifying that a state in which the applicant was licensed as a barber or hairdresser required the applicant to pass a practical and written examination to qualify for licensure.

(b) An applicant unable to satisfy the requirements of (a)(3) of this section due to lack of equivalency may obtain the needed hours of training and experience through attendance at an approved school or participation in an apprenticeship.

(c) Repealed 5/20/88.

Authority: AS 08.13.030 AS 08.13.082 AS 08.13.100

12 AAC 09.097. CREDIT FOR HOURS OF COURSE WORK AND TRAINING. An applicant may use the same hours of course work and training to qualify for a license as a barber and a license as a hairdresser. To be acceptable, the hours of course work and training must meet the requirements set out in this chapter for the applicable license.

Authority: AS 08.13.030 AS 08.13.080

12 AAC 09.100. ESTHETICIAN LICENSE BY EXAMINATION. An application for an esthetician license by examination must be submitted in accordance with 12 AAC 09.005, with verification of at least 350 hours of esthetics training in an approved school or apprenticeship program, or in a combination of training and apprenticeship approved by the board or by another licensing jurisdiction.

Authority: AS 08.13.030 AS 08.13.082 AS 08.13.090
AS 08.13.080

12 AAC 09.105. ESTHETICIAN LICENSE BY WAIVER. An applicant for an esthetician license by waiver of examination must apply on a form provided by the department. The application must include

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(1) payment of the applicable fees established in 12 AAC 02.140;
(2) verification of a current license to practice as an esthetician issued by another state;
(3) verification of training equivalent to that described in 12 AAC 09.100; and
(4) documents verifying that a state in which the applicant was licensed as an esthetician required the applicant to pass a practical and written examination to qualify for licensure.

Authority: AS 08.13.030 AS 08.13.100

12 AAC 09.106. INSTRUCTOR LICENSE REQUIREMENTS. (a) A barber, hairdresser, manicurist, or esthetician who applies for an instructor license must comply with the requirements of this section before teaching in a school or instructing an apprentice in the practice or instruction of barbering, hairdressing, manicuring, or esthetics.

(b) A person licensed as an instructor is limited to instructing only in those fields in which the instructor holds a valid Alaska practitioner license.

(c) An application for an instructor license by examination must be submitted in accordance with 12 AAC 09.005, and must include verification of
(1) a current barber, hairdresser, manicurist, or esthetician practitioner license in this state; and
(2) either
(A) at least three years of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or in another licensing jurisdiction; or
(B) one year of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or another licensing jurisdiction followed by 600 hours of student-instructor training in a school approved by the board or approved by another licensing jurisdiction.

(d) An applicant for an instructor license by waiver of examination shall apply on a form provided by the department. The application must include
(1) payment of the fees established in 12 AAC 02.140;
(2) verification of a current barber, hairdresser, manicurist, or esthetician instructor license issued by another licensing jurisdiction;
(3) verification of a current barber, hairdresser, manicurist, or esthetician practitioner license in this state; and
(4) documents verifying that a state in which the applicant was licensed as an instructor required the applicant to pass a practical and written examination to qualify for licensure;
(5) verification of either
(A) at least three years of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or in another licensing jurisdiction; or
(B) one year of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or another licensing jurisdiction followed by 600 hours of student-instructor training in a school approved by the board or approved by another licensing jurisdiction.

(e) Repealed 6/8/2016.

(f) An applicant for an advanced manicurist instructor license must apply on a form provided by the department. The application must include
(1) verification of one year of work experience as a manicurist or hairdresser that includes at least 32 hours per week;
(2) proof of passing the
(A) written examination for an advanced manicurist endorsement; and
(B) instructor's written examination; and
(3) payment of the applicable fees established in 12 AAC 02.140.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070

12 AAC 09.107. TEMPORARY PERMITS. (a) A request for a temporary permit must be made on an application for licensure form provided by the department. The application must include
(1) verification of a current license to practice barbering, hairdressing, manicuring, esthetics, body piercing, or tattooing and permanent cosmetic coloring issued by another state; and
(2) the application fee, license fee, and temporary permit fee specified in 12 AAC 02.140.

(b) In accordance with AS 08.13.170, a temporary permit is valid until the board acts on the application for a permanent license which it must do within six months.

Authority: AS 08.13.030 AS 08.13.170

12 AAC 09.108. ADVANCED MANICURIST ENDORSEMENT BY EXAMINATION. An application for an endorsement as an advanced manicurist by examination must be submitted in accordance with 12 AAC 09.005, with verification of at least 250 hours of advanced manicuring training in a school approved by the board or by another licensing jurisdiction.

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Authority: AS 08.13.030 AS 08.13.080 AS 08.13.090
AS 08.13.040

12 AAC 09.109. ADVANCED MANICURIST ENDORSEMENT BY WAIVER. An applicant for an endorsement as an advanced manicurist by waiver of examination must apply on a form provided by the department. The application must include

(1) payment of the applicable fees established in 12 AAC 02.140;

(2) verification of a current license to practice as a manicurist issued by another state;

(3) verification of training equivalent to that described in 12 AAC 09.148; and

(4) documents verifying that a state in which the applicant was licensed as manicurist required the applicant to pass a written examination to qualify for licensure.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.040

12 AAC 09.110. SHOP OWNER LICENSE. (a) An applicant for a shop owner license shall submit a completed application on a form provided by the department. A complete application must include

(1) payment of the fees established in 12 AAC 02.140;

(2) name of the owner or lessee;

(3) business name of the shop;

(4) mailing and street address of the shop;

(5) if the shop owner is not a licensed practitioner, the name and license number of the practitioner who is employed as manager of the shop;

(6) a listing of all other shops the applicant owns which includes the business name, mailing address, and street address of each; and

(7) documentation that within the 90 days before until the 90 days after the date the application was submitted to the department, the applicant was found to be in compliance with state environmental sanitation regulations in 18 AAC 23 or the health regulations of the municipality as a designee of the Department of Environmental Conservation and in which the shop is located; the applicant must obtain that documentation from the Department of Environmental Conservation or the municipality, except that an applicant whose shop is located within a shop already inspected under this paragraph may submit a copy of that inspection report or designate that a copy of the report is already on file with the department; if the application is for a shop where body piercing or tattooing and permanent cosmetic coloring will be practiced, the shop must be inspected and certified by the Department of Environmental Conservation as in compliance with the state environmental sanitation regulations in 18 AAC 23.

(b) A shop owner license is not transferable to another person. In the event of sale, lease, or transfer of ownership of a shop, the buyer, lessee, or transferee must apply for and be issued a new shop owner license, under this section, before conducting business.

(c) A violation of 18 AAC 23 is grounds for the suspension or revocation of a license or permit under AS 08.13.030(c).

(d) A shop owner or manager of a shop shall permit any member of the board or department representative to inspect the shop at any time during working hours.

(e) A shop owner shall provide a suitable area, accessible to all employees and apprentices, for posting announcements and public notices from the board or the department.

(f) A shop owner shall have a separate shop owner license for each shop owned.

(g) If the Department of Environmental Conservation finds that a shop is not in compliance with the environmental sanitation and health regulations required under (a)(7) of this section, the board will suspend the shop owner license until the shop owner submits documentation that the shop is in compliance with the requirements of (a)(7) of this section.

(h) A shop owner that intends to move the shop to a new location must meet the requirements of (a)(7) of this section and submit written notification of the new address before conducting business in the new location.

(i) A shop owner that is currently licensed by the board that intends to add to the shop a tattooing and cosmetic coloring or body piercing procedure, must meet the requirements of (a)(7) of this section and AS 08.13.215 before that procedure may be conducted in the shop.

(j) The shop owner or manager of the shop shall designate a licensed practitioner to conduct the business of the shop when the shop owner or manager of the shop is absent from the shop.

Authority: AS 08.13.030 AS 08.13.210 AS 08.13.215
AS 08.13.120

12 AAC 09.111. MOBILE SHOPS. The board may issue a shop owner license to an applicant with a mobile unit for practicing barbering, hairdressing, manicuring, or esthetics who submits

(1) the physical location where the unit will be parked when not in service;

(2) a statement detailing the type of services to be provided;

(3) the name and residence of the unit's owner;

(4) the documentation required under 12 AAC 09.110(7); and

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(5) payment of the applicable fees established in 12 AAC 02.140.

Authority: AS 08.13.030 AS 08.13.160 AS 08.13.210
AS 08.13.120

12 AAC 09.112. TEMPORARY SHOP LICENSE. (a) The board will issue a temporary shop license to a person who

(1) holds a current license or temporary permit in this state to practice body piercing or tattooing and permanent cosmetic coloring;

(2) intends to hold a workshop or to demonstrate techniques as part of a convention or other special event that includes other practitioners of body piercing or tattooing and permanent cosmetic coloring; and

(3) meets the requirements of this section.

(b) An applicant for a temporary shop license under this section shall submit

(1) a completed application on a form provided by the department; a completed application must identify the convention or other special event, its location, and the dates for which the temporary shop license is being requested;

(2) an affidavit verifying that the applicant has applied for a Department of Environmental Conservation certificate of sanitary standards issued under 18 AAC 23.310; and

(3) the temporary shop license fee established under 12 AAC 02.140.

(c) An application for a temporary shop license must be received in the department's Juneau office at least 30 days before the convention or other special event is scheduled to begin.

(d) A temporary shop license is valid only for the dates and locations of the convention or other special event described in the application, and for the practitioner to whom it was issued.

(e) A temporary shop license must be posted in a conspicuous location on site at the convention or other special event.

(f) In this section and AS 08.13.120(b), "convention or other special event" means a convention, industry trade show, or similar event that includes practitioners of body piercing or practitioners of tattooing and permanent cosmetic coloring and at which the license applicant intends to demonstrate to the other practitioners products or techniques related to body piercing or tattooing and permanent cosmetic coloring.

Authority: AS 08.13.030 AS 08.13.120 AS 08.13.130

Editor's note: The department's Juneau office's mailing address is State of Alaska, Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, and the physical address is 333 Willoughby Avenue, Juneau, Alaska.

12 AAC 09.115. VERIFICATIONS. Verification of licensed work experience or training of an applicant required under this chapter must be certified or notarized documentation supplied to the board by

(1) another jurisdiction's licensing board;

(2) a licensed school or shop;

(3) a licensed instructor;

(4) a licensed hairdresser, esthetician, barber, body piercing practitioner, or tattooing and permanent cosmetic coloring practitioner who sponsored an apprentice and maintained the required records under 12 AAC 09.190; or

(5) an individual who has direct personal knowledge of the applicant's work experience hours.

Authority: AS 08.13.030 AS 08.13.080

ARTICLE 5.
SCHOOLS AND CURRICULUM.

Section

120. (Repealed)
125. Requirements for school license; renewal requirements
127. License requirements for school offered by a college or university
130. School records
135. Transfer of hours and reenrollment
140. Instructor-student ratio
143. Manicuring school curriculum
144. (Repealed)
145. (Repealed)
146. Equipment for schools teaching advanced manicuring
148. Advanced manicurist endorsement curriculum
150. (Repealed)
155. Equipment for barbering or hairdressing schools
160. Barber and hairdresser school curriculum

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162. Equipment for esthetics schools
163. Esthetics school curriculum
165. Instructor curriculum
167. Body piercing training requirements
169. Tattooing and permanent cosmetic coloring training requirements
170. Theory syllabus and criteria for grading of examinations
173. Out-of-state training in body piercing and tattooing and permanent cosmetic coloring
175. Sanitation

12 AAC 09.120. SCHOOL OWNER LICENSE. Repealed 2/28/88.

12 AAC 09.125. REQUIREMENTS FOR SCHOOL LICENSE; RENEWAL REQUIREMENTS. (a) Except for a school licensed under 12 AAC 09.127, in order to obtain a school license, a person, an association, a firm, or a corporation proposing to open a school of barbering, hairdressing, manicuring, or esthetics must apply to the board for a school license on a form provided by the department. The application must include

(1) the fees established in 12 AAC 02.140;

(2) the name of the school owner;

(3) the names of all parties having a financial interest in the school;

(4) an exact description of the floor plan and location of the school;

(5) a completed certification of compliance form provided by the department reflecting that the provisions of 18 AAC 23 that set requirements regarding health and sanitary conditions in shops and schools, or the equivalent requirements of a municipality as a designee of the Department of Environmental Conservation and in which the shop is located, have been met; and

(6) verification from the Alaska Commission on Postsecondary Education that the applicant is

(A) authorized to operate a postsecondary educational institution in the state as described in AS 14.48.070 if the board approves the application for a school under this chapter; or

(B) exempt under AS 14.48.030 from the requirements for an authorization to operate under AS 14.48.070.

(b) Except as provided in (j) and (*l*) of this section, in order to be approved by the board, a school must be a minimum of 1,000 square feet, including at least 15 square feet of instructional areas for each student. Minimum required instructional areas are

(1) one classroom for theoretical instruction;

(2) one practical-operation instructional area with student stations arranged to facilitate work to be performed; and

(3) one dispensary with at least one sink with hot and cold water.

(c) For the purpose of determining minimum instructional areas, noninstructional areas of a school are lavatories, closets, hallways, reception areas, offices, stock room and other similar rooms or structures.

(d) School premises are subject to inspection and approval by at least one board member.

(e) A school license is not transferable to another person. In the event of sale, lease, or transfer of ownership of a school, the seller, lessor, or transferor shall notify the board in writing of the transaction within 30 days after the sale, lease, or transfer. The notice must include the name and address of the buyer, lessee, or transferee. The buyer, lessee, or transferee must apply for and be issued a new school license under this section before conducting business.

(f) If the operation of a school is moved to a new location, the school owner shall notify the board in writing of the move within 30 days after the move. A school moved to a new location is subject to inspection in accordance with this section.

(g) A school must provide a suitable area, accessible to all students, for posting announcements and public notices from the board or the department.

(h) A branch or extension of a licensed barber or hairdresser school must be in compliance with (b) - (d) of this section and with 12 AAC 09.155 and 12 AAC 09.175. A branch or extension of a licensed manicuring or esthetics school is required to be in compliance with (b) - (d) of this section and with 12 AAC 09.162 and 12 AAC 09.175.

(i) Repealed 6/8/2016.

(j) In order to be approved by the board, a school offering the 250-hour advanced manicurist curriculum described in 12 AAC 09.148 must be a minimum of 600 square feet, including at least 15 square feet of instructional area for each student.

(k) An applicant for renewal of a school license must certify on the renewal application that the applicant still meets the requirements of (a)(6)(A) or (B) of this section.

(*l*) In order to be approved by the board, a school offering the 12-hour manicurist curriculum described in 12 AAC 09.143 must be a minimum of 300 square feet, including at least 7 square feet of instructional area for each student.

Authority:	AS 08.13.030	AS 08.13.110	AS 08.13.210
	AS 08.13.070	AS 08.13.180	

12 AAC 09.127. LICENSE REQUIREMENTS FOR SCHOOL OFFERED BY A COLLEGE OR UNIVERSITY. (a) A college or university proposing to open a school of barbering, hairdressing, manicuring, or

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esthetics must apply to the board for a school license on a form provided by the department. The application must include

(1) the fees established in 12 AAC 02.140;

(2) the name and location of the school;

(3) the name of the school administrator;

(4) a detailed description of the content and structure of the training to be provided by the school.

(b) In order to be approved by the board, the school offered by a college or university must meet the following requirements:

(1) training must be conducted by persons who hold a valid instructor license, issued by the board, in the type of training being provided;

(2) practical training must be conducted in a shop licensed under AS 08.13.120 and 12 AAC 09.110, except that practical training may be conducted at a university or college, if the practical training involves a mannequin or a subject who is a student registered in the college or university's barbering, hairdressing, manicuring, or esthetics program;

(3) the licensed shop must meet the equipment requirements of 12 AAC 09.146, 12 AAC 09.155, and 12 AAC 09.162, as applicable for the type of training provided;

(4) the theoretical and practical training must meet the requirements of 12 AAC 09.143, 12 AAC 09.148, 12 AAC 09.160, and 12 AAC 09.163 as applicable for the type of training provided.

(c) The school administrator must register each student with the department as required by 12 AAC 09.130(a).

(d) The college or university shall enter into a memorandum of agreement with each shop licensed under AS 08.13.120 and 12 AAC 09.110 at which practical training is to be conducted. The memorandum of agreement must set out the contractual relationship between the parties and document the willingness of each party to comply with the requirements of the applicable statutes and regulations. The college or university shall submit a copy of each memorandum of agreement to the department.

(e) The college or university official administering a school of barbering, hairdressing, manicuring, or esthetics shall permit any member of the board to inspect the school at any time during working hours.

Authority: AS 08.13.030 AS 08.13.110 AS 08.13.210
AS 08.13.070 AS 08.13.180

12 AAC 09.130. SCHOOL RECORDS. (a) A school owner on behalf of the student shall register each student with the department on forms provided by the department, including an application for a student permit; the completed forms must include

(1) the personal identification information requested on the forms;

(2) the date of the student's enrollment; and

(3) the original signatures of the student and an official of the school.

(b) The completed forms required by (a) of this section must be filed with the department within 30 days after the enrollment date. No more than 300 hours of the training required by 12 AAC 09.090, 12 AAC 09.100, or 12 AAC 09.106 will be credited for student attendance before the date the student permit application is filed with the department.

(c) Not later than the 15th day after the calendar quarter, on a form provided by the department, a school shall submit a report on each student enrolled. This report must include

(1) the exact number of hours of theoretical and practical training completed by the student during the previous quarter; and

(2) the exact number and type of operations completed by the student during the previous quarter.

(d) The quarterly report must maintain continuity from month-to-month, from the date of enrollment to the date of termination or completion of the course of instruction regardless of attendance by the student.

(e) Not later than 20 working days after termination of instruction of a student, a school owner shall notify the department, on a form provided by the department, of the termination. The termination report must include the date of the student's enrollment, the date of termination, the total number and types of operations performed by the student, and the total number of hours and types of training received by the student. The termination report is subject to audit and may be utilized to establish credit hours for transfer and reenrollment under 12 AAC 09.135.

(f) Not later than five working days after completion by a student of a course of study, the school owner shall submit to the board an affidavit showing the total number of operations, and the total number of hours of training and theoretical instruction completed by the student, and the date of completion of the course. This affidavit will serve as certification by the school that the student meets eligibility requirements necessary for examination for licensure.

(g) A student will be considered terminated on the date the school receives written notice from the student of withdrawal or transfer or upon the 31st day of continuous unexcused absence from the school. The school owner shall notify the department of any student in this category, as required by (e) of this section.

(h) A school must provide at least one time clock for the recording of student attendance and must maintain daily records for the purpose of complying with this section. All records required by this subsection must be maintained in an orderly manner and must be available for inspection during hours the school is open for instruction.

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(i) A school may not credit a student for more than 10 hours of training in any one day.

(j) A school shall provide a certificate, diploma, or other affidavit of completion of a course to each student successfully completing a course of instruction.

(k) After written notice to the student and the department, a school owner may request that the department hold all hours for a student that has failed to pay all fees and tuition currently due to the school for the student's course of training until the fees and tuition have been paid. Hours being held by the department for nonpayment to the school may not be used for transfer or to qualify for state board examinations until the school informs the department in writing that the hours are to be taken off of hold status.

(*l*) A student who is terminated under (e) and (g) of this section and re-enrolls in the same school or enrolls in another licensed school of barbering, hairdressing, or esthetics, must reregister with the department and meet the requirements of this section.

Authority: AS 08.13.030 AS 08.13.110 AS 08.13.180

12 AAC 09.135. TRANSFER OF HOURS AND REENROLLMENT. (a) A school shall accept credit hours of instruction and training of a student transferring from another licensed school in Alaska, or in another licensing jurisdiction, upon presentation of a certified or notarized copy of the records maintained by the board or the other licensing jurisdiction, unless the student has interrupted his schooling for a continuous period of two years or more before the request for transfer of credit hours.

(b) A student requesting reenrollment to a school whose schooling has been interrupted for a continuous period of two years or more will not be allowed credit for hours of instruction received prior to the date of interruption.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.140. INSTRUCTOR-STUDENT RATIO. (a) A school must employ and actively utilize the services of only licensed instructors and must maintain at least one full-time licensed instructor for every 25 or fewer enrolled students.

(b) Licensed instructors in the ratio prescribed in (a) of this section must be on the school premises during all hours the school is open for instruction.

(c) A student instructor enrolled in a school may not be utilized to fulfill the instructor to student ratio requirements of this section.

Authority: AS 08.13.030 AS 08.13.110 AS 08.13.190

12 AAC 09.143. MANICURING SCHOOL CURRICULUM. (a) A student who is enrolled in a course of manicuring must complete a curriculum that consists of at least 12 hours of instruction or training that includes the following subjects for the minimum number of hours specified:

(1) bacteria: one hour;
(2) infectious agents and infection: two hours;
(3) sanitation: three hours;
(4) harmful products and protection: two hours;
(5) anatomy and physiology: two hours;
(6) nail disorders: two hours.

(b) The curriculum set out in (a) of this section shall be taught from a board approved textbook.

(c) A licensed instructor from a school approved by the board may teach the curriculum in (a) of this section in a location outside of the licensed school upon written notification to the board.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.110

12 AAC 09.144. MANICURING SCHOOL CURRICULUM. Repealed 6/8/2016.

12 AAC 09.145. EQUIPMENT FOR BARBER SCHOOLS. Repealed 2/28/88.

12 AAC 09.146. EQUIPMENT FOR SCHOOLS TEACHING ADVANCED MANICURING. (a) In addition to meeting the requirements of 12 AAC 09.125(b), the classroom for theoretical instruction of the practice of advanced manicuring must be equipped with seating capacity for all students attending the class, and with equipment including

(1) one blackboard;
(2) a chart or charts of the skin, hair, muscles, nerves, bones, and circulatory system; and
(3) a book or books on general anatomy, physiology, and hygiene.

(b) The school shall provide each student with at least one board-approved textbook covering the subjects listed in 12 AAC 09.148.

(c) The practical instructional area must have available the following equipment:

(1) a cabinet for instruments and linens;
(2) a towel container for soiled linens;

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(3) a smock;
(4) terrycloth or disposable towels;
(5) manicuring materials including orange wood sticks, finger bowls, steel pushers, emery boards, metal nail files, cuticle nippers, callus removers, moisturizing lotion, antibacterial soap, finger nail clippers, plastic spatulas, septic powder, cotton balls, cuticle cream, cuticle oil, cuticle solvent, supply trays, polish, tweezers, nail brushes, and chamois buffers;
(6) a manicuring table with adjustable lamp and two chairs;
(7) pedicure tubs;
(8) a manicure ventilation system;
(9) a paraffin wax machine;
(10) artificial nail supplies, including acetone, acrylic powder and liquid, dappen dishes, nail forms and tips, natural bristle brushes, fine and heavy grit files, small scissors, buffing blocks, primer, safety glasses and mask, adhesive, glue, three-way buffers, nail oil, professional electric nail file, and silk wraps;
(11) rubber or latex gloves;
(12) chemical agents and labeled containers for sanitary purposes.
(d) For every six or fewer students working at one time, the practical instructional area must have a wash basin with running hot and cold water.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.148. ADVANCED MANICURIST ENDORSEMENT CURRICULUM. (a) An applicant for an endorsement as an advanced manicurist must complete a curriculum that consists of at least 250 hours of instruction or training in manicuring that includes the following subjects for the minimum number of hours specified:
(1) sanitation and safety measures: 45 hours, including instruction in
(A) bacteriology; and
(B) sanitation, including
(i) chemical agents; and
(ii) sanitizing methods and procedures;
(C) federal Occupational Safety and Health Administration (OSHA) safety standards; and
(D) infectious agents and infection;
(2) anatomy and physiology of the arms, hands, and feet: 45 hours, including instruction in
(A) nail shapes, structures, and growth, including
(i) nail irregularities; and
(ii) nail diseases;
(B) bones, muscles, and nerves of the arm and hand;
(C) skin histology and functions; and
(D) blood circulation, including
(i) blood vessels; and
(ii) blood supply of the arm, hand, and foot;
(3) manicuring and pedicuring: 155 hours, including instruction in
(A) preparation;
(B) equipment and implements;
(C) supplies;
(D) procedures, including
(i) basic manicure;
(ii) oil manicure;
(iii) nail analysis; and
(iv) hand and arm massage;
(E) pedicure;
(F) artificial nails, including
(i) sculpturing and liquid and powder brush-ons;
(ii) artificial nail tips;
(iii) nail wraps and repairs;
(iv) maintenance; and
(v) use of professional electric nail file;
(G) polish application; and
(H) specific needs;
(4) state law: five hours.
(b) The curriculum in (a) of this section must incorporate the following:
(1) communication skills;
(2) professional ethics;
(3) sales skills;
(4) decorum;
(5) record keeping;
(6) client service record cards.

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(c) A student is responsible for participating in the routine maintenance of the sanitary conditions necessary to conduct business. However, credit may not be given for time spent laundering towels, washing floors, walls, windows, or lavatories, or similar work.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.110

12 AAC 09.150. BARBER SCHOOL CURRICULUM. Repealed 2/28/88.

12 AAC 09.155. EQUIPMENT FOR BARBERING OR HAIRDRESSING SCHOOLS. (a) In addition to the requirements of 12 AAC 09.125(b), the classroom for theoretical instruction of the practice of barbering or hairdressing must be equipped with seating capacity for all students attending the classroom, and with equipment including

(1) one blackboard;

(2) a chart or charts of the skin, hair, muscles, nerves, bones and circulatory system of the head, neck, and face; and

(3) a book or books on general anatomy, physiology, and hygiene.

(b) The school shall provide each student with at least one board-approved textbook covering all practical operations in 12 AAC 09.160.

(c) The practical instructional area must have available the following equipment:

(1) a cabinet for instruments and linens;
(2) a towel container for soiled towels;
(3) a cape with sanex strips;
(4) towels;
(5) shampoos, tonics, creams, conditioners, and setting lotions;
(6) rollers;
(7) clips, and bobby and hair pins;
(8) combs;
(9) brushes;
(10) a dressing table, dresserette, or styling bar with mirror;
(11) a styling chair;
(12) a portable hair dryer or blower dryer;
(13) a curling iron;
(14) an injector razor with blades;
(15) scissors;
(16) permanent-waving solutions, rods and applicators;
(17) chemical straightening solutions;
(18) bleaches, tints, rinses, and highlighting solutions;
(19) disposable rubber gloves;
(20) thinning shears;
(21) electric clippers;
(22) a mannequin;
(23) repealed 4/23/98;
(24) for a barbering school, a hot lather machine;
(25) repealed 6/8/2016;
(26) waxing materials;
(27) tweezers;
(28) manicuring materials.

(d) For every 6 or fewer students working at one time, the practical instructional area must have available at least

(1) one shampoo bowl with running hot and cold water; and
(2) one standard chair-style hair-dryer unit with hood.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.160. BARBER AND HAIRDRESSER SCHOOL CURRICULUM. (a) A student who is enrolled in a course of barbering or hairdressing must complete a curriculum that consists of at least 1,650 hours of theoretical and practical training. A school shall teach a minimum of 185 hours of theoretical instruction, including five hours in state law, consisting of the provisions of AS 08.13, this chapter, and the Department of Environmental Conservation regulations contained in 18 AAC 23, and the following minimum number of practical operations, during the 1,650 hours of training:

	MINIMUM NUMBER OF PRACTICAL OPERATIONS,	MINIMUM NUMBER OF PRACTICAL OPERATIONS,

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SUBJECT	HAIRDRESSERS	BARBERS
(1) wet hair styling and drying, including hair analysis, shampooing, finger waving, pin curling, and comb outs	180	30
(2) thermal hair styling and drying, including hair analysis, straightening, waving, curling with hot combs and hot curling irons, and blower styling	180	180
(3) permanent waving, including hair analysis and chemical waving	80	50
(4) chemical straightening including hair analysis and the use of sodium hydroxide and other base solutions	10	10
(5) haircutting, including hair analysis and the use of the razor, scissors, electric clippers, and thinning shears, for wet and dry cutting	250	400
(6) haircoloring and bleaching, including hair analysis, predisposition tests, safety precautions, formula mixing, tinting, bleaching, and the use of dye removers, but not including color rinses	75	75
(7) scalp and hair treatments, including hair and scalp analysis, brushing, electric and manual scalp manipulation, and other hair treatments	10	10
(8) beard trimming	5	5
(9) beard shaving	0	50
(10) eyebrow arching and hair removal, including the use of wax, manual or electric tweezers, and depilatories for the removal of superfluous hair	15	0
(11) makeup, including skin analysis, complete and corrective makeup, and the application of false eyelashes	15	0
(12) repealed 6/8/2016		
(13) manicure	15	0

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(b) A student is responsible for participating in the routine maintenance of the sanitary conditions necessary to conduct business. However, credit may not be given for time spent laundering towels, washing floors, walls, windows, or lavatories, or similar work.

(c) Repealed 8/10/2012.

(d) Repealed 6/8/2016.

(e) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theoretical instruction hours in (a) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

(f) In addition to meeting the requirements of (a) of this section, the curriculum required for a hairdresser must include the manicuring curriculum set out in 12 AAC 09.143.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.162. EQUIPMENT FOR ESTHETICS SCHOOLS. (a) In addition to the requirements of 12 AAC 09.125(b), the classroom for instruction in the theory of the practice of esthetics must be equipped with adequate seating for all students attending the class, and must include

(1) one blackboard;

(2) a chart or charts of the skin, hair, muscles, nerves, bones, and circulatory system of the head, neck, and face;

(3) a book or books on general anatomy, physiology and hygiene; and

(4) at least one board-approved textbook, for each student, covering all practical operations listed in 12 AAC 09.163, provided by the school.

(b) The practical instruction area must include the following equipment:

(1) a cabinet for instruments and linens;

(2) a towel container for soiled towels;

(3) a cape with sanex strips;

(4) towels;

(5) a dressing table, dresserette, or styling bar with a mirror;

(6) repealed 4/21/2010;

(7) wax materials;

(8) tweezers;

(9) facial masks;

(10) an adequate reclining chair or massage table with paper liners; and

(11) electrical equipment, including the use of all electrical modalities and electrical apparatus, including dermal lights for facials and skin-care purposes.

(c) For every six or fewer students working at one time, the practical instructional area must have a wash basin with running hot and cold water.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.163. ESTHETICS SCHOOL CURRICULUM. (a) A student who enrolls in a course of esthetics must complete a curriculum that consists of at least 350 hours of theoretical and practical training. A school shall teach a minimum of 40 hours of theoretical instruction, including five hours in state law and the following minimum number of practical operations during the 350 hours of training:

SUBJECT	MINIMUM NUMBER OF PRACTICAL OPERATIONS
(1) manual, including skin analysis, cleansing, manipulations, packs and masks	60
(2) electrical, including the use of all electrical modalities and electrical apparatus, including dermal lights for facials and skin-care purposes	40
(3) eyebrow arching and hair removal, including the use of wax, manual or electric tweezers and depilatories for the removal of superfluous hair	50
(4) makeup, including skin analysis, complete and corrective makeup, and the application of false eyelashes	50

(b) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theoretical instruction hours in (a) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

Authority: AS 08.13.020 AS 08.13.110

12 AAC 09.165. INSTRUCTOR CURRICULUM. (a) The curriculum for a student enrolled in a course of instructor training must consist of at least 600 hours of training in teaching barbering, hairdressing, manicuring, or esthetics. A school shall teach the following minimum hours of instruction.

SUBJECT	MINIMUM HOURS OF INSTRUCTION
(1) Statutes and Regulations of the board	25
(2) Preparatory theoretical instruction, including teaching techniques,	

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lesson planning, methods of instruction, evaluation of instruction, student recordkeeping, state recordkeeping, and school operation	75
(3) Supervision of desk, booking appointments, and assigning students for clinic services	25
(4) Clinic floor supervision under direct supervision of licensed instructor	50
(5) The remaining 425 hours must be completed as scheduled by the school but must include	
(A) presentation of theoretical subjects in a classroom situation	50
(B) presentation of practical subjects in a classroom situation; and	50
(C) supervision of clinic floor	325

(b) A school shall employ text and reference books in a student-instructor teaching program.

(c) A student is responsible for participating in the routine maintenance of the sanitary conditions necessary to conduct business. However, credit may not be given for time spent laundering towels, washing floors, walls, windows, or lavatories, or similar work.

(d) A student who is enrolled in a school may complete up to 25 percent of the required hours in (a) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.167. BODY PIERCING TRAINING REQUIREMENTS. (a) A student who is receiving training in body piercing must complete a curriculum that consists of at least 1,000 hours of theoretical and practical training. The training must include a minimum of 270 hours of theory instruction and a minimum of 150 practical operations.

(b) The 150 practical operations required under (a) of this section must include

(1) 50 practical operations observed by the student;

(2) 50 practical operations in which the student participated; and

(3) 50 practical operations performed by the student under supervision, but without assistance.

(c) The 270 hours of theory instruction required in (a) of this section must include the following:

SUBJECT	MINIMUM NUMBER OF HOURS
(1) safety, sanitation, sterilization, and aseptic	100
(2) anatomy and physiology:	30
(3) skin and skin disorders	10
(4) aftercare techniques	100
(5) equipment and supplies	20
(6) Alaska statutes and regulations	10

(d) In addition to the requirements of (a) ─ (c) of this section, an applicant must successfully complete training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, in

(1) cardiopulmonary resuscitation (CPR); and

(2) blood borne pathogens.

(e) An applicant for a body piercing license under AS 08.13.082(d)(1)(B) based on training received in another state shall submit, on a form provided by the department, verification of completed training equivalent to that required under (a) – (c) of this section. The applicant may establish compliance with the requirements of (c)(6) of this section by submitting to the department an affidavit from the applicant that states that the applicant has studied the Alaska statutes and regulations regarding body piercing for at least the minimum number of hours required.

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(f) An applicant for a body piercing license under (e) of this section who does not have enough hours to satisfy the requirements equivalent to those of (a) – (c) of this section may obtain the remaining hours of training needed in a licensed shop in this state under a licensed practitioner of body piercing. The applicant must obtain a student permit under 12 AAC 09.180 and board approval of the proposed training program under 12 AAC 09.190 before the training begins.

(g) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theory instruction hours in (c) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

12 AAC 09.169. TATTOOING AND PERMANENT COSMETIC COLORING TRAINING REQUIREMENTS. (a) A student who is receiving training in tattooing and permanent cosmetic coloring must complete a curriculum that consists of at least 1,000 hours of training. The training must include a minimum of 270 hours of theory instruction and a minimum of 150 hours of practical operations during which the trainer must be physically present in the shop.

(b) The 270 hours of theory instruction required under (a) of this section must include the following:

SUBJECT	MINIMUM NUMBER OF HOURS
(1) safety, sanitation, sterilization, and aseptic	100
(2) anatomy and physiology	30
(3) skin and skin disorders	10
(4) aftercare techniques	100
(5) equipment and supplies	20
(6) Alaska statutes and regulations	10

(c) The 150 hours of practical operations required in (a) of this section must include
(1) 50 practical operations observed by the student;
(2) 50 practical operations in which the student participated; and
(3) 50 practical operations performed by the student under supervision, but without assistance.

(d) In addition to the requirements of (a) – (c) of this section, an applicant must successfully complete training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, in
(1) cardiopulmonary resuscitation (CPR); and
(2) blood borne pathogens.

(e) An applicant for a tattooing and permanent cosmetic coloring license under AS 08.13.082(d)(1)(B) based on training received in another state shall submit, on a form provided by the department, verification of completed training equivalent to that required under (a) – (c) of this section. The applicant may establish compliance with the requirements of (b)(6) of this section by submitting to the department an affidavit from the applicant that states that the applicant has studied the Alaska statutes and regulations regarding tattooing and permanent cosmetic coloring for at least the minimum number of hours required.

(f) An applicant for a tattooing and permanent cosmetic coloring license under (e) of this section who does not have enough hours to satisfy the requirements equivalent to those of (a) – (c) of this section may obtain the remaining hours of training needed in a licensed shop in this state under a licensed practitioner of tattooing and permanent cosmetic coloring. The applicant must obtain a student permit under 12 AAC 09.180 and board approval of the proposed training program under 12 AAC 09.190 before the training begins.

(g) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theory instruction hours in (b) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

12 AAC 09.170. THEORY SYLLABUS AND CRITERIA FOR GRADING OF EXAMINATIONS. (a) The board will, in its discretion, provide a theory syllabus to licensed schools of barbering, hairdressing, manicuring, and

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esthetics, outlining topics to be taught by the school and listing suggested textbooks to be used for instruction in the practice of barbering, hairdressing, manicuring, and esthetics.

(b) The board will provide its criteria for grading of examinations to each school of barbering, hairdressing, manicuring, and esthetics and to each candidate scheduled to take the examination before the date of an examination.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.173. OUT-OF-STATE TRAINING IN BODY PIERCING AND TATTOOING AND PERMANENT COSMETIC COLORING. (a) The board will approve training in body piercing received outside of this state under AS 08.13.082(d)(1)(B) if the board determines that the training is equivalent to the training requirements of 12 AAC 09.167(a) - (c) and provided by a person knowledgeable in the applicable techniques.

(b) The board will approve training in tattooing and permanent cosmetic coloring received outside of this state under AS 08.13.082(d)(1)(B) if the board determines that the training is equivalent to that described in 12 AAC 09.169(a) – (c) and provided by a person knowledgeable in the applicable techniques.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

12 AAC 09.175. SANITATION. A violation of 18 AAC 23 is grounds for the suspension or revocation of a license or permit under AS 08.13.030(c)(2).

Authority: AS 08.13.030 AS 08.13.210

ARTICLE 6.
STUDENT PERMITS, TRAINING, AND APPRENTICES.

Section

180. Student permits
185. Trainees in body piercing, or tattooing and permanent cosmetic coloring
190. Apprentices of barbering, hairdressing, and esthetics

12 AAC 09.180. STUDENT PERMITS. (a) The board will issue a student permit to an applicant who meets the requirements of AS 08.13.180 and submits a completed application on a form provided by the department; the completed application must include

(1) the personal identification information requested on the form;

(2) payment of the fees established in 12 AAC 02.140; and

(3) proof of

(A) enrollment in a licensed school of barbering, hairdressing, or esthetics, as specified in 12 AAC 09.130;

(B) acceptance as an apprentice to a practitioner in a shop approved by the board; or

(C) receiving training from a practitioner of tattooing and permanent cosmetic coloring or body piercing.

(b) The board will issue a student-instructor permit, valid for two years from date of issuance, upon receipt of the applicant's

(1) proof of enrollment in a student-instructor program in a licensed school of barbering, hairdressing, manicuring, or esthetics as specified in 12 AAC 09.130; and

(2) proof of a current license to practice as a barber, hairdresser, esthetician, or as a manicurist with an endorsement as an advanced manicurist.

(c) The board will, in its discretion, extend a student permit beyond the original expiration date of the permit, up to the date of the next scheduled examination, if a request for an extension is made by the permit holder explaining the need for the extension.

(d) Repealed 8/10/2012.

(e) A student may claim hours under (a)(2)(A) of this section as a student or under (a)(2)(B) of this section as an apprentice. The board will not accept hours for a student enrolled in school training and an apprentice program at the same time.

(f) Unless the student's permit is extended under (c) of this section, a student whose permit has expired under this section and re-enrolls in the same school or enrolls in another licensed school of barbering, hairdressing, manicuring, or esthetics, must reregister with the department and meet the requirements of this section.

Authority: AS 08.13.030 AS 08.13.180 AS 08.13.190

12 AAC 09.185. TRAINEES IN BODY PIERCING, OR TATTOOING AND PERMANENT COSMETIC COLORING. (a) A currently licensed practitioner of body piercing or tattooing and permanent cosmetic coloring who has held a practitioner's license in this state for at least one year before the training begins may provide training

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in body piercing or tattooing and permanent cosmetic coloring to no more than two trainees simultaneously in a shop licensed by the board under 12 AAC 09.110.

(b) The trainer must

(1) provide a time clock in the shop for the recording of the trainee's attendance;

(2) maintain daily records of the trainee's hours of attendance; and

(3) maintain all records in an orderly manner and make records available for inspection by a member of the board during the hours the shop is open.

(c) A trainer may not credit a trainee for more than 10 hours of training in any one day.

(d) A trainee may not perform work in a shop unless the trainer responsible for the trainee's training is on the premises.

(e) A trainer must submit a report on each trainee under the trainer's supervision, on a form provided by the department, no later than the 15th day after the calendar quarter. The report must include

(1) for tattooing and permanent cosmetic coloring, the exact number of hours of theoretical and practical operations completed by the trainee during the previous quarter;

(2) for body piercing, the exact number of hours of theoretical and the exact number and type of practical operations completed by the trainee during the previous quarter.

(f) The quarterly report must maintain continuity from month-to-month from the date the training begins to the date of termination or completion of the course of training regardless of attendance by the trainee.

(g) The trainer must submit a certificate of student training form for tattooing and permanent cosmetic coloring or body piercing within 20 days of termination of the training, documenting the theoretical and practical operations completed by the trainee during the incomplete training period.

(h) Upon completion of a course of training under this section, the trainee is eligible to take the appropriate examination in the license categories of tattooing and permanent cosmetic coloring or body piercing. The trainer shall submit a certificate of student training form no later than 30 days after the completion of training, documenting the theory hours and practical operations.

(i) A trainee whose training has been interrupted for a continuous period of two years or more will not be allowed credit for the hours of training received before the date the training was interrupted.

(j) A trainee may have no more than three trainers at a time. Each trainer must submit a statement of responsibility for the trainee. Approved trainers will be listed and reflected on the trainees permit. Any of the approved trainers may submit completion or termination certificates, documenting the theoretical and practical operations completed by the trainee during the incomplete training period in accordance with (g) and (h) of this section.

(k) A trainee permit is portable to shops licensed by the board under 12 AAC 09.110. The requirements of this section must be met at all times.

Authority: AS 08.13.030 AS 08.13.182

12 AAC 09.190. APPRENTICES OF BARBERING, HAIRDRESSING, AND ESTHETICS. (a) A currently licensed barber, hairdresser, or esthetician instructor in a shop that is licensed by the board under 12 AAC 09.110 may sponsor an apprentice in the instruction of barbering, hairdressing, or esthetics if

(1) the instructor submits 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) a curriculum to the board and must provide for

(i) verification that the shop where the training will be provided meets the requirements of 12 AAC 09.155 if the apprenticeship training is for barbering or hairdressing, and 12 AAC 09.162 if the apprenticeship training is for esthetics;

(ii) instruction of the minimum hours of theoretical and practical training specified in 12 AAC 09.160 if the apprenticeship training is for barbering or hairdressing, or 12 AAC 09.163 if the apprenticeship training is for esthetics;

(iii) a period of apprenticeship that meets the requirements of AS 08.13.082; and

(iv) the issuance of an affidavit of completion to each apprentice successfully completing the apprenticeship; and

(2) the apprentice holds a student permit issued under 12 AAC 09.180(a).

(b) An instructor may sponsor no more than two apprentices. The instructor must ensure that each apprentice sponsored by that instructor has that apprentice's own work station in the shop where the training will be provided.

(c) An instructor may not sponsor a student-instructor.

(d) An instructor must provide training and instruction to the same extent required of a school of barbering, hairdressing, or esthetics.

(e) An instructor must provide a time clock in the shop for the recording of the apprentice's attendance. An instructor must maintain daily records of an apprentice's number of hours of instructional coursework and number of practical operations.

(f) An instructor may not credit an apprentice for more than 10 hours of training in any one day.

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(g) All records required to be maintained by an instructor under this section must be maintained in an orderly, alphabetical, or numerical filing system and must be made available for inspection by any member of the board upon reasonable notice.

(h) An apprentice may not perform work in a shop unless the licensed barber, hairdresser, or esthetician instructor responsible for the apprentice's training is on the premises.

(i) Not later than the 15th day after the calendar quarter, on a form provided by the department, an instructor shall submit a report on each apprentice enrolled. The quarterly report must

(1) include the exact number of hours of theoretical and practical training completed by the apprentice during the previous quarter;

(2) include the exact number and type of operations completed by the apprentice during the previous quarter; and

(3) maintain continuity from month-to-month, from the date of enrollment to the date of termination or completion of the course of instruction regardless of attendance by the apprentice.

(j) Not later than 20 working days after termination of instruction of an apprentice, the instructor shall notify the department, on a form provided by the department, of the termination. The termination report must include the date of the apprentice's enrollment, the date of termination, the total number and types of operations performed by the apprentice, and the total number of hours and types of training received by the apprentice. The termination report is subject to audit and may be utilized to establish credit hours for transfer and reenrollment under 12 AAC 09.135.

(k) Not later than five working days after completion by an apprentice of a course of training, the instructor in a shop shall submit to the board an affidavit showing the total number of operations, and the total number of hours of training and theoretical instruction completed by the apprentice, and the date of completion of the training. This affidavit will serve as certification by the instructor that the apprentice meets eligibility requirements necessary for examination for licensure.

(*l*) Upon completion of a course of instruction under this section, an apprentice is eligible to take the appropriate examination in the license category of barbering, hairdressing, or esthetics. The instructor shall notify the board of an apprentice completing the course of instruction not later than 30 days after the completion by submitting records of apprenticeship in accordance with this section.

(m) An apprentice who interrupts the apprentice's training for a continuous period of two years will not be allowed credit for apprenticeship instruction and training received before the interruption.

(n) The board will not give credit for apprenticeship work completed before the apprentice has a valid student permit.

(o) For an apprentice who has completed an apprenticeship and has passed the licensing examination, the student permit expires 30 days after the student is notified in writing of passage of the examination. After passing the examination, an apprentice may, under the supervision of a licensed instructor, continue to practice under the student permit until the student permit expires under this subsection or a valid practitioner license is issued, whichever occurs first.

Authority: AS 08.13.030 AS 08.13.082

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ARTICLE 7.
GENERAL PROVISIONS.

Section

900. Examiners
905. Location of shops in private residence
910. Duties of instructors and student-instructors
920. Practice outside a licensed shop or school
930. Reinstatement of lapsed licenses
940. Education information and aftercare instructions for body piercing and tattooing and permanent cosmetic coloring; notification requirements
950. Temporary display of posting confirming current license or permit
990. Definitions

12 AAC 09.900. EXAMINERS. (a) For the purpose of conducting practical sections of the examinations, the department may approve a person who has been licensed in the state as a barber, hairdresser, or esthetician for at least two years to assist the board as an examiner.

(b) A person approved as an examiner under (a) of this section may not be

(1) a licensed practitioner of a shop sponsoring an apprentice taking the examination;

(2) the owner of a barber, hairdressing or esthetics school located in the state; or

(3) a licensed instructor in a barber, hairdressing or esthetics school located in the state.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.905. LOCATION OF SHOPS IN PRIVATE RESIDENCE. (a) No shop may be opened and maintained in a private residence unless the shop is located in a separate room apart from living quarters.

(b) Application for a shop license must be made according to the provisions of 12 AAC 09.110(a) and is subject to the provisions of 12 AAC 09.110(b) and (c).

Authority: AS 08.13.030 AS 08.13.120 AS 08.13.210

12 AAC 09.910. DUTIES OF INSTRUCTORS AND STUDENT-INSTRUCTORS. (a) An instructor or student-instructor may not, in connection with duties instructing at a licensed school, practice barbering, hairdressing, manicuring, or esthetics on members of the public, except if the work pertains directly to the instruction of students.

(b) A student-instructor may not be permitted to instruct without a licensed instructor on the school premises.

Authority: AS 08.13.030 AS 08.13.070

12 AAC 09.920. PRACTICE OUTSIDE A LICENSED SHOP OR SCHOOL. (a) A licensee who provides services outside of a licensed shop or school for a purpose listed in AS 08.13.160(e)(1) - (4) shall display his or her current license at the location where the services are provided.

(b) Barbering, hairdressing, manicuring, or esthetics services that are provided at charitable events under AS 08.13.160(e) are limited to those for which adequate health and sanitary conditions can be provided.

(c) A licensee who participates in a workshop or demonstration of techniques or products outside a licensed shop or school may not teach barbering, hairdressing, manicuring, or esthetics to persons who are not licensed or do not hold a permit in this state or another jurisdiction.

Authority: AS 08.13.030 AS 08.13.082 AS 08.13.160

12 AAC 09.930. REINSTATEMENT OF A LAPSED LICENSE. (a) A license issued under AS 08.13 and this chapter that has not been lapsed for more than three years will be reinstated if the applicant

(1) submits a completed application; and

(2) pays the applicable fees required under AS 08.13.140 and 12 AAC 02.140.

(b) The board will reinstate a license issued under AS 08.13 and this chapter that has been lapsed for more than three years if the applicant

(1) submits a completed application and supporting documents to show that the applicant was previously licensed in this state;

(2) pays the applicable fees required under AS 08.13.140 and 12 AAC 02.140; and

(3) successfully passes the written and practical examinations for the license sought.

(c) In addition to the requirements of (a) and (b) of this section, an applicant for reinstatement of a license to practice body piercing or to practice tattooing and permanent cosmetic coloring must submit verification that the applicant has successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

(1) cardiopulmonary resuscitation (CPR); and

(2) blood-borne pathogens.

Authority: AS 08.13.030 AS 08.13.140

12 AAC 09.940. EDUCATION INFORMATION AND AFTERCARE INSTRUCTIONS FOR BODY PIERCING AND TATTOOING AND PERMANENT COSMETIC COLORING; NOTIFICATION REQUIREMENTS. (a) The *Educational Information and Aftercare Instructions for Tattoos*, Including Eyebrows section of the Educational Information and Aftercare Instructions (March 2003), prepared by the board, are adopted by reference as the minimum standards of aftercare instruction and educational information to be given to a client by a licensed practitioner of tattooing.

(b) The *Educational Information and Aftercare Instructions for Permanent Cosmetic Coloring* section of the Educational Information and Aftercare Instructions (March 2003), prepared by the board, are adopted by reference as the minimum standards of aftercare instruction and educational information to be given to a client by a licensed practitioner of permanent cosmetic coloring.

(c) The *Educational Information and Aftercare Instructions for Body Piercing* section of the Educational Information and Aftercare Instructions (March 2003), prepared by the board, are adopted by reference as the minimum standards of aftercare instruction and educational information to be given to a client by a licensed practitioner of body piercing.

(d) The *Information Regarding Potential Health Risks and Other Information* section of the Educational Information and Aftercare Instructions (March 2003), prepared by the board, is adopted by reference as the statement provided by the board under AS 08.13.030(b) that the owner of a shop for tattooing and permanent cosmetic coloring or for body piercing shall prominently display in the shop as required under AS 08.13.215(c)(1).

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Authority: AS 08.13.030 AS 08.13.215

Editor's note: A copy of the *Educational Information and Aftercare Instructions*, adopted by reference in 12 AAC 09.940, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Barbers and Hairdressers, P.O. Box 110806, Juneau, AK 99811-0806; phone: (907) 465-2547.

12 AAC 09.950. TEMPORARY DISPLAY OF POSTING CONFIRMING CURRENT LICENSE OR PERMIT. To meet the requirements of AS 08.13.130, until a person's original current license or permit is received by that person, the person shall display a copy of the department's Internet website posting confirming the person's current license or permit in a conspicuous location as required for the original license or permit under AS 08.13.130.

Authority: AS 08.13.030 AS 08.13.130

Editor's note: The current posting confirming licensure and permits of persons licensed and permitted by the Board of Barbers and Hairdressers can be found at the Internet website of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing at www.commerce.state.ak.us/occ/OccSearch/main.cfm.

12 AAC 09.990. DEFINITIONS. (a) In this chapter,

(1) "board" means the Board of Barbers and Hairdressers;

(2) Repealed 7/23/2000;

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

(4) "jurisdiction" means a licensing board or administrative agency of another state, territory, or country responsible for issuing licenses and maintaining licensing records for barbers, hairdressers, manicurists, or estheticians;

(5) "theoretical instruction" means instruction by lecture, classroom participation, or examination;

(6) "practical instruction, practical operation, or practical training" means the demonstration of or the actual performance of barbering, hairdressing, manicuring, esthetics, body piercing, or tattooing and permanent cosmetic coloring by a student, apprentice, or practitioner;

(7) "manicurist" includes an individual licensed in any jurisdiction as a nail technician;

(8) "client release form" means a client's written consent, on a form provided by a practitioner, for the practitioner to perform the requested body piercing or tattooing and permanent cosmetic coloring procedure;

(9) "college or university" means the University of Alaska or a college or university accredited by a national or regional educational accrediting organization;

(10) "working day" means a day other than Saturday, Sunday, or a state holiday.

(b) For the purposes of AS 08.13.220(5), "for a fee" does not include remuneration received by a person employed or working under contract to provide make up services for a television, film, or stage production.

Authority: AS 08.13.030 AS 08.13.220

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Statutes and Regulations

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Pharmacy

July 2018

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DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

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CHAPTER 80. PHARMACISTS AND PHARMACIES.

Article

1. **The Board of Pharmacy (§§ 08.80.003 - 08.80.105)**
2. **Licensing and Registration (§§ 08.80.110 - 08.80.261)**
3. **Duties of Licensed Pharmacists (§§ 08.80.295 - 08.80.330)**
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ARTICLE 1. THE BOARD OF PHARMACY.

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03. Practice of pharmacy as a profession
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Sec. 08.80.003. PRACTICE OF PHARMACY AS A PROFESSION. The practice of pharmacy is declared to be a professional practice affecting the public health, safety, and welfare and is subject to regulation and control in the public interest. It is further declared to be a matter of public interest that only qualified persons be permitted to engage in the practice of pharmacy, and to ensure the quality of drugs and related devices distributed in the state.

Sec. 08.80.005. STATEMENT OF PURPOSE. It is the purpose of this chapter to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of pharmacy.

Sec. 08.80.010. CREATION AND MEMBERSHIP OF BOARD; OFFICERS. (a) There is created the Board of Pharmacy, composed of seven members, five of whom shall be pharmacists licensed in the state who have been actively engaged in the practice of pharmacy in the state for a period of three years immediately preceding their appointment. Two shall be persons with no direct financial interest in the health care industry. Whenever possible, the board shall include at least one member from each judicial district.

(b) An officer elected by the board serves a term of one year and may not serve more than four consecutive full terms in a specific office.

Sec. 08.80.030. POWERS AND DUTIES OF THE BOARD. (a) The board is responsible for the control and regulation of the practice of pharmacy.

(b) In order to fulfill its responsibilities, the board has the powers necessary for implementation and enforcement of this chapter, including the power to

(1) elect a president and secretary from its membership and adopt rules for the conduct of its business;

(2) license by examination or by license transfer the applicants who are qualified to engage in the practice of pharmacy;

(3) assist the department in inspections and investigations for violations of this chapter, or of any other state or federal statute relating to the practice of pharmacy;

(4) adopt regulations to carry out the purposes of this chapter;

(5) establish and enforce compliance with professional standards and rules of conduct for pharmacists engaged in the practice of pharmacy;

(6) determine standards for recognition and approval of degree programs of schools and colleges of pharmacy whose graduates shall be eligible for licensure in this state, including the specification and enforcement of requirements for practical training, including internships;

(7) establish for pharmacists and pharmacies minimum specifications for the physical facilities, technical equipment, personnel, and procedures for the storage, compounding, and dispensing of drugs or related devices, and for the monitoring of drug therapy;

(8) enforce the provisions of this chapter relating to the conduct or competence of pharmacists practicing in the state, and the suspension, revocation, or restriction of licenses to engage in the practice of pharmacy;

(9) license and regulate the training, qualifications, and employment of pharmacy interns and pharmacy technicians;

(10) issue licenses to persons engaged in the manufacture and distribution of drugs and related devices;

(11) establish and maintain a controlled substance prescription database as provided in AS 17.30.200;

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(12) establish standards for the independent administration by a pharmacist of vaccines and related emergency medications under AS 08.80.168, including the completion of an immunization training program approved by the board;

(13) establish standards for the independent dispensing by a pharmacist of an opioid overdose drug under AS 17.20.085, including the completion of an opioid overdose training program approved by the board;

(14) require that a licensed pharmacist register with the controlled substance prescription database under AS 17.30.200(o).

Sec. 08.80.045. NONPRESCRIPTION DRUGS. (a) Except as provided in (b) of this section the board may not regulate the sale of patent or nonprescription drugs that are prepackaged for use by the consumer, are in their original, unbroken packaging, and are labeled in accordance with requirements of the federal government.

(b) The board may regulate the sale and distribution of patent or nonprescription drugs under AS 44.62.250 when the regulation is required by an emergency to protect the public health and safety.

Sec. 08.80.050. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT. The board shall comply with the Administrative Procedure Act (AS 44.62).

Sec. 08.80.060. MEETINGS OF THE BOARD. The board shall meet at least three times each year at the call of the president for the transaction of business properly before it. The president shall also call the board into session when requested in writing by at least two members. Meetings may be held telephonically.

Sec. 08.80.070. QUORUM. Four members constitute a quorum for the transaction of business. However, when the board meets for the purpose of examining applications for licensure, three members of the board constitute a quorum.

Sec. 08.80.080. EXPENSES OF MEMBERS. Members of the board are entitled to reimbursement for actual travel expenses incidental to the discharge of their duties and, while in the performance of their duties, are entitled to the per diem expenses allowed by law.

Sec. 08.80.105. REMOVAL OF BOARD MEMBERS. A member of the board may be removed from office by the governor for cause.

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Sec. 08.80.110. QUALIFICATIONS FOR LICENSURE BY EXAMINATION. An applicant for licensure as a pharmacist shall

(1) be fluent in the reading, writing, and speaking of the English language;

(2) furnish the board with at least two affidavits from reputable citizens that the applicant has known for at least one year attesting to the applicant's good moral character;

(3) be a graduate of a college in a degree program approved by the board;

(4) pass an examination or examinations given by the board or acceptable to the board under the score transfer process administered by the National Association of Boards of Pharmacy;

(5) have completed internship training or another program that has been approved by the board or demonstrated to the board's satisfaction that the applicant has experience in the practice of pharmacy that meets or exceeds the minimum internship requirements of the board.

Sec. 08.80.116. INTERNSHIP AND OTHER TRAINING PROGRAMS. (a) An applicant for licensure by examination shall obtain practical experience in the practice of pharmacy concurrent with or after college attendance, or both, under terms and conditions the board shall determine.

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(b) The board shall establish licensure requirements for interns and standards for internship or other training programs that are necessary to qualify an applicant for the licensure examination and shall also determine the qualifications of preceptors used in practical experience programs.

Sec. 08.80.120. GRADING AND CONTENT OF EXAMINATION. The examination or examinations shall be prepared to measure the competence of the applicant to engage in the practice of pharmacy. The board may employ, cooperate, and contract with an organization or consultant in the preparation and grading of an examination, but shall retain sole discretion and responsibility for determining which applicants have successfully passed the examinations.

Sec. 08.80.145. RECIPROCITY; LICENSE TRANSFER. If another jurisdiction allows licensure in that jurisdiction of a pharmacist licensed in this state under conditions similar to those in this section, the board may license as a pharmacist in this state a person licensed as a pharmacist in the other jurisdiction if the person

(1) submits a written application to the board on a form required by the board;

(2) is at least 18 years of age;

(3) is of good moral character;

(4) possesses at the time of the request for licensure as a pharmacist in this state the qualifications necessary to be eligible for licensure in this state;

(5) has engaged in the practice of pharmacy for at least one year or has met the internship requirements of this state within the one-year period immediately before applying for a license under this section;

(6) presents proof satisfactory to the board that the person is currently licensed as a pharmacist in the other jurisdiction and does not currently have a pharmacist license suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education credits;

(7) has passed an examination approved by the board that tests the person's knowledge of Alaska laws relating to pharmacies and pharmacists and the regulations adopted under those laws; and

(8) pays all required fees.

Sec. 08.80.147. RENEWAL OF LICENSURE. If a pharmacist fails to apply for renewal of a license within five years from the expiration of the license, the person must pass an examination for license renewal, except that a person who has continually practiced pharmacy in another state under a license issued by the authority of that state may renew an expired license in this state upon fulfillment of the requirements that may be established by the board.

Sec. 08.80.150. TEMPORARY LICENSE. The board shall adopt regulations regarding the issuance of a temporary license to practice pharmacy.

Sec. 08.80.155. EMERGENCY PERMIT. The board shall adopt regulations regarding the issuance of an emergency permit to practice pharmacy.

Sec. 08.80.157. LICENSING OF FACILITIES. (a) A facility engaged in the practice of pharmacy or in the manufacture, production, or wholesale distribution of drugs or devices, and a pharmacy where drugs or devices are dispensed, shall be licensed by the board, and shall renew the license at intervals determined by the board. If operations are conducted at more than one location, each location shall be licensed by the board.

(b) The board may by regulation determine the licensure classifications of facilities and establish minimum standards for the facilities.

(c) The board shall establish by regulation the criteria that a facility must meet to qualify for licensure in each classification. The board may issue licenses with varying restrictions to facilities when the board considers it necessary to protect the public interest.

(d) The board may deny or refuse to renew a license if it determines that the granting or renewing of the license would not be in the public interest.

(e) Licenses issued by the board are not transferable or assignable.

(f) The board shall specify by regulation the minimum standards for responsibility of a facility or pharmacy that has employees or personnel engaged in the practice of pharmacy or engaged in the manufacture, wholesale distribution, production, or use of drugs or devices in the conduct of its business.

(g) A licensed facility shall report to the board

(1) permanent closing;

(2) change of ownership, management, location, or pharmacist-in-charge of a pharmacy;

(3) theft or loss of drugs or devices as defined by regulations of the board;

(4) conviction of an employee of violation of a state or federal drug law;

(5) disasters, accidents, theft, destruction, or loss relating to records required to be maintained by state or federal law;

(6) occurrences of significant adverse drug reactions as defined by regulations of the board;

(7) other matters and occurrences the board may require by regulation.

(h) The board may suspend, revoke, deny, or refuse to renew the license of a facility or pharmacy on the following grounds:

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(1) the finding by the board of violations of a federal, state, or local law relating to the practice of pharmacy, drug samples, wholesale or retail drug or device distribution, or distribution of controlled substances;

(2) a felony conviction under federal, state, or local law of an owner of the facility or pharmacy or of an employee of the facility or pharmacy;

(3) the furnishing of false or fraudulent material in an application made in connection with drug or device manufacturing or distribution;

(4) suspension or revocation by federal, state, or local government of a license currently or previously held by the applicant for the manufacture or distribution of drugs or devices, including controlled substances;

(5) obtaining remuneration by fraud, misrepresentation, or deception;

(6) dealing with drugs or devices that are known or should have been known to be stolen drugs or devices;

(7) dispensing or distributing drugs or devices directly to patients by a wholesale drug distributor other than a pharmacy;

(8) violation of this chapter or a regulation adopted under this chapter.

(i) The board's regulations under (b) - (d) and (f) of this section may not establish more stringent licensing requirements for the facilities governed by AS 08.80.390 than are set out in AS 08.80.390.

(j) This section does not apply to the offices of physicians, osteopaths, podiatrists, physician assistants, advanced nurse practitioners, dentists, veterinarians, dispensing opticians, or optometrists.

Sec. 08.80.158. REGISTRATION OF PHARMACIES LOCATED OUTSIDE OF STATE. (a) A pharmacy located outside of the state that regularly ships, mails, or delivers prescription drugs to consumers in the state shall register with the board.

(b) A pharmacy registering with the board under (a) of this section shall furnish to the board annually

(1) the location, names, and titles of all principal corporate officers and of all pharmacists who are dispensing prescription drugs to residents of the state;

(2) a copy of a current valid license, permit, or registration to conduct operations in the jurisdiction in which it is located, and a copy of the most recent report resulting from an inspection of the pharmacy by the regulatory or licensing agency of the jurisdiction in which the pharmacy is located;

(3) a sworn statement indicating that the pharmacy complies with all lawful directions and requests for information from the regulatory or licensing authority of the jurisdiction in which the pharmacy is licensed; and

(4) proof satisfactory to the board that the pharmacy maintains its records of prescription drugs dispensed to persons in the state so that the records are readily retrievable from the records of other prescription drugs dispensed by the pharmacy.

(c) A pharmacy subject to this section shall, during its regular hours of operations, provide a toll-free telephone service to facilitate communication between persons in the state and a pharmacist at the pharmacy who has access to records concerning the dispensing of prescription drugs to persons in the state. The toll-free number and the hours that the service is available shall be disclosed on a label affixed to each container of drugs dispensed to persons in the state. The telephone service shall be available at least 40 hours a week and at least six days a week.

(d) The board may, after a hearing, deny, revoke, or suspend the registration of a pharmacy located outside of the state and subject to this section if the pharmacy fails to comply with the requirements of this section, AS 17.20.080 - AS 17.20.135, or AS 17.30.020 - 17.30.080, or if the license, permit, or registration of the pharmacy is denied, revoked, or suspended by the licensing or regulatory agency of the jurisdiction in which the pharmacy is located.

(e) A pharmacy located outside of the state that is subject to this section but is not registered with the board under this section may not ship, mail, or deliver prescription drugs into the state and may not advertise its services in the state.

(f) A pharmacy subject to this section shall appoint a registered agent in the state who is empowered to accept, on behalf of the pharmacy, process, notice, and demand required or permitted by law to be served upon the pharmacy. If the pharmacy fails to appoint an agent under this subsection, if the registered agent cannot with reasonable diligence be found at the registered office, or if the registration of the pharmacy is suspended or revoked, the commissioner of commerce and economic development is an agent upon whom process, notice, or demand may be served. Service is made upon the commissioner in the same manner as provided for corporations under AS 10.06.175(b), except that for the purposes of AS 10.06.175(b)(2)(A), the address shall be the last registered address of the pharmacy as shown by the records of the board.

(g) The board shall by regulation define "regularly" for this section.

Sec. 08.80.160. FEES. The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for the following:

(1) examination;

(2) reexamination;

(3) investigation for licensing by license transfer;

(4) pharmacist license;

(5) temporary license;

(6) pharmacy technician license;

(7) pharmacy intern license;

(8) emergency permit;

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(9) license amendment or replacement;
(10) registration or licensure of a facility classified under AS 08.80.157(b).

Sec. 08.80.165. CONTINUING EDUCATION REQUIREMENTS. The board shall establish requirements for continuing education in pharmacy that must be satisfied before a license issued under this chapter may be renewed.

Sec. 08.80.168. ADMINISTRATION OF VACCINES AND RELATED EMERGENCY MEDICATIONS.
(a) A pharmacist may independently administer a vaccine and related emergency medication if the pharmacist has completed an immunization training program approved by the board and otherwise complies with the standards established by the board under AS 08.80.030(b).
(b) In this section,
(1) "opioid overdose drug" has the meaning given in AS 17.20.085;
(2) "related emergency medication" includes an epinephrine injection or other medication for the treatment of a severe allergic reaction to a vaccine.
(c) A pharmacist may independently dispense an opioid overdose drug if the pharmacist has completed an opioid overdose drug training program approved by the board and otherwise complies with the standards established by the board under AS 08.80.030(b).

Sec. 08.80.261. DISCIPLINARY SANCTIONS. (a) The board may deny a license to an applicant or, after a hearing, impose a disciplinary sanction authorized under AS 08.01.075 on a person licensed under this chapter when the board finds that the applicant or licensee, as applicable,
(1) secured or attempted to secure a license through deceit, fraud, or intentional misrepresentation;
(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;
(3) advertised professional services in a false or misleading manner;
(4) has been convicted of a felony or has been convicted of another crime that affects the applicant's or licensee's ability to practice competently and safely;
(5) intentionally or negligently engaged in or permitted the performance of patient care by persons under the applicant's or licensee's supervision that does not conform to minimum professional standards regardless of whether actual injury to the patient occurred;
(6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;
(7) is incapable of engaging in the practice of pharmacy with reasonable skill, competence, and safety for the public because of
(A) professional incompetence;
(B) failure to keep informed of or use current professional theories or practices;
(C) addiction or severe dependency on alcohol or a drug that impairs the applicant's or licensee's ability to practice safely;
(D) physical or mental disability; or
(E) other factors determined by the board;
(8) engaged in conduct involving moral turpitude or gross immorality;
(9) made a controlled substance available to a person except upon prescription issued by a person licensed to prescribe controlled substances;
(10) was convicted of selling federal legend drugs without the prescription of a person licensed to prescribe federal legend drugs;
(11) violated state or federal laws or regulations pertaining to drugs or pharmacies;
(12) failed to report relevant information to the board about a pharmacist or pharmacy intern that the applicant or licensee knew or suspected was incapable of engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public;
(13) aided another person to engage in the practice of pharmacy or to use the title of "pharmacist" or "pharmacy intern" without a license; or
(14) engaged in unprofessional conduct, as defined in regulations of the board.
(b) The board may place under seal all drugs that are owned by or in the possession, custody, or control of a licensee at the time a license is suspended or revoked or at the time the board refuses to renew a license. Except for perishable items, the drugs may not be disposed of until the licensee has exhausted administrative and judicial remedies relating to the licensing action. Perishable items may be sold upon order of the court with the proceeds to be deposited with the court. The board shall notify the Department of Health and Social Services about drugs placed under seal under this subsection.

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ARTICLE 3. DUTIES OF LICENSED PHARMACISTS.

Section

294. Information about equivalent generic drugs
295. Substitution of equivalent drug products
297. Prescription prices available to consumer
315. Confidentiality of records
330. Licensed pharmacist appointed as "pharmacist-in-charge"
345. Prescription for an opioid; voluntary request for lesser quantity

Sec. 08.80.294. INFORMATION ABOUT EQUIVALENT GENERIC DRUGS. (a) In addition to other information that may be required under state or federal laws or regulations, a pharmacist, when dispensing a brand-name prescription drug order, shall include the generic drug name that is an equivalent drug product for the drug dispensed.

(b) The generic drug name required under (a) of this section shall be placed directly on the container's label near the brand name.

Sec. 08.80.295. SUBSTITUTION OF EQUIVALENT DRUG PRODUCTS. (a) Unless the prescription indicates that it is to be dispensed only as written, the pharmacist may, with the consent of the patient, substitute an equivalent drug product.

(b) A pharmacist who substitutes an equivalent drug product in compliance with this section and applicable regulations incurs no greater liability in filling the prescription than would be incurred in filling the prescription by dispensing the prescribed name brand product.

Sec. 08.80.297. PRESCRIPTION PRICES AVAILABLE TO CONSUMER. A pharmacist shall disclose the price of filling any prescription when requested by the consumer.

Sec. 08.80.315. CONFIDENTIALITY OF RECORDS. Information maintained by a pharmacist in the patient's records or that is communicated to the patient as part of patient counseling is confidential and may be released only to

(1) the patient or as the patient directs;

(2) a practitioner or pharmacist when, in the pharmacist's professional judgment, release is necessary to protect the patient's health and well-being; and

(3) other persons or governmental agencies authorized by law to receive confidential information.

Sec. 08.80.330. LICENSED PHARMACIST APPOINTED AS "PHARMACIST-IN-CHARGE". (a) Each pharmacy shall have a pharmacist-in-charge. Whenever an applicable law or regulation requires or prohibits action by a pharmacy, responsibility shall be that of the owner and the pharmacist-in-charge, whether the owner is a sole proprietor, partnership, association, corporation, or otherwise. The pharmacist-in-charge shall ensure compliance with all laws and regulations governing the operation of the pharmacy. A licensed pharmacist appointed as pharmacist-in-charge of a pharmacy shall immediately advise the board of that appointment.

(b) A license may not be issued to a pharmacy unless there is a licensed registered pharmacist-in-charge whose name appears on the face of the license.

Sec. 08.80.345. PRESCRIPTION FOR AN OPIOID; VOLUNTARY REQUEST FOR LESSER QUANTITY. (a) A pharmacist filling a prescription for an opioid that is a schedule II or III controlled substance under federal law may, at the request of the individual for whom the prescription is written, dispense the prescribed opioid in a lesser quantity than prescribed.

(b) Nothing in this section shall be construed to prevent substitution of an equivalent drug under AS 08.80.295.

ARTICLE 4. UNLAWFUL ACTS.

Section

390. Pharmacists required in hospitals and clinics
400. Other licensees not affected
410. Use of term "pharmacist" prohibited
420. Certain advertising prohibited
430. Use of pharmacy symbols prohibited
450. Disciplinary action
460. Penalties

Sec. 08.80.390. PHARMACISTS REQUIRED IN HOSPITALS AND CLINICS. (a) A hospital, clinic, nursing home, infirmary, or related facility that dispenses drugs for outpatient treatment shall have a licensed

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pharmacist in charge of the dispensary, except that prescriptions may be compounded and dispensed by or under the supervision of the prescribing physician.

(b) The board shall issue a license to a hospital drug room, nursing home drug room, or related facility that dispenses drugs from bulk supply for inpatient treatment, providing the facility employs a licensed pharmacist on a continual or consultant basis.

Sec. 08.80.400. OTHER LICENSEES NOT AFFECTED. This chapter does not affect the practice of medicine by a licensed medical doctor and does not limit a licensed medical doctor, osteopath, podiatrist, physician assistant, advanced practice registered nurse, dentist, veterinarian, dispensing optician, or optometrist in supplying a patient with any medicinal preparation or article within the scope of the person's license.

Sec. 08.80.410. USE OF TERM "PHARMACIST" PROHIBITED. A person may not assume or use the title "pharmacist," or any variation of the title, or hold out to be a pharmacist, without being licensed.

Sec. 08.80.420. CERTAIN ADVERTISING PROHIBITED. (a) A person may not use or exhibit the title "pharmacist," "assistant pharmacist," or "druggist," or the descriptive term "pharmacy," "drug store," "drug sundries," or other similar title or term containing the word "drug," in any business premises, or in an advertisement through the media of press, or publication, or by radio or television, unless the business has a licensed pharmacist in regular and continuous employment.

(b) *Repealed 1980.*

Sec. 08.80.430. USE OF PHARMACY SYMBOLS PROHIBITED. A person may not display in a place of business the characteristic pharmacy symbol of "Rx" in any form unless the business has a pharmacist licensed under this chapter.

Sec. 08.80.450. DISCIPLINARY ACTION. The board may consider a complaint based upon the alleged violation of any provision of this chapter, and may by a majority vote of a quorum dismiss the complaint, reprimand a licensee, or take other punitive action as the nature of the facts warrant. Orders issued by the board shall be in writing, signed by a majority and filed with the secretary of the board. The accused shall receive an authenticated copy of the order.

Sec. 08.80.460. PENALTIES. (a) A person who violates a provision of this chapter is guilty of a class B misdemeanor.

(b) A person who violates the provisions of AS 08.80.295 is punishable by a civil fine in an amount established by the board in a schedule or schedules establishing the amount of civil fine for a particular violation. The schedule or schedules shall be adopted by the board by regulation. Any civil fine imposed under this section may be appealed in the manner provided for appeals in the Administrative Procedure Act (AS 44.62).

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ARTICLE 5. GENERAL PROVISIONS.

Section

470. Construction
475. Federal facilities not affected
480. Definitions
490. Short title

Sec. 08.80.470. CONSTRUCTION. Nothing in this chapter amends, modifies, repeals or otherwise changes any provision of AS 11.71, AS 17.30, or AS 17.20 (the Alaska Food, Drug and Cosmetic Act).

Sec. 08.80.475. FEDERAL FACILITIES NOT AFFECTED. This chapter does not apply to the safe storage, preservation, dispensing, or control of drugs in a federally operated hospital or institution.

Sec. 08.80.480. DEFINITIONS. In this chapter, unless the context otherwise requires,

(1) "administer" means the direct application of a drug to the body of a patient or research subject by injection, inhalation, ingestion, or other means;

(2) "board" means the Board of Pharmacy;

(3) "compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or device (A) as the result of a practitioner's prescription drug order or initiative based on the relationship of the practitioner, patient, and pharmacist in the course of professional practice or (B) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale or dispensing; "compounding" also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns;

(4) "controlled substance" has the meaning given in AS 11.71.900;

(5) "deliver" or "delivery" means the actual, constructive, or attempted transfer of a drug or device from one person to another, whether or not for consideration;

(6) "device" means an instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article, including a component part or accessory, that is required under federal law to bear the label "Caution: Federal or state law requires dispensing by or on the order of a physician";

(7) "dispense" or "dispensing" means the preparation and delivery of a drug or device to a patient or patient's agent under a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to, or use by, a patient;

(8) "distribute" means the delivery of a drug or device other than by administering or dispensing;

(9) "drug" means an article recognized as a drug in an official compendium, or supplement to an official compendium; an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animal; an article other than food, intended to affect the structure or function of the body of man or animal; and an article intended for use as a component of an article specified in this paragraph but does not include devices or their components, parts, or accessories;

(10) "drug regimen review" includes evaluation of the prescription drug order and patient record for

(A) known allergies;

(B) rational therapy-contraindications;

(C) reasonable dose and route of administration;

(D) reasonable directions for use;

(E) duplication of therapy;

(F) drug-drug, drug-food, and drug-disease interactions;

(G) adverse drug reactions; and

(H) proper utilization, including over- or under-utilization, and optimum therapeutic outcomes;

(11) "equivalent drug product" means a drug product that has the same established name, active ingredients, strength or concentration, dosage form, and route of administration and that is formulated to contain the same amount of active ingredients in the same dosage form and to meet the same compendia or other applicable standards for strength, quality, purity, and identity, but that may differ in characteristics such as shape, scoring configuration, packaging, excipients including colors, flavors, preservatives, and expiration time;

(12) "intern" means an individual who is

(A) currently licensed by this state to engage in the practice of pharmacy while under the personal supervision of a pharmacist and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist; or

(B) a graduate from a college of pharmacy who is currently licensed by the board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist;

(13) "labeling" means the process of preparing and affixing a label to a drug container, exclusive, however, of the labeling by a manufacturer, packer, or distributor or a nonprescription drug or commercially packed legend drug or device;

(14) "legend drug" means a prescription drug;

(15) "manufacturing" means the production, preparation, propagation, conversion, or processing of a drug or device, either directly or indirectly, by extraction from a substance of natural origin or independently by means of chemical or biological synthesis, and includes packaging or repackaging of a substance or labeling or relabeling of its container, and the promotion and marketing of drugs or devices; "manufacturing" also includes the preparation and promotion of commercially available products from bulk compounds for resale by pharmacies, practitioners, or other persons;

(16) "nonprescription drug" means a nonnarcotic medicine or drug that may be sold without a prescription and that is prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of the state and the federal government;

(17) "outpatient dispensing" means dispensing drugs for administration outside of the hospital pharmacy's control;

(18) "owner" means the owner of a place of business for wholesaling, retailing, compounding, or dispensing drugs, medicines, or poisons;

(19) "patient counseling" means the communication by the pharmacist of information, as defined in the regulations of the board, to the patient or care giver in order to improve therapy by ensuring proper use of drugs and devices;

(20) "person" has the meaning given in AS 01.10.060 and also includes a governmental agency;

(21) "pharmaceutical care" is the provision of drug therapy and other pharmaceutical patient care services intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process as defined in regulations of the board;

(22) "pharmacist" means an individual currently licensed by this state to engage in the practice of pharmacy;

(23) "pharmacist-in-charge" means a pharmacist who accepts responsibility for operation of a pharmacy in a manner that complies with laws and regulations applicable to the practice of pharmacy and the distribution of drugs and who is personally in charge of the pharmacy and the pharmacy's personnel;

(24) "pharmacy" means a place in this state where drugs are dispensed and pharmaceutical care is provided and a place outside of this state that is subject to licensure or registration under AS 08.80.157(b);

(25) "pharmacy located outside of the state" means a pharmacy that prepares or mixes prescription drugs outside of the state, regardless of the location at which those drugs may be shipped, mailed, or delivered to the consumer;

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(26) “pharmacy technician” means a supportive staff member who works under the immediate supervision of a pharmacist;

(27) “practice of pharmacy” means the interpretation, evaluation, and dispensing of prescription drug orders in the patient's best interest; participation in drug and device selection, drug administration, drug regimen reviews, and drug or drug-related research; provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care; the administration of vaccines and related emergency medication; the independent dispensing of opioid overdose drugs; the responsibility for compounding and labeling of drugs and devices except labeling by a manufacturer, repackager, or distributor of nonprescription drugs and commercially packaged legend drugs and devices; proper and safe storage of drugs and devices; and maintenance of proper records for them;

(28) “practitioner” means an individual currently licensed, registered, or otherwise authorized by the jurisdiction in which the individual practices to prescribe and administer drugs in the course of professional practice;

(29) “preceptor” means an individual who is currently licensed by the board, meets the qualifications as a preceptor under the regulations of the board, and participates in the instructional training of pharmacy interns;

(30) “prescription drug” means a drug that, under federal law, before being dispensed or delivered, is required to be labeled with either of the following statements: (A) “Caution: Federal law prohibits dispensing without prescription”; (B) “Caution: Federal law restricts this drug to use by, or on the order of, a licensed veterinarian”; or a drug that is required by an applicable federal or state law or regulation to be dispensed only under a prescription drug order or is restricted to use by practitioners only;

(31) “prescription drug order” means a lawful order of a practitioner for a drug or device for a specific patient;

(32) “prospective drug use review” means a review of the patient’s drug therapy and prescription drug order, as defined in the regulations of the board, before dispensing the drug as part of a drug regimen review;

(33) “significant adverse drug reaction” means a drug-related incident that may result in serious harm, injury, or death to the patient;

(34) “substitution” means to dispense without the prescriber’s expressed authorization, an equivalent drug product in place of the prescribed drug;

(35) “wholesale” means sale by a manufacturer, wholesale dealer, distributor, or jobber to a person who sells, or intends to sell, directly to the user:

(36) “wholesale drug distributor” means anyone engaged in wholesale distribution of drugs, including but not limited to manufacturers; repackagers; own-label distributors; private label distributors; jobbers; brokers; warehouses, including manufacturers’ and distributors’ warehouses; chain drug warehouses; wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies that conduct wholesale distributions.

Sec. 08.80.490. Short title. This chapter may be known as the Pharmacy Act.

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CHAPTER 52.
BOARD OF PHARMACY.

Article

1. **Licensing, Registration, and Permit Requirements (12 AAC 52.010 – 12 AAC 52.140)**
2. **Personnel (12 AAC 52.200 – 12 AAC 52.250)**
3. **License Renewal and Continuing Education Requirements (12 AAC 52.300 – 12 AAC 52.350)**
4. **Guidelines for Pharmacies and Pharmacists (12 AAC 52.400 – 12 AAC 52.445)**
5. **Pharmacy Practice Standards (12 AAC 52.450 – 12 AAC 52.590)**
6. **Wholesale Drug Distributors and Facilities (12 AAC 52.610 – 12 AAC 52.695)**
7. **Institutional Pharmacies (12 AAC 52.700 – 12 AAC 52.730)**
8. **Drug Rooms and Facilities Without a Pharmacy (12 AAC 52.800 – 12 AAC 52.850)**
9. **Controlled Substance Prescription Database (12 AAC 52.855 – 12 AAC 52.895)**
10. **Disciplinary Guidelines (12 AAC 52.900 – 12 AAC 52.980)**
11. **General Provisions (12 AAC 52.990 – 12 AAC 52.995)**

ARTICLE 1.
LICENSING, REGISTRATION, AND PERMIT REQUIREMENTS.

Section

10. Classifications of licensure
20. Facility license
30. Change of pharmacy location or name
40. Change of pharmacy ownership
50. Closed pharmacies
60. Fire or other disaster
70. Application for pharmacist license by examination
75. Good moral character
80. Internship requirements for a pharmacist license
90. Examination requirements and registration
92. Approval to sit for examination
95. Application for pharmacist license by reciprocity
100. Temporary pharmacist license
110. Emergency pharmacist permit
120. Review of pharmacist intern license application
130. Registration of pharmacies located outside of the state
140. Pharmacy technician license

12 AAC 52.010. CLASSIFICATIONS OF LICENSURE. (a) The board will issue the following categories of licenses or permits to a qualified individual:

(1) pharmacist license;
(2) temporary pharmacist license;
(3) emergency permit to practice pharmacy;
(4) pharmacist intern license;
(5) pharmacy technician license.

(b) The board will issue the following categories of licenses or registrations to a qualified facility:

(1) pharmacy license;
(2) repealed 2/26/2000;
(3) wholesale drug distributor license;
(4) drug room license;
(5) registration of a pharmacy located outside of the state;
(6) remote pharmacy license.

Authority: AS 08.80.005 AS 08.80.150 AS 08.80.158

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AS 08.80.030 AS 08.80.155 AS 08.80.390
AS 08.80.116 AS 08.80.157

12 AAC 52.020. FACILITY LICENSE. (a) An applicant for a facility license shall submit

(1) the fees required in 12 AAC 02.310;

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

(3) within 14 days after commencement of business, a completed self-inspection of the premises questionnaire on a form provided by the department; and

(4) the name of the pharmacy or pharmacist that will provide consultant pharmacist services as required in AS 08.80.390, if applicable.

(b) Repealed 1/17/2007.

(c) An application for a remote or other pharmacy license must include the name of the pharmacist designated to be the pharmacist-in-charge as required in AS 08.80.330 and 12 AAC 52.200.

(d) An application for a pharmacy license must include the name and specific location of each remote pharmacy that will be under that pharmacy's control.

(e) An application for a remote pharmacy license must include the name and, if it has been issued, the license number of the pharmacy that is the central pharmacy.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.330
AS 08.80.030

12 AAC 52.030. CHANGE OF PHARMACY LOCATION OR NAME. (a) The pharmacist-in-charge of a pharmacy that has changed its name or physical address shall apply for a new and separate pharmacy license. The applicant shall

(1) submit a new, completed application for a pharmacy license; and

(2) pay the duplicate license fee required in 12 AAC 02.105;

(3) repealed 1/17/2007.

(b) Within 14 days after commencement of business under the new license, the pharmacist-in-charge of a pharmacy that has changed its physical address shall complete a self-inspection questionnaire on a form provided by the department.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.330
AS 08.80.030

12 AAC 52.040. CHANGE OF PHARMACY OWNERSHIP. (a) Repealed 1/17/2007.

(b) A new owner of a pharmacy shall apply for a new and separate facility license in accordance with 12 AAC 52.020.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.157

12 AAC 52.050. CLOSED PHARMACIES. (a) When a pharmacy ceases operations, the pharmacist-in-charge of that pharmacy shall

(1) submit to the board a written notice of the cessation of pharmacy operations; the written notice must be submitted within 10 days after the cessation of operations and include

(A) the date the pharmacy ceased operations;

(B) a statement signed by the pharmacist-in-charge attesting that an inventory of all controlled substances on hand has been conducted; and

(C) a statement signed by the pharmacist-in-charge attesting to the manner of disposition for all prescription drugs possessed by the pharmacy;

(2) arrange for the transfer of prescription drug orders or computer prescription records to another pharmacy to facilitate continuous patient care; and

(3) provide for the maintenance and availability of prescription drug orders or hard copies of computer prescription records in accordance with 12 AAC 52.450(a) that are not transferred to another pharmacy;

(4) repealed 1/17/2007.

(b) In the absence of a pharmacist-in-charge, the owner of the pharmacy shall meet all requirements of this section.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.330
AS 08.80.030

12 AAC 52.060. FIRE OR OTHER DISASTER. (a) If a pharmacy has a fire or other disaster, the pharmacist-in-charge of the pharmacy shall

(1) within 10 days, report to the board the date of a fire or any disaster that may affect the strength, purity, or labeling of drugs, devices, or other materials used in the practice of the pharmacy;

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(2) provide the board with a copy of a completed DEA Form 106, "Report of Theft or Loss of Controlled Substances," reporting the loss or destruction of controlled substances or DEA order forms; if the extent of the loss of controlled substances cannot be determined, the pharmacist-in-charge shall submit to the board a complete inventory of all remaining controlled substances and a statement, signed by the pharmacist-in-charge, attesting to the accuracy of the inventory; and

(3) notify the board in writing within 10 days after any change in the pharmacy's address, including a move to a temporary location or a return to the pharmacy's permanent location.

(b) If a pharmacy maintains a temporary location for more than 90 days, the pharmacist-in-charge of the pharmacy shall apply for a new and separate facility license as required in 12 AAC 52.030.

(c) A pharmacy may not dispense any drug that has been exposed to excessive heat, smoke, or other conditions that may have caused deterioration.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.330
AS 08.80.030

12 AAC 52.070. APPLICATION FOR PHARMACIST LICENSE BY EXAMINATION. (a) The board will issue a pharmacist license by examination to an applicant who meets the requirements of AS 08.80.110, 08.80.116, and this section.

(b) An applicant for licensure under this section must submit to the department

(1) a complete, notarized application on a form provided by the department; the application form must include a statement from the applicant attesting to the applicant's fluency in reading, writing, and speaking the English language;

(2) the applicable fees established in 12 AAC 02.310;

(3) on a form provided by the department, a signed authorization for the release of records relating to the applicant's qualifications for licensure;

(4) either

(A) an official transcript, sent directly to the department from the applicant's college of pharmacy, that establishes that the applicant has received a professional degree from a college of pharmacy accredited by the ACPE; or

(B) a certified copy of

(i) the original pharmacy school diploma issued to the applicant; and

(ii) a Foreign Pharmacy Graduate Examination Committee certificate issued to the applicant by the National Association of Boards of Pharmacy, sent directly to the department from the National Association of Boards of Pharmacy;

(5) two affidavits from reputable citizens that the applicant has known for at least one year attesting to the applicant's good moral character;

(6) verification that the applicant has completed 1,500 hours of internship or experience in the practice of pharmacy that meet the requirements of 12 AAC 52.080, sent directly to the department from the agency where the hours of internship or experience were completed;

(7) verification that the applicant has passed the examinations required in 12 AAC 52.090, sent directly to the department by the National Association of Boards of Pharmacy.

Authority: AS 08.80.005 AS 08.80.110 AS 08.80.116
AS 08.80.030

Editor's note: Information about accredited colleges of pharmacy may be obtained from the Accreditation Council for Pharmacy Education, 20 North Clark Street, Suite 2500, Chicago, IL 60602-5109. Information about Foreign Pharmacy Graduate Examination Committee certification and colleges recognized by that committee may be obtained from the National Association of Boards of Pharmacy, Foreign Pharmacy Graduate Examination Committee, 1600 Feehanville Drive, Mount Prospect, IL 60056.

12 AAC 52.075. GOOD MORAL CHARACTER. As used in AS 08.80, "good moral character" includes not having been convicted of a felony or another crime that affects the applicant's ability to practice pharmacy competently and safely.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.110

12 AAC 52.080. INTERNSHIP REQUIREMENTS FOR A PHARMACIST LICENSE. (a) An applicant for a pharmacist license shall submit an affidavit signed by the applicant, on a form provided by the department, documenting completion of 1,500 hours of internship or experience in the practice of pharmacy.

(b) The board will accept as internship experience only internship hours completed under the direct supervision of a pharmacist licensed under AS 08.80 or the pharmacy licensing laws of another state.

(c) Repealed 4/16/2016.

(d) An internship program in a nontraditional site, such as an industry sponsored program, must be approved by the board before the board will give any internship credit for the program.

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Authority: AS 08.80.005 AS 08.80.110 AS 08.80.116
AS 08.80.030

12 AAC 52.090. EXAMINATION REQUIREMENTS AND REGISTRATION. (a) In addition to the requirements in AS 08.80.110, an applicant for a pharmacist license shall pass the

(1) North American Pharmacy licensing examination (NAPLEX) administered by the National Association of Boards of Pharmacy with a NAPLEX scaled score of 75 or above; and

(2) Alaska pharmacy jurisprudence examination with a scaled score of 75 or above.

(b) An applicant for a temporary pharmacist license shall pass the Alaska pharmacy jurisprudence examination with a scaled score of 75 or above.

(c) An applicant for a pharmacist license that has passed the NAPLEX examination in another licensing jurisdiction shall make arrangements for the National Association of Boards of Pharmacy to send verification of examination scores directly to the department.

(d) An applicant for licensure by examination must submit an application under 12 AAC 52.070 and be approved under 12 AAC 52.092 before sitting for examination under this section.

(e) An applicant who has failed the Alaska pharmacy jurisprudence examination specified in (f) of this section may not retake the examination for at least 30 days.

(f) The Multistate Pharmacy Jurisprudence Examination administered by the national Association of Boards of Pharmacy (NABP) is the examination adopted by the board as the Alaska pharmacy jurisprudence examination. An applicant shall satisfy all other license requirements within one year after passing the Alaska pharmacy jurisprudence examination or retake the examination.

(g) An applicant applying for a pharmacy license by examination shall make application within one year of successfully passing the NAPLEX. An applicant applying more than one year after passing the NAPLEX shall retake the NAPLEX or apply for a pharmacy license under AS 08.80.145.

Authority: AS 08.01.065 AS 08.80.110 AS 08.80.150
AS 08.80.005 AS 08.80.120 AS 08.80.160
AS 08.80.030

12 AAC 52.092. APPROVAL TO SIT FOR EXAMINATION. (a) An applicant for licensure by examination under 12 AAC 52.070 who has submitted documents that meet the requirements on the checklist set out in (b) of this section may be approved to sit for the North American Pharmacy Licensing Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Examination (MPJE) required under 12 AAC 52.090. An applicant whose application documents do not meet the requirements set out in (b) of this section will not be approved to sit for the NAPLEX or MPJE unless the board further reviews the application and determines that the applicant meets the requirements of AS 08.80.110, 08.80.116, and 12 AAC 52.070.

(b) The following checklist is established by the board for review by staff to determine if an applicant for a pharmacist license by examination may sit for examination. Except as provided in (a) of this section, an applicant for licensure by examination will be approved to sit for the NAPLEX and the MPJE if the applicant submits to the department

(1) a complete, notarized application on a form provided by the department; the application form must include a statement from the applicant attesting to the applicant's fluency in reading, writing, and speaking the English language;

(2) the applicable fees established in 12 AAC 02.310;

(3) on a form provided by the department, a signed authorization for the release of records relating to the applicant's qualifications for licensure;

(4) either

(A) an official transcript, sent directly to the department from the applicant's college of pharmacy, that establishes that the applicant has received a professional degree from a college of pharmacy accredited by the ACPE; or

(B) a certified copy of

(i) the original pharmacy school diploma issued to the applicant; and

(ii) a Foreign Pharmacy Graduate Examination Committee certificate issued to the applicant by the National Association of Boards of Pharmacy, sent directly to the department from the National Association of Boards of Pharmacy;

(5) two affidavits from reputable citizens that the applicant has known for at least one year attesting to the applicant's good moral character.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.110

12 AAC 52.095. APPLICATION FOR PHARMACIST LICENSE BY RECIPROCITY. (a) The board will issue a pharmacist license by reciprocity to an applicant who meets the requirements of AS 08.80.145 and this section.

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(b) An applicant for licensure under this section must show that the licensing jurisdiction where the applicant is licensed as a pharmacist allows licensure in that jurisdiction of a pharmacist licensed in this state under conditions similar to those in AS 08.80.145. A licensing jurisdiction that is a member of the National Association of Boards of Pharmacy meets the licensing jurisdiction reciprocity requirements of AS 08.80.145.

(c) An applicant for licensure under this section must submit to the department

(1) a complete, notarized application on a form provided by the department;

(2) the applicable fees established in 12 AAC 02.310;

(3) on a form provided by the department, a signed authorization for the release of records related to the applicant's qualifications for licensure;

(4) either

(A) an official transcript, sent directly to the department from the applicant's college of pharmacy, that establishes that the applicant has received a professional degree from a college of pharmacy accredited by the ACPE; or

(B) a certified copy of

(i) the original pharmacy school diploma issued to the applicant; and

(ii) a Foreign Pharmacy Graduate Examination Committee certificate issued to the applicant by the National Association of Boards of Pharmacy sent directly to the department from the National Association of Boards of Pharmacy;

(5) two affidavits from reputable citizens that the applicant has known for at least one year attesting to the applicant's good moral character;

(6) either

(A) verification that, within the one-year period immediately preceding application for a license in this state, the applicant completed 1,500 hours of internship or experience in the practice of pharmacy that meet the requirements of 12 AAC 52.080; the verification must be sent directly to the department from the agency where the hours of internship or experience were completed; or

(B) verification that the applicant has engaged in the practice of pharmacy for at least one year in another licensing jurisdiction;

(7) verification that the applicant has passed the examinations required in 12 AAC 52.090, sent directly to the department by the National Association of Boards of Pharmacy;

(8) verification that the applicant is currently licensed as a pharmacist in another licensing jurisdiction and the applicant's license 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;

(9) if the licensing jurisdiction in which the applicant is licensed as a pharmacist is a member of the National Association of Boards of Pharmacy, a copy of the applicant's Official Application for Transfer of Pharmaceutic Licensure, sent directly to the department from the National Association of Boards of Pharmacy;

(10) verification of the present status of the applicant's license in each licensing jurisdiction where the applicant holds, or has ever held, a license as a pharmacist.

(d) An applicant for licensure under this section who has not taken the Multistate Pharmacy Jurisprudence Examination (MPJE) required under 12 AAC 52.090 is approved to sit for that examination if the applicant has submitted the documents required under (c)(1) – (6) and (8) – (10) of this section.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.145

12 AAC 52.100. TEMPORARY PHARMACIST LICENSE. (a) The board will issue a temporary pharmacist license to an applicant for licensure if the applicant

(1) submits a completed application for licensure;

(2) provides certified evidence of meeting the requirements in AS 08.80.110, AS 08.80.145, and this chapter;

(3) repealed 2/26/2000;

(4) provides for the National Association of Boards of Pharmacy (NABP) to notify the board that the applicant has submitted a preliminary application to NABP for license transfer;

(5) pays the application fee, pharmacist license fee, and temporary license fee required in 12 AAC 02.310;

(6) passes the Alaska pharmacy jurisprudence examination with a scaled score of 75 or above;

(7) has not been convicted of a felony or another crime that affects the applicant's ability to practice pharmacy competently and safely; and

(8) submits a verification of a current license in good standing to practice in another state or other jurisdiction with licensing requirements at least equivalent to those of this state.

(b) An applicant whose application for permanent licensure as a pharmacist has been denied by the board is not eligible to receive a temporary license.

(c) A temporary license is valid for 90 days. For good cause shown to the board's satisfaction, the board will extend the temporary license for an additional period not to exceed 60 days.

(d) A temporary license is not renewable.

(e) An individual may not receive more than one temporary license.

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Authority: AS 08.80.005 AS 08.80.145 AS 08.80.150
AS 08.80.030

12 AAC 52.110. EMERGENCY PHARMACIST PERMIT. (a) If the board determines that an emergency exists, the board will issue an emergency pharmacist permit for the purpose of providing coverage in a pharmacy that is temporarily without the services of a pharmacist due to death, illness, or other emergency circumstances, to an applicant who

(1) submits a completed application for a pharmacist license;
(2) pays the emergency permit fee required in 12 AAC 02.310;
(3) submits a certified true copy of a current pharmacist license in good standing in another state;
(4) passes the Alaska pharmacy jurisprudence examination with a scaled score of 75 or above; and
(5) has not been convicted of a felony or another crime that affects the applicant's ability to practice pharmacy competently and safely.

(b) An emergency permit is valid for 60 days or until the emergency circumstances no longer exist, whichever is shorter.

(c) An applicant may not receive more than one emergency permit. An emergency permit is not renewable.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.155

12 AAC 52.120. REVIEW OF PHARMACIST INTERN LICENSE APPLICATION. (a) An applicant who meets the requirements on the checklist set out in (b) of this section has demonstrated the necessary qualifications for a pharmacist intern license. An applicant who does not meet the requirements on the checklist or whose application documents do not clearly show that the applicant is qualified to receive a pharmacist intern license will not be issued a license unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.80 and this chapter for that license.

(b) The following checklist is established by the board for review by staff of an application for a pharmacist intern license. A pharmacist intern license will be issued to an applicant who

(1) applies on a form provided by the department;
(2) pays the application fee and the pharmacist intern license fee established in 12 AAC 02.310;
(3) has
(A) enrolled in a college of pharmacy accredited by the ACPE; or
(B) graduated from a college of pharmacy recognized by and earned certification from the Foreign Pharmacy Graduate Examination Committee of the National Association of Boards of Pharmacy;
(4) certifies that the applicant has not been convicted of a felony or another crime that affects the applicant's ability to practice as a pharmacy intern competently and safely;
(5) submits a Declaration of Sponsorship of Pharmacy Intern form completed by the applicant's sponsor pharmacist at each work location for which the applicant is to work;
(6) submits a completed authorization of release of records on a form provided by the department and signed by the applicant;
(7) submits a completed Alaska Jurisprudence Intern Practice Questionnaire prepared by the board covering the provisions of AS 08.80 and this chapter and 21 U.S.C. 801-847 (Controlled Substances Act); and
(8) submits two affidavits from reputable citizens that the applicant has known for at least one year attesting to the applicant's good moral character.

(c) A pharmacist intern license is valid for two years and may be renewed. An applicant for renewal of a pharmacist intern license must meet the requirements of (b)(1) - (2) and (5) of this section.

(d) An individual must be licensed as a pharmacist intern before beginning an internship in the state. The pharmacist intern license is valid for only those work locations for which the individual previously submitted sponsorship declarations in accordance with (b)(5) of this section. Before the individual may work at an additional work location, the individual must

(1) submit a sponsorship declaration for that location in accordance with (b)(5) of this section; and
(2) have a revised license issued to the individual.

Authority: AS 08.80.005 AS 08.80.110 AS 08.80.116
AS 08.80.030

12 AAC 52.130. REGISTRATION OF PHARMACIES LOCATED OUTSIDE OF THE STATE. (a) An applicant who meets the requirements on the checklist set out in (b) of this section has demonstrated the necessary qualifications for an out-of-state pharmacy registration. An applicant who does not meet the requirements on the checklist or whose application documents do not clearly show that the applicant is qualified to receive an out-of-state pharmacy registration will not be issued a registration unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.80 and this chapter for that registration.

(b) The following checklist is established by the board for review by staff of an application for an out-of-state pharmacy registration. An out-of-state pharmacy registration will be issued to an applicant who

(1) applies on an application provided by the department that includes
(A) the company name and owner name;

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(B) the pharmacy name;
(C) the location of the facility;
(D) a mailing address and telephone number;
(E) a toll free number accessible by patients in this state;
(F) the federal employer identification number;
(G) the names of all partners or corporate officers;
(H) the name, address, and telephone number for pharmacist-in-charge;
(I) the names of all pharmacists working in the facility;
(J) completion of the professional fitness section of the application; and
(K) the name of the appointed registered agent;

(2) pays the application fee and the out-of-state pharmacy registration fee established in 12 AAC 02.310;

(3) submits a certified true copy of a current, valid facility license or registration from the jurisdiction where the pharmacy is located; and

(4) submits an inspection report or self-inspection report completed within the last two years.

(c) A pharmacy located outside of the state that ships, mails, or delivers prescription drugs into the state more than twice during a 12-month period shall register with the board.

(d) In AS 08.80.158(b)(4), "proof satisfactory" means a sworn statement that the pharmacy maintains its records of prescription drugs dispensed to persons in the state so that the records are readily retrievable from the records of other prescription drugs dispensed by the pharmacy, with either a written description or a copy of the pharmacy's policies and procedures.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.158

12 AAC 52.140. PHARMACY TECHNICIAN LICENSE. (a) An applicant who meets the requirements on the checklist set out in (b) of this section has demonstrated the necessary qualifications for a pharmacy technician license. An applicant who does not meet the requirements on the checklist or whose responses on the form for application do not clearly show that the applicant is qualified to receive a pharmacy technician license will not be issued a license unless the board reviews the application and determines that the applicant meets the qualifications in this section for a pharmacy technician license.

(b) The following checklist is established by the board for review of an application for a pharmacy technician license; a pharmacy technician license will be issued to an applicant who

(1) submits a completed form for application, including
(A) the applicant's name, mailing address, and telephone number; and
(B) the applicant's date of birth that shows the applicant is at least 18 years old;

(2) certifies that the applicant has not been convicted of a felony or another crime that affects the applicant's ability to perform the duties of a pharmacy technician safely and competently;

(3) certifies that the applicant has earned a high school diploma or its equivalent and provides the name of the issuing institution and the date the diploma or its equivalent was issued;

(4) certifies that the applicant is fluent in the reading, writing, and speaking of the English language; and

(5) pays the application fee and the pharmacy technician license fee established in 12 AAC 02.310.

(c) A pharmacy technician license expires on June 30 of even-numbered years and may be renewed.

Authority: AS 08.80.005 AS 08.80.030

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ARTICLE 2.
PERSONNEL.

Section

200. Pharmacist-in-charge
210. Pharmacist duties
220. Pharmacist interns
230. Pharmacy technicians
240. Pharmacist collaborative practice authority
250. Job shadowing in pharmacy

12 AAC 52.200. PHARMACIST-IN-CHARGE. (a) Before the board will issue a license to a pharmacy, the owner of the pharmacy must designate a pharmacist who practices in that pharmacy location as the pharmacist-in-charge of the pharmacy in accordance with AS 08.80.330. For a remote pharmacy, the owner of the central pharmacy must designate a pharmacist in the central pharmacy as the pharmacist-in-charge of the remote pharmacy. The board will indicate the name of the pharmacist-in-charge on the face of the pharmacy license.

(b) The responsibilities of the pharmacist-in-charge include

(1) compliance with all laws and regulations governing the activities of the pharmacy;

(2) training of all pharmacy personnel;

(3) establishing policies and procedures for pharmacy operations;

(4) maintaining required records;
(5) storage of all materials, including drugs and chemicals;
(6) establishing and maintaining effective controls against theft or diversion of prescription drugs; and
(7) on request, reporting to the board the names of all pharmacists employed by the pharmacy.

(c) A pharmacist designated to replace the pharmacist-in-charge of a pharmacy shall notify the board within 10 days of that designation, by submitting a completed change of pharmacist-in-charge form provided by the department and paying the applicable fees established in 12 AAC 02.105(3).

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.330
AS 08.80.030 AS 08.80.160

12 AAC 52.210. PHARMACIST DUTIES. Except as provided in 12 AAC 52.220, the following duties may be performed only by a pharmacist:
(1) receiving an oral prescription drug order;
(2) consulting with a prescriber regarding a patient or prescription;
(3) interpreting a prescription drug order;
(4) determining the product required for a prescription;
(5) interpreting data in a patient medication record system;
(6) making a final check on all aspects of a completed prescription and assuming the responsibility for a filled prescription, including the accuracy of the drug prescribed and of the prescribed drug's strength, labeling, and proper container; and
(7) consulting with a patient or a patient's agent regarding a prescription or information contained in the patient medication record system.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.330

12 AAC 52.220. PHARMACIST INTERNS. (a) A pharmacist intern may not represent that the pharmacist intern is a pharmacist. Only a person licensed by the board as a pharmacist intern may take, use, or exhibit the title of pharmacist intern or any other similar term.

(b) Except as provided in (c) of this section, a pharmacist intern may perform any duty of a pharmacist under the direct supervision of a pharmacist.

(c) A pharmacist intern may not sign or initial any document that is required to be signed or initialed by a pharmacist unless the supervising pharmacist also signs or initials the document.

(d) A pharmacist intern shall file with the board a report of work experience on a form provided by the department within 30 days of completion or termination of an internship in the practice of pharmacy required under 12 AAC 52.080.

(e) A pharmacist supervising a pharmacist intern
(1) must be licensed as a pharmacist and be in good standing with the board;
(2) shall provide direct supervision to an intern during professional activities throughout the entire period of the internship;
(3) shall physically review prescription drug orders and the dispensed product before delivery of a product to the patient or the patient's agent;
(4) is responsible for the work of the pharmacist intern;
(5) may supervise more than one pharmacist intern; more than one pharmacist intern may not dispense simultaneously under the direct supervision of the same supervising pharmacist.

Authority: AS 08.80.005 AS 08.80.110 AS 08.80.410
AS 08.80.030 AS 08.80.116

12 AAC 52.230. PHARMACY TECHNICIANS. (a) The following persons must be licensed as a pharmacy technician:
(1) any individual who assists in performing manipulative, nondiscretionary functions associated with the practice of pharmacy; and
(2) a supportive staff member assigned to work in the dispensing area of a pharmacy, including a cashier or a bookkeeper.

(b) A pharmacy technician shall work under the direct supervision of a person who is licensed as a pharmacist.

(c) A pharmacy technician may not perform any of the duties listed in 12 AAC 52.210.

(d) An individual working as a pharmacy technician shall wear an identification badge that shows the individual's name and identifies the individual as a pharmacy technician.

(e) Before an individual may regularly perform the tasks of a pharmacy technician, the individual shall complete training required by the pharmacist-in-charge. Duties performed by the pharmacy technician must be consistent with the training the pharmacy technician has received.

(f) If a pharmacy technician will assist in the preparation of sterile pharmaceuticals, including parenteral medications, the pharmacy technician must have completed a minimum of 40 hours of on-the-job training in the

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preparation, sterilization, aseptic technique, and admixture of parenteral and other sterile pharmaceuticals before the pharmacy technician may regularly perform those tasks.

Authority: AS 08.80.030 AS 08.80.480

12 AAC 52.240. PHARMACIST COLLABORATIVE PRACTICE AUTHORITY. (a) A pharmacist planning to exercise collaborative practice authority in the pharmacist's practice by initiating or modifying drug therapy in accordance with a written protocol established and approved for the pharmacist's practice by a practitioner authorized to prescribe drugs under AS 08 must submit the completed written protocol to the board and be approved by the board before implementation.

(b) A written protocol must include

(1) an agreement in which practitioners authorized to prescribe legend drugs in this state authorize pharmacists licensed in this state to administer or dispense in accordance with that written protocol;

(2) a statement identifying the practitioners authorized to prescribe and the pharmacists who are party to the agreement;

(3) the time period during which the written protocol will be in effect, not to exceed two years;

(4) the types of collaborative authority decisions that the pharmacists are authorized to make, including

(A) types of diseases, drugs, or drug categories involved and the type of collaborative authority authorized in each case; and

(B) procedures, decision criteria, or plans the pharmacists are to follow when making therapeutic decisions, particularly when modification or initiation of drug therapy is involved;

(5) activities the pharmacists are to follow in the course of exercising collaborative authority, including documentation of decisions made, and a plan for communication and feedback to the authorizing practitioners concerning specific decisions made;

(6) a list of the specific types of patients eligible to receive services under the written protocol;

(7) a plan for the authorizing practitioners to review the decisions made by the pharmacists at least once every three months; and

(8) a plan for providing the authorizing practitioners with each patient record created under the written protocol.

(c) To enter into a written protocol under this section, practitioners authorized to prescribe must be in active practice, and the authority granted must be within the scope of the practitioners' practice.

(d) Unless the board is satisfied that the pharmacist has been adequately trained in the procedures outlined in the written protocol, the board will specify and require completion of additional training that covers those procedures before issuing approval of the protocol.

(e) Documentation related to the written protocol must be maintained for at least two years.

(f) The written protocol may be terminated upon written notice by the authorizing practitioners or pharmacists. The pharmacists shall notify the board in writing within 30 days after a written protocol is terminated.

(g) Any modification to the written protocol must be approved by the board as required by this section for a new written protocol.

(h) This section does not apply to participation, by a pharmacist practicing in an institutional facility, in drug therapy protocols and guidelines approved by the institutional facility's pharmacy and therapeutics committee or by another medical staff governing body of that institutional facility, if records related to the drug therapy protocols and guidelines are maintained and made available to the board upon request.

(i) A signed copy of the approved collaborative practice application and protocols must remain at the pharmacy location at all times.

Authority: AS 08.80.030 AS 08.80.480

12 AAC 52.250. JOB SHADOWING IN PHARMACY. (a) A pharmacist-in-charge or job shadowing preceptor of a pharmacy may allow job shadowing by a student in the pharmacy only as specified in this section.

(b) Before a student begins a job shadowing program under this section, the pharmacist-in-charge or job shadowing preceptor shall complete that portion of the job shadowing documentation form prescribed by the board, which includes the names of the pharmacy, the participating student, and the pharmacist-in-charge or job shadowing preceptor. The student and the pharmacist-in-charge or preceptor shall sign the form. The parent or guardian of the student shall also sign the form if the student is less than 18 years of age.

(c) The pharmacist-in-charge or, if applicable, the job shadowing preceptor shall familiarize the student with the confidentiality requirements of 45 C.F.R., Parts 160 and 164 (HIPAA) and ensure compliance with this section and the relevant sections of AS 08.80 and this chapter.

(d) A pharmacist-in-charge or job shadowing preceptor may not allow

(1) a student in a job shadowing program to

(A) receive any remuneration or other compensation;

(B) perform job shadowing for more than 50 hours;

(C) perform any functions reserved for licensed, certified, or registered pharmacy personnel;

(2) a ratio of job shadowing student to pharmacist-in-charge or job shadowing preceptor other than one to one.

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(e) After completion of the job shadowing program by a student, the pharmacist-in-charge or job shadowing preceptor shall complete that portion of the job shadowing documentation form prescribed by the board where the pharmacist-in-charge or job shadowing preceptor provides the date and time in hours student was present and job shadowing in the pharmacy, any patient counseling observations, problems that may have occurred during job shadowing. The job shadowing documentation form must be kept in the pharmacy record for at least two years after the job shadowing program has been completed by that student.

(f) In this section,

(1) "job shadowing" means for educational purposes and through observation only, the observation by a student of the functions and duties of a pharmacy and pharmacy staff with the intended purpose of giving the student an opportunity to observe career possibilities available in the field of pharmacy;

(2) "job shadowing preceptor" means a licensed pharmacist, other than the pharmacist-in-charge, designated by the pharmacist-in-charge to supervise a student while that student is job shadowing;

(3) "student" means a person currently enrolled in a high school or post-secondary education program.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.330

Editor's note: The job shadowing documentation form required by 12 AAC 52.250 may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Pharmacy, State Office Building, 9th Floor, 333 Willoughby Avenue, P.O. Box 110806, Juneau, AK 99811-0806; phone: (907) 465-2589; or the division's website at http://www.commerce.state.ak.us/occ/ppha.htm.

ARTICLE 3.
LICENSE RENEWAL AND CONTINUING EDUCATION REQUIREMENTS.

Section

300. License renewal
310. Reinstatement of an expired pharmacist or pharmacy technician license
320. Continuing education requirements for pharmacists
325. Continuing education requirements for pharmacy technicians
330. Alternative continuing education schedule
340. Approved programs
350. Audit of records by the board

12 AAC 52.300. LICENSE RENEWAL. (a) Pharmacy, wholesale drug distributor, and drug room licenses expire on June 30 of even-numbered years.

(b) An applicant for renewal of a pharmacy, wholesale drug distributor, or drug room license shall submit

(1) a completed renewal application;

(2) the license renewal fees required in 12 AAC 02.310; and

(3) a completed self-inspection of the premises questionnaire on a form provided by the department.

(c) An applicant for renewal of a pharmacist or pharmacy technician license shall submit on or before the license expiration date

(1) a completed renewal application;

(2) the license renewal fees required in 12 AAC 02.310;

(3) documentation that the applicant has met all continuing education requirements of 12 AAC 52.320 – 12 AAC 52.350; and

(4) if seeking renewal for a licensing period that begins on or after July 1, 2006, a completed jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.80 and this chapter.

Authority: AS 08.01.100 AS 08.80.030 AS 08.80.157
AS 08.80.005 AS 08.80.147 AS 08.80.165

12 AAC 52.310. REINSTATEMENT OF AN EXPIRED PHARMACIST OR PHARMACY TECHNICIAN LICENSE. (a) If a pharmacist's or pharmacy technician's license has expired for any reason, that pharmacist or pharmacy technician may not practice pharmacy until the license is reinstated by the board.

(b) The board will reinstate a pharmacist or pharmacy technician license that has been expired less than two years if the applicant submits

(1) a completed renewal application;

(2) any applicable license renewal fees required in 12 AAC 02.310;

(3) documentation that the applicant has met all continuing education requirements of 12 AAC 52.320 – 12 AAC 52.350; and

(4) for a licensing period that begins on or after July 1, 2006, a completed jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.80 and this chapter.

(c) The board will reinstate a pharmacist license that has been expired two years or more if the applicant

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(1) submits a completed application for reinstatement on a form provided by the department;

(2) pays any applicable license renewal fees required in 12 AAC 02.310 for the entire period the license has been expired;

(3) repealed 5/5/2000;

(4) submits evidence of completion of all continuing education requirements in 12 AAC 52.320 - 12 AAC 52.350 that would have been required to maintain a current license for the entire period the license has been expired;

(5) qualifies by

(A) retaking and passing the examinations required in 12 AAC 52.090(a); or

(B) providing verification that the applicant has continually practiced pharmacy in another state under a license issued by the authority of that state for the period that the license has been expired, and by meeting the requirements of 12 AAC 52.090(a)(2); for purposes of AS 08.80.147 and this subparagraph, an applicant has continually practiced pharmacy if the pharmacist has actively practiced pharmacy in the other state for at least six months during each year that the license in this state was lapsed; and

(6) submits a verification issued directly to the board by each licensing jurisdiction where the applicant holds, or has ever held, a license as a pharmacist during the time period in which the applicant's license was lapsed in this state that the applicant's license in the other jurisdiction were not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements.

(d) Repealed 8/1/2014.

(e) A pharmacy technician license that has been expired for two years or more will not be reinstated.

Authority: AS 08.01.100 AS 08.80.030 AS 08.80.165
AS 08.80.005 AS 08.80.147

12 AAC 52.320. CONTINUING EDUCATION REQUIREMENTS FOR PHARMACISTS. (a) Except as provided in (c) of this section, an applicant for renewal of a pharmacist license shall certify having completed 30 contact hours of continuing education accepted by the board under 12 AAC 52.340(a) during the concluding license period.

(b) This section does not prevent the board from imposing additional continuing education requirements under its disciplinary powers.

(c) An individual who is applying for renewal of a pharmacist license for the first time shall certify having completed one half of the continuing education requirements in (a) of this section for each complete 12 month period that the applicant was licensed during the concluding license period.

(d) An applicant for reinstatement of a pharmacist license that has expired shall certify that the applicant completed the continuing education requirements in (a) of this section before applying for reinstatement.

(e) A pharmacist administering a vaccine or related emergency medication under 12 AAC 52.992 shall certify having completed one hour of Accreditation Council for Pharmacy Education (ACPE) approved continuing education specific to immunizations or vaccines as part of the 30 contact hours of continuing education required under (a) of this section.

Authority: AS 08.80.005 AS 08.80.147 AS 08.80.165
AS 08.80.030

12 AAC 52.325. CONTINUING EDUCATION REQUIREMENTS FOR PHARMACY TECHNICIANS. (a) Except as provided in (c) of this section, an applicant for renewal of a pharmacy technician license shall certify that, during the concluding licensing period, the applicant

(1) completed 10 contact hours of continuing education accepted by the board under 12 AAC 52.340; or

(2) obtained initial certification as a pharmacy technician by the Pharmacy Technician Certification Board (PTCB).

(b) This section does not prevent the board from imposing additional continuing education requirements under its disciplinary powers.

(c) Instead of complying with the continuing education requirements in (a) of this section, an applicant for renewal of a pharmacy technician license for the first time may

(1) verify in an affidavit, on an application for renewal, that the applicant has read the state statutes and regulations compiled by the board; and

(2) submit an affidavit, signed by the pharmacist-in-charge, verifying the applicant's pharmacy technician training in accordance with 12 AAC 52.230.

(d) An applicant for reinstatement of a pharmacy technician license that has expired shall certify that the applicant completed the continuing education requirements in (a) of this section before applying for reinstatement.

Authority: AS 08.01.100 AS 08.80.030 AS 08.80.165
AS 08.80.005

Editor's note: Information regarding certification with the Pharmacy Technician Certification Board described in 12 AAC 52.325 may be obtained from the Pharmacy Technician Certification Board, 1100 15th Street, NW, Suite 703, Washington, DC 20005-1707, phone: (202) 429-4120 or at PTCB's website at www.ptcb.org. The Alaska

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Pharmacists Association, 203 West 15th Avenue, #100, Anchorage, AK 99501, phone: (907) 563-8880, email: akphrmcy@alaska.net also provides certification information.

12 AAC 52.330. ALTERNATIVE CONTINUING EDUCATION SCHEDULE. An individual licensed under AS 08.80 may apply to the board for an alternative schedule of continuing education if the individual's failure to meet the continuing education requirements in 12 AAC 52.320 is due to illness or other extenuating circumstances.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.165

12 AAC 52.340 APPROVED PROGRAMS. (a) The following programs will be accepted by the board as continuing education for pharmacists and pharmacy technicians under 12 AAC 52.320 and 12 AAC 52.325:

(1) any program presented by a provider accredited by the ACPE;

(2) cardiopulmonary resuscitation(CPR) courses presented by the American Red Cross or the American Heart Association that lead to CPR certification; the board will accept no more than one contact hour of continuing education credit in a 24 month period for completion of a CPR course.

(b) The following programs will be accepted by the board as continuing education under 12 AAC 52.325, when the subject contributes directly to the professional competency of a pharmacy technician and is directly related to pharmacy principles and practice:

(1) any program presented or approved by the Alaska Pharmacists Association;

(2) any program presented or approved by the Pharmacy Technician Certification Board (PTCB) or the National Pharmacy Technician Association (NPTA).

(c) An individual who presents an approved continuing education program may receive credit for the time spent during the actual presentation of the program. An individual may not receive credit for the same presentation more than once during a licensing period.

Authority: AS 08.80.005 AS 08.80.147 AS 08.80.165
AS 08.80.030

12 AAC 52.350. AUDIT OF RECORDS BY THE BOARD. (a) The board will randomly audit renewal applications for verification of reported continuing education contact hours. To conduct an audit under this section, the board will access and evaluate continuing pharmacy education data reported to the ACPE-NABP CPE Monitor Service during the time period audited.

(b) Upon written request, a pharmacist or pharmacy technician shall provide the board with a copy of each certificate of completion for the continuing education units not reported to the ACPE-NABP CPE Monitor Service during the time period audited by the board.

(c) If the board disallows any continuing education contact units reported on behalf of or by a pharmacist or pharmacy technician, the pharmacist or pharmacy technician shall

(1) complete the number of disallowed contact hours in an approved program and report the completion to the board no later than 90 days after the date the board sends notification of the disallowed contact hours; and

(2) provide the board with copies of certificates of completion for all continuing education units

(A) not reported to the ACPE-NABP CPE Monitor Service; and

(B) completed for the next two licensing periods.

(d) A pharmacist or pharmacy technician who submits to the board a false or fraudulent record relating to the pharmacist's or pharmacy technician's satisfaction of a continuing education requirement under 12 AAC 52.320 or 12 AAC 52.325 is subject to disciplinary action by the board.

(e) In this section,

(1) "ACPE-NABP CPE Monitor Service" means the electronic tracking service of the ACPE and the National Association of Boards of Pharmacy for monitoring continuing pharmacy education that pharmacists and pharmacy technicians receive from participating providers;

(2) "certificate of completion" means a certificate or other document that

(A) is presented to a participant upon successful completion of a continuing education program that is not reported to the ACPE-NABP CPE Monitor Service; and

(B) contains the following information:

(i) the name of the participant;

(ii) the title and date of the program;

(iii) the name of the accredited provider;

(iv) the number of contact hours or continuing education units awarded;

(v) a dated, certifying signature of the accredited provider;

(vi) for a pharmacist renewal, the assigned ACPE universal program number.

Authority: AS 08.80.005 AS 08.80.165 AS 08.80.261
AS 08.80.030

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ARTICLE 4.
GUIDELINES FOR PHARMACIES AND PHARMACISTS.

Section

400. General guidelines for pharmacies
410. Care of drug stocks and devices
420. Security
423. Remote pharmacy license
425. Telepharmacy system for a remote pharmacy
430. Guidelines relating to sterile pharmaceuticals
440. Guidelines relating to compounding practices
443. Approval for shared pharmacy services by pharmacy
444. Approval for shared pharmacy services by pharmacist
445. Shared pharmacy services

12 AAC 52.400. GENERAL GUIDELINES FOR PHARMACIES. A person that is required to be licensed by AS 08.80 and who has a license under AS 08.80 and this chapter shall adhere to the guidelines on facilities, reference material, equipment, supplies, and other guidelines established by the board in the pamphlet titled, "*Facility Standards for Pharmacies*," dated November 2016, and incorporated by reference in this section.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.157

Editor's note: The pamphlet incorporated by reference in 12 AAC 52.400, *"Facility Standards for Pharmacies"* may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Pharmacy, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; phone (907) 465-2589.

12 AAC 52.410. CARE OF DRUG STOCKS AND DEVICES. (a) A drug or device that has exceeded its expiration date shall be removed from stock and quarantined until properly disposed of in accordance with 12 AAC 52.560.

(b) A pharmacist may not dispense a drug or device beyond the expiration date on the drug or device.

(c) All drugs and devices on shelves or display for sale shall be protected against contamination, deterioration, and adulteration.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.157

12 AAC 52.420. SECURITY. (a) Each pharmacist, while on duty, is responsible for the security of the pharmacy, including effective control against theft or diversion of drugs.

(b) The pharmacist-in-charge is responsible for compliance with all prescription department security requirements.

(c) All drugs, devices, and other items or products that are restricted to sale by or under the direct supervision of a pharmacist shall be kept in the prescription department.

(d) The prescription department shall be secured to prevent unauthorized access when a pharmacist is not available to provide direct supervision.

(e) A pharmacy with service hours differing from the remainder of the business establishment must have a telephone number that is separate from the remainder of the business establishment.

(f) Prescriptions shall be stored in the prescription department and may be removed only under the direct supervision of a pharmacist and for immediate delivery to the patient, the patient's agent, or the person delivering the prescription to the patient or the patient's agent.

(g) A pharmacist shall provide adequate security for prescription records to prevent unauthorized access to confidential health information.

(h) In this section, "prescription department" means the area of the pharmacy where prescription drugs are stored.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.315
AS 08.80.030

12 AAC 52.423. REMOTE PHARMACY LICENSE. (a) A central pharmacy that wishes to provide pharmacy services through a remote pharmacy in the state using a telepharmacy system as provided in 12 AAC 52.425 must apply to the board for a license. The central pharmacy applying under this section must submit to the department

(1) a complete, notarized application on a form provided by the department;
(2) the applicable fees established in 12AAC 02.310; and
(3) comply with the requirements of 12 AAC 52.020.

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(b) The board will approve an application to provide pharmacy services through a remote pharmacy if the central pharmacy establishes that

(1) it is able to comply with the requirements of 12 AAC 52.425; and

(2) there is no access to a non-remote pharmacy within ten road miles of the proposed remote pharmacy site unless the non-remote pharmacy is prevented by federal law from providing pharmacy services to all the individuals within the ten road miles.

(c) An applicant for renewal of a remote pharmacy license must comply with the requirements of 12 AAC 52.300. A remote pharmacy license may not be renewed if a non-remote pharmacy opens for business within ten road miles of the remote pharmacy site unless the non-remote pharmacy is prevented by federal law from providing pharmacy services to all the individuals within the ten road miles.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.157

12 AAC 52.425. TELEPHARMACY SYSTEM FOR A REMOTE PHARMACY. (a) Only a central pharmacy located in this state may provide pharmacy services to a remote pharmacy through a telepharmacy system. A telepharmacy system must be conducted under the direct supervision of a pharmacist. The pharmacist-in-charge of a central pharmacy may supervise one or more remote pharmacies.

(b) Before a central pharmacy may provide pharmacy services to a remote pharmacy, the telepharmacy system between the central pharmacy and remote pharmacy must be tested by the supervising pharmacist of the central pharmacy and found to operate properly. The supervising pharmacist of the central pharmacy shall make the results of the test available to the board upon request. The computer link and video link with sound of the telepharmacy system must include at least one of the following:

(1) still image capture;

(2) real time link;

(3) store and forward.

(c) A remote pharmacy must be

(1) staffed by a pharmacist, pharmacy technician, or pharmacy intern; and

(2) operated under the direct supervision of a pharmacist.

(d) A remote pharmacy must be secured to prevent unauthorized access at all times when a pharmacist is not available to provide direct supervision to that location.

(e) Drugs may be shipped to a remote pharmacy only from the central pharmacy. Drugs must be shipped in a sealed container with an itemized list of the product contained. The itemized list of drugs shipped must be kept on file at both the central pharmacy and the remote pharmacy for at least two years from the date that the drugs are shipped. Itemized records of drugs shipped or received must be verified by the supervising pharmacist at both the central pharmacy and the remote pharmacy.

(f) A remote pharmacy must keep a record of all prescriptions filled at that location. The central pharmacy must also maintain a record of the prescriptions filled at the remote pharmacy. The records must distinguish prescriptions filled at the remote pharmacy from those filled at the central pharmacy and at other remote pharmacy locations.

(g) The prescription label of a prescription drug distributed by a remote pharmacy must meet the requirements of 12 AAC 52.480.

(h) Under a telepharmacy system a prescription drug is considered as being dispensed by the central pharmacy and distributed by the remote pharmacy. A prescription drug may not be distributed by a remote pharmacy until a pharmacist at the central pharmacy has verified the finished prescription product through the telepharmacy system.

(i) A pharmacist must conduct a physical inventory at each remote pharmacy location at least annually. The record of the inventory must be

(1) kept both at the central pharmacy and the remote pharmacy; and

(2) distinguishable from the inventory of the central pharmacy and other remote pharmacies.

(j) The pharmacist-in-charge of the central pharmacy must ensure that the remote pharmacy is in compliance with all laws, including regulations, governing the activities of the pharmacy.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.157

12 AAC 52.430. GUIDELINES RELATING TO STERILE PHARMACEUTICALS. A pharmacy or pharmacist that prepares or dispenses sterile pharmaceuticals shall adhere to the guidelines established by the board in the pamphlet titled, *"Sterile Pharmaceuticals,"* dated February 2008, and incorporated by reference in this section.

Authority: AS 08.80.030 AS 08.80.157

Editor's note: The pamphlet incorporated by reference in 12 AAC 52.430, *"Sterile Pharmaceuticals"* may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Pharmacy, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; phone (907) 465-2589.

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12 AAC 52.440. GUIDELINES RELATING TO COMPOUNDING PRACTICES. A pharmacy or pharmacist that compounds drugs shall adhere to the guidelines established by the board in the pamphlet titled, "*Compounding Practices,"* dated February 2008, and incorporated by reference in this section

Authority: AS 08.80.030 AS 08.80.157

Editor's note: The pamphlet incorporated by reference in 12 AAC 52.440, *"Compounding Practices"* may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Pharmacy, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; phone (907) 465-2589.

12 AAC 52.443. APPROVAL FOR SHARED PHARMACY SERVICES BY PHARMACY. (a) A requesting pharmacy in this state that seeks to participate in shared pharmacy services must apply to the board for approval on a form provided by the department.

(b) The board will approve an application by a requesting pharmacy to participate in shared pharmacy services if the pharmacy establishes

(1) that the pharmacy has a current in-state pharmacy license issued under AS 08.80.157 and this chapter;

(2) that the pharmacy is able to comply with the requirements of 12 AAC 52.445;

(3) that the pharmacy either

(A) is owned by the same owner as the filling pharmacy with which pharmacy services are to be shared; or

(B) has a written contract or agreement with the filling pharmacy or filling pharmacist that outlines the pharmacy services to be provided and the obligation of each pharmacy or pharmacist to comply with federal and state pharmacy statutes and regulations; and

(4) that the participants in shared pharmacy services share a common electronic file or other appropriate technology that allows access to the information needed to provide shared pharmacy services in compliance with the requirements of AS 08.80 and this chapter.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.157

12 AAC 52.444. APPROVAL FOR SHARED PHARMACY SERVICES BY PHARMACIST. (a) A requesting pharmacist in this state that seeks to participate in shared pharmacy services must apply to the board for approval on a form provided by the department.

(b) The board will approve an application by a requesting pharmacist to participate in shared pharmacy services if the requesting pharmacist establishes

(1) that the pharmacist

(A) has a current in-state pharmacy license issued under AS 08.80 and this chapter;

(B) has a written contract or agreement with the filling pharmacy or filling pharmacist that outlines the pharmacy services to be provided and the obligations of each pharmacy or pharmacist to comply with federal and state pharmacy statutes and regulations; and

(C) is able to comply with the requirements of 12 AAC 52.445; and

(2) that the participants in shared pharmacy services share a common electronic file or other appropriate technology that allows access to the information needed to provide shared pharmacy services in compliance with the requirements of AS 08.80 and this chapter.

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.445. SHARED PHARMACY SERVICES. (a) A pharmacy participating in shared pharmacy services, or a pharmacist acting independently of a pharmacy and participating in shared pharmacy services, shall use an identifier on the prescription container that identifies prescriptions to be filled at a filling pharmacy or by the filling pharmacist. The requesting pharmacy or requesting pharmacist shall notify the patient or the patient's agent that the patient's prescription order may be processed or filled by another pharmacy or pharmacist, and shall identify the filling pharmacy or filling pharmacist. If the requesting pharmacy is part of a network of pharmacies under common ownership, and the prescription order may be processed or filled at any of the pharmacies in the network, the requesting pharmacy shall notify the patient of this. Notice under this subsection may be provided through an initial written notice to the patient or the patient's agent, or through the use of a sign prominently displayed in the requesting pharmacy or in the public portion of the office of the requesting pharmacist.

(b) Except as provided in (c) of this section, if a filling pharmacy or filling pharmacist delivers a prescription medication directly to the patient or the patient's agent, the filling pharmacy or filling pharmacist shall provide, on the prescription container or on a separate sheet delivered with the prescription container,

(1) the local telephone number and, if applicable, the toll-free telephone number of the filling pharmacy or filling pharmacist; and

(2) a statement that conveys to the patient or patient's agent the following information: "Written information about this prescription has been provided for you; please read this information before you take the medication. If you have questions concerning this prescription, a pharmacist is available during normal business hours to answer these questions at [insert the filling pharmacist or filling pharmacy's telephone numbers]."

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(c) The requirements of (b) of this section do not apply to prescription medication delivered to patients in facilities where a licensed health care professional is responsible for administering the prescription medication to the patient.

(d) A pharmacy participating in shared pharmacy services, or a pharmacist acting independently of a pharmacy and participating in shared pharmacy services, shall

(1) maintain manual or electronic records identifying, individually for each order processed, filled, or dispensed, the name, initials, or identification code of each pharmacist responsible for the final verification of dispensing; those records must include descriptions of actions taken in interpretation of the order, order entry verification, drug utilization review, drug compatibility and drug allergy review, final order verification, therapeutic intervention, and refill authorization functions performed at that pharmacy or by that pharmacist;

(2) report to the board as soon as practical the results of any license disciplinary action taken by a regulatory agency in another licensing jurisdiction involving a pharmacy or pharmacist participating in shared pharmacy services;

(3) maintain a mechanism for tracking the order during each step of the processing and filling procedures performed at the pharmacy or by that pharmacist;

(4) provide for adequate security to protect the confidentiality and integrity of patient information;

(5) provide for inspection of any required record or information no later than 72 hours after any request by the board or its designee.

(e) Each pharmacy participating in shared pharmacy services, if a

(1) requesting pharmacy, shall have a current in-state pharmacy license issued under AS 08.80.157 and this chapter;

(2) filling pharmacy, shall either

(A) have a current in-state pharmacy license issued under AS 08.80.157 and this chapter; or

(B) be registered as an out-of-state pharmacy under AS 08.80.158 and this chapter.

(f) Each participant in shared pharmacy services shall jointly develop, implement, review, revise, and comply with joint policies and procedures for shared pharmacy services. Each participant is required to maintain only those portions of the joint policies and procedures that relate to that participant's operations. The policies and procedures must

(1) outline the responsibilities of each participant;

(2) include a list that contains

(A) each pharmacy participating in shared pharmacy services, and each pharmacist acting independently of a pharmacy and participating in shared pharmacy services;

(B) the name, address, and telephone number of each of those participants; and

(C) the license numbers for all licenses held by each of those participants; and

(3) address

(A) patient notification that meets the requirements of this section;

(B) the adequate protection of the confidentiality and integrity of patient information;

(C) dispensing prescription orders when the filled order is not received or the patient comes in before the order is received;

(D) the maintenance of manual or electronic records that meet the requirements of this section;

(E) compliance with federal and state laws; and

(F) the operation of a continuous quality improvement program for shared pharmacy services, designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems.

(g) Nothing in this section prevents an individual pharmacist licensed in this state who is employed by or working under a contract with a pharmacy, or prevents a licensed pharmacy intern or pharmacy technician working under the supervision of that licensed pharmacist, from accessing the electronic database of that pharmacy from inside or outside the pharmacy and processing a prescription order in compliance with AS 08.80 and this chapter if

(1) the pharmacy has established controls to protect the privacy and security of confidential records; and

(2) the pharmacist, pharmacy intern, or pharmacy technician does not duplicate, download, or remove data from the pharmacy's electronic database.

(h) A pharmacist working independently outside of the state may participate in shared pharmacy services with an institutional pharmacy in this state if the pharmacist holds

(1) a current license as a pharmacist issued under AS 08.80 and this chapter; and

(2) a current license to practice as a pharmacist issued by the licensing jurisdiction where the pharmacist is working.

(i) The pharmacist-in-charge of the requesting pharmacy must ensure compliance with the applicable requirements of AS 08.80 and this section.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.158
AS 08.80.030

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ARTICLE 5.
PHARMACY PRACTICE STANDARDS.

Section

450. Prescription drug order records
460. Prescription drug order information
470. Refills
480. Labeling
490. Prescriptions by electronic transmission
500. Transfer of a prescription drug order
510. Substitution
520. Customized patient medication package (patient med-pak)
530. Return or exchange of drugs
540. Notification of theft or significant loss
550. Advertising
560. Destruction and disposal of drugs
570. Drug regimen review
580. Data processing systems
585. Mandatory patient counseling
590. Prepackaging of drugs

12 AAC 52.450. PRESCRIPTION DRUG ORDER RECORDS. (a) A pharmacy shall maintain prescription drug orders for a period of two years from the date of filling or the date of the last dispensed refill. The prescription drug orders shall be maintained in a manner that ensures they will remain legible for the required two-year period.

(b) To comply with (a) of this section, a pharmacy shall maintain the prescription drug orders by

(1) keeping the original hard copy prescription drug order presented by a patient;

(2) keeping a plain paper version of the prescription drug order received by facsimile or digital electronic transmittal;

(3) keeping a prescription drug order put into writing either manually or electronically by the pharmacist; or

(4) electronically storing and maintaining the prescription drug order in a readily retrievable format.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.157

12 AAC 52.460. PRESCRIPTION DRUG ORDER INFORMATION. (a) Before a pharmacist may fill a prescription drug order, the pharmacist shall obtain the following information:

(1) name of the patient or, if the prescription drug order is for an animal, species of the animal and name of the owner;

(2) address of the patient unless the prescription drug order is for a noncontrolled substance and the address is readily retrievable on another appropriate, uniformly maintained pharmacy record, such as a patient medication record;

(3) name and, if the prescription drug order is for a controlled substance, the address and DEA registration number of the prescribing practitioner;

(4) name and strength of the drug prescribed;

(5) quantity prescribed;

(6) directions for use;

(7) date of issue;

(8) refills authorized, if any;

(9) if a written or hard copy prescription drug order, the prescribing practitioner's handwritten, digital, electronic, or stamped signature;

(10) if a prescription drug order is received by the pharmacy as a facsimile, the prescribing practitioner's handwritten, digital, electronic, or stamped signature, or authorized agent's signature; and

(11) if the prescription drug order is signed by an authorized agent, the name of the prescribing practitioner.

(b) At the time of dispensing, a pharmacist shall add the following information to the prescription drug order:

(1) unique identification number of the prescription drug order;

(2) initials or identification code of the dispensing pharmacist;

(3) quantity dispensed, if different from the quantity prescribed;

(4) date of dispensing, if different from the date of issue;

(5) if the drug was prescribed by generic name or if an equivalent drug product other than the one prescribed was dispensed, for the drug product actually dispensed, at least one of the following:

(A) the name of the manufacturer or distributor;

(B) the national drug code number;

(C) the short name code; or

(D) the trade name.

(c) After oral consultation with the prescribing practitioner, a pharmacist may add the following information to schedule II controlled substance prescriptions:

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(1) date of issue of the prescription;
(2) address of the patient;
(3) strength of the drug prescribed;
(4) drug dosage form;
(5) drug quantity prescribed;
(6) directions for use;
(7) DEA registration number.

(d) After oral consultation with the prescribing practitioner, a pharmacist may modify the types of information described in (c)(2) – (7) of this section. However, any modification to the information concerning drug quantity must be limited to strength of the drug prescribed and may not result in an increase in the original total dosage prescribed.

(e) A pharmacist may not change the name of non-generic drugs, the name of the patient, or the signature of the practitioner.

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.470. REFILLS. (a) A pharmacist may dispense a refill of a prescription drug order only in accordance with the prescribing practitioner's authorization as indicated on the prescription drug order. If there are no refill instructions on the prescription drug order, or if all refills authorized on the original prescription drug order have been dispensed, a pharmacist shall obtain authorization from the prescribing practitioner before dispensing a refill.

(b) A pharmacist may not dispense a refill of a prescription drug order for a noncontrolled substance after one year from the date of issue of the original prescription drug order.

(c) Each time a prescription drug order is dispensed, the pharmacist shall record the refill electronically or on the back of the prescription drug order by listing the date of dispensing, the written initials or identification code of the dispensing pharmacist, and the amount dispensed if different from the quantity on the original prescription drug order.

(d) If an original prescription drug order is prescribed as a 30-day supply, the pharmacist may dispense up to a 100-day supply on refills if the

(1) total quantity of dosage units dispensed does not exceed the total quantity of dosage units authorized by the prescriber on the prescription, including refills;
(2) drug is not a federal or state scheduled controlled substance; and
(3) the pharmacist is exercising professional judgment.

(e) To indicate that an increased supply may not be dispensed under this section, a prescriber may indicate "no change to quantity", or words of similar meaning, on the prescription drug order.

(f) Nothing in this section requires a health care service plan, health insurer, workers' compensation insurance plan, pharmacy benefits manager, or any other person or entity, including a state program or state employer, to provide coverage for a drug in a manner inconsistent with a beneficiary's plan benefit.

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.480. LABELING. One or more labels containing the following information shall be affixed to every container in which a prescription drug order is dispensed:

(1) name, address, and phone number of the dispensing pharmacy;
(2) unique identification number of the prescription drug order;
(3) date the prescription drug order is dispensed;
(4) initials of the dispensing pharmacist;
(5) name of the prescribing practitioner;
(6) name of the patient or, if the drug was prescribed for an animal, the species of animal and the name of the owner;
(7) directions for use;
(8) quantity dispensed;
(9) appropriate ancillary instructions or cautions;
(10) if the prescription drug order is for a schedule II-V controlled substance, the statement, "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed";
(11) the name and strength of the actual drug product dispensed, unless otherwise directed by the prescribing practitioner; and
(12) the accepted generic drug name and strength of the drug dispensed; if the drug product dispensed has multiple ingredients, the pharmacist shall provide this information in writing to the patient or the patient's agent.

Authority: AS 08.80.005 AS 08.80.295 AS 08.80.480
AS 08.80.030

12 AAC 52.490. PRESCRIPTIONS BY ELECTRONIC TRANSMISSION. (a) Legend drug and controlled substance prescriptions may be transmitted electronically under this section, consistent with state and federal laws.

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A pharmacist may dispense a prescription transmitted electronically under this section only if the prescribing practitioner includes the following information on the prescription before it is transmitted:

(1) name, address, and telephone number of the prescribing practitioner;

(2) electronic signature or manual signature of the prescribing practitioner;

(3) the information required in 12 AAC 52.460(a)(1) - (8); and

(4) any other information required by federal law.

(b) A pharmacist may dispense a prescription that has been received electronically.

(c) The system for electronic transmission of prescriptions must address the following:

(1) patient's choice of pharmacy; the system may not restrict the patient's choice of pharmacy;

(2) security of the system; the system must have security and system safeguards designed to prevent and detect unauthorized access, modification, or manipulation of prescription information; the system must include

(A) documented formal procedures for selecting and executing security safeguards;

(B) physical safeguards to protect computer systems and other applicable equipment from an unauthorized access, modification, or manipulation of the information;

(C) processes to protect, control, and audit access to confidential patient information; and

(D) processes to prevent unauthorized access to the prescription information when transmitted electronically;

(3) confidentiality of patient information; the system must maintain the confidentiality of patient information consistent with state and federal laws;

(4) authentication; to be valid prescriptions transmitted by an authorized prescriber or the prescribing practitioner's authorized agent from computer to a facsimile machine or from computer to computer must use an electronic signature; the prescribing practitioner's system must authenticate the sender's authority and credentials to transmit a prescription to a pharmacy and

(A) the prescribing practitioner's system must provide an audit record of all prescriptions electronically transmitted that documents for retrieval all actions and persons who have acted on a prescription, including authorized delegation of transmission;

(B) the right of the board to access the prescribing practitioner's electronically transmitted prescriptions for purposes of investigations;

(5) a prescribing practitioner's system that utilizes intermediaries in the electronic communication of prescriptions to pharmacies is responsible to ensure that the contracts with the intermediaries require security measures that are equal to or better than those provided by this section and prohibit the modification of a record of a prescription after it has been transmitted by the prescribing practitioner to the pharmacist;

(6) if a paper copy prescription that is generated by the pharmacist or pharmacy technician from the electronic prescription system is printed, an electronic signature may be substituted for a manual signature;

(7) the system must maintain the integrity and confidentiality of patient information transmitted electronically for its system as required by this chapter, other state law, and federal law.

(d) In this section,

(1) "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a prescription and executed or adopted by an authorized person with the intent to sign the prescription;

(2) "electronic transmission of prescriptions" means the communication from an authorized prescribing practitioner or the prescribing practitioner's authorized agent to a pharmacy of the patient's choice, by computer, by the transmission of an exact visual image of a prescription by facsimile, or by other electronic means other than electronic voice communication, of original prescription information or prescription refill information for a legend drug or controlled substance consistent with this section, other state law, and federal law;

(3) "security" means a system to maintain the confidentiality and integrity of prescription information, including

(A) documented formal procedures for selecting and executing security safeguards;

(B) physical safeguards to protect computer systems and other pertinent equipment from unauthorized access, modification, or manipulation of the information;

(C) processes to protect, control and audit access to confidential patient information; and

(D) processes for its system to prevent unauthorized access to the prescription information when transmitted electronically.

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.500. TRANSFER OF A PRESCRIPTION DRUG ORDER. (a) For the purpose of dispensing a refill of a prescription drug order, original prescription drug order information may be transferred between pharmacies if the requirements of 12 AAC 52.460 and this section are met.

(b) Original prescription drug order information for controlled substances listed in schedules III, IV, or V may be transferred only by the pharmacy that originally received the prescription drug order from the prescribing practitioner. The transfer must be communicated directly between two licensed pharmacists.

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(c) Original prescription drug order information for noncontrolled substances may be transferred verbally, electronically, or by means of facsimile between pharmacies without limitation up to the number of originally authorized refills.

(d) A pharmacy transferring a prescription drug order or receiving a transferred prescription drug order must meet the following requirements:

(1) if transferred verbally, the transfer shall be communicated directly between two licensed pharmacists;

(2) both the original and the transferred prescription drug order must meet the requirements of 12 AAC 52.450(a);

(3) the pharmacist transferring the prescription drug order information shall record the following information:

(A) the name, address, and if a controlled substance, the DEA registration number of the pharmacy receiving the prescription drug order information;

(B) the name of the pharmacist receiving the prescription drug order information;

(C) the name of the pharmacist transferring the prescription drug order information; and

(D) the date of the transfer;

(4) the pharmacist receiving the transferred prescription drug order information shall record the following information:

(A) the original date of issue and date of dispensing, if different from the date of issue;

(B) the original prescription drug order number and the number of refills authorized on the original prescription drug order;

(C) the number of valid refills remaining and the date of the last refill;

(D) the name, address, and if a controlled substance, the DEA registration number of the pharmacy transferring the prescription drug order information; and

(E) the name of the pharmacist transferring the prescription drug order information; and

(5) when a prescription drug order is transferred, the transferring pharmacy may not issue any further refills.

(e) A pharmacy using an automated data processing system shall meet the same requirements for a manual prescription drug order transfer listed in (d) of this section.

(f) If two or more pharmacies use a common electronic database for prescription record keeping, prescription drug orders may be refilled at any of the pharmacies using the common electronic database if provisions are made

(1) for an audit trail that documents the location of each filling; and

(2) to ensure that the number of authorized refills is not exceeded.

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.510. SUBSTITUTION. (a) A pharmacist may dispense an equivalent drug product instead of the prescribed drug if

(1) the prescribing practitioner does not indicate on the prescription drug order that a specific brand must be dispensed, using language such as "brand medically necessary", "dispense as written", "do not substitute", or other similar wording;

(2) the patient is notified and consents to the substitution;

(3) the equivalent drug product costs the patient less than the prescribed drug product; and

(4) for the drug product actually dispensed, the pharmacy record contains one of the following:

(A) the drug product's manufacturer or distributor;

(B) national drug code number;

(C) short name code; or

(D) trade name.

(b) The determination of the drug product to be dispensed for a prescription drug order is a professional responsibility of the pharmacist. A pharmacist may not dispense any product that in the pharmacist's professional opinion is not an equivalent drug product as the term "equivalent drug product" is defined in AS 08.80.480.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.295

12 AAC 52.520. CUSTOMIZED PATIENT MEDICATION PACKAGE (PATIENT MED-PAK). (a) Instead of dispensing one or more prescribed drug products in separate containers, a pharmacist may, with the written consent of the patient, patient's caregiver, or prescribing practitioner, provide a customized patient medication package or patient med-pak.

(b) A patient med-pak is a series of containers prepared by a pharmacist for a specific patient containing one or more prescribed solid oral dosage forms and designed or labeled to indicate the day and time, or period of time, when the contents within each container are to be taken.

(c) The pharmacist shall prepare a label for a patient med-pak that includes

(1) the name of the patient;

(2) the unique identification number for the patient med-pak itself and a separate unique identification number for each of the prescription drug orders for the drug products in the patient med-pak;

(3) the name, strength, physical description or identification, and total quantity of each drug product in the patient med-pak;

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(4) the directions for use and cautionary statements, if any, contained in the prescription drug order for each drug product in the patient med-pak;

(5) any other information, statements, or warnings required or appropriate for any of the drug products in the patient med-pak;

(6) the name of the prescribing practitioner of each drug product in the patient med-pak;

(7) the date of preparation of the patient med-pak and the expiration date assigned to the patient med-pak; the expiration date may not be more than 60 days from the date of preparation of the patient med-pak;

(8) the name, address, and telephone number of the pharmacy; and

(9) the initials of the dispensing pharmacist.

(d) If the patient med-pak allows for the removal or separation of the intact containers from the patient med-pak, the pharmacist shall label each individual container of the patient med-pak to identify each of the drug products contained in the patient med-pak.

(e) When preparing a patient med-pak, the dispensing pharmacist shall take into account any applicable compendium requirements or guidelines and the physical and chemical compatibility of the dosage forms placed within each container in the med-pak and any therapeutic incompatibilities that may attend the simultaneous administration of the drugs.

(f) In addition to any individual prescription filing requirements, the pharmacist shall make and file a record of each patient med-pak. Each record must contain

(1) the name and address of the patient;

(2) a unique identification number for the patient med-pak itself and a separate, unique, identification number for each of the prescription drug orders for each drug product contained in the patient med-pak;

(3) information identifying or describing the design, characteristics, or specifications of the patient med-pak that is sufficient to prepare an identical patient med-pak for the patient;

(4) the date of preparation of the patient med-pak and the expiration date assigned;

(5) any special labeling instructions; and

(6) the name or initials of the pharmacist who prepared the patient med-pak.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.480

12 AAC 52.530. RETURN OR EXCHANGE OF DRUGS. (a) Except as provided in (b) of this section, a pharmacy or pharmacist may not accept a drug for return or exchange after the drug has been taken from the premises where the drug was sold, distributed, or dispensed.

(b) A pharmacy serving an institutional facility may accept for return or reuse unit dose packages or full or partial multiple dose medication cards if

(1) the pharmacist can readily determine that there has been no entry or attempt at entry to the unit dose package or blister card;

(2) in the pharmacist's professional judgment, the unit dose package or multiple dose medication card meets the standards of the United States Pharmacopoeia (1995 revision) for storage conditions, including temperature, light sensitivity, and chemical and physical stability;

(3) the drug has not come into the physical possession of the person for whom it was prescribed, and control of the drug is known to the pharmacist to have been the responsibility of a person or persons licensed to prescribe, dispense, or administer drugs; and

(4) the drug labeling or packaging has not been altered or defaced, and the identity of the drug, its strength, lot number, and expiration date are retrievable.

Authority: AS 08.80.005 AS 08.80.030

Editor's note: A copy of the United States Pharmacopoeia may be obtained from the United States Pharmacopoeial Convention, Inc., P.O. Box 560, Williston, VT 05495.

12 AAC 52.540. NOTIFICATION OF THEFT OR SIGNIFICANT LOSS. If a pharmacy is required under 21 U.S.C. 801 - 904 (Controlled Substances Act) to complete DEA Form 106, "Report of Theft or Loss of Controlled Substances," the pharmacist-in-charge shall also send a copy of the completed form to the board.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.157

12 AAC 52.550. ADVERTISING. A pharmacy may advertise prescription drug prices if the advertisement contains all of the following information:

(1) proprietary, trade, or generic name of the drug product;

(2) name of the manufacturer or distributor of the drug product;

(3) dosage form and strength of the drug product;

(4) price charged for a specific quantity of the drug product; and

(5) the hours that pharmaceutical services are available from the advertiser.

Authority: AS 08.80.005 AS 08.80.030

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12 AAC 52.560. DESTRUCTION AND DISPOSAL OF DRUGS. (a) A licensed pharmacist may destroy noncontrolled prescription drugs if the drugs are destroyed in a manner that makes the drugs unfit for human consumption.

(b) A drug that is a controlled substance shall be disposed of in accordance with federal statutes and regulations.

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.570. DRUG REGIMEN REVIEW. (a) A pharmacist shall perform a drug regimen review, as defined in AS 08.80.480, for each prescription drug order.

(b) If a pharmacist identifies any of the items listed in AS 08.80.480 during the drug regimen review, the pharmacist shall avoid or resolve the problem by consulting with the prescribing practitioner, if necessary.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.480

12 AAC 52.580. DATA PROCESSING SYSTEMS. A pharmacy may use an automated data processing system to maintain the records required in AS 08.80 and this chapter if the system

(1) is capable of on-line retrieval of all information required in 12 AAC 52.460, 12 AAC 52.470, and 21 C.F.R. 1306.22, as amended as of February 6, 1997;

(2) is capable of producing an audit trail printout for all dispensing of any specified strength and dosage form of a drug; and

(3) has adequate safeguards to prevent loss of data and reasonable security to prevent unauthorized access to, modification of, or manipulation of patient records.

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.585. MANDATORY PATIENT COUNSELING. (a) Before dispensing a prescription for the first time for a new patient of the pharmacy, a prescription for a new medication for an existing patient of the pharmacy, or a change in the dose, strength, route of administration, or directions for use of an existing prescription previously dispensed for an existing patient of the pharmacy, the pharmacist or pharmacy intern providing prescription services shall personally counsel each patient or the patient's agent on matters considered significant in the pharmacist's professional judgment. The counseling may include

(1) the name and description of the prescribed drug;

(2) the dosage and the dosage form;

(3) the method and route of administration;

(4) the duration of the prescribed drug therapy;

(5) any special directions and precautions for preparation, administration, and use by the patient that the pharmacist determines are necessary;

(6) common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, how to avoid them, and what actions should be taken if they occur;

(7) patient techniques for self-monitoring of the drug therapy;

(8) proper storage;

(9) prescription refill information; and

(10) the action to be taken in the event of a missed dose.

(b) A pharmacist shall counsel the patient or the patient’s agent face-to-face. If face-to-face counseling is not possible, a pharmacist shall make a reasonable effort to provide the counseling by use of a telephone, two-way radio, or in writing. In place of a pharmacist’s own written information regarding a prescribed drug, the pharmacist may use abstracts of the Patient United States Pharmacopoeia Drug Information or comparable information.

(c) This section does not apply to a pharmacist who dispenses drugs for inpatient use in a hospital or other institution if the drug is to be administered by a nurse or other appropriate health care provider.

(d) This section does not require a pharmacist to provide patient counseling when a patient or the patient’s caregiver refuses the counseling.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.480

12 AAC 52.590. PREPACKAGING OF DRUGS. For the purpose of supplying drugs to a prescribing practitioner, drugs shall be prepackaged in child-resistant containers under the direct supervision of a pharmacist and bear a label that contains

(1) the name, address, and telephone number of the pharmacy;

(2) the name, strength, and quantity of the drug;

(3) the lot number and expiration date of the drug, if not already contained on the unit-of-use or drug packaging;

(4) cautionary information required for patient safety and information; and

(5) the initials of the pharmacist.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.480

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ARTICLE 6.
WHOLESALE DRUG DISTRIBUTORS AND FACILITIES.

Section

610. Wholesale drug distributor license
620. Wholesale drug facilities
625. Personnel requirements; grounds for denial or other disciplinary action
630. Drug storage
640. Written policies and procedures
645. Examination of drug shipments
650. Records and inventories
660. Returned, damaged, and outdated drugs
670. Drug recalls
680. Inspections
685. Prohibition against direct distribution
690. Salvage and reprocessing
695. Provisions not applicable

12 AAC 52.610. WHOLESALE DRUG DISTRIBUTOR LICENSE. (a) An applicant for a wholesale drug distributor license shall

(1) apply on the form provided by the department;

(2) pay the fees required in 12 AAC 02.310;

(3) provide a list of the names and résumés of officers, directors, or primary stockholders responsible for the wholesale drug facility;

(4) provide the name and the résumé of the person who will manage the wholesale distribution of drugs and the wholesale drug facility;

(5) submit a completed self-inspection of the premises questionnaire on a form provided by the department; and

(6) submit completed fingerprint cards of the facility manager for evaluation and investigation by the Department of Public Safety.

(b) An applicant for a wholesale drug distributor license that will be distributing controlled substances shall

(1) meet the requirements of (a) of this section; and

(2) be registered with the DEA.

(c) Within 30 days of a change in facility manager, the new facility manager must

(1) submit the completed change of pharmacy manager form provided by the department;

(2) submit the applicable fees established in 12 AAC 02.105(3); and

(3) meet the requirements of (a)(4) and (6) of this section.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030

12 AAC 52.620. WHOLESALE DRUG FACILITIES. (a) A wholesale drug facility in which drugs are stored, repacked, or sold to persons, businesses, or government agencies that may legally purchase drugs must

(1) have storage areas that ensure proper lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions;

(2) be of suitable size, construction, and location to facilitate cleaning, maintenance, and proper operations;

(3) be equipped with an alarm system to detect entry into the wholesale drug facility after business hours;

(4) meet all applicable federal, state, and local building standards;

(5) be secure from unauthorized entry from outside the facility, including having exterior lighting along the outside perimeter of the facility;

(6) restrict entry into areas inside the facility where drugs are stored; entry must be open to authorized personnel only;

(7) have a quarantine area for storage of drugs that are outdated, damaged, deteriorated, misbranded, or adulterated, or that are in a secondary container that has been opened or the seal of which has been broken;

(8) be maintained in a clean and orderly condition; and

(9) be free from infestation by insects, rodents, birds, or vermin of any kind.

(b) A wholesale drug facility must develop internal security policies, including protection of computer records, to provide reasonable protection against theft or diversion of drugs by personnel.

(c) A wholesale drug facility may not be located in a residence.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030

12 AAC 52.625. PERSONNEL REQUIREMENTS; GROUNDS FOR DENIAL OR OTHER DISCIPLINARY ACTION. (a) A wholesale drug distributor shall maintain a roster of all officers, directors, and

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managers responsible for wholesale drug distribution, storage, and handling. The roster shall include a description of each person's duties and a summary of the person's experience.

(b) The board will not approve an application for a wholesale drug distributor license unless the designated manager in charge of the drug facility documents having a basic knowledge of federal and state laws related to the wholesale distribution of drugs.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030 AS 08.80.261

12 AAC 52.630. DRUG STORAGE. (a) A wholesale drug distributor shall ensure that all drugs are stored at appropriate temperatures in accordance with label requirements or official United States Pharmacopoeia (USP), 1995 revision, compendium requirements, to help ensure that the identity, strength, quality, and purity of the products are not affected. If a temperature requirement is not listed for a drug, the drug may be stored at controlled room temperature as defined in the USP.

(b) A wholesale drug distributor shall ensure that a separate quarantine storage area is provided for drugs that are deteriorated, outdated, damaged, misbranded, adulterated, or are in a secondary container that has been opened or the seal of which has been broken.

(c) A wholesale drug distributor shall ensure that appropriate manual, electromechanical, or electronic temperature and humidity recording equipment or handwritten logs are used to document how drugs have been stored.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030

Editor's notes: A copy of the United States Pharmacopoeia may be obtained from the United States Pharmacopoeial Convention, Inc., P.O. Box 560, Williston, VT 05495.

12 AAC 52.640. WRITTEN POLICIES AND PROCEDURES. A wholesale drug distributor shall prepare and follow a written procedure to

(1) handle crisis situations that affect the security or operation of the wholesale drugs facility, including fire, flood, earthquake or other natural disasters, and situations of local, state, or national emergency;

(2) identify, record, report to the board, and correct any error found in an inventory;

(3) ensure that any outdated drug or any drug with an expiration date that, in the wholesale drug distributor's view, does not allow sufficient time for repacking or resale, is segregated from other stock, is documented as a drug that has a characteristic described in this paragraph and is prepared for timely return to the manufacturer or is destroyed;

(4) ensure that the wholesale drug distributor exercises control over the shipping and receiving of all drugs within the wholesale drug distribution operation;

(5) ensure the proper handling and disposal of returned drugs;

(6) ensure that the oldest approved stock of a drug is distributed first and that any deviation from this requirement is only temporary;

(7) ensure the proper handling of a drug recall and a replacement of a drug in accordance with 12 AAC 52.670.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030

12 AAC 52.645. EXAMINATION OF DRUG SHIPMENTS. (a) A wholesale drug distributor shall ensure that upon receipt of a drug shipment, each outside shipping container is visually examined for identity and damage in order to reduce the acceptance of drugs that are contaminated or unfit for distribution.

(b) A wholesale drug distributor shall ensure that each outgoing shipment of drugs is inspected for identity of the contents and the integrity of the shipping container in order to ensure that the drugs to be shipped were not damaged in storage, held under improper conditions, or likely to receive damage in shipment.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030

12 AAC 52.650. RECORDS AND INVENTORIES. (a) A wholesale drug distributor shall establish and maintain records and inventories of all transactions regarding the receipt, distribution, or disposition of a drug. The records must include the following information:

(1) the source of the drug, including the name and principal address of the seller or transferor and the address of the location from which the drug was shipped;

(2) the identity and quantity of the drug received, distributed, or disposed of; and

(3) the date of receipt and of distribution or other disposition.

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(b) The records and inventories required by this section must be made available at a central location for inspection within two working days after a request by an authorized inspector. The records and inventories required by this section must be kept for a period of two years after disposition of the drug.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030

12 AAC 52.660. RETURNED, DAMAGED, AND OUTDATED DRUGS. (a) A wholesale drug distributor shall ensure that a drug that is outdated, damaged, deteriorated, misbranded, or adulterated is quarantined and physically separated from other drugs until it is either destroyed or returned to the supplier.

(b) A wholesale drug distributor shall ensure that a drug that has a secondary container that has been opened or used is identified as such, and is quarantined and physically separated from other drugs until the drug is either destroyed or returned to the supplier.

(c) A wholesale drug distributor shall ensure that if the conditions under which a drug has been returned, shipped, or stored cast doubt on the drug's safety, identity, strength, quality, or purity, the drug is destroyed or returned to the supplier, unless examination, testing, or other investigation proves that the drug meets appropriate standards of safety, identity, strength, quality, and purity.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030

12 AAC 52.670. DRUG RECALLS. A wholesale drug distributor shall prepare and follow a written policy for handling the recall of a drug due to

(1) a voluntary action on the part of the manufacturer;

(2) an order of the Food and Drug Administration, or of any other federal, state, or local government agency; or

(3) the replacement of an existing drug with an improved drug or new package design.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030

12 AAC 52.680. INSPECTIONS. A wholesale drug distributor shall permit an authorized inspector or law enforcement official, who shows proper identification, to enter and inspect that distributor's facilities and delivery vehicles at reasonable times and in a reasonable manner, and to inspect that distributor's records and written operating procedures.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030

12 AAC 52.685. PROHIBITIONS AGAINST DIRECT DISTRIBUTION. A wholesale drug distributor may not distribute a drug or preparation directly to a consumer or patient.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.261
AS 08.80.030

12 AAC 52.690. SALVAGE AND REPROCESSING. A wholesale drug distributor is subject to the provisions of all applicable federal and state statutes and regulations and local ordinances that relate to drug salvaging or reprocessing, including 21 C.F.R. Parts 207, 210, and 211, as amended as of February 6, 1997.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030

12 AAC 52.695. PROVISIONS NOT APPLICATIONS. The following activities do not constitute wholesale distribution of prescription drugs for which a wholesale drug distributor license is required by 12 AAC 52.610 – 12 AAC 52.690:

(1) intracompany sales, defined as any transaction or transfer between any division, subsidiary, parent, and an affiliated or related company under the common ownership and control of a corporate entity;

(2) the purchase or acquisition, by a hospital or other health care entity that is a member of a group purchasing organization, of a drug, for its own use, from the group purchasing organization or from another hospital or health care entity that is a member of the group purchasing organization;

(3) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug by a charitable organization described in 26 U.S.C. 501(c)(3) (Internal Revenue Code of 1954), as amended as of February 6, 1997, to a nonprofit affiliate of the organization to the extent otherwise permitted by the law;

(4) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug among hospitals or other health care entities that are under common control; for purposes of this paragraph, "common control" means the

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power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise;

(5) any of the following transfers of a drug, if the gross dollar value of the transfer does not exceed five percent of the total prescription drug sales revenue of either the transferor or transferee during any 12-consecutive-month period:

(A) the sale of a drug by a retail pharmacy to another retail pharmacy or to a practitioner, or the offer by a retail pharmacy to sell a drug to another retail pharmacy or to a practitioner;

(B) the purchase of a drug by a retail pharmacy or by a practitioner from another retail pharmacy, or the offer by a retail pharmacy or by a practitioner to purchase a drug from another retail pharmacy;

(C) the trade of a drug by a retail pharmacy with another retail pharmacy, or the offer by a retail pharmacy to trade a drug with another retail pharmacy;

(6) the sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug, under a prescription;

(7) the distribution of drug samples by manufacturers' representatives or distributors' representatives; or

(8) the sale, purchase, or trade of blood and blood components intended for transfusion.

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.157

ARTICLE 7.
INSTITUTIONAL PHARMACIES.

Section

700. (Repealed)
710. Absence of a pharmacist from an institutional pharmacy
720. Emergency room outpatient medications
730. Drug distribution and control

12 AAC 52.700. INSTITUTIONAL PHARMACIES. Repealed 2/26/2000.

12 AAC 52.710. ABSENCE OF A PHARMACIST FROM AN INSTITUTIONAL PHARMACY. (a) When an institutional pharmacy will be unattended by a pharmacist, the pharmacist-in-charge shall arrange in advance for providing drugs for use within the institutional facility.

(b) When an institutional pharmacy is closed and a drug is required to treat a patient's immediate need and is not available from the drug stock outside of the pharmacy, a person designated by the pharmacist-in-charge and licensed to handle drugs may obtain the drug from the institutional pharmacy. The pharmacist-in-charge is responsible

(1) to record on a suitable form the removal of any drug from the institutional pharmacy by the person designated; the record must show the

(A) patient's name and room number;

(B) name, strength, and amount of the drug;

(C) date and time of removal; and

(D) initials or signature of the person designated who removed the drug from the pharmacy;

(2) when the pharmacy reopens or as soon as is practical to check the stock container or similar unit dose package of the drug removed ; and

(3) to ensure that the quantity of drugs that were removed is only the quantity necessary to sustain the patient until the pharmacy reopens.

(c) If an institutional pharmacy is open and the pharmacist is absent from the pharmacy, but present in the institutional facility, a pharmacy technician may continue to prepare and process drug prescriptions. However, drugs may not be dispensed until the pharmacist has verified the finished prescription product.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.390
AS 08.80.030

12 AAC 52.720. EMERGENCY ROOM OUTPATIENT MEDICATIONS. (a) The pharmacist-in-charge of an institutional pharmacy, in cooperation with the appropriate committee of the institutional facility's medical staff, shall prepare a list of prescription drugs that may be delivered to outpatients receiving emergency treatment and shall determine appropriate quantities for unit-of-use packaging and prepackaging of the prescription drug.

(b) A licensed health care provider on emergency room staff may deliver the medications identified on the list of prescription drugs prepared under (a) of this section to a patient receiving emergency outpatient treatment if

(1) the drug is ordered by an authorized prescribing practitioner either in writing or verbally; a verbal order must be transcribed into writing on the patient's record;

(2) the medication is prepackaged in a child-resistant container under the direct supervision of a pharmacist;

(3) the medication bears a label that contains the

(A) name, address, and telephone number of the institutional facility;

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(B) name, strength, and quantity of the drug;
(C) cautionary information required for patient safety and information;
(D) lot number and expiration date if not already contained on the unit-of-use packaging or prepackaging; and
(E) initials of the pharmacist;

(4) no more than one prepackaged container of a drug is delivered to a patient unless more than one package is required to sustain the patient until a retail pharmacist is on duty in the community; however, the amount of the controlled substance delivered may not exceed a 72 hour supply; and

(5) labeling of the container is completed by the licensed health care provider before the container is presented to the patient; the container label must include the
(A) name of the patient;
(B) directions for use by the patient;
(C) date of delivery;
(D) identifying number unique to the patient;
(E) name of the prescribing practitioner; and
(F) initials of the licensed health care provider delivering the prepackaged medication.

(c) Prepackaged medications shall be kept in a secure place within the emergency room.

(d) Following delivery of the prepackaged medication to the patient, the licensed health care provider shall document the quantity issued and initial the patient record containing the prescribing practitioner's order.

(e) This section does not apply to the administration of a single dose to a patient.

(f) In this section, "licensed health care provider" means a physician, physician assistant, or mobile intensive care paramedic licensed under AS 08.64; a dentist licensed under AS 08.36; or a nurse licensed under AS 08.68.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.390
AS 08.80.030

12 AAC 52.730. DRUG DISTRIBUTION AND CONTROL. (a) The pharmacist-in-charge of an institutional pharmacy is responsible for the storage, preparation, distribution, and control of the institutional facility's drug supply and for ensuring that these activities are carried out in conformance with established policies, procedures, and accepted standards.

(b) The pharmacist-in-charge of an institutional pharmacy shall establish written procedures for the distribution and control of drugs and for the provision of pharmacy service. The procedures must be consistent with 12 AAC 52.710 and 12 AAC 52.720. The pharmacist-in-charge shall make an annual updated copy of the policies and procedures available for inspection by the board.

(c) Persons employed at an institutional pharmacy who are licensed under AS 08.80 and this chapter shall provide drug information to the staff and practitioners of the institutional facility.

(d) Persons employed at an institutional pharmacy who are licensed under AS 08.80 and this chapter may assist in the planning of and participate in the institutional facility's education and staff development programs relating to drugs.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.390
AS 08.80.030

ARTICLE 8.
DRUG ROOMS AND FACILITIES WITHOUT A PHARMACY.

Section

800. Drug room license
810. Pharmacist required
820. Responsibilities of the consultant pharmacist
830. Emergency drug kits
840. First dose kits
850. Emergency distribution

12 AAC 52.800. DRUG ROOM LICENSE. (a) An institutional facility that does not maintain a pharmacy but prepares and administers prescription drugs from bulk supplies for patients receiving treatment within the facility must be licensed by the board as a drug room under 12 AAC 52.010 and 12 AAC 52.020.

(b) An institutional facility that does not maintain a pharmacy but stores and administers prescription drugs that are labeled and dispensed for specific patients by a pharmacy does not require a drug room or pharmacy license.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030 AS 08.80.390

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12 AAC 52.810. PHARMACIST REQUIRED. An institutional facility described in 12 AAC 52.800(a) must continuously employ a pharmacist or have a written agreement with a pharmacy or pharmacist to provide consultant pharmacist services.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.390
AS 08.80.030

12 AAC 52.820. RESPONSIBILITIES OF THE CONSULTANT PHARMACIST. A pharmacist who, under 12 AAC 52.810, provides consultant pharmacy services shall

(1) provide evaluations and recommendations concerning drug distribution, control, and use;

(2) complete on-site reviews to ensure that drug handling and use procedures conform to AS 08.80, this chapter, and recognized standards of practice;

(3) provide drug information to facility staff and physicians;

(4) plan and participate in the facility's staff development program relating to drug distribution, control, and use;

(5) assist in establishing policies and procedures to control the distribution and administration of drugs; and

(6) document pharmacy services that are provided and maintain the documentation for a period of at least two years.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030 AS 08.80.390

12 AAC 52.830. EMERGENCY DRUG KITS. (a) An institutional facility described in 12 AAC 52.800(b) may have a limited supply of drugs provided by a pharmacist licensed under this chapter and AS 08.80 in emergency drug kits on-site. An emergency drug kit is for use by personnel authorized to administer the drugs to patients receiving treatment within the institutional facility.

(b) The pharmacist who provides or supplies drugs in emergency drug kits shall cooperate with the prescribing practitioners on staff at the institutional facility to determine the identity and quantity of the drugs to be included in the emergency drug kits.

(c) An emergency drug kit must

(1) only contain drugs that are not available from any other source in sufficient time to prevent risk of harm to patients;

(2) only contain drugs that are provided and sealed by a pharmacist;

(3) be stored in a secured area to prevent unauthorized access;

(4) be labeled on the exterior to indicate it is for use only in emergencies as described in this section; and

(5) have a list of the kit's contents posted on or near the kit.

(d) Drugs may be removed from an emergency drug kit only under a valid order from a prescribing practitioner.

(e) When the supplying pharmacist is notified that an emergency drug kit has been opened, the supplying pharmacist shall restock the kit within a reasonable time, not to exceed seven days.

(f) The supplying pharmacist shall label the exterior of an emergency drug kit to indicate the expiration date of the kit's contents. The expiration date of an emergency drug kit is the earliest expiration date of any drug supplied in the kit. When an emergency drug kit expires, the supplying pharmacist shall replace any expired drugs in the kit.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030 AS 08.80.390

12 AAC 52.840. FIRST DOSE KITS. (a) In addition to the emergency drug kit described in 12 AAC 52.830, an institutional facility described in 12 AAC 52.800 may maintain a first dose kit for the initiation of nonemergency drug therapy to a patient receiving treatment within the institutional facility if the necessary drug is not available from a pharmacy in time to prevent risk of harm to a patient.

(b) The dispensing or consultant pharmacy for the institutional facility and the medical staff of the institutional facility are responsible for the proper storage, security, and accountability of the first dose kit.

(c) The staff of the dispensing or consultant pharmacy for the institutional facility shall determine jointly with the medical staff of the institutional facility the content and quantity of drugs to be included in the first dose kit.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.390
AS 08.80.030

12 AAC 52.850. EMERGENCY DISTRIBUTION. In an emergency, if a drug is not otherwise available, a drug room may distribute the drug from bulk supplies to a practitioner or a pharmacist for use by a patient outside the facility, under a prescription, until the drug can be otherwise obtained.

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030 AS 08.80.390

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ARTICLE 9.
CONTROLLED SUBSTANCE PRESCRIPTION DATABASE.

Section

855. Registration with the prescription drug monitoring program controlled substance prescription database
860. Access to and conditions for use of the prescription drug monitoring program database
865. Reporting and reviewing PDMP information
870. Waiver of electronic submission requirement by pharmacist or practitioner
875. Solicited requests for information from non-registered persons
880. Reports
885. Purged database records
890. Grounds for discipline
895. Correcting information in database

12 AAC 52.855. REGISTRATION WITH THE PRESCRIPTION DRUG MONITORING PROGRAM CONTROLLED SUBSTANCE PRESCRIPTION DATABASE. (a) A licensed pharmacist shall register with the prescription drug monitoring program's controlled substance prescription database (PDMP) before dispensing a schedule II, III, or IV controlled substance under federal law.

(b) Before dispensing, prescribing, or administering a schedule II, III, or IV controlled substance under federal law, a pharmacist or practitioner required to register with the PDMP must

(1) register online on the PDMP website; and

(2) pay the fee established in 12 AAC 02.107.

(c) After completing the registration requirements, a pharmacist or practitioner required to register with the PDMP will be issued a user account, login name, and password by the department.

(d) A pharmacist or practitioner required to register with the PDMP must access information in the PDMP using the user account, login name, and password issued by the department.

(e) A pharmacist or practitioner required to register with the PDMP may access information in the PDMP using another registrant's credentials only as authorized by a contract executed by the department for the purposes of AS 47.05.270.

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.860. ACCESS TO AND CONDITIONS FOR USE OF THE PRESCRIPTION DRUG MONITORING PROGRAM DATABASE. (a) Access to the PDMP is limited as described in AS 17.30.200(d).

(b) For the purposes in AS 17.30.200(d)(1) of an inquiry under a search warrant, subpoena, or order issued by an administrative law judge or a court,

(1) "personnel of the board" means employees of the Department of Commerce, Community, and Economic Development assigned to the Board of Pharmacy; and

(2) "personnel of another board or agency" means an employee of this state who is assigned to a board or agency that requires a practitioner to register with the PDMP.

(c) For the purposes of AS 17.30.200(d)(2), "authorized board personnel or contractors" means:

(1) employees of the Department of Commerce, Community, and Economic Development assigned to the Board of Pharmacy and providing PDMP data storage or data management services; or

(2) employees of a contractor with this state who are providing PDMP data storage or data management services.

(d) For the purposes of AS 17.30.200(d)(3) and (4), a licensed practitioner or licensed or registered pharmacist authorizing an agent or employee to access the PDMP is responsible for maintaining and terminating the agent or employee's access to the PDMP.

(e) For the purposes of AS 17.30.200(d)(8) and (10), "authorized employee of the Department of Health and Social Services" means an employee of the Department of Health and Social Services (DHSS) for whom that department's commissioner or commissioner's official designee has requested access in writing to the board before the release of information.

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.865. REPORTING AND REVIEWING PDMP INFORMATION. (a) Unless excused from reporting under AS 17.30.200(u), a pharmacist must submit information required under AS 17.30.200(b), if the pharmacist-in-charge is not present.

(b) Unless excused from reporting under AS 17.30.200(u), a pharmacist or practitioner required to submit information under AS 17.30.200(b) must submit the information to the PDMP daily as of the previous submission date.

(c) The time computation under 12 AAC 02.920(b) applies to a submission of information under AS 17.30.200(b) and this section.

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(d) For the purposes of AS 17.30.200(b)(1), "other appropriate identifier" and for the purposes of AS 17.30.200(b)(8), "other appropriate identifying information" mean the state-issued license number of the prescribing practitioner and state-issued license number of the dispensing pharmacist or practitioner.

(e) Not later than 72 hours after discovering an error in information submitted under AS 17.30.200(b), a pharmacist or practitioner required to submit the information under AS 17.30.200(b) must submit information correcting the error to the PDMP administrator. The time computation under 12 AAC 02.920(b) applies to a submission of information correcting an error in information submitted under AS 17.30.200(b).

(f) Unless excused from reporting under AS 17.30.200(u), or a waiver is granted under 12 AAC 52.870, a pharmacist or practitioner required to submit information under AS 17.30.200(b) must submit the information to the PDMP electronically through the website provided by the board.

(g) Unless excused from reviewing the PDMP under AS 17.30.200(k)(4)(A) – (B), a practitioner, but not a pharmacist, must review the information in the PDMP to check a patient's prescription records before dispensing, prescribing, or administering a schedule II or III controlled substance under federal law.

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.870. WAIVER OF ELECTRONIC SUBMISSION REQUIREMENT BY PHARMACIST OR PRACTITIONER. (a) The department shall waive the electronic submission requirements of 12 AAC 52.865(f) for good cause. The pharmacist or practitioner requesting the waiver is responsible for establishing the basis for the requested waiver under this section.

(b) To establish good cause for purposes of this section, a pharmacist or practitioner must submit an application and sworn statement showing that

(1) a natural disaster or other emergency beyond the control of the pharmacist or practitioner prevents the pharmacist or practitioner from complying with 12 AAC 52.865(f);

(2) the pharmacist or practitioner will only dispense controlled substances as part of a controlled research project approved by an accredited institution of higher education or under the supervision of a government agency;

(3) the pharmacist's or practitioner's business is located in an area that lacks access to the telecommunication services needed to comply with 12 AAC 52.865(f); or

(4) the pharmacist or practitioner will suffer financial hardship if required to acquire the technology necessary to comply with 12 AAC 52.865(f).

(c) The department may not grant a waiver under this section unless the pharmacist or practitioner first agrees in writing that, if the waiver is granted, the pharmacist or practitioner will satisfy the reporting requirements of AS 17.30.200(b) by submitting the required information by United States mail to the board on at least a daily basis using a form approved by the board.

(d) A request for a waiver under this section must be in writing using an application form provided by the board and sent to the board.

(e) The department's grant or denial of a waiver request constitutes a final agency action unless, no later than 30 days after the department issues notice of the grant or denial, the pharmacist or practitioner files a written notice of appeal with the board.

(f) A waiver granted under this section expires at the end of the year in which it is granted.

(g) A pharmacist or practitioner must inform the board within 30 days if the basis for the waiver of electronic reporting no longer exists.

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.875. SOLICITED REQUESTS FOR INFORMATION FROM NON-REGISTERED PERSONS. (a) A patient authorized under AS 17.30.200(d)(6) to receive information from the controlled substance prescription database, the patient's authorized agent, or in the case of a unemancipated minor unable to give consent for medical services under AS 25.20.025(a), the minor's parent or legal guardian, may request profile information from the controlled substance prescription database concerning the patient if the person requesting the information

(1) submits the request on a form provided by the board;

(2) pays a $10 fee; and

(3) does one of the following:

(A) if a patient, presents to the department, in person, government-issued photographic identification confirming the patient's identity as the same person on whom profile information is sought;

(B) if a patient, submits a signed and notarized request

(i) verifying that the patient is the same person on whom profile information is sought; and

(ii) providing the patient's full name, address, and date of birth;

(C) presents a valid power of attorney concerning the patient, or presents

(i) verification that the person requesting the information is the parent, legal guardian, or legal administrator of a minor, incapacitated person, or deceased person on whom profile information is sought; and

(ii) if the person is a parent or legal guardian of a patient who is a minor, verification that the patient is not an emancipated minor legally able to consent to medical treatment under AS 25.20.025.

(b) Profile information may be

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(1) disseminated in person; or

(2) mailed certified mail, return receipt requested, no later than five days after the date that the department receives a request that meets the requirements of this section.

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.880. REPORTS. (a) The board will maintain a register for patient profile requests solicited under 12 AAC 52.875. The register includes the following information:

(1) the date on which the request was received;

(2) the name of the patient and the patient's date of birth;

(3) the name, title, and address of the individual requesting the profile;

(4) the date on which the information was disseminated, mailed, or sent by facsimile transmission.

(b) The register and the information in it are confidential and may only be accessed subject to the restrictions set out in AS 17.30.200(d) and 12 AAC 52.855 - 12 AAC 52.890.

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.885. PURGED DATABASE RECORDS. The following information will be purged from the PDMP database after two years have elapsed from the date the prescription was dispensed:

(1) the name of the prescribing practitioner and the practitioner's federal Drug Enforcement Administration registration number or other appropriate identifier;

(2) the date of the prescription;

(3) the date the prescription was filled and the method of payment;

(4) the name, address, and date of birth of the person for whom the prescription was written;

(5) the name and national drug code of the controlled substance;

(6) the quantity and strength of the controlled substance dispensed;

(7) the name of the drug outlet dispensing the controlled substance; and

(8) the name of the pharmacist or practitioner dispensing the controlled substance and other appropriate identifying information.

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.890. GROUNDS FOR DISCIPLINE. A violation of 12 AAC 52.855 – 12 AAC 52.885 by a pharmacist is grounds for the imposition of disciplinary sanctions under AS 08.01.075 and AS 08.80.261. A violation of 12 AAC 52.855 – 12 AAC 52.885 by a practitioner not licensed by this board shall be reported to the practitioner’s licensing board.

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.895. CORRECTING INFORMATION IN DATABASE. (a) To request a correction under AS 17.30.200(k)(2) to information in the controlled substance prescription database concerning a person, that person must submit to the board

(1) on a form or in a format prescribed by the board,

(A) a description of the information asserted to be incorrect, and the correction requested;

(B) the mailing and physical address and telephone number of the requester; and

(C) a signed, sworn statement attesting to the truth of the corrected information;

(2) documentation to support the correction requested; and

(3) proof of the requester's identity.

(b) If the board determines that it

(1) has sufficient information to make a determination, the board will

(A) notify the requester that the request is granted; or

(B) issue a written denial of the request, if the board determines that the information for which a correction was requested is accurate and complete; in the denial, the board will notify the requester that the requester may request, in accordance with (c) of this section, an administrative hearing to contest the denial;

(2) lacks sufficient information to grant or deny the request, the board

(A) will request additional information from the requester; and

(B) will not act on the request until after the additional information is received.

(c) If the board receives, no later than 30 days after it issues a denial under (b)(1)(B) of this section, a written request for an administrative hearing, the board will conduct an administrative hearing of the denial through the Office of Administrative Hearings in accordance with AS 44.62 (Administrative Procedure Act) and AS 44.64. If the board does not receive a request, the denial is a final administrative decision for purposes of judicial review.

Authority: AS 08.80.005 AS 08.80.050 AS 17.30.020
AS 08.80.030

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ARTICLE 10.
DISCIPLINARY GUIDELINES.

Section

900. Purpose of disciplinary guidelines
910. Violations
920. Disciplinary guidelines
930. Terms of probation
940. Use of alcohol or controlled substances
950. Probation terms for professional incompetence
960. Mental or physical disabilities
970. Reinstatement of a suspended license
980. Reinstatement of a revoked license

12 AAC 52.900. PURPOSE OF DISCIPLINARY GUIDELINES. The disciplinary guidelines in 12 AAC 52.900 - 12 AAC 52.980 are established to ensure the board's disciplinary policies are known and are administered consistently and fairly.

Authority: AS 08.80.005 AS 08.80.261 AS 08.80.450
AS 08.80.030

12 AAC 52.910. VIOLATIONS. (a) A person who is licensed under AS 08.80 and this chapter who, after a hearing under AS 44.62 (Administrative Procedure Act), is found to have violated a provision of AS 08.80 or this chapter is subject to the disciplinary penalties listed in AS 08.01.075, including public notice of the violation and penalty in appropriate publications.

(b) Nothing in the guidelines set out in 12 AAC 52.920 prohibits the board from imposing greater or lesser penalties than those described in 12 AAC 52.920 or restricting the practice of a licensee depending upon the circumstances of a particular case.

Authority: AS 08.80.005 AS 08.80.261 AS 08.80.450
AS 08.80.030

12 AAC 52.920. DISCIPLINARY GUIDELINES. (a) In addition to acts specified in AS 08.80 or elsewhere in this chapter, each of the following constitutes engaging in unprofessional conduct and is a basis for the imposition of disciplinary sanctions under AS 08.01.075:

(1) knowingly dispensing a drug under a forged, altered, or fraudulent prescription drug order;

(2) dispensing drugs to an individual or individuals in quantities, dosages, or for periods of time that grossly exceed standards of practice, approved labeling of the federal Food and Drug Administration, or the guidelines published in professional literature; this paragraph does not apply to prescriptions dispensed to persons with intractable pain or to a narcotic drug dependent person in accordance with the requirements of 21 C.F.R. 1306.07, as amended as of February 6, 1997;

(3) delivering or offering to deliver a prescription drug in violation of AS 08.80 or this chapter;

(4) acquiring, possessing, or attempting to possess prescription drugs in violation of AS 08.80, AS 11.71, or this chapter;

(5) distributing prescription drugs to a practitioner or a pharmacy not in the course of professional practice or in violation of AS 08.80 or this chapter;

(6) refusing or failing to keep, maintain, or furnish any record, notification, or information required in AS 08.80 or this chapter;

(7) refusing entry into a pharmacy for an inspection authorized by AS 08.80 or this chapter;

(8) making a false or fraudulent claim to a third party for reimbursement for pharmacy services;

(9) operating a pharmacy in an unsanitary manner;

(10) making a false or fraudulent claim concerning a drug;

(11) refilling a prescription drug order for a period of time in excess of one year from the date of issue of that prescription drug order;

(12) violating the provisions of a board order or memorandum of agreement;

(13) failing to provide information or providing false or fraudulent information on an application, notification, or other document required in AS 08.80 or this chapter;

(14) for the following licensees, failing to establish or maintain effective controls against the diversion or loss of prescription drugs or prescription drug records, or failing to ensure that prescription drugs are dispensed in compliance with state and federal laws and regulations:

(A) a pharmacist-in-charge of a pharmacy;

(B) a sole proprietor or individual owner of a pharmacy;

(C) a partner in the ownership of a pharmacy; or

(D) a managing officer of a corporation, association, or joint-stock company owning a pharmacy;

(15) failing to use reasonable knowledge, skills, or judgment in the practice of pharmacy;

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(16) knowingly delegating a function, task, or responsibility that is part of the practice of pharmacy to a person who is not licensed to perform that function, task, or responsibility when the delegation is contrary to AS 08.80 or this chapter or the delegation involves a substantial harm or risk to a patient;

(17) failing to exercise adequate supervision over a person who is authorized to practice only under the supervision of a pharmacist;

(18) violating AS 08.80.315 dealing with the confidentiality of records;

(19) discriminating on the basis of race, religious creed, color, national origin, ancestry, or sex in the provision of a service that is part of the practice of pharmacy;

(20) offering, giving, soliciting, or receiving compensation for referral of a patient;

(21) violating AS 08.80.261(a)(3); or

(22) violating AS 17.30.200 or a regulation adopted under AS 08.80.030 or AS 17.30.200 dealing with the PDMP.

(b) The board will, in its discretion, revoke a license if the licensee

(1) commits a violation that is a second offense;

(2) violates the terms of probation from a previous offense;

(3) violates AS 08.80.261(a)(1) or (4);

(4) intentionally or negligently engages in conduct that results in a significant risk to the health or safety of a patient or injury to a patient;

(5) is professionally incompetent if the incompetence results in risk of injury to a patient.

(c) The board will, in its discretion, suspend a license for up to two years followed by probation of not less than two years if the licensee

(1) wilfully or repeatedly violates AS 08.80 or this chapter; or

(2) is professionally incompetent if the incompetence results in the public health, safety, or welfare being placed at risk.

(d) The board will review, on an individual basis, the need for revocation or limitation of a license of a licensee who practices or attempts to practice while afflicted with a physical or mental illness, deterioration, or disability that interferes with the individual's practice of pharmacy.

Authority:	AS 08.01.075	AS 08.80.261	AS 08.80.460
	AS 08.80.005	AS 08.80.315	AS 17.30.200
	AS 08.80.030		

12 AAC 52.930. TERMS OF PROBATION. The board will, in its, discretion, subject a licensee who is placed on probation to one or more of the following terms of probation, and to other relevant terms of probation, including those in 12 AAC 52.940 - 12 AAC 52.960:

(1) obey all laws pertaining to the practice of pharmacy in this state;

(2) fully comply with the probation program established by the board and cooperate with representatives of the board;

(3) notify the board in writing of the dates of departure and return if the licensee leaves the state to reside or practice pharmacy outside the state;

(4) report in person at meetings of the board or to its designated representatives during the period of probation, as directed by the board;

(5) submit written reports and verification of actions as required by the board during the period of probation;

(6) if employed in the practice of pharmacy at any time during the period of probation, have the employer submit to the board verification that the employer understands the conditions of probation;

(7) be employed as a pharmacist only in a setting in which full supervision is provided and not personally act as a supervisor.

Authority:	AS 08.01.075	AS 08.80.030	AS 08.80.261
	AS 08.80.005		

12 AAC 52.940. USE OF ALCOHOL OR CONTROLLED SUBSTANCES. (a) In addition to one or more of the terms of probation set out in 12 AAC 52.930, a licensee placed on probation for the habitual abuse of alcohol or illegal use of controlled substances may also be subject to one or more of the following:

(1) physical and mental health examinations as determined by the board to evaluate the licensee's ability to perform the professional duties of a pharmacist;

(2) as determined by the board, participation until completion in an ongoing program of rehabilitative counseling, Alcoholics Anonymous, Narcotics Anonymous, or an impaired practitioner group that includes progress reports from the care provider when requested by the board;

(3) abstaining from the personal use of alcohol or controlled substances in any form except when lawfully prescribed by a practitioner licensed to practice in Alaska;

(4) submitting to tests and samples required for the detection of alcohol or controlled substances at the request of the board or the board's representative.

(b) Access to a controlled substance in the work setting will, in the board's discretion, be restricted.

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Authority: AS 08.01.075 AS 08.80.030 AS 08.80.261
AS 08.80.005

12 AAC 52.950. PROBATION TERMS FOR PROFESSIONAL INCOMPETENCE. In addition to one or more of the terms of probation set out in 12 AAC 52.930, a licensee placed on probation after being found professionally incompetent may be subject to one or more of the following terms of probation:

(1) successful completion of an appropriate course or courses in pharmacy, as determined by the board, before the end of the probationary period; or

(2) participation in 15 contact hours of appropriate continuing education in pharmacy.

Authority: AS 08.01.075 AS 08.80.030 AS 08.80.261
AS 08.80.005

12 AAC 52.960. MENTAL OR PHYSICAL DISABILITIES. In addition to one or more of the terms of probation set out in 12 AAC 52.930, a licensee placed on probation for practicing or attempting to practice pharmacy while afflicted with a physical or mental illness, deterioration, or disability that interferes with the licensee's performance of pharmacy may be subject to a physical or mental health examination to evaluate the licensee's ability to perform the professional duties of a pharmacist and if medically determined to be necessary may be required to participate in and complete a recommended treatment program that includes written progress reports from the care provider when requested by the board.

Authority: AS 08.01.075 AS 08.80.261 AS 08.80.450
AS 08.80.030

12 AAC 52.970. REINSTATEMENT OF A SUSPENDED LICENSE. The board may reinstate a suspended license only if the requirements of the suspension order have been met.

Authority: AS 08.01.075 AS 08.80.030 AS 08.80.261
AS 08.80.005

12 AAC 52.980. REINSTATEMENT OF A REVOKED LICENSE. (a) One year after revocation of a license, a licensee may apply to the board in writing for reinstatement of the license.

(b) The applicant for reinstatement shall appear before the board.

(c) The board will, in its discretion, impose restrictions upon the pharmacist or pharmacy when reinstating a license.

Authority: AS 08.01.075 AS 08.80.030 AS 08.80.261
AS 08.80.005

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ARTICLE 11.
GENERAL PROVISIONS.

Section

990. Display of license certificate
991. Disciplinary decision or conviction reporting requirement
992. Independent administration of vaccines and related emergency medications
994. Independent dispensing of opioid overdose drugs by pharmacists
995. Definitions

12 AAC 52.990. DISPLAY OF LICENSE CERTIFICATE. A licensee shall conspicuously display, in the practice site, the licensee's current license certificate. Pending receipt of the current license certificate from the department, the licensee shall display the department's Internet web site posting confirming licensure. The current license certificate, or web site posting confirming licensure, of a licensee practicing in an institutional facility may be displayed in a central location.

Authority: AS 08.80.005 AS 08.80.030

Editor's note: The current posting confirming licensure can be found at the Internet web site of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing: www.commerce.state.ak.us/occ/search3.htm.

12 AAC 52.991. DISCIPLINARY DECISION OR CONVICTION REPORTING REQUIREMENT. (a) A licensee shall report in writing to the board any disciplinary decision or conviction, including conviction of a felony

or conviction of another crime that affects the applicant's or licensee's ability to practice competently and safely, issued against the licensee not later than 30 days after the date of the disciplinary decision or conviction.

(b) A licensed or registered facility shall report in writing to the board any disciplinary decision, including suspension or revocation by federal, state, or local government of a license currently or previously held by the applicant or facility for the manufacture or distribution of drugs or devices, including controlled substances, or any felony conviction under federal, state, or local law of an owner of the facility or of an employee of the facility.

Authority:	AS 08.01.075	AS 08.80.030	AS 08.80.315
	AS 08.80.005	AS 08.80.261	AS 08.80.460

12 AAC 52.992. INDEPENDENT ADMINISTRATION OF VACCINES AND RELATED EMERGENCY MEDICATIONS. (a) Before a pharmacist may independently administer a human vaccine or related emergency medication to a patient who does not have immunization contraindications as listed by the CDC, FDA, or manufacturer's package insert, or to a patient under a prescription drug order from a prescriber, the pharmacist

(1) must successfully complete a course accredited by the Accreditation Council for Pharmacy Education (ACPE) or a comparable course for pediatric, adolescent, and adult immunization practices that includes instruction on

(A) basic immunology, vaccine, and immunization protection;

(B) diseases that may be prevented by vaccination or immunization;

(C) current CDC immunization schedules;

(D) vaccine storage and management;

(E) informed consent;

(F) physiology and techniques for administration of immunizations;

(G) pre-immunization and post-immunization assessment and counseling;

(H) immunization reporting and records management; and

(I) identifying, responding to, documenting, and reporting adverse responses;

(2) must maintain certification and keep documentation in adult and pediatric cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) training;

(3) who has not administered a vaccine during the past 10 years must complete a course as described in (1) of this subsection before administering a vaccine; and

(4) must adhere to 12 AAC 52.320, including continuing education requirements under 12 AAC 52.320(e).

(b) A pharmacy from which a pharmacist administers a human vaccine or related emergency medication under this section

(1) must stock the following emergency medications in an emergency medication kit that is separate from the regular dispensing inventory, and that is carried by the pharmacist if providing off-site immunizations:

(A) oral and injectable diphenhydramine; and

(B) adult and pediatric auto-inject epinephrine devices, or injectable epinephrine;

(2) must maintain a policy and procedure manual detailing the immunization practices that must be followed; the manual must

(A) designate either the pharmacist-in-charge or an assigned vaccine coordinator who will be responsible for maintaining the policy and procedures manual;

(B) document that the policy and procedures manual has been reviewed and updated annually;

(C) address how vaccine related adverse reactions are to be reported to the CDC's and FDA's Vaccine Adverse Event Reporting System (VAERS);

(D) address proper vaccine storage, handling, and maintenance, including maintaining manufacturer-recommended temperatures during transportation of vaccines;

(E) address proper disposal of used or contaminated supplies;

(F) contain a written emergency protocol for handling accidental needlesticks and adverse reactions, including the administration of related emergency medications; and

(G) detail how records must be kept;

(3) must have access to the latest edition of the CDC's *Epidemiology and Prevention of Vaccine-Preventable Diseases* as a reference; and

(4) must display each pharmacist's certification of completing the immunization course described in (a)(1) of this section.

(c) Before administering an immunization or related emergency medication, a pharmacy intern must

(1) have completed an ACPE-accredited immunization course or other comparable course that meets the requirements of (a)(1) of this section;

(2) maintain certification and keep documentation in adult and pediatric cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) training; and

(3) be under the direct supervision of a pharmacist who has met the requirements of this chapter.

(d) A pharmacist administering a vaccine must provide the patient or the patient's agent the current vaccine information statement (VIS) issued by the CDC for each vaccine administered.

(e) A pharmacist or intern independently administering a vaccine must comply with 7 AAC 27.650.

(f) For purposes of this section, a pharmacist independently administers a human vaccine or related emergency medication if

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(1) the pharmacist meets the requirements of this chapter and is the prescriber and administrator of the vaccine; or

(2) a pharmacist intern meeting the requirements of this chapter administers the vaccine, and the pharmacist supervising the pharmacist intern is the prescriber.

(g) Failure to comply with this section constitutes unprofessional conduct and is a basis for the imposition of disciplinary sanctions under AS 08.01.075.

(h) In this section,

(1) "CDC" means the United States Department of Health and Human Services, Centers for Disease Control and Prevention;

(2) "FDA" means the United States Food and Drug Administration.

Authority: AS 08.01.075 AS 08.80.168 AS 08.80.480
AS 08.80.030 AS 08.80.261

12 AAC 52.994. INDEPENDENT DISPENSING OF OPIOID OVERDOSE DRUGS BY PHARMACISTS. (a) A pharmacist may independently dispense an opioid overdose drug approved for use as an opioid overdose drug by the United States Food and Drug Administration. Before a pharmacist independently dispenses an opioid overdose drug to a recipient, the pharmacist shall

(1) in accordance with 12 AAC 52.340, complete a single training session that consists of one hour of continuing education specific to the use of an opioid overdose drug;

(2) question the recipient to determine if there are any known contraindications to opioid overdose drug usage for the potential user; and

(3) provide the recipient information about opioid overdose prevention, recognition, and response to opioid overdose drugs.

(b) A pharmacist may

(1) supply an opioid overdose drug as

(A) an intramuscular injection;

(B) an intranasal spray;

(C) an auto-injector; or

(D) any other product forms approved by the United States Food and Drug Administration; and

(2) recommend other optional items when appropriate, including

(A) alcohol pads;

(B) rescue breathing masks; or

(C) rubber gloves.

(c) When dispensing an opioid overdose drug

(1) the pharmacist shall

(A) label the drug in accordance with 12 AAC 52.480;

(B) ensure that the label includes appropriate directions; the label may not consist of the sole direction "use as directed";

(C) ensure that the label includes directions to call 911 or other available emergency services; and

(D) document the drug as a prescription in the medication record of the recipient in accordance with 12 AAC 52.450;

(2) the pharmacist may

(A) in accordance with 12 AAC 52.585, provide the recipient with counseling and information on the drug furnished, including

(i) dosing;

(ii) administration;

(iii) effectiveness;

(iv) adverse effects;

(v) storage conditions;

(vi) shelf life; and

(vii) safety;

(B) offer the recipient information or referrals to appropriate resources including information about addiction treatment, recovery services, or medication disposal resources, if the recipient indicates interest in that information.

(d) Nothing in this section restricts the ability of a pharmacist to furnish an opioid overdose drug by means of an authorized practitioner prescription under 12 AAC 52.460 or 12 AAC 52.490.

(e) In this section,

(1) "opioid overdose drug"

(A) has the meaning given in AS 08.80.168;

(B) includes naloxone hydrochloride;

(2) "recipient" means the person to whom an opioid overdose drug is furnished.

Authority: AS 08.80.030 AS 08.80.168 AS 08.80.480

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12 AAC 52.995. DEFINITIONS. (a) In this chapter, unless the context requires otherwise,

(1) "ACPE" means Accreditation Council for Pharmacy Education;

(2) "approved program" means a continuing education activity that is a live program, home study, or other mediated instruction delivered by an approved or accredited provider;

(3) "approved provider" means an individual, institution, organization, association, corporation, or agency offering an approved program under 12 AAC 52.340 and is not an accredited provider;

(4) "authorized inspector" means a member of the board or an investigator with the division assigned occupational licensing functions in the department;

(5) "blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing;

(6) "blood component" means that part of blood separated by physical or mechanical means;

(7) "board" means the Alaska Board of Pharmacy;

(8) "care provider" means a person or organization that by the nature of experience and training is qualified, in the opinion of the board, to provide substance abuse counseling, rehabilitation, or related services to the public through established and recognized treatment programs;

(9) "consultant pharmacist" means a licensed pharmacist retained by written agreement with an institutional facility to consult on a routine basis with an institutional facility about the practice of pharmacy as it relates to that facility;

(10) "contact hour" means a unit of measure of educational credit that is equivalent to approximately 50 minutes of participation in an organized learning experience; a continuing education unit or "CEU" is equivalent to ten contact hours;

(11) "DEA" means the United States Drug Enforcement Administration;

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

(13) "direct supervision" means supervision that insures adequate safety controls either by personal supervision or through a telepharmacy system;

(14) "home study" and "other mediated instruction" mean continuing education activities that are not conducted as live programs, including audio tapes, video tapes, television, computer assisted instruction, journal articles, or monographs;

(15) "institutional facility" means a

(A) hospital;

(B) long-term care facility, including a nursing home, convalescent home, or other related facility;

(C) mental health facility;

(D) rehabilitation center;

(E) psychiatric center;

(F) developmental disability center;

(G) drug abuse treatment center;

(H) family planning clinic;

(I) penal institution;

(J) hospice; or

(K) public health facility;

(16) "institutional pharmacy" means a pharmacy located in an institutional facility;

(17) "licensee" means a person who is licensed under AS 08.80 and this chapter;

(18) "live program" means an on-site continuing education activity, including a lecture, symposium, live teleconference, or workshop;

(19) "sterile pharmaceutical" means a drug dosage form free from living microorganisms (aseptic);

(20) "wholesale distribution" means distribution of prescription drugs to a person other than a consumer or patient, but does not include an activity described in 12 AAC 52.695;

(21) "central pharmacy" means a pharmacy providing remote pharmacy services through a telepharmacy system;

(22) "personal supervision" means supervision that includes visual or physical proximity to ensure adequate safety controls;

(23) "pharmacy" includes a central pharmacy and a remote pharmacy;

(24) "remote pharmacy" means a facility that provides pharmacy services, including the storage and distribution of prescription drugs, drug regimen review, and patient counseling through a telepharmacy system;

(25) "still image capture" means a specific image captured electronically from a video or other image capture device;

(26) "store and forward" means a video or still image record that is saved electronically for future review;

(27) "telepharmacy system" means a system under the direct supervision of a licensed pharmacist that monitors the dispensing and distribution of prescription drugs and provides for related drug use review and patient counseling services through a computer link and a video link with sound;

(28) "accredited provider" means an individual, institution, organization, association, corporation, or agency that is recognized by the ACPE as able to provide quality continuing education programs;

(29) "filling pharmacist" means a pharmacist participating in shared pharmacy services that processes or fills a prescription order for a patient;

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(30) "filling pharmacy" means a pharmacy participating in shared pharmacy services that processes or fills a prescription order for a patient;

(31) "requesting pharmacist" means a pharmacist participating in shared pharmacy services that forwards a prescription order to another participating pharmacy or pharmacist to be processed or filled;

(32) "requesting pharmacy" means a pharmacy participating in shared pharmacy services that forwards a prescription order to another participating pharmacy to be processed or filled;

(33) "shared pharmacy services" means a system allowing the processing by a participating pharmacist or a pharmacy of a request from another participating pharmacist or pharmacy to process or fill a prescription drug order, including dispensing, drug utilization review, claims adjudication, refill authorizations, therapeutic interventions, and institutional order review;

(34) "dispenser" means a practitioner who delivers a controlled substance to an ultimate user or research subject under the lawful order of a practitioner; in this paragraph, "delivers" includes the prescribing and administering of a controlled substance and the packaging, labeling, or compounding necessary to prepare the substance for delivery;

(35) "profile" means a compilation of data concerning a patient, a dispenser, a practitioner, or a controlled substance;

(36) "PDMP" means the prescription drug monitoring program's controlled substance prescription database.

(b) In AS 08.80.315(3), "other persons or governmental agencies" include investigators for the department who are assigned to conduct investigations under AS 08.

(c) In AS 08.80.030(b)(7), "monitoring of drug therapy" means a review of the drug therapy regimen of patients by a pharmacist for the purpose of evaluating and rendering advice to the prescribing practitioner regarding adjustment of the regimen. "Monitoring of drug therapy" includes

(1) collecting and reviewing records of patient drug use histories;

(2) measuring and reviewing routine patient vital signs, including pulse, temperature, blood pressure, and respiration; and

(3) ordering and evaluating the results of laboratory tests relating to drug therapy, including blood chemistries and cell counts, drug levels in blood, urine, tissue, or other body fluids, and culture and sensitivity tests that are performed in accordance with a written protocol approved under 12 AAC 52.240.

(d) In AS 17.30.200 and 12 AAC 52.855 – 12 AAC 52.895, "practitioner" has the meaning given in AS 11.71.900.

Authority:	AS 08.80.005	AS 08.80.157	AS 17.30.200
	As 08.80.030	AS 11.71.900	AS 17.30.900

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CHAPTER 30.
CONTROLLED SUBSTANCES.

Article

1. **Regulation of Manufacture, Distribution, Prescription, and Dispensing of Controlled Substances (§§ 17.30.020 – 17.30.090)**
2. **Enforcement and Forfeiture (§§ 17.30.100 – 17.30.126)**
3. **Education and Research (§§ 17.30.140)**
4. **Information (§§ 17.30.150, 17.30.155)**
5. **Controlled Substance Prescription Database (§§ 17.30.200)**
6. **General Provisions (§§ 17.30.900)**

ARTICLE 1.
REGULATION OF MANUFACTURE, DISTRIBUTION, PRESCRIPTION, AND DISPENSING OF CONTROLLED SUBSTANCES.

Section

20. Registration requirements; inspections
60. Records of registrants
70. Order forms; prescriptions
80. Unlawful administration, prescriptions, and dispensation of controlled substances
90. Sale or purchase of certain listed chemicals

Sec. 17.30.020. Registration requirements; inspections. (a) A person who manufactures, distributes, dispenses, or conducts research with a controlled substance in the state or who proposes to manufacture, distribute, or dispense a controlled substance in the state, shall comply with the registration requirements of 21 U.S.C. 811 - 830 (Controlled Substances Act), and the regulations adopted under those sections.

(b) A person registered under federal law to manufacture, distribute, dispense, or conduct research with controlled substances in the state may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by the person's registration and in conformity with the other provisions of this chapter.

(c) [Repealed, § 22 ch 146 SLA 1986.]

(d) [Repealed, § 22 ch 146 SLA 1986.]

(e) [Repealed, § 22 ch 146 SLA 1986.]

(f) A peace officer may enter a registrant's premises at reasonable times and in a reasonable manner to inspect the premises and records required to be maintained under federal law. An inspection may not extend to financial data, pricing data, or sales data, other than shipment data, unless the owner, operator, or agent in charge of the premises consents

(g) Upon request from a peace officer, a person who manufactures, distributes, dispenses, or conducts research with a controlled substance in the state shall provide evidence of current registration under 21 U.S.C. 811 - 830 (Controlled Substances Act) and the regulations adopted under those sections.

Sec. 17.30.060. Records of registrants. A person registered under federal law to manufacture, distribute, dispense, or conduct research with controlled substances in the state shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of federal law.

Sec. 17.30.070. Order forms; prescriptions. (a) A controlled substance may be distributed by one registrant to another registrant only if the distribution is in accordance with federal requirements for order forms.

(b) A controlled substance may not be dispensed by a practitioner other than in accordance with federal requirements regarding prescriptions for controlled substances.

(c) If the classification of a controlled substance in a schedule set out in AS 11.71.140 - 11.71.190 is different from its corresponding classification under federal law, the requirements of (a) and (b) of this section are determined by the classification of the substance under federal law.

Sec. 17.30.080. Unlawful administration, prescription, and dispensation of controlled substances. (a) A controlled substance classified under federal law or in a schedule set out in AS 11.71.140 - 11.71.190 may not be administered, prescribed, dispensed, or distributed other than for a medical purpose.

(b) A person who violates (a) of this section, or who otherwise manufactures, distributes, dispenses, or conducts research with a controlled substance in the state without fully complying with 21 U.S.C. 811 - 830 (Controlled Substances Act), and regulations adopted under those sections, is guilty of misconduct involving a controlled substance under AS 11.71.010 - 11.71.060 in the degree appropriate to the circumstances as described in those sections. Upon filing a complaint, information, presentment, or indictment charging a medical assistance provider with misconduct involving a controlled substance under AS 11.71.140 - 11.71.190, the attorney general shall, in writing, notify the commissioner of health and social services of the filing.

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(c) Upon receiving a notice from the attorney general under (b) of this section, the commissioner of health and social services shall immediately undertake a review of all unpaid claims or requests for reimbursements attributable to services claimed to have been provided by the person charged.

(d) In this section,

(1) "claims" has the meaning given in AS 47.05.290;

(2) "medical assistance provider" has the meaning given in AS 47.05.290;

(3) "medical purpose" means a purpose that is solely medical as opposed to any other purpose, that is reasonably necessary for treatment of a person's illness, injury, or physical or mental health, and that is provided by a practitioner while acting within the usual course of professional practice or research and in accordance with a standard of care generally recognized and accepted within the medical profession in the United States;

(4) "practitioner" has the meaning given in AS 11.71.900.

Sec. 17.30.090. Sale or purchase of certain listed chemicals. (a) A seller, retailer, or vendor may not sell for personal use and a person may not purchase for personal use ephedrine base, pseudoephedrine base, or phenylpropanolamine base, as those terms are used in P.L. 109-177, 120 Stat. 192, unless that sale or purchase complies with and meets the requirements of P.L. 109-177, 120 Stat. 192, with regard to amounts, identification required, storage, access and availability, and logbooks. A seller, retailer, or vendor shall maintain the logbook for the period required under P.L. 109-177, 120 Stat. 192, and shall allow law enforcement officers access to the logbook. Each seller, retailer, and vendor shall provide training to the seller's, retailer's, or vendor's employees and agents in the requirements of this section. The Department of Public Safety shall provide assistance and information to sellers, retailers, and vendors to meet the requirements of this section.

(b) A seller, retailer, or vendor may not sell to a person under 16 years of age and a person under 16 years of age may not purchase a product or substance identified in (a) of this section.

(c) Nothing in this section limits the authority of a seller, retailer, or vendor regulated by this section to report to a law enforcement agency or officer suspicious purchases of a chemical, product, or substance. A seller, retailer, or vendor is not liable in a civil action for release of information to a law enforcement agency concerning matters related to this section.

(d) A seller, retailer, or vendor does not violate this section if the seller, retailer, or vendor proves by a preponderance of the evidence that the seller, retailer, or vendor

(1) exercised the degree of care of a reasonable employer to ensure compliance with (a) - (c) of this section; and

(2) determined that the employees and agents of the seller, retailer, or vendor had been notified of the requirements of this section by

(A) securing each employee's or agent's written acknowledgment of notification of those requirements; or

(B) making another appropriate determination.

(e) A person who violates this section shall forfeit and pay to the state a civil penalty of not more than $10,000 for each violation.

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ARTICLE 2.
ENFORCEMENT AND FORFEITURE.

Section

100. Powers of the department of Public Safety
110. Items subject to forfeiture
112. Proceedings resulting in forfeiture
114. Seizure and custody of property
116. Procedure for forfeiture action
118. Petition for release of seized items
120. Petition for sale of seized item
122. State disposal of forfeited property
124. Remittance of claimant
126. Forfeiture of controlled substances

Sec. 17.30.100. Powers of the Department of Public Safety. (a) The commissioner of public safety shall enforce this chapter and shall cooperate with other state and federal agencies in the discharge of their responsibilities pertaining to illicit traffic in controlled substances and in suppressing the abuse of controlled substances. Under this section, the powers of the commissioner of public safety include but are not limited to the following:

(1) arranging for the exchange of information among government officials concerning illicit traffic in and abuse of controlled substances;

(2) coordinating training programs pertaining to controlled substances at both local and state levels;

(3) cooperating with the Drug Enforcement Administration of the United States Department of Justice by establishing a centralized unit to accept, catalog, file, and collect statistics, including records of persons who have violated the provisions of this chapter or AS 11.71 in the state and making the information available for federal, state, and local law enforcement purposes; and

(4) instituting in the superior court, actions for injunctions against continued manufacture, distribution, dispensation, or research with a controlled substance in the state by a person who violates 21 U.S.C. 811—830 (Controlled Substances Act) or the regulations adopted under those sections.

(b) The commissioner of public safety may not furnish the name or identity of a patient or research subject whose identity could not be obtained under AS 17.30.155.

(c) The Department of Public Safety, in accordance with AS 37.07 (the Executive Budget Act), may apply for and accept money necessary to exchange information concerning narcotics trafficking between the states, or otherwise related to the enforcement of AS 11.71 or AS 11.73.

(d) The Department of Public Safety or a local law enforcement agency may accept from the United States Attorney General property, including money, that is forfeited under 21 U.S.C. 881 (the Controlled Substances Act). The Department of Public Safety and local law enforcement agencies shall, in accordance with 21 U.S.C. 881 (e) and regulations and policies adopted under that section, use property and the proceeds of property obtained under this subsection in the enforcement of this chapter, AS 11.71, and municipal ordinances substantially similar to this chapter and AS 11.71.

Sec. 17.30.110. Items subject to forfeiture. The following may be forfeited to the state:

(1) a controlled substance which has been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or AS 11.71;

(2) raw materials, products, and equipment which are used or intended for use in manufacturing, distributing, compounding, processing, delivering, importing, or exporting a controlled substance which is a felony under this chapter or AS 11.71;

(3) property which is used or intended for use as a container for property described in (1) or (2) of this section;

(4) a conveyance, including but not limited to aircraft, vehicles or vessels, which has been used or is intended for use in transporting or in any manner in facilitating the transportation, sale, receipt, possession, or concealment of property described in (1) or (2) of this section in violation of a felony offense under this chapter or AS 11.71; however,

(A) a conveyance may not be forfeited under this paragraph if the owner of the conveyance establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the conveyance in violation of this chapter or AS 11.71 was committed by another person and that the owner was neither a consenting party nor privy to the violation;

(B) a forfeiture of a conveyance encumbered by a valid security interest at the time of seizure is subject to the interest of the secured party if the secured party establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the conveyance in violation of this chapter or AS 11.71 was committed by another person and that the secured party was neither a consenting party nor privy to the violation;

(5) books, records, and research products and materials, including formulas, microfilm, tapes, and data, which are used in violation of this chapter or AS 11.71;

(6) money, securities, negotiable instruments, or other things of value used in financial transactions derived from activity prohibited by this chapter or AS 11.71; and

(7) a firearm which is visible, carried during, or used in furtherance of a violation of this chapter or AS 11.71.

Sec. 17.30.112. Proceedings resulting in forfeiture. (a) Property listing in AS 17.30.110 may be forfeited to the state either upon conviction of the defendant of a violation of this chapter or AS 11.71, or upon judgment of a court in a separate civil proceeding in rem. The court may order a forfeiture in the in rem pro proceeding if it finds that an item specified in AS 17.30.110 was used during or in aid of a violation of this chapter or AS 11.71.

(b) It is not a defense in an in rem proceeding brought under this section that a criminal proceeding has resulted in a conviction or conviction of a lesser offense for a violation of this chapter or AS 11.71.

(c) When forfeiting property under (a) of this section, a court may award to a municipal law enforcement agency that participated in the arrest or conviction of the defendant, the seizure of property, or the identification of property for seizure, (1) the property if the property is worth $5,000 or less and is not money or some other thing that is divisible, (2) up to 75 percent of the property or the value of the property if the property is worth more than $5,000 or is money or some other thing that is divisible. In determining the percentage a municipal law enforcement agency may receive under this subsection, the court shall consider the municipal law enforcement agency's total involvement in the case relative to the involvement of the state.

Sec. 17.30.114. Seizure and custody of property. (a) Property listed in AS 17.30.110 may be seized by a peace officer upon an order issued by a court having jurisdiction over the property upon under AS 17.30.110. Seizure without a court order may be made if

(1) the seizure is incident to a valid arrest or a search under a valid search warrant;

(2) the property subject to seizure has been the subject of an earlier judgment in favor of the state in a criminal proceeding or civil proceeding in rem under this chapter or AS 11.71; or

(3) there is probable cause that the property was used, is being used, or is intended for use, in violation of this chapter or AS 11.71 and the property is easily movable; property seized under this paragraph may not be held for more than 48 hours without a court order obtained to continue its detention.

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(b) Property taken or detained under (a) of this section shall be held in the custody of either the commissioner of public safety or a municipal law enforcement agency authorized by the commissioner of public safety to retain custody of property listed in AS 17.30.110 subject only to the orders and decrees of the court having jurisdiction over any forfeiture proceedings. If property is seized under this chapter, the commissioner of public safety or an authorized municipal law enforcement agency may

(1) place the property under seal;

(2) remove the property to a place designated by the court; or

(3) take custody of the property and remove it to an appropriate location for disposition in accordance with law; or

(4) with court approval, transfer the property to another state or federal law enforcement agency for forfeiture proceedings by that agency; the court having jurisdiction shall grant the approval under this paragraph if the property

(A) will be retained within the jurisdiction of the court by the agency to which the property is being transferred; or

(B) is

(i) not needed as evidence; or

(ii) needed as evidence, and the property is fungible or the property's evidentiary value can otherwise be preserved without retaining the property within the jurisdiction of the court.

(c) Within 10 days after a seizure under AS 17.30.110-17.30.126, the commissioner of public safety shall make an inventory of any property seized, including controlled substances, and shall appraise the value of any items seized other than controlled substances.

Sec. 17.30.116. Procedure for forfeiture action. (a) Within 20 days after a seizure under AS 17.30.110-17.30.126, the commissioner of public safety shall, by certified mail, notify any person known to have an interest in an item with an appraised value of $500 or more, or who is ascertainable from official registration numbers, licenses, or other state, federal or municipal numbers on the item, of the pending forfeiture action. Additionally, the commissioner of public safety shall publish notice of forfeiture action of an item valued at $500 or more in a newspaper of general circulation in the judicial district in which the seizure was made, or if no newspaper is published in that judicial district, in a newspaper published in the state and distributed in that judicial district. The notice shall be published once each week during four consecutive calendar weeks. The requirements of this subsection do not apply to the forfeiture of controlled substances which have been manufactured, distributed, dispensed, or possessed in violation of this chapter or AS 11.71, regardless of their value.

(b) Upon service or publication of notice of commencement of a forfeiture action under this section, a person claiming interest in the property shall file within 30 days after the service or publication, a notice of claim setting out the nature of the interest, the date it was acquired, the consideration paid, and an answer to the state's allegations. If a claim and answer is not filed within the time specified, the property described in the state's allegation must be ordered forfeited to the state without further proceedings or showings.

(c) Questions of fact or law raised by a notice of forfeiture action and answer of a claimant in an action commenced under this section must be determined by the court sitting without jury. This proceeding may be held in abeyance until conclusion of any pen ding criminal charges against the claimant under this chapter or AS 11.71.

Sec. 17.30.118. Petition for release of seized items. (a) A claimant under AS 17.30.116(b) may at any time petition for release of a seized item as follows:

(1) to a court in which a warrant for seizure has been issued;

(2) to a court in which a criminal or civil action alleging forfeiture of the item has been filed; or

(3) before an action is filed, or if no seizure warrant was issued, to a court, in the judicial district in which the violation took place.

(b) An item may not be released by the court under (a) of this section unless the claimant gives adequate assurance that the item will remain subject to the court's jurisdiction and

(1) the court finds that the release is in the best interests of the state; or

(2) the claimant provides a bond or other valid and equivalent security equal to twice the assessed value of the item.

Sec. 17.30.120. Petition for sale of seized item. A claimant may petition the court for sale of an item before final disposition of court proceedings. The court shall grant a petition for sale upon a finding that the sale is in the best interests of the state and the preservation and maintenance of the item seized. Proceeds from the sale plus interest to the date of final disposition of the court proceedings become the subject of the forfeiture action.

Sec. 17.30.122. State disposal of forfeited property. Property forfeited under AS 17.30.110—17.30.126 other than controlled substances and firearms shall be disposed of by the commissioner of administration in accordance with applicable law. Firearms shall be disposed of as provided in AS 18.65.340. As to property other than firearms or controlled substances, the commissioner of administration may

(1) destroy property harmful to the public;

(2) sell the property and use the proceeds for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, custody, and court costs;

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(3) take custody of the property and authorize its use in the enforcement of this chapter or AS 11.71, or transfer it to another agency of the state or a political subdivision of the state for a use in furtherance of the administration of justice;

(4) take custody of the property and remove it for disposition in accordance with law;

(5) forward it to the Drug Enforcement Administration of the United States Department of Justice for disposition; or

(6) transfer ownership of an aircraft to the Alaska Wing, Civil Air Patrol.

Sec. 17.30.124. Remittance to claimant. (a) Upon a showing that a claimant is entitled to remittance under AS 17.30.110-17.30.126, the court shall order that

(1) if the claimant is entitled to the item, it shall be delivered to the claimant immediately;

(2) if the claimant is entitled to remittance of some value less than the total value of the item, the claimant is entitled, at the claimant's choice, to receive either the value of the claimant's interest or, upon receipt of payment of the difference in value by the claimant, the entire item.

(b) An offender who used an item subject to remission in violation of this chapter or AS 11.71 shall be assessed a fine which may not be less than the cost of any lien payment or remittance made by the state plus the reasonable costs of the seizure.

Sec. 17.30.126. Forfeiture of controlled substances. (a) A controlled substance manufactured, possessed, transferred, sold, or offered for sale in violation of this chapter or AS 11.71 is contraband and must be seized and summarily forfeited to the state. The commissioner of public safety or the commissioner's designee, including a municipal law enforcement agency authorized under AS 17.30.114(b) of this section to retain custody of controlled substances, is responsible for the disposal of controlled substances which have been forfeited. The controlled substances shall be disposed of in accordance with procedures and requirements prescribed by the commissioner.

(b) Plants from which controlled substances may be derived and which have been planted or cultivated in violation of this chapter or AS 11.71, or which are grown in the wild, may be seized and summarily forfeited to the state.

ARTICLE 3.
EDUCATION AND RESEARCH.

Section

140. Education and research

Sec. 17.30.140. Education and research. (a) The commissioner of health and social services shall provide for educational programs designed to prevent and deter the abuse of controlled substances. In connection with these programs, the commissioner may

(1) assist the regulated industry and interested groups and organizations in contributing to the reduction of abuse of controlled substances;

(2) promote better recognition of the problems surrounding abuse of controlled substances within the regulated industry and among interested groups and organizations;

(3) consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(4) evaluate procedures, projects and techniques conducted or proposed as part of educational programs on abuse of controlled substances;

(5) disseminate the results of research on abuse of controlled substances to promote a better public understanding of the problems which exist and their solutions; and

(6) with the cooperation of the Department of Law, assist in the education and training of state and local law enforcement officials in their efforts to prevent illicit traffic in and abuse of controlled substances.

(b) The commissioner of health and social services shall encourage research on controlled substances and may

(1) establish methods to assess the effects of controlled substances and identify and characterize those with potential for abuse;

(2) make studies and undertake research to

(A) develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of this chapter;

(B) determine patterns of abuse of controlled substances and their social effects; and

(C) improve methods for preventing, predicting, and understanding the abuse of controlled substances;

(3) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for conducting research, demonstrations, or special projects which bear directly on abuse of controlled substances and for related research and educational activities.

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ARTICLE 4.
INFORMATION.

Section
150. Reliance on Drug Enforcement Administration
155. Confidentiality of certain information

Sec. 17.30.150. Reliance on Drug Enforcement Administration. Results, information, and evidence received from the Drug Enforcement Administration of the United States Department of Justice relating to the enforcement functions of this chapter, including results of inspections conducted by it, may be relied on and acted on by the Department of Public Safety in the exercise of its enforcement functions under this chapter.

Sec. 17.30.155. Confidentiality of certain information. A practitioner engaged in medical practice or research may not disclose the name or identity of a patient or research subject that the practitioner is required to keep confidential unless ordered by a court to disclose it within the context of a criminal investigation or proceeding.

ARTICLE 5.
CONTROLLED SUBSTANCE PRESCRIPTION DATABASE.

Section
200. Controlled substance prescription database

Sec. 17.30.200. Controlled substance prescription database. (a) The controlled substance prescription database is established in the Board of Pharmacy. The purpose of the database is to contain data as described in this section regarding every prescription for a schedule II, III, or IV controlled substance under federal law dispensed in the state to a person other than under the circumstances described in (u) of this section.

(b) The pharmacist-in-charge of each licensed or registered pharmacy, regarding each schedule II, III, or IV controlled substance under federal law dispensed by a pharmacist under the supervision of the pharmacist-in-charge, and each practitioner who directly dispenses a schedule II, III, or IV controlled substance under federal law other than those dispensed or administered under the circumstances described in (u) of this section, shall submit to the board, by a procedure and in a format established by the board, the following information for inclusion in the database on at least a daily basis:

(1) the name of the prescribing practitioner and the practitioner's federal Drug Enforcement Administration registration number or other appropriate identifier;

(2) the date of the prescription;

(3) the date the prescription was filled and the method of payment; this paragraph does not authorize the board to include individual credit card or other account numbers in the database;

(4) the name, address, and date of birth of the person for whom the prescription was written;

(5) the name and national drug code of the controlled substance;

(6) the quantity and strength of the controlled substance dispensed;

(7) the name of the drug outlet dispensing the controlled substance; and

(8) the name of the pharmacist or practitioner dispensing the controlled substance and other appropriate identifying information.

(c) The board shall maintain the database in an electronic file or by other means established by the board to facilitate use of the database for identification of

(1) prescribing practices and patterns of prescribing and dispensing controlled substances;

(2) practitioners who prescribe controlled substances in an unprofessional or unlawful manner;

(3) individuals who receive prescriptions for controlled substances from licensed practitioners and who subsequently obtain dispensed controlled substances from a drug outlet in quantities or with a frequency inconsistent with generally recognized standards of dosage for that controlled substance; and

(4) individuals who present forged or otherwise false or altered prescriptions for controlled substances to a pharmacy.

(d) The database and the information contained within the database are confidential, are not public records, are not subject to public disclosure, and may not be shared with the federal government. The board shall undertake to ensure the security and confidentiality of the database and the information contained within the database. The board may allow access to the database only to the following persons, and in accordance with the limitations provided and regulations of the board:

(1) personnel of the board regarding inquiries concerning licensees or registrants of the board or personnel of another board or agency concerning a practitioner under a search warrant, subpoena, or order issued by an administrative law judge or a court;

(2) authorized board personnel or contractors as required for operational and review purposes;

(3) a licensed practitioner having authority to prescribe controlled substances or an agent or employee of the practitioner whom the practitioner has authorized to access the database on the practitioner's behalf, to the extent the

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information relates specifically to a current patient of the practitioner to whom the practitioner is prescribing or considering prescribing a controlled substance; the agent or employee must be licensed or registered under AS 08;

(4) a licensed or registered pharmacist having authority to dispense controlled substances or an agent or employee of the pharmacist whom the pharmacist has authorized to access the database on the pharmacist's behalf, to the extent the information relates specifically to a current patient to whom the pharmacist is dispensing or considering dispensing a controlled substance; the agent or employee must be licensed or registered under AS 08;

(5) federal, state, and local law enforcement authorities may receive printouts of information contained in the database under a search warrant or order issued by a court establishing probable cause for the access and use of the information;

(6) an individual who is the recipient of a controlled substance prescription entered into the database may receive information contained in the database concerning the individual on providing evidence satisfactory to the board that the individual requesting the information is in fact the person about whom the data entry was made and on payment of a fee set by the board under AS 37.10.050 that does not exceed $10;

(7) a licensed pharmacist employed by the Department of Health and Social Services who is responsible for administering prescription drug coverage for the medical assistance program under AS 47.07, to the extent that the information relates specifically to prescription drug coverage under the program;

(8) a licensed pharmacist, licensed practitioner, or authorized employee of the Department of Health and Social Services responsible for utilization review of prescription drugs for the medical assistance program under AS 47.07, to the extent that the information relates specifically to utilization review of prescription drugs provided to recipients of medical assistance;

(9) the state medical examiner, to the extent that the information relates specifically to investigating the cause and manner of a person's death;

(10) an authorized employee of the Department of Health and Social Services may receive information from the database that does not disclose the identity of a patient, prescriber, dispenser, or dispenser location, for the purpose of identifying and monitoring public health issues in the state; however, the information provided under this paragraph may include the region of the state in which a patient, prescriber, and dispenser are located and the specialty of the prescriber; and

(11) a practitioner, pharmacist, or clinical staff employed by an Alaska tribal health organization, including commissioned corps officers of the United States Public Health Service employed under a memorandum of agreement; in this paragraph, "Alaska tribal health organization" has the meaning given to "tribal health program" in 25 U.S.C. 1603.

(e) The failure of a pharmacist-in-charge or a pharmacist to register or submit information to the database as required under this section is grounds for the board to take disciplinary action against the license or registration of the pharmacy or pharmacist. The failure of a practitioner to register or review the database as required under this section is grounds for the practitioner’s licensing board to take disciplinary action against the practitioner.

(f) The board may enter into agreements with (1) dispensers in this state that are not regulated by the state to submit information to and access information in the database, and (2) practitioners in this state to access information in the database, subject to this section and the regulations of the board. The board shall prohibit a dispenser that is not regulated by the state from accessing the database if the dispenser has accessed information in the database contrary to the limitations of this section, discloses information in the database contrary to the limitations of this section, or allows unauthorized persons access to the database.

(g) The board shall promptly notify the president of the senate and the speaker of the house of representatives if, at any time after September 7, 2008, the federal government fails to pay all or part of the costs of the controlled substance prescription database.

(h) An individual who has submitted information to the database in accordance with this section may not be held civilly liable for having submitted the information. Dispensers or practitioners may not be held civilly liable for damages for accessing or failing to access the information in the database.

(i) A person who has reason to believe that prescription information from the database has been illegally or improperly accessed shall notify an appropriate law enforcement agency.

(j) The board shall notify any person whose prescription information from the database is illegally or improperly accessed.

(k) In the regulations adopted under this section, the board shall provide

(1) that prescription information in the database be purged from the database after two years have elapsed from the date the prescription was dispensed;

(2) a method for an individual to challenge information in the database about the individual that the person believes is incorrect or was incorrectly entered by a dispenser;

(3) a procedure and time frame for registration with the database;

(4) that a practitioner review the information in the database to check a patient's prescription records before dispensing, prescribing, or administering a schedule II or III controlled substance under federal law to the patient; the regulations must provide that a practitioner is not required to review the information in the database before dispensing, prescribing, or administering

(A) a controlled substance to a person who is receiving treatment

(i) in an inpatient setting;

(ii) at the scene of an emergency or in an ambulance; in this sub-subparagraph, "ambulance" has the meaning given in AS 18.08.200;

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(iii) in an emergency room;
(iv) immediately before, during, or within the first 48 hours after surgery or a medical procedure;
(v) in a hospice or nursing home that has an in-house pharmacy; or
(B) a nonrefillable prescription of a controlled substance in a quantity intended to last for not more than three days.
(*l*) A person
(1) with authority to access the database under (d) of this section who knowingly
(A) accesses information in the database beyond the scope of the person's authority commits a class A misdemeanor;
(B) accesses information in the database and recklessly discloses that information to a person not entitled to access or to receive the information commits a class C felony;
(C) allows another person who is not authorized to access the database to access the database commits a class C felony;
(2) without authority to access the database under (d) of this section who knowingly accesses the database or knowingly receives information that the person is not authorized to receive under (d) of this section from another person commits a class C felony.
(m) To assist in fulfilling the program responsibilities, performance measures shall be reported to the legislature annually. Performance measures
(1) may include outcomes detailed in the federal prescription drug monitoring program grant regarding efforts to
(A) reduce the rate of inappropriate use of prescription drugs by reporting education efforts conducted by the Board of Pharmacy;
(B) reduce the quantity of pharmaceutical controlled substances obtained by individuals attempting to engage in fraud and deceit;
(C) increase coordination among prescription drug monitoring program partners;
(D) involve stakeholders in the planning process;
(2) shall include information related to the
(A) security of the database; and
(B) reductions, if any, in the inappropriate use or prescription of controlled substances resulting from the use of the database.
(n) In this section,
(1) "board" means the Board of Pharmacy;
(2) "database" means the controlled substance prescription database established in this section;
(3) "knowingly" has the meaning given in AS 11.81.900;
(4) "pharmacist-in-charge" has the meaning given in AS 08.80.480;
(5) "opioid" includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160.
(o) A pharmacist who dispenses or a practitioner who prescribes, administers, or directly dispenses a schedule II, III, or IV controlled substance under federal law shall register with the database by a procedure and in a format established by the board.
(p) The board shall promptly notify the State Medical Board, the Board of Nursing, the Board of Dental Examiners, the Board of Examiners in Optometry, and the Board of Veterinary Examiners when a practitioner registers with the database under (o) of this section.
(q) The board is authorized to provide unsolicited notification to a pharmacist, practitioner's licensing board, or practitioner if a patient has received one or more prescriptions for controlled substances in quantities or with a frequency inconsistent with generally recognized standards of safe practice. An unsolicited notification to a practitioner's licensing board under this section
(1) must be provided to the practitioner;
(2) is confidential;
(3) may not disclose information that is confidential under this section;
(4) may be in a summary form sufficient to provide notice of the basis for the unsolicited notification.
(r) The board shall update the database on at least a daily basis with the information submitted to the board under (b) of this section.
(s) The Department of Commerce, Community, and Economic Development shall
(1) assist the board and provide necessary staff and equipment to implement this section; and
(2) establish fees for registration with the database by a pharmacist or practitioner required to register under (o) of this section so that the total amount of fees collected by the department equals the total operational costs of the database minus all federal funds acquired for the operational costs of the database; in setting the fee levels, the department shall
(A) set the fees for registration with the database so that the fees are the same for all practitioners and pharmacists required to register; and
(B) consult with the board to establish the fees under this paragraph.
(t) Notwithstanding (q) of this section, the board may issue to a practitioner periodic unsolicited reports that detail and compare the practitioner's opioid prescribing practice with other practitioners of the same occupation and similar specialty. A report issued under this subsection is confidential and the board shall issue the report only to a

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practitioner. The board may adopt regulations to implement this subsection. The regulations may address the types of controlled substances to be included in an unsolicited report, the quantities dispensed, the medication strength, and other factors determined by the board.

(u) A practitioner or a pharmacist is not required to comply with the requirements of (a) and (b) of this section if a controlled substance is

(1) administered to a patient at

(A) a health care facility; or

(B) a correctional facility;

(2) dispensed to a patient for an outpatient supply of 24 hours or less at a hospital

(A) inpatient pharmacy; or

(B) emergency department.

ARTICLE 6.
GENERAL PROVISIONS.

Section

900. Definitions

Sec. 17.30.900. Definitions. (a) Unless the context clearly requires otherwise, the definitions set out in AS 11.71.900 apply to this chapter.

(b) [Repealed, 22 ch 146 SLA 1986.]

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General Requirements.

(a) Each pharmacy is of sufficient size to allow for the safe and proper storage of prescription drugs and for the safe and proper compounding and/or preparation of prescription drug orders.

(b) There is a minimum of three linear feet by a minimum of 18 inches in depth of counter working space for each pharmacist or intern compounding or filling prescriptions at the same time.

(c) The prescription department and all areas where drugs are stored are well lighted, well ventilated, dry, and maintained in a clean and orderly condition. Walls, floors, ceilings, and windows are clean and in general good repair and order.

(d) Each pharmacy has a sink with hot and cold running water within the pharmacy and maintained in a sanitary condition.

(e) There are refrigeration facilities with a thermometer in the prescription department for the proper storage of drugs requiring refrigeration. Temperatures in the refrigerator are maintained within United States Pharmacopeia standards.

(f) The temperature of the pharmacy is maintained within a range compatible with the proper storage of drugs.

Equipment and Supplies.

(a) All pharmacies have in their possession the equipment and supplies necessary to compound, dispense, label, administer and distribute drugs and devices. The equipment is in good repair and is available in sufficient quantity to meet the needs of the practice of pharmacy conducted therein.

(b) All equipment is kept in a clean and orderly manner. Equipment used in the compounding or preparation of prescription drug orders (counting, weighing, measuring, mixing, stirring, and molding equipment) is clean and in good repair.

Library. A reference library is maintained which includes the following:

(1) A current copy (hard-copy or electronic media access) of the Alaska Pharmacy Statutes and Regulations.

(2) At least one current or updated reference (hard-copy or electronic media access) from each of the following categories:

(A) Patient information – examples are;

(i) USP Dispensing Information; or

(ii) Patient Drug Facts; or

(iii) reference text or information leaflets which provide patient information.

(B) General information – examples are;

(i) Facts and Comparisons; or

(ii) USP Dispensing Information, Volume I (Drug Information for the Healthcare Provider); or

(iii) Remington's Pharmaceutical Sciences.

(C) Clinical Information – examples are;

(i) AHFS Drug Information; or

(ii) Micromedex; or

(iii) Clinical Pharmacology; or

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(iv) reference material pertinent to the practice setting.

(3) The telephone number of the nearest poison control center is readily available.

This pamphlet is prepared by the Alaska Board of Pharmacy to establish guidelines on facilities, reference materials, equipment, supplies and other matters. Professional conduct by a licensee includes adherence to these guidelines. See 12 AAC 52.400.

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STERILE PHARMACEUTICALS
February 2008

Scope and Purpose.

The purpose of this pamphlet is to provide standards for the preparation, labeling, and distribution of sterile products by pharmacies, pursuant to or in anticipation of a prescription drug order. These standards are intended to apply to all sterile products, notwithstanding the location of the patient (eg. home, hospital, extended care facility, hospice, practitioner's office).

Definitions.

(a) "Biological Safety Cabinet" – a containment unit suitable for the preparation of low to moderate risk agents where there is a need for protection of the product, personnel and environment, according to National Sanitation Foundation (NSF) Standard 49.

(b) "Class 100 Environment" – an atmospheric environment which contains less than 100 particles 0.5 microns in diameter per cubic foot of air, according to Federal Standard 209D.

(c) "Cytotoxic" – a pharmaceutical that has the capability of killing living cells.

(d) "Parenteral" – a sterile preparation of drugs for injection through one or more layers of the skin.

(e) "Sterile Pharmaceutical" – dosage form free from living micro-organisms (aseptic).

Policy and Procedure Manual.

(a) A policy and procedure manual is prepared and maintained for the compounding, dispensing, and delivery of sterile pharmaceutical drug orders. The manual is reviewed and revised as necessary on an annual basis by the pharmacist-in-charge and is available for inspection at the pharmacy.

(b) The manual includes policies and procedures, as applicable, for:

(1) Clinical services;
(2) Sterile product handling, preparation, dating, storage and disposal;
(3) Major and minor spills of cytotoxic agents;
(4) Disposal of unused supplies and medications;
(5) Drug destruction and returns;
(6) Drug dispensing;
(7) Drug labeling;
(8) Duties and qualifications for professional and nonprofessional staff;
(9) Equipment use and maintenance;
(10) Handling of infectious waste pertaining to drug administration;
(11) Infusion devices and drug delivery systems;
(12) Training and orientation of professional and non-professional staff commensurate with the services provided;
(13) Dispensing of investigational medications;
(14) Quality control and quality assurance;
(15) Recall procedures;
(16) Infection control;
(17) Suspected contamination of sterile products;
(18) Orientation of employees to sterile technique;
(19) Sanitation;
(20) Security; and
(21) Transportation.

Physical Requirements.

(a) The pharmacy designates an area for the preparation of sterile products that is functionally separate from areas for the preparation of non-sterile products and is constructed to minimize traffic and airflow disturbances. It is used only for the preparation of these specialty products. It is of sufficient size to accommodate a laminar airflow hood and to provide for the proper storage of drugs and supplies under appropriate conditions of temperature, light, moisture, sanitation, ventilation, and security.

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(b) The pharmacy preparing parenteral products has:

(1) Appropriate environmental control devices capable of maintaining at least a Class 100 environment condition in the workspace where critical objects are exposed and critical activities are performed; furthermore, these devices are capable of maintaining Class 100 environments during normal activity;

(2) When cytotoxic drug products are prepared, appropriate environmental control also includes appropriate biological safety cabinets;

(3) Sink with hot and cold running water which is convenient to the compounding area for the purpose of hand washing prior to compounding;

(4) The designated area shall have hard cleanable surfaces, walls, floors and ceilings;

(5) Appropriate disposal containers for used needles, syringes, etc. and if applicable, for cytotoxic waste from the preparation of chemotherapy agents and infectious wastes from patient's homes;

(6) Refrigerator/freezer with thermometer;

(7) Temperature controlled delivery container, if appropriate;

(8) Infusion devises, if appropriate;

(9) Supplies adequate to maintain an environment suitable for the aseptic preparation of sterile products.

(c) Laminar flow hood certification (or clean room certification, if applicable) are conducted at least every six months by an independent contractor according to Federal Standard 209B or National Sanitation Foundation 49 for operational efficiency. These reports are maintained for at least two years. In addition, prefilters are replaced on a regular basis and the replacement date documented.

(d) The pharmacy has current reference materials related to sterile products. These reference materials will contain information on stability, incompatibilities, preparation guidelines, and the handling of chemotherapy drug products.

Personnel.

(a) All personnel participating in the preparation and/or dispensing of compounded sterile pharmaceuticals are trained in this specialized function, including the principles of aseptic technique. All duties and responsibilities of personnel are consistent with their training and experience.

(b) Pharmacies providing parenteral products to non-hospitalized patients have a pharmacist accessible twenty-four hours per day to respond to patient's and other health professional's questions and needs.

Drug Distribution and Control.

(a) In addition to labeling required for all dispensed prescription drug orders, the labeled container of a sterile pharmaceutical bears the expiration date of the preparation based upon published data.

(b) Delivery Service. The pharmacist-in-charge assures the environmental control of all products shipped. Therefore, any compounded sterile pharmaceutical is shipped or delivered to a patient in appropriate temperature controlled (as defined by United States Pharmacopeia Standards) delivery containers and stored appropriately in the patient's home or outpatient location.

(c) Disposal of Infectious/Hazardous Waste. The pharmacist-in-charge is responsible for assuring there is a system for the disposal of cytotoxic waste and infectious waste in a manner so as not to endanger the public health.

(d) Emergency Kit. When sterile pharmaceuticals are provided to home care patients, the pharmacy may supply the licensed nurse with emergency drugs, if the prescribing practitioner has authorized the use of these drugs by a protocol for use in an emergency situation (e.g. anaphylactic shock).

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Cytotoxic Drugs.

The following additional requirements are necessary for those pharmacies that prepare cytotoxic drugs to assure the protection of the personnel involved:

(a) All cytotoxic drugs are compounded within a vertical flow, Class II, Biological Safety Cabinet. Policy and procedures are developed for the cleaning of the laminar airflow hood between compounding cytotoxic drugs and other parenteral products, if applicable.

(b) Protective apparel is worn by personnel compounding cytotoxic drugs. This includes disposable gloves and gowns with tight cuffs.

(c) Appropriate safety and containment techniques for compounding cytotoxic drugs are used in conjunction with the aseptic techniques required for preparing sterile products.

(d) Disposal of cytotoxic waste complies with all applicable local, state, and federal requirements.

(e) Written procedures for handling both major and minor spills of cytotoxic agents are developed and included in the policy and procedure manual.

(f) Prepared doses of cytotoxic drugs are dispensed, labeled with proper precautions, and shipped in a manner to minimize the risk of accidental rupture of the primary container.

Patient Training.

If appropriate, the Pharmacist demonstrates or documents the patient's training and competency in managing the type of therapy provided by the Pharmacist to the patient in the home environment. A pharmacist is involved in the patient training process in any area that relates to drug compounding, labeling, storage, stability, or incompatibility. The Pharmacist is responsible for seeing the patient's competency in the above areas is reassessed on an ongoing basis.

Quality Control and Quality Assurance Procedures.

(a) Quality Control. There is a documented, ongoing quality control program that monitors and evaluates personnel performance, equipment and facilities. Procedures are in place to assure the pharmacy is capable of consistently preparing pharmaceuticals which are sterile and stable. Quality control procedures include, but are not limited to, the following:

(1) recall procedures;

(2) storage and dating;

(3) documentation of appropriate functioning of refrigerator, freezer, and other equipment;

(4) documentation of aseptic environmental control device certification and the regular replacement of prefilters;

(5) a process to evaluate and confirm the quality of the prepared pharmaceutical product; and

(6) if bulk compounding of parenteral solutions is performed utilizing non-sterile chemicals, extensive end product testing is documented prior to the release of the product from quarantine. This process includes appropriate tests for particulate matter and pyrogens.

(b) Quality Assurance.

(1) There is a documented, ongoing quality assurance program for monitoring and evaluating personnel performance and patient outcomes to assure efficient drug delivery, patient safety, and positive patient outcomes.

(2) There is documentation of quality assurance audits at regular, planned intervals which may include infection control, sterile technique, delivery systems/times, order transcription accuracy, drug administration systems, adverse drug reactions, and drug therapy appropriateness.

(3) A plan for corrective action of problems identified by quality assurance audits is developed which includes procedures for the documentation of identified problems and action taken.

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(4) A periodic evaluation of the effectiveness of the quality assurance activities is completed and documented.

This pamphlet is prepared by the Alaska Board of Pharmacy to establish guidelines for a pharmacy or pharmacist that prepares or dispenses sterile pharmaceuticals. Professional conduct by a licensee includes adherence to these guidelines. See 12 AAC 52.430.

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(a) A pharmacist may compound drugs in limited quantities before receiving a valid prescription drug order if the pharmacist has a historical basis of valid prescription drug orders generated solely within an established relationship between the pharmacist, a patient, and a prescribing practitioner for the amount of drugs compounded. Compounding drugs in an amount above that for which there is a historical basis is considered manufacturing.

(b) Compounding includes the preparation

(1) according to a prescription drug order of drugs or devices that are not commercially available;

(2) of commercially available products from bulk when the prescribing practitioner has prescribed the compounded product on a per prescription basis and the patient has been made aware that the compounded product will be prepared by the pharmacist.

(c) When a compounded product is to be substituted for a commercially available product, both the patient and the prescribing practitioner must authorize the use of the compounded product. The pharmacist shall document these authorizations on the prescription drug order or in the computerized patient medication record. The prescribing practitioner's authorization is in addition to signing to permit substitution on a prescription drug order or advising verbally that substitution is permitted. The reconstitution of commercially available products according to the manufacturer's guidelines is permissible without notice to the prescribing practitioner.

(d) A pharmacist may not offer compounded drug products to prescribing practitioners, pharmacists, or pharmacies for resale except in the course of professional practice for a prescribing practitioner to administer to an individual patient. The distribution of inordinate amounts of compounded products without a relationship between the pharmacist and the prescribing practitioner and patient is considered manufacturing.

(e) A pharmacist may receive, store, and use drug substances for compounding prescriptions that meet official compendia requirements. A pharmacist shall use the pharmacist's professional judgment to receive, store, and use drug substances for compounding prescriptions not found in official compendia.

PERSONNEL

A pharmacist engaging in compounding shall maintain proficiency through current awareness and training. Continuing education should include training in the art and science of compounding and the rules and regulations of compounding.

COMPOUNDING FACILITIES

(a) A pharmacy engaging in compounding shall have a specifically designated and adequate area for the orderly compounding of prescriptions that is maintained in a good state of repair and for the placement of materials and equipment. There is a minimum of three linear feet by a minimum of 18 inches in depth of counter working space for each pharmacist or intern compounding or filling prescriptions at the same time.

(b) Bulk medications and other chemicals or materials used in the compounding of medications must be stored in adequately labeled containers in a clean, dry, and temperature controlled area or, if required, under proper refrigeration.

(c) Adequate lighting and ventilation must be provided in all drug compounding areas. Potable water must be supplied under continuous positive pressure in a plumbing system free of defects that could contribute contamination to any compounded drug product. Adequate washing facilities, easily accessible to the compounding area of the pharmacy must be provided. The facilities must include hot and cold water, soap or detergent, and air-driers or single use towels.

(d) The area used for the compounding of drugs must be maintained in a clean and sanitary condition. It must be free of infestation by insects, rodents, and other vermin. Trash must be held and disposed of in a timely and sanitary manner. Sewage and other refuse must be disposed of in a safe and sanitary manner.

(e) If drug products with special precautions for contamination, such as penicillin, are involved in a compounding procedure, appropriate measures, including either the dedication of equipment or meticulous

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cleaning of contaminated equipment prior to its use for the preparation of other drugs, must be used in order to prevent cross-contamination.

RECORDS AND REPORTS

(a) A pharmacist shall keep records of all compounded products for two years. The records must be readily available for authorized inspection at the pharmacy.

(b) A pharmacist shall ensure that there are formulas maintained electronically or manually. A formula must include ingredients, amounts, methodology and equipment, if needed, and special information regarding sterile compounding.

(c) A pharmacy engaging in compounding must have written procedures for the compounding of drugs to assure that the finished products have the identity, strength, quality, and purity they are represented to possess. The procedures must include a listing of the components, their amounts in weight or volume, the order of component mixing, and a description of the compounding process. The procedures must list all equipment and utensils and the container or closure system relevant to the sterility and stability of the intended use of the drug. The procedures must be followed in the execution of the drug compounding procedure.

(d) A pharmacist shall accurately weigh, measure, or subdivide as appropriate the components for drug product compounding. The compounding pharmacist shall check these operations at each stage of the compounding process to ensure that each weight or measure is correct as stated in the written compounding procedures. If a component is transferred from the original container to another container, the new container must be identified with the component name and the weight or measure.

(e) To assure the reasonable uniformity and integrity of compounded drug products, written procedures must be established and followed that describe the tests or examinations to be conducted on the product compounded. The control procedures must be established to monitor the output and to validate the performance of those compounding processes that include the following when appropriate:

(1) capsule weight variation;

(2) adequacy of mixing to assure uniformity and homogeneity;

(3) clarity, completeness, or pH of solutions;

(f) A pharmacy engaging in compounding shall establish and follow appropriate written procedures designed to prevent microbiological contamination of compounded drug products purporting to be sterile. The procedures must include validation of any sterilization process.

(g) For the purpose of compounding in quantities larger than required for immediate dispensing by a prescriber or for future dispensing upon prescription, a pharmacy shall maintain records that include

(1) the date of preparation;

(2) the lot numbers – the lot numbers may be the manufacturer's lot numbers or new numbers assigned by the pharmacy. If a lot number is assigned by the pharmacy, the pharmacy shall record the original manufacturer's lot numbers and expiration dates, if known. If the original manufacturer's lot numbers and expiration dates are not known, the pharmacy shall record the source and acquisition date of the components;

(3) the expiration date of the finished product. This date may not exceed 180 days or the shortest expiration date of any component in the finished product unless a longer date is supported by stability studies in the same type of packaging as furnished to the prescriber or to be stored in until dispensing. Shorter dating than set forth in this subsection may be used if it is deemed appropriate in the professional judgment of the responsible pharmacist;

(4) the signature or initials of the pharmacist performing the compounding;

(5) initials of the person preparing each process;

(6) initials of the pharmacist supervising each process;

(7) a formula for the compounded product maintained in a readily retrievable form;

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(8) the name of the manufacturer of the raw materials;

(9) the quantity in units of finished products or grams of raw materials; and

(10) the package size and the number of units prepared.

(h) "Component" means any ingredient intended for use in the compounding of a drug product, including those that may not appear in the product.

This pamphlet is prepared by the Alaska Board of Pharmacy to establish guidelines for a pharmacy or pharmacist on compounding practices. Professional conduct by a licensee includes adherence to these guidelines.
See 12 AAC 52.440.

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M.E.L. Task
Application and Renewal Requirements

Traci Gilmour

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Licensed Massage Establishment by State

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Licensed Massage Establishment

New Business or Renewal

Florida

Requirements:

For Licensure as a Massage Establishment, the requirements are as follows and can be found in Section 480.043, F.S.

1. Must submit to the department an application, upon forms provided by the department, accompanied by any information requested by the department and an application fee.
2. Upon receiving the application, the department may cause an investigation to be made of the proposed massage establishment.

Please note: The owner(s) or corporation(s) are/is required to maintain property damage and bodily injury liability insurance coverage on the massage establishment.

- Proof of insurance must list the exact business name, address and owner(s) of the establishment as listed on the application.
- Only the licensed massage therapist who is the owner of the establishment may use insurance from a professional association to satisfy this requirement for establishment licensure.
- For more information regarding types of insurance please contact a licensed insurance agent directly.

Click here for a Sample Inspection Form used by DOH inspectors.

Attestation for Business Assets

If the applicant has more than $250,000 dollars of business assets in this state, please submit a formal opinion letter from a Certified Public Accountant (CPA) duly licensed in this state affirming the corporation had more than $250,000 of business assets in this state for the previous tax year. In lieu of submitting a formal opinion letter from a CPA, the applicant may submit its Florida Corporate Income/Franchise and Emergency Excise Tax Return (Form F-1120, Effective 01/09) from the previous tax year.

Articles of Incorporation

If the proposed massage establishment is owned by a corporation, applicants are required to submit Articles of Incorporation issued by the Secretary of State's Office.

Background Screening

Applicants with Criminal History

Applicants with Disciplinary History

Applicants with Health History

Health Care Fraud; Disqualification for License, Certificate, or Registration

Process

1. Submit application with the appropriate fees to the board office.
2. Complete the Livescan screening process.
    a. All owner(s)/officer(s) must complete the Livescan screening process unless the proposed establishment qualifies for exemption. See application for additional information.

Once all an application has been received it will be reviewed by Board staff. It may be necessary for Board staff to request additional information. Once all requirements for licensure are met, Board staff will flag the proposed establishment for inspection.

Once Board staff receives a passing inspection result a license will be issued and should be received in the mail within 7-10 working days.

Fees

Application Fee – ***$150.00*** (non-refundable)

Licensure Fee – ***$100.00***

Unlicensed Activity Fee – ***$5.00***

TOTAL FEE: ***$255.00***

Make cashier's check or money order payable to "Department of Health."

Individual Rules for Establishments

64B7-26.010 Sexual Activity Prohibited.

(1) Sexual activity by any person or persons in any massage establishment is absolutely prohibited.

(2) No massage establishment owner shall engage in or permit any person or persons to engage in sexual activity in such owner's massage establishment or use such establishment to make arrangements to engage in sexual activity in any other place.

(3) No licensed massage therapist shall use the therapist-client relationship to engage in sexual activity with any client or to make arrangements to engage in sexual activity with any client.

(4) As used in this rule, "sexual activity" means any direct or indirect physical contact by any person or between

persons which is intended to erotically stimulate either person or both or which is likely to cause such stimulation and includes sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse. For purposes of this subsection, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal. As used herein, sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm, or ejaculation has occurred. Nothing herein shall be interpreted to prohibit a licensed massage therapist, duly qualified under Rule 64B7-31.001, F.A.C, from practicing colonic irrigation.

Rulemaking Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(2), 480.046(1)(h) FS. History–New 5-31-92, Formerly 21L-26.010, 61G11-26.010.

64B7-26.004 Inspection Upon Application for License.

Upon receipt of an application for a massage establishment license, employees of the Department shall cause an inspection to be made of the site. Such inspection shall be to confirm that the site is to be utilized for "massage" as defined by Section 480.033(4), F.S., and that the criteria enunciated in Rule 64B7-26.003, F.A.C., are satisfied.

Rulemaking Authority 480.043(1), (2) FS. Law Implemented 480.043(2), (4) FS. History–New 11-27-79, Formerly 21L-26.04, 21L-26.004, Amended 1-9-95, 3-9-95, Formerly 61G11-26.004.

64B7-26.005 Periodic Inspections.

The Department shall make periodic inspections of all massage establishments licensed in this state no less than once each year. Such inspection shall include, but not be limited to, whether the establishment is in compliance with Rule 64B7-26.003, F.A.C., governing the establishment's operation facilities, personnel, safety, sanitary requirements, and a review of existing insurance coverage.

Rulemaking Authority 480.043(2), (9) FS. Law Implemented 480.043 FS. History–New 11-27-79, Formerly 21L-26.05, Amended 4-30-87, Formerly 21L-26.005, 61G11-26.005, Amended 1-26-00.

64B7-26.003 Massage Establishment Operations.

(1) Facilities, Each establishment shall meet the following facility requirements:

(a) Comply with all local building code requirements.

(b) Provide for the use of clients a bathroom with at least one toilet and one sink with running water. Such facilities shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning materials, sanitary towels or other hand-drying device such as a wall-mounted electric blow dryer, and waste receptacle.

(c) Maintain toilet facilities in a common area of the establishment. Establishments located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, hotels, etc., may substitute centralized toilet facilities. Such central facilities shall be within three hundred (300) feet of the massage establishment.

(d) If equipped with a whirlpool bath, sauna, steam cabinet and/or steam room, maintain clean shower facilities on the premises.

(2) Personnel. A licensed massage therapist must be on the premises of the establishment if a client is in a treatment room for the purpose of receiving massage therapy.

(3) Safety and sanitary requirements. Each establishment shall:

(a) Provide for safe and unobstructed human passage in the public areas of the premises; provide for removal of garbage and refuse; and provide for safe storage or removal of flammable materials.

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(b) Maintain a fire extinguisher in good working condition on the premises. As used herein "good working condition" means meeting the standards for approval by the State Fire Marshal. Such standards are presently contained in Chapter 69A-21, F.A.C.

(c) Exterminate all vermin, insects, termites, and rodents on the premises.

(d) Maintain all equipment used to perform massage services on the premises in a safe and sanitary condition, including the regular application of cleansers and bactericidal agents to the massage table. Unless clean sheets, towels, or other coverings are used to cover the massage table for each client, "regular application," as used herein, means after the massage of each client. If clean coverings are used for each client, then "regular application" shall mean at least one time a day and also whenever oils or other substances visibly accumulate on the massage table surface.

(e) Maintain a sufficient supply of clean drapes for the purpose of draping each client while the client is being massaged, and launder before reuse all materials furnished for the personal use of the client, such as drapes, towels and linens. As used herein "drapes" means towels, gowns, or sheets.

(f) Maintain lavatories for hand cleansing and/or a chemical germicidal designed to disinfect and cleanse hands without the use of a lavatory in the treatment room itself or within 20 feet of the treatment area.

(g) Maintain all bathroom and shower facilities and fixtures in good repair, well-lighted and ventilated.

(4) Financial responsibility and insurance coverage. Each establishment shall maintain property damage and bodily injury liability insurance coverage. The original or a copy of such policy shall be available on the premises of the establishment.

Rulemaking Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(2) FS. History–New 11-27-79, Amended 10-13-81, 9-10-84, 9-25-85, Formerly 21L-26.03, Amended 4-30-87, 6-12-89, 8-15-89, 5-31-92, 11-2-92, Formerly 21L-26.003, 61G11-26.003, Amended 2-16-99, 11-4-99, 6-8-00.

64B7-26.007 Transfer of Massage Establishment License.

(1) When there is no change of ownership or location, the owner may change the business name of the establishment. The owner shall apply for a change of business name by submitting a completed Form DH-MQA 1264 "Massage Establishment Change of Location/Name Application" (Rev. 6/14), incorporated herein by reference, accompanied by the application fee provided in paragraph 64B7-27.100(2)(d), F.A.C. The form and the attached instructions may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at http://floridasmassagetherapy.gov or http://www.flrules.org/Gateway/reference.asp?No=Ref-04618. When a massage establishment business name is changed, without a change in ownership or location, a new establishment inspection is not required.

(2) When there is no change of ownership, the owner of a massage establishment may transfer the license from one location to another. The owner shall apply for a change of location by submitting a completed Form DH-MQA 1264 "Massage Establishment Change of Location/Name Application" (Rev. 6/14), accompanied by the application fee provided in paragraph 64B7-27.100(2)(e), F.A.C. A massage establishment license may not be transferred from one location to another until after inspection by the department.

Rulemaking Authority 480.035(7), 480.043(2), (9) FS. Law Implemented 480.043(2), (7), (9), 456.0635 FS. History–New 5-17-90, Formerly 21L-26.007, 61G11-26.007, Amended 9-14-98, 10-8-14.

64B7-26.001 Definitions.

(1) The term "owner" means the sole proprietor, partnership, limited partnership or corporation that operates the massage establishment.

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(2) The term "business name" means the name under which the owner applies for the establishment license to provide massage therapy, if different from the name of the owner.

Rulemaking Authority 480.035(7) FS. Law Implemented 480.043(7) FS. History–New 7-16-98, Amended 8-5-03, 2-26-12.

64B7-26.002 Licensure of Massage Establishments.

(1) Each establishment, shall obtain a license from the Department as required by Section 480.043(1), F.S., by submitting a completed form DH-MQA 1263, "Massage Establishment Licensure Application" (Rev. 11/15), incorporated herein by reference, together with the fee set forth in subsection 64B7-27.100(2), F.A.C. The form and the attached instructions may be obtained from the Board office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at http://floridasmassagetherapy.gov/applications/app-bus-original-mt.pdf or http://www.flrules.org/Gateway/reference.asp?No=Ref-06532.

(2) The application for licensure shall be submitted in the name of the owner or owners of the establishment. If the owner is a partnership, limited partnership or corporation, the application shall be submitted in the name of the business entity and shall be signed by an authorized representative.

(3) An owner operating an establishment under a fictitious name as defined in Section 865.09, F.S., must provide such name to the Board on the application for licensure. Any advertisement by the establishment of massage therapy must include the fictitious name, and must comply with Rule 64B7-33.001, F.A.C.

(4) The applicant shall submit proof confirming property damage and bodily injury liability insurance coverage for the proposed establishment. If the establishment is operated under a business name, the proof of insurance shall include both the name of the owner and the business name.

Rulemaking Authority 480.035(7), 480.043(2), 480.044 FS. Law Implemented 480.043, 480.044, 456.0635 FS. History–New 11-27-79, Formerly 21L-26.02, Amended 1-7-86, Formerly 21L-26.002, Amended 3-9-95, 9-25-95, Formerly 61G11-26.002, Amended 7-16-98, 1-26-00, 4-2-09, 10-7-14, 3-14-16.

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The 2018 Florida Statutes

Title XXXII REGULATION OF PROFESSIONS AND OCCUPATIONS	Chapter 480 MASSAGE PRACTICE	View Entire Chapter

480.043 Massage establishments; requisites; licensure; inspection.—

(1) No massage establishment shall be allowed to operate without a license granted by the department in accordance with rules adopted by the board.

(2) A person who has an ownership interest in an establishment shall submit to the background screening requirements under s. 456.0135. However, if a corporation submits proof of having more than $250,000 of business assets in this state, the department shall require the owner, officer, or individual directly involved in the management of the establishment to submit to the background screening requirements of s. 456.0135. The department may adopt rules regarding the type of proof that may be submitted by a corporation.

(3) The board shall adopt rules governing the operation of establishments and their facilities, personnel, safety and sanitary requirements, financial responsibility, insurance coverage, and the license application and granting process.

(4) Any person, firm, or corporation desiring to operate a massage establishment in the state shall submit to the department an application, upon forms provided by the department, accompanied by any information requested by the department and an application fee.

(5) Upon receiving the application, the department may cause an investigation to be made of the proposed massage establishment.

(6) If, based upon the application and any necessary investigation, the department determines that the proposed establishment would fail to meet the standards adopted by the board under subsection (3), the department shall deny the application for license. Such denial shall be in writing and shall list the reasons for denial. Upon correction of any deficiencies, an applicant previously denied permission to operate a massage establishment may reapply for licensure.

(7) If, based upon the application and any necessary investigation, the department determines that the proposed massage establishment may reasonably be expected to meet the standards adopted by the department under subsection (3), the department shall grant the license under such restrictions as it shall deem proper as soon as the original licensing fee is paid.

(8) The department shall deny an application for a new or renewal license if a person with an ownership interest in the establishment or, for a corporation that has more than $250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of the establishment has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.07(2)(a) which is reclassified under s. 796.07(7) or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

(a) Section 787.01, relating to kidnapping.

(b) Section 787.02, relating to false imprisonment.

(c) Section 787.025, relating to luring or enticing a child.

(d) Section 787.06, relating to human trafficking.

(e) Section 787.07, relating to human smuggling.

(f) Section 794.011, relating to sexual battery.

(g) Section 794.08, relating to female genital mutilation.

(h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.

(i) Former s. 796.035, relating to selling or buying of minors into prostitution.

(j) Section 796.04, relating to forcing, compelling, or coercing another to become a prostitute.

(k) Section 796.05, relating to deriving support from the proceeds of prostitution.

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(l) Section 796.07(4)(a)3., relating to a felony of the third degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.

(m) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

(n) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.

(o) Section 827.071, relating to sexual performance by a child.

(p) Section 847.0133, relating to the protection of minors.

(q) Section 847.0135, relating to computer pornography.

(r) Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.

(s) Section 847.0145, relating to the selling or buying of minors.

(9)(a) Once issued, no license for operation of a massage establishment may be transferred from one owner to another.

(b) A license may be transferred from one location to another only after inspection and approval by the board and receipt of an application and inspection fee set by rule of the board, not to exceed $125.

(c) A license may be transferred from one business name to another after approval by the board and receipt of an application fee set by rule of the board, not to exceed $25.

(10) Renewal of license registration for massage establishments shall be accomplished pursuant to rules adopted by the board. The board is further authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.

(11) The board is authorized to adopt rules governing the periodic inspection of massage establishments licensed under this act.

(12) A person with an ownership interest in or, for a corporation that has more than $250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of an establishment that was issued a license before July 1, 2014, shall submit to the background screening requirements of s. 456.0135 before January 31, 2015.

(13) This section does not apply to a physician licensed under chapter 458, chapter 459, or chapter 460 who employs a licensed massage therapist to perform massage on the physician's patients at the physician's place of practice. This subsection does not restrict investigations by the department for violations of chapter 456 or this chapter.

History.—s. 12, ch. 78-436; ss. 13, 15, 25, 30, 34, 54, 62, ch. 80-406; s. 2, ch. 81-318; ss. 6, 12, 13, ch. 85-280; s. 4, ch. 91-429; s. 156, ch. 97-264; s. 4, ch. 2014-139; s. 60, ch. 2015-2; s. 64, ch. 2016-10; s. 6, ch. 2016-24.

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456.0635 Health care fraud; disqualification for license, certificate, or registration.—

(1) Health care fraud in the practice of a health care profession is prohibited.

(2) Each board within the jurisdiction of the department, or the department if there is no board, shall refuse to admit a candidate to any examination and refuse to issue a license, certificate, or registration to any applicant if the candidate or applicant or any principal, officer, agent, managing employee, or affiliated person of the candidate or applicant:

(a) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, or chapter 893, or a similar felony offense committed in another state or jurisdiction, unless the candidate or applicant has successfully completed a pretrial diversion or drug court program for that felony and provides proof that the plea has been withdrawn or the charges have been dismissed. Any such conviction or plea shall exclude the applicant or candidate from licensure, examination, certification, or registration unless the sentence and any subsequent period of probation for such conviction or plea ended:

1. For felonies of the first or second degree, more than 15 years before the date of application.

2. For felonies of the third degree, more than 10 years before the date of application, except for felonies of the third degree under s. 893.13(6)(a).

3. For felonies of the third degree under s. 893.13(6)(a), more than 5 years before the date of application;

(b) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any subsequent period of probation for such conviction or plea ended more than 15 years before the date of the application;

(c) Has been terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the candidate or applicant has been in good standing with the Florida Medicaid program for the most recent 5 years;

(d) Has been terminated for cause, pursuant to the appeals procedures established by the state, from any other state Medicaid program, unless the candidate or applicant has been in good standing with a state Medicaid program for the most recent 5 years and the termination occurred at least 20 years before the date of the application; or

(e) Is currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.

This subsection does not apply to an applicant for initial licensure, certification, or registration who was arrested or charged with a felony specified in paragraph (a) or paragraph (b) before July 1, 2009.

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(3) The department shall refuse to renew a license, certificate, or registration of any applicant if the applicant or any principal, officer, agent, managing employee, or affiliated person of the applicant:

(a) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, or chapter 893, or a similar felony offense committed in another state or jurisdiction, unless the applicant is currently enrolled in a pretrial diversion or drug court program that allows the withdrawal of the plea for that felony upon successful completion of that program. Any such conviction or plea excludes the applicant from licensure renewal unless the sentence and any subsequent period of probation for such conviction or plea ended:

1. For felonies of the first or second degree, more than 15 years before the date of application.

2. For felonies of the third degree, more than 10 years before the date of application, except for felonies of the third degree under s. 893.13(6)(a).

3. For felonies of the third degree under s. 893.13(6)(a), more than 5 years before the date of application.

(b) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1, 2009, unless the sentence and any subsequent period of probation for such conviction or plea ended more than 15 years before the date of the application.

(c) Has been terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the applicant has been in good standing with the Florida Medicaid program for the most recent 5 years.

(d) Has been terminated for cause, pursuant to the appeals procedures established by the state, from any other state Medicaid program, unless the applicant has been in good standing with a state Medicaid program for the most recent 5 years and the termination occurred at least 20 years before the date of the application.

(e) Is currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.

This subsection does not apply to an applicant for renewal of licensure, certification, or registration who was arrested or charged with a felony specified in paragraph (a) or paragraph (b) before July 1, 2009.

(4) Licensed health care practitioners shall report allegations of health care fraud to the department, regardless of the practice setting in which the alleged health care fraud occurred.

(5) The acceptance by a licensing authority of a licensee's relinquishment of a license which is offered in response to or anticipation of the filing of administrative charges alleging health care fraud or similar charges constitutes the permanent revocation of the license.

History.—s. 24, ch. 2009-223; s. 1, ch. 2012-64; s. 15, ch. 2016-230; s. 3, ch. 2017-41.

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Link to Tennessee Msg Est Forms

https://www.tn.gov/health/health-program-areas/health-professional-boards/ml-board/ml-board/applications.html

Link to San Francisco msg est forms and regs

https://www.sfdph.org/dph/EH/Massage/establishment.asp

Delaware

https://dpr.delaware.gov/boards/massagebodyworks/

Arizona

https://www.phoenix.gov/cityclerk/services/licensing/regbusinfo/massage

Nebraska

http://dhhs.ne.gov/publichealth/pages/crlMTHome.aspx

http://dhhs.ne.gov/publichealth/pages/crlMTEstabAppsReqsFees.aspx

Oklahoma City

https://www.okc.gov/departments/development-services/business-licensing/business-licenses/massage-establishment

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Florida

Checklist

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Licensed Massage Establishment (New or Change of Ownership) – Checklist:

- ☐ I have included the **$255.00 application fee.**
  Applications submitted without fees will not be processed.

- ☐ I have submitted **proof of insurance** to the Board office.
  - o Proof of insurance must list the exact business name, address, and owner(s) of the establishment, as listed on the application.
  - o If the ownership type for your establishment is *individual,* and you are a licensed massage therapist, you may use insurance from a professional association to satisfy this requirement.

- ☐ **Each owner/officer listed has been fingerprinted by an *approved Livescan provider***
  (except corporations with more than $250,000 in taxable assets – see below).
  (Please visit www.flhealthsource.gov/background-screening for more information)

- ☐ I have completed the **massage establishment pre-inspection checklist** (found on page 8 of my application), and the establishment is ready for inspection by the Department of Health.

My establishment is a corporation and my taxable assets are less than $250,000. What else do I need?

- ☐ I have submitted my **Articles of Incorporation.**
- ☐ I have checked Section 1 – BUSINESS INFORMATION for accuracy;
  The d/b/a and Corporate Name lines match what is listed in the submitted Articles of Incorporation.
- ☐ I have checked Section 3 – OWNERSHIP INFORMATION for accuracy. I understand that all parties having an ownership interest are ***required*** to submit their fingerprints electronically.

My establishment is a corporation and my taxable assets are $250,000 or more. What else do I need?

- ☐ I have submitted my **Articles of Incorporation.**
- ☐ I have submitted *either* a ***formal opinion letter*** from a Florida licensed Certified Public Accountant affirming the corporation had more than $250,000 in assets during the previous tax year, OR, a copy of my ***Florida Corporate Income/Franchise Tax Return (Form F-1120).***
- ☐ I have checked Section 1 – BUSINESS INFORMATION for accuracy;
  The d/b/a and Corporate Name lines match what is listed in the submitted Articles of Incorporation.
- ☐ I have checked Section 3 – OWNERSHIP INFORMATION for accuracy. I understand that the owner, officer, or individual directly involved in the management of the establishment is ***required*** to submit their fingerprints electronically.

For applicants who hold, or who have held other *health-related* licenses which have been disciplined:

- ☐ Section 5 of my application is complete and accurate.
- ☐ I have submitted a self-explanation of my disciplinary history.
- ☐ For each disciplinary action taken, I have submitted copies of the Administrative Complaint and Final Order.

For applicants with Criminal History:

- ☐ Sections 6 and 7 of my application are complete and accurate.
- ☐ I have submitted a self-explanation of my criminal history.
- ☐ For each conviction, I have submitted arrest records, final disposition, and documents showing successful completion of sentencing.

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Hawaii

Abandoned Applications

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Pursuant to HRS Section 436B-9, your application shall be considered abandoned and shall be destroyed if you fail to provide evidence of continued efforts to complete the licensing process for two (2) consecutive years. The failure to provide evidence of continued efforts includes, but is not limited to the failure to: (1) Submit any required information and documents requested by the licensing authority within two (2) consecutive years from the last date the documents and information were requested, or (2) Complete any additional requirements for licensure that remain after approval of your application, such as attempting to complete an examination requirement, within two (2) consecutive years from the date your application was approved, or (3) Provide the licensing authority with any written communication during two (2) consecutive years indicating that you are attempting to complete the licensing process.
If an application is deemed abandoned, the applicant shall be required to reapply for licensure and comply with the licensing requirements in effect at the time of the reapplication.

Frequently Asked Questions regarding Abandoned Applications

1) Q: If after receiving my application the board or program requests additional information, how much time do I have to provide them with the requested information before my application is deemed abandoned?
A: You have two (2) consecutive years from the date the information is requested.
2) Q: If I am an applicant who is required to take a licensing examination in order to complete the licensing process and my application to take the licensing examination is approved, how much time do I have to complete the examination requirement before my application is abandoned?
A: You must make an attempt to take the examination within two (2) years from the date your application is approved.
3) Q: What is meant by "attempt to take the examination?"
A: You must register and take the examination.
4) Q: If the statutes or rules of the boards or programs do not set time limits on taking and passing the examination, and the only requirement left for me to become licensed is to pass the examination, and within the two (2) year period I should fail the examination, re-register for the examination, but fail again, will my application be abandoned because I could not pass the examination within two years?
A: Your application will not be abandoned because you would have demonstrated your efforts to take the examination by registering for and taking the examination.
(NOTE: Our office will only be notified of your efforts if you take the examination as a Hawaii candidate. Examination results will not automatically be provided to our office if you sit for the examination via another state board. Therefore, if you are in this situation, please arrange for the test results to be sent to us).
5) Q: What does it mean if my application is abandoned?
A: It means that your application is no longer valid, will be destroyed, and you shall be required to reapply and comply with the requirements for licensure at the time of the reapplication. To reapply, you must submit a new application and you will be required to comply with the licensing requirements and pay fees that are in effect at the time you submit your new application.
04/13

6) Q: Will you be providing a notice to me before my application is abandoned?
A: It is not required that we notify you before your application is abandoned. However, some boards and programs have taken the initiative to send out notifications.

PUBLIC

7) Q: Will any of the documents that supplemented my first application be saved in case I need to reapply?
A: No. When you reapply, you will need to again provide us with documentation.
8) Q: Will the application fee that I paid with my first application carry over to cover the application fee for my new application?
A: No. You will be required to again pay the non-refundable application fee.
9) Q: If my application has not been destroyed does this mean that it has not yet been deemed "abandoned?"
A: No. Simply because an application has not been destroyed does not mean that it has not been deemed abandoned.
10) Q: If I am currently unable to complete the licensing process (eg., no continued effort), how do I prevent my application from being abandoned?
A: You have two (2) consecutive years to complete the licensing process. However, if you are unable to show continued effort for two consecutive years but you still intend to complete the licensing process, you must send a written communication to the board or program **prior** to the two (2) year expiration explaining why you are unable to complete the licensing process within two (2) years. Your written communication shall also request approval to complete the licensing process by a specific date after the two (2) year expiration. You will be advised whether your request is approved or disapproved. If disapproved, your application will be destroyed and you will need to reapply for licensure.
11) Q: Who do I contact to find out if my application is soon to be abandoned?
A: You may contact the Licensing Branch at (808) 586-3000.

PUBLIC

Oklahoma

General Application for Massage Establishment

PUBLIC

City of Oklahoma City
Licensing
420 West Main, 8th Floor
Oklahoma City, OK 73102
405-297-2606

Please complete the entire form. No licenses will be issued unless The City is able to verify the information provided. All County, State, and Federal licenses related to the business must be listed on this form. The Supervisor of license may revoke or suspend a license or permit pursuant to Chapter 26-18 of the Oklahoma City Municipal Code 2010. Additional information not requested on this form may be required prior to the issuance of any license.

Submit a copy of valid driver's license or State issued ID
Attach a copy of your Oklahoma Sales Tax Permit if applicable

Please check the following that apply:

New Business License ☐ Renewal License ☐ Additional License ☐

Type License _____ Type License _____

Business Information

Name of Business _____ Business Website _____

DBA _____ Fax # _____

Premise Address of Business _____ Business Phone # _____

Mailing Address _____

City _____ State _____ Zip Code _____

Business Type/Use (example, used merchandise sales, car sales, bar/grill etc.)

_____

Outdoor seller, Peddler, and Solicitor please describe how merchandise will be sold and attach a list of items to be sold:

_____

Business Owner or Agent (responsible Person): _____

Address (NOT business address) _____

City _____ State _____ Zip Code _____

Email Address _____ Phone # _____ Cell # _____

Title _____ Date _____

Print Name: _____

Business Owner or Agent Signature: _____

Texas Department of Licensing and Regulation
PO Box 12157 • Austin, Texas 78711-2157
(800) 803-9202 • (512) 463-6599 • FAX (512) 475-2871
www.tdlr.texas.gov • cs.massagetherapy@tdlr.texas.gov

MASSAGE ESTABLISHMENT LICENSE APPLICATION INSTRUCTIONS

Read the Massage Therapy Act (Texas Occupations Code, Title 3, Subtitle H, Chapter 455) and the Rules relating to massage therapy (16 Texas Administrative Code (TAC), Chapter 117) before completing the application.

No massage establishment can commence operation until the application for licensure of the establishment has been approved. In addition, an establishment may employ only licensed massage therapists to perform massage therapy. The current establishment license certificate along with the current license certificate(s) of all therapists must be displayed in a prominent location available for inspection

Complete this application and return it with the required non-refundable application fee. The application must be completed and signed by the company owner or representative. An application is not considered complete and will not be processed until all required items have been submitted. All information provided must be typed or printed in black ink.

DOCUMENTS SUBMITTED WITH YOUR APPLICATION WILL NOT BE RETURNED. KEEP A COPY OF YOUR COMPLETED APPLICATION, ALL ATTACHMENTS, AND YOUR CHECK OR MONEY ORDER. DO NOT SEND CASH.

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1. ESTABLISHMENT NAME – Full legal name of establishment.
2. DOING BUSINESS AS (DBA) NAME - Write the full DBA name for your business.

   What is a "Doing Business As" Name? A fictitious name (or assumed name, trade name or DBA name) is a business name that is different from your personal name, the names of your partners or the officially registered name of your LLC or corporation.

   It's important to note that when you form a business, the legal name of the business defaults to the name of the person or entity that owns the business, unless you choose to rename it and register it as a DBA name.

   For example, consider this scenario: John Smith sets up a painting business. Rather than operate under his own name, John instead chooses to name his business: "John Smith Painting". This name is considered an assumed name and John will need to register it with the appropriate local government agency.

   Do I need a DBA name? A DBA is needed in the following scenarios:

   - **Sole Proprietors or Partnerships** – If you wish to start a business under anything other than your real name, you'll need to register a DBA so that you can do business as another name.
   - **Existing Corporations or LLCs** – If your business is already set up and you want to do business under a name other than your existing corporation or LLC name, you will need to register a DBA.
3. ESTABLISHMENT PHONE NUMBER - Write the telephone number, including the area code, of the business listed.
4. ESTABLISHMENT FAX NUMBER - Write a fax number, including the area code, where we can send you faxes.
5. EMAIL ADDRESS – By providing my email address I authorize TDLR to send licensing communications and required notices to me by electronic mail. I understand that I may revoke this authorization in writing and that I must update my email address or I will not receive these notices. I understand that the email address I have provided in this application will remain confidential except as permitted or required by law.
6. ESTABLISHMENT MAILING ADDRESS – Write your current mailing address. This is the address where we will send you mail. This address can be a post office box. You can add the zip plus-4 to help the postal service deliver mail more efficiently and accurately.
7. ESTABLISHMENT PHYSICAL ADDRESS - Write the physical address of your facility. A post office box cannot be used for this address. Once your license has been issued, you can only change the business's physical address by applying for a new license.

8. TYPE OF OWNERSHIP - Check the box that indicates how your business is organized. You can find a description of the various types of business structures at www.sos.state.tx.us/corp/businessstructure.shtml
If this business is a Sole Proprietorship or Partnership, write your Name, Social Security Number, date of Date of Birth, mailing address, and other requested information in the provide space.
Social Security Number disclosure is required by Section 231.302(c)(1) of the Texas Family Code to obtain a license. Your Social Security Number is subject to disclosure to an agency authorized to assist in the collection of child support payments. For more information regarding child support payments, contact the Texas Attorney General at: www.oag.state.tx.us/child/index or call (512) 460-6000 or (800) 252-8014.
Email address disclosure – By providing my email address I authorize TDLR to send licensing communications and required notices to me by electronic mail. I understand that I may revoke this authorization in writing and that I must update my email address or I will not receive these notices. I understand that the email address I have provided in this application will remain confidential except as permitted or required by law.
9. CRIMINAL HISTORY – Have any of the owners or operators ever been convicted of, or placed on deferred adjudication for, any Misdemeanor or Felony, other than a minor traffic violation. If YES, complete and attach a Criminal History Questionnaire for each offense. This form can be obtained from the TDLR website at www.tdlr.texas.gov/MISC/lic002.pdf.
10. CERTIFYING STATEMENT - Carefully read the statement before dating and signing your application.

NOTE: The application fee for a massage therapy establishment that is located at a massage school primary instructional location or approved additional location is $100 (Fee Non-Refundable).

DEFAULT ON STUDENT LOANS
State law prohibits renewing a license more than once after a licensee has defaulted on a student loan guaranteed by the **Texas Guaranteed Student Loan Corporation (TGSLC)** unless the licensee has entered a repayment agreement with TGSLC. YOU SHOULD CONTACT TGSLC BEFORE FILING THIS APPLICATION if you have defaulted on a student loan. An application or renewal may be rejected if this agency has received information from TGSLC that the applicant has defaulted on a student loan. The Texas Guaranteed Student Loan Corporation can be contacted at: **Texas Guaranteed ATTN: Collections, PO Box 83100, Round Rock, TX 78683-3100, Telephone: (800) 222-6297**, **http://www.tgslc.org or email:** cust.assist@tgslc.org**.**

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Texas

General Application for Massage Establishment

PUBLIC

Texas Department of Licensing and Regulation
PO Box 12157 • Austin, Texas 78711-2157
(800) 803-9202 • (512) 463-6599 • FAX (512) 475-2871
www.tdlr.texas.gov • cs.massagetherapy@tdlr.texas.gov

MASSAGE ESTABLISHMENT LICENSE APPLICATION

DO NOT WRITE ABOVE THIS LINE

APPLICATION FEE: $200 (APPLICATION FEE IS NON-REFUNDABLE)

The application fee for a massage therapy establishment that is located at a massage school primary instructional location or approved additional location is $100 (Fee Non-Refundable)

This completed application must be accompanied by the application fee

1. Establishment Name:

2. DBA Name: (if applicable)

3. Establishment Phone Number:
Area Code Number

4. Establishment Fax Phone Number:
Area Code Number

5. Email Address:
(Ex: johndoe@aol.com See Instructions sheet for Disclosure)

6. Establishment Mailing Address:
(P.O. Box, Number, Street Name/Apartment Number)
City State Zip Code

7. Establishment Physical Address (PO Box cannot be used for this address):
(Number, Street Name/Apartment Number) City State Zip Code

8. Type of Ownership: (check only one box for the type of ownership)

COMPLETE THE APPROPRIATE SECTION FOR THE APPLICABLE BUSINESS. INCOMPLETE FORMS WILL DELAY THE APPLICATION PROCESS.

For information concerning the Texas Secretary of State (SOS) file number call 512-463-5555 or 800-252-1381, or 800-252-1381, or visit: www.sos.state.tx.us. The Federal Employer Identification Number (FEIN) also known as "Federal Tax ID Number" is a 9-digit number assigned by the Internal Revenue Service (IRS).

☐ **Sole Proprietor:** (One individual)

Name: _____

Social Security Number or Federal Tax Identification Number: _____ Owner Date of Birth: _____

Phone #: _____ Email Address: _____
Area Code Number Ex: johndoe@aol.com) See instruction sheet for disclosure information

Mailing Address: _____
(P.O. Box, Number and Street Name)

City State Zip Code

☐ **Partnership:** (Two or more individuals)

Name of Partner # 1: _____

Social Security Number or Federal Tax Identification Number: _____ Owner Date of Birth: _____

Phone #: _____ Email Address: _____

Ex: johndoe@aol.com) See instruction sheet for disclosure information

Mailing Address: _____

(P.O. Box, Number and Street Name)

City State Zip Code

Name of Partner # 2: _____

Social Security Number or Federal Tax Identification Number: _____ Owner Date of Birth: _____

Phone #: _____ Email Address: _____

Ex: johndoe@aol.com) See instruction sheet for disclosure information

Mailing Address: _____

(P.O. Box, Number and Street Name)

City State Zip Code

FOR ADDITIONAL PARTNERS COMPLETE ANOTHER SHEET

☐ **Corporation, Limited Company or General Partnership**: (example Corporation, LLC, LP, LLP)

Name of Business Entity: _____

Texas SOS File #: _____

Federal Tax Identification Number (FEIN): _____

Phone #: _____ Email Address: _____

Ex: johndoe@aol.com) See instruction sheet for disclosure information

Mailing Address: _____

(P.O. Box, Number and Street Name)

City State Zip Code

List all officers, directors and registered agents of the corporation. (Use additional sheets, if necessary.)

Name: _____

Last First Middle Name

Gender: ☐ Male ☐ Female Date of Birth: _____ Social Security Number: _____

Position or Title: _____ Phone Number: _____

Name: _____

Last First Middle Name

Gender: ☐ Male ☐ Female Date of Birth: _____ Social Security Number: _____

Position or Title: _____ Phone Number: _____

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9.	Have any of the operators or owners ever been convicted of, or placed on deferred adjudication for, any misdemeanor or felony, other than a minor traffic violation?	☐ Yes ☐ No
	If YES, the individual needs to complete and submit a Criminal History Questionnaire (CHQ) for each offense.	
	See instructions sheet for more information	

10.	CERTIFYING STATEMENT
I certify that I have read and will comply with all applicable laws and rules of the Massage Therapy Program including Texas Occupations Code, Chapter 51 and 455; and administrative rules under 16 Texas Administrative Code, Chapters 60 and 117. I understand that providing false information on this application may result in denial of this application and/or revocation of the certification I am requesting and the possible imposition of administrative penalties.	
Signature	Date

PUBLIC

M.E.L. Task
Operations & Inspections

Jill Motz

PUBLIC

Inspections

PUBLIC

Inspections

(Original taken from Massachusetts)

A. The board may make periodic inspections of all massage establishments.
B. Such inspections may include, but need not be limited to, confirmation that the site is being utilized for massage therapy and a determination of whether the establishment is in compliance with the laws and rules governing the establishment's operation, facilities, personnel, safety, and sanitary requirements.

(Original taken from Missouri List)

(1) A massage therapy business shall:
(A) Employ or permit to practice on the premises only licensed, provisionally licensed or officially enrolled student massage therapists (hereinafter referred to as licensee or licensees) to perform massage therapy as defined in statue.
(B) Ensure that no massage therapist practices beyond their scope and expertise nor shall a massage therapy business, direct or require a licensee to practice beyond their scope and expertise;
(C) Maintain a copy of the professional liability insurance
(D) Ensure that each massage therapist wears appropriate clothing and practices high standards of personal hygiene;
(E) Display in a conspicuous place the massage therapy business license and massage therapist license with a photograph of the massage therapist taken within the last two (2) years;
(F) Maintain policies and procedures that address but are not limited to the nature and scope of services provided and orient employees or those practicing on their premises to the practice standards as it relates to public standards and client records and maintain proof of this orientation;
(G) Be responsible for maintaining client records for at least three (3) years. This includes safeguarding verbal and written confidential information of the client, unless disclosure is required by law, court order, or authorized by the client.
(H) Shall maintain proof that the massage therapy business location or premises has current general liability insurance;
(I) Maintain documentation of compliance with all applicable building and fire codes prescribed by the state or local government. If no zoning codes are available establishments shall be equipped with and maintain fire extinguishers and smoke alarms that are in good working condition;
(J) Maintain all equipment used to perform massage therapy services on the premises in a safe and sanitary condition;
(K) Provide for safe and unobstructed human passage in the public areas of the premises;
(L) Ensure compliance with the regulations of other entities which include but are not limited to the Americans with Disabilities Act (ADA), Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA);
(M) Provide for the removal of garbage and refuse in a sanitary manner; and (N) Provide for safe storage or removal of flammable materials.

(Original from Florida)

Inspection Upon Application for License.

PUBLIC

Upon receipt of an application for a massage establishment license, employees of the Department shall cause an inspection to be made of the site. Such inspection shall be to confirm that the site is to be utilized for “massage” as defined by (statue)

Periodic Inspections.
The Department shall make periodic inspections of all massage establishments licensed in this state no less than once each year. Such inspection shall include, but not be limited to, whether the establishment is in compliance with (statue) governing the establishment’s operation facilities, personnel, safety, sanitary requirements, and a review of existing insurance coverage.

PUBLIC

Operations

PUBLIC

Operations

(Original Taken from Florida)

(1) Facilities, Each establishment shall meet the following facility requirements:
(a) Comply with all local building and safety code requirements.
(b) Provide for the use of clients a bathroom with at least one toilet and one sink with running water. Such facilities shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning materials, sanitary towels or other hand-drying device such as a wall-mounted electric blow dryer, and waste receptacle.
(c) Maintain toilet facilities in a common area of the establishment. Establishments located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, hotels, etc., may substitute centralized toilet facilities. Such central facilities shall be within three hundred (300) feet of the massage establishment.
(d) If equipped with a whirlpool bath, sauna, steam cabinet and/or steam room, maintain clean shower facilities on the premises.
(2) Personnel. A licensed massage therapist must be on the premises of the establishment if a client is in a treatment room for the purpose of receiving massage therapy.
(3) Safety and sanitary requirements. Each establishment shall:
(a) Provide for safe and unobstructed human passage in the public areas of the premises; provide for removal of garbage and refuse; and provide for safe storage or removal of flammable materials.
(b) Maintain a fire extinguisher in good working condition on the premises. As used herein “good working condition” means meeting the standards for approval by the State Fire Marshal. Such standards are presently contained in
(c) Exterminate all vermin, insects, termites, and rodents on the premises.
(d) Maintain all equipment used to perform massage services on the premises in a safe and sanitary condition, including the regular application of cleansers and bactericidal agents to the massage table. Unless clean sheets, towels, or other coverings are used to cover the massage table for each client, “regular application,” as used herein, means after the massage of each client. If clean coverings are used for each client, then “regular application” shall mean at least one time a day and also whenever oils or other substances visibly accumulate on the massage table surface.
(e) Maintain a sufficient supply of clean drapes for the purpose of draping each client while the client is being massaged, and launder before reuse all materials furnished for the personal use of the client, such as drapes, towels and linens. As used herein “drapes” means towels, gowns, or sheets.
(f) Maintain lavatories for hand cleansing and/or a chemical germicidal designed to disinfect and cleanse hands without the use of a lavatory in the treatment room itself or within 20 feet of the treatment area.
(g) Maintain all bathroom and shower facilities and fixtures in good repair, well-lighted and ventilated.
(4) Financial responsibility and insurance coverage. Each establishment shall maintain property damage and bodily injury liability insurance coverage. The original or a copy of such policy shall be available on the premises of the establishment.

PUBLIC

M.E.L. Task
Disciplinary Matrix & Fine Schedule

Ron Gibbs

PUBLIC

Language

Establishment Penalities

PUBLIC

Do we want to distinguish between criminal and non- criminal violations?
Some states have a $1000 fine limit, Alaska Hairdresser and barbers set $5000.

Need language :

A. Violations Every violation of a provision of this chapter shall be a misdemeanor.
B. Misdemeanor Criminal Penalty : Every misdemeanor violation of the provisions of this chapter shall be punishable be punishable by a fine not exceeding five thousand dollars ($5,000), **can we include an imprisonment option for illegal activities?**
C. Administrative license penalty In addition to the misdemeanor criminal penalties provided by this chapter, every person who violates any provision of this chapter shall be subject to the administrative license penalties of license denial, license revocation, or license suspension, as set forth herein.

Sec. 08.13.195. Civil penalty. (a) In addition to any other provision of law, if a person violates AS 08.13.070 or 08.13.217, the board may enter an order levying a civil penalty.

(b) A civil penalty levied under this section may not exceed $5,000 for each offense. In levying a civil penalty, the board shall set the amount of the penalty imposed under this section after taking into account appropriate factors, including the seriousness of the violation, the economic benefit resulting from the violation, the history of violations, and other matters the board considers appropriate.

(c) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of issuance of notice by the board, a hearing on the record.

(d) In connection with proceedings under (a) and (b) of this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal with the superior court for judicial review of the penalty under AS 44.62.560 .

(f) If a person fails to pay a civil penalty within 30 days after entry of an order under (a) of this section, or if the order is stayed pending an appeal, within 10 days after the court enters a final judgment in favor of the board of an order appealed under (e) of this section, the board shall notify the attorney general. The attorney general may commence a civil action to recover the amount of the penalty.

(g) An action to enforce an order under this section may be combined with an action for an injunction under AS 08.01.087.

PUBLIC

Language

Disciplinary Matrix

PUBLIC

Here are some sample languages addressing the assessment of fines and license sanctions.

Alaska hairdresser and barber

Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license or permit. The board may, in addition to the actions authorized under AS 08.01.075, refuse, suspend, or revoke a license, student permit, temporary license, or temporary permit for failure to comply with this chapter, with a regulation adopted under this chapter, with a regulation adopted by the Department of Environmental Conservation under AS 44.46.020, or with an order of the board.

Sec. 08.13.190. Failure to possess a license or permit. (a) A person who practices barbering, hairdressing, esthetics, tattooing and permanent cosmetic coloring or body piercing or operates a shop, or operates a school of barbering, hairdressing, or esthetics, or teaches in a school of barbering, hairdressing, or esthetics, without a license, temporary permit, temporary license, or student permit and who is not exempt under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

(b) A person who practices manicuring, operates a shop for manicuring, operates a school of manicuring, or teaches in a school of manicuring without the appropriate license, temporary permit, temporary license, or student permit and who is not exempt under AS 08.13.120 or 08.13.160(d) is guilty of a violation.

Sec. 08.13.195. Civil penalty. (a) In addition to any other provision of law, if a person violates AS 08.13.070 or 08.13.217, the board may enter an order levying a civil penalty.

(b) A civil penalty levied under this section may not exceed $5,000 for each offense. In levying a civil penalty, the board shall set the amount of the penalty imposed under this section after taking into account appropriate factors, including the seriousness of the violation, the economic benefit resulting from the violation, the history of violations, and other matters the board considers appropriate.

(c) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of issuance of notice by the board, a hearing on the record.

(d) In connection with proceedings under (a) and (b) of this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal with the superior court for judicial review of the penalty under AS 44.62.560 .

PUBLIC

(f) If a person fails to pay a civil penalty within 30 days after entry of an order under (a) of this section, or if the order is stayed pending an appeal, within 10 days after the court enters a final judgment in favor of the board of an order appealed under (e) of this section, the board shall notify the attorney general. The attorney general may commence a civil action to recover the amount of the penalty.

(g) An action to enforce an order under this section may be combined with an action for an injunction under AS 08.01.087.

PUBLIC

10.41.060 – Violations and Penalties. 42

A. Violations. Every violation of a provision of this chapter shall be a misdemeanor.

B. Misdemeanor Criminal Penalty. Every misdemeanor violation of the provisions of this chapter shall be punishable by a fine not exceeding one thousand dollars ($1,000.00), imprisonment in the municipal jail not to exceed six (6) months, or both such fine and imprisonment

C. Administrative License Penalty. In addition to the misdemeanor criminal penalties provided by this chapter, every person who violates any provision of this chapter shall be subject to the administrative license penalties of license denial, license revocation, or license suspension, as set forth herein.

1. Criminal penalties. Under Massachusetts General Laws (M.G.L.), Chapter 111, Section 31, any person who violates any provision of these Regulations shall, upon conviction, be fined not more than one thousand dollars ($1,000.00) for violation of these regulations. Each day's failure to comply with an order of the Department shall constitute a separate offense.

2. Non-criminal penalties. Under Massachusetts General Laws (M.G.L.), Chapter 21D, Section 40, a civil penalty of fifty dollars ($50.00) may be assessed at the discretion of the Director, the Department or the Board of Health for violation(s) of these Regulations.

82-010 DISCIPLINARY ACTION: A credential to operate a business may have disciplinary actions taken against it in accordance with 172 NAC 82-010 on any of the following grounds:

1. Violation of the Uniform Credentialing Act or the rules and regulations adopted and promulgated under the act relating to the applicable business;
2. Committing or permitting, aiding, or abetting the commission of any unlawful act;
3. Conduct or practices detrimental to the health or safety of an individual served or employed by the business;
4. Failure to allow an agent or employee of the Department access to the business for the purposes of inspection, investigation, or other information collection activities necessary to carry out the duties of the Department; or
5. Discrimination or retaliation against an individual served or employed by the business who has submitted a complaint or information to the

PUBLIC

Department or is perceived to have submitted a complaint or information to the Department.

82-010.01 Temporary Suspension or Limitation
82-010.01A The Department may temporarily suspend or temporarily limit any credential issued by the Department without notice or a hearing if the Director determines that there is reasonable cause to believe that grounds exist under 172 NAC 82-010 for the revocation, suspension, or limitation of the credential and that the credential holder's continuation in practice or operation would constitute an imminent danger to the public health and safety. Simultaneously with the action, the Department will institute proceedings for a hearing on the grounds for revocation, suspension, or limitation of the credential. The hearing will be held no later than 15 days from the date of the temporary suspension or temporary limitation of the credential.
82-010.01B A continuance of the hearing will be granted by the Department upon the written request of the credential holder, and the continuance must not exceed 30 days unless waived by the credential holder. A temporary suspension or temporary limitation order by the Director will take effect when served upon the credential holder.
82-010.01C A temporary suspension or temporary limitation of a credential under 172 NAC 82-010.01 will not be in effect for more than 90 days unless waived by the credential holder. If a decision is not reached within 90 days, the credential will be reissued unless and until the Department reaches a decision to revoke, suspend, or limit the credential or otherwise discipline the credential holder.

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Effective Date 5/11/2010 NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES 172 NAC 82 17 82-011.04 A limitation may be placed on the right of the credential holder to operate a business to the extent, for the time, and under the conditions as imposed by the Director.
82-011.05 Violation of any of the terms and conditions of a voluntary surrender or limitation by the credential holder will be due cause for the refusal of renewal of the credential, for the suspension or revocation of the credential, or for refusal to restore the credential.
82-011.06 Re-application following voluntary surrender is set out in 172 NAC 82-012.
82-011.07 The voluntary surrender of a credential may be unrelated to disciplinary matters, or may be done to resolve a pending disciplinary

matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.
82-012 RE-APPLICATION: This section applies to businesses previously credentialed in Nebraska who seek the authority to return to practice in Nebraska with a valid Nebraska credential.
1. A business whose credential has expired, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons may apply at any time to the Department for and obtain another credential as specified in 172 NAC 82-003.
2. A business whose credential has been voluntarily surrendered for a definite period may apply at any time to the Department for and obtain another credential as specified in 172 NAC 82-003.
3. A business whose credential has been revoked may apply only after a period of two years has elapsed from the date of revocation may apply to the Department for and obtain another credential as specified in 172 NAC 82-003.
4. An individual whose credential has been permanently voluntarily surrendered may not apply for another credential.
82-013 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists of practice without a credential to operate a business. Practice without a credential for the purpose of this regulation means practice:
1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the re-application of a credential.

PUBLIC

Texas **117.111. Administrative Penalties and Sanctions.** *(New Section adopted effective November 1, 2017, 42 TexReg 4991; amended effective May 1, 2018, 43 TexReg 2406)*

- (a) If a person or entity violates any provision of Texas Occupations Code, Chapters 51 or 455, this chapter, or any rule or order of the executive director or commission, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both in accordance with the provisions of Texas Occupations Code, Chapters 51 and 455 and any associated rules.

- (b) The commission or executive director may refuse to issue a license to a person, suspend or revoke the license of a person, or place a person licensed under the Act on probation if the person:

- (1) obtains a license by fraud, misrepresentation, or concealment of material facts;
- (2) sells, barters, or offers to sell or barter a license;
- (3) violates a rule adopted by the commission;
- (4) engages in unprofessional conduct that endangers or is likely to endanger the health, welfare, or safety of the public;
- (5) violates an order or ordinance adopted by a political subdivision under Local Government Code, Chapter 243; or
- (6) violates this chapter.

- (c) The commission or executive director shall revoke the license of a person if:
  - (1) the person is convicted of, enters a plea of nolo contendere or guilty to, or receives deferred adjudication for an offense under Chapter 20A, Penal Code, or Subchapter A, Chapter 43, Penal Code or another sexual offense; or
  - (2) the department determines the person has practiced or administered massage therapy at or for a sexually oriented business.
- (d) The commission or executive director shall revoke the license of a person licensed as a massage school or massage establishment if the department determines that:
  - (1) the school or establishment is a sexually oriented business; or
  - (2) an offense involving prostitution or another sexual offense that resulted in a conviction for the offense, a plea of nolo contendere or guilty to the offense, or a grant of deferred adjudication for the offense occurred on the premises of the school or establishment.

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Disciplinary Action 480.046 Grounds for disciplinary action by the board 1. The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

a. Attempting to procure a license to practice massage by bribery or fraudulent misrepresentation.

b. Having a license to practice massage revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

c. Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of massage or to the ability to practice massage. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

d. False, deceptive, or misleading advertising. Elite Page 4

e. Aiding, assisting, procuring, or advising any unlicensed person to practice massage contrary to the provisions of this chapter or to a rule of the department or the board.

f. Making deceptive, untrue, or fraudulent representations in the practice of massage.

g. Being unable to practice massage with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel a massage therapist to submit to a mental or physical examination by physicians designated by the department. Failure of a massage therapist to submit to such examination when so directed, unless the failure was due to circumstances beyond her or his control, shall constitute an admission of the allegations against her or him, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A massage therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of massage with reasonable skill and safety to clients.

h. Gross or repeated malpractice or the failure to practice massage with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances.

i. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

j. Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform.

PUBLIC

k. Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.

l. Refusing to permit the department to inspect the business premises of the licensee during regular business hours.

m. Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition.

n. Practicing massage at a site, location, or place which is not duly licensed as a massage establishment, except that a massage therapist, as provided by rules adopted by the board, may provide massage services, excluding colonic irrigation, at the residence of a client, at the office of the client, at a sports event, at a convention, or at a trade show.

o. Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

2. The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

3. The board shall have the power to revoke or suspend the license of a massage establishment licensed under this act, or to deny subsequent licensure of such an establishment, in either of the following cases: a. Upon proof that a license has been obtained by fraud or misrepresentation. b. Upon proof that the holder of a license is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the operation of the establishment so licensed.

4. Disciplinary proceedings shall be conducted pursuant to the provisions of chapter 120. Advertising 480.0465 Advertisement Each massage therapist or massage establishment licensed under the provisions of this act shall include the number of the license in any advertisement of massage services appearing in any newspaper, airwave transmission, telephone directory, or other advertising medium. Pending licensure of a new massage establishment pursuant to the provisions of s. 480.043(6), the license number of a licensed massage therapist who is an owner or principal officer of the establishment may be used in lieu of the license number for the establishment.

480.047 Penalties 1. It is unlawful for any person to:
a. Hold himself or herself out as a massage therapist or to practice massage unless duly licensed under this chapter or unless otherwise specifically exempted from licensure under this chapter.

b. Operate any massage establishment unless it has been duly licensed as provided herein, except that nothing herein shall be construed to prevent the teaching of massage in this state at a board-approved massage school.

c. Permit an employed person to practice massage unless duly licensed as provided herein.

d. Present as his or her own the license of another.

e. Allow the use of his or her license by an unlicensed person.
f. Give false or forged evidence to the department in obtaining any license provided for herein.

g. Falsely impersonate any other licenseholder of like or different name.

h. Use or attempt to use a license that has been revoked

. i. Otherwise violate any of the provisions of this act. 2. Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s.

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Disciplinary Matrix & Fine Schedule

PUBLIC

DISCIPLINARY SANCTIONS / FINE SCHEDULES

VIOLATION	Time Frame	DISCIPLINARY ACTION	CIVIL FINE	
			Total Amount	Amount Suspended
Unlicensed shop	> 90 days	Advisem. letter		
	90days-1yr	Consent Agreem. /civil fine	1000/incident	
	1-2yrs			
	Additional yrs		additional 1000/yr.	
Allow unlicensed practice	> 90 days & 1st Offense	Consent aggreem / fine 2yr probation/reprimand	2000 per employee	1000 per employee
FRAUDULENT LICENSE	N/A.	Consent Agree / fine. 2yr probation/reprimant	4000	2000
License Display	1st off	Advisem. Letter		
	2nd off or more	imposition of civil fine	1000	NA
OPERATIONS + SANITATION				
using massage establishm. for housing, shelter, or living quarters	1st offense		(≤ 1000)	
	2nd or more			
locking doors on treatment rooms	1st offense			
	2nd or more			
Open for business b/w 12am - 5am	1st offense			
	2nd or more			
Failure to maintain proper records	1st off			
	2nd or more			
Failure to maintain liability insurance	NA			
Failure to allow inspection	NA	Consent agreement / fine		

PU

DISCIPLINARY SANCTIONS / FINE SCHEDULES

VIOLATION	Time Frame	DISCIPLINARY ACTION	CIVIL FINE	
			Total Amount	Amount Suspended
Storing or possessing controlled substances in an establishment where massage therapy is provided	1st offense	Admonement letter / Reprimand fine	500	
	2nd offense	Consent agreem. / fine / reprimand	1000	
Inapprop. dress which exposes the breasts, buttocks or genitalia or attire that shows the practitioners undergarments. No Swimattire if not a water modality	1st offense	Admonement letter / Reprimand / fine		
	2nd+ offense	Consent agreem / fine / Reprimand		
Exchanging money in a treatment room				
Video recording in treatment rooms				
Engage or initiate any sexual contact or act in a massage establishment	N/A			
Unprofessional Conduct • suggestive advertising for massage services	1st			
• engaging in or permitting sexual activity	N/A			
• assignation (define)	N/A			

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BAH Sample

Disciplinary Matrix & Fine Schedule

CONFIDENTIAL

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DICIPLINARY SANCTIONS/FINE SCHEDULES (Adopted October 6, 2014)

VIOLATION	TIME FRAME	DICIPLINARY ACTION	CIVIL FINE	
			Total Amount	Amount Suspended
AS 08.13.070 (1) & (2) Unlicensed Practice	Less than 90 days	Advisement Letter	n/a	n/a
	90 days - 1 year	Imposition of Civil Fine	$500/Incident	n/a
	1-2 years		$1000/Incident	n/a
	Additional Years		Additional $1000/year	
AS 08.13.070 (3) Operate School w/o School License	Less than 90 days	Advisement Letter	n/a	n/a
	90 days and over	Consent Agreement (Fine/2 year probation/reprimand)	$4,000	$2,000
AS 08.13.070 (4) Teach/Supervise Apprentice w/o License	Less than 90 days	Advisement Letter	n/a	n/a
	90 days and over	Consent Agreement (Fine/2 year probation/reprimand)	$2,000	$1,000
AS 08.13.070 (5) Shop Owner License	Less than 90 days	Advisement Letter	n/a	n/a
	90 days and over	Consent Agreement (Fine/2 year probation/reprimand)	$4,000	$2,000
AS 08.13.070 (6) Allow Unlicensed Practice	Less than 90 days	Advisement Letter	n/a	n/a
	90 days and over	Consent Agreement (Fine/2 year probation/reprimand)	$2,000 per employee/student	$1,000 per employee/student
AS 08.13.070 (8) Fradulent License	n/a	Consent Agreement (Fine/2 year probation/reprimand)	$4,000	$2,000
AS 08.13.130 (a) License Display	1st Offense	Advisement Letter	n/a	n/a
	2nd or More Offense	Imposition of Civil Fine	$1,000	n/a
AS 08.13.217 (a)(b) Tattoo a Minor	n/a	Consent Agreement (Fine/2 year probation/reprimand)	$4,000	$2,000
12 AAC 09.130 Student Records	1st Offense	Advisement Letter	n/a	n/a
	2nd or More Offense	Imposition of Civil Fine	$1,000	n/a
12 AAC 09.185 Apprentice Records (Tattoo/PCC/Body Piercing)	1st Offense	Advisement Letter	n/a	n/a
	2nd or More Offense	Imposition of Civil Fine	$1,000	n/a
12 AAC 09.190 Apprentice Records (All Other)	1st Offense	Advisement Letter	n/a	n/a
	2nd or More Offense	Imposition of Civil Fine	$1,000	n/a

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Utah

Establishment Regulations

PUBLIC

Salt Lake Valley Health Department

Health Regulation

#18

MASSAGE FACILITIES REGULATION

PUBLIC

Adopted by the Salt Lake Valley Board of Health
June 3, 1982

Revised:
April 2, 1992,
November 2, 2006

Under Authority of Section 26A-1-114
Utah Code Annotated, 1953, as amended

1. PURPOSE & APPLICABILITY OF REGULATION

1.1. The purpose of this regulation is to set forth permitting procedures and requirements for the maintenance and operation of massage facilities and temporary massage facilities that will protect and promote the public health, safety, and welfare; and prevent the spread of disease.

1.2. This regulation applies to individuals performing massage therapy and to persons who own or operate a massage facility or temporary massage facility. This regulation shall not apply to a physician, chiropractor or physical therapist licensed by the state of Utah who uses massage techniques in the practice of medicine, chiropractic, or physical therapy. This regulation shall not apply to an individual who performs massage exclusively for personal, non-commercial use.

2. DEFINITIONS

For the purposes of this regulation, the following terms, phrases, and words shall have the meanings herein expressed:

2.1. "Board of Health" shall mean the Salt Lake Valley Health Department Board of Health.

2.2. "Department" shall mean the Salt Lake Valley Health Department (SLVHD).

2.3. "Director" shall mean the Director of the Salt Lake Valley Health Department or his or her designated representative.

2.4. "Dwelling" shall mean a building or structure that is intended or designed to be used, rented, leased, let or hired out for human habitation.

2.5. "Massage" shall mean the practice of applying systematic manual or mechanical manipulation of the soft tissues of the body, including muscles, connective tissues, tendons, ligaments, and joints.

2.6. "Massage Equipment" shall mean any device used in massage therapy that may come into contact with the patron's skin.

2.7. "Massage Facility" shall mean any location, place, area, structure, or business where either as a sole service or in conjunction with other services, massage therapy is performed. A massage facility does not include those locations, places, areas, structures, or businesses where massage is performed pursuant to a temporary massage facility permit as provided in this regulation.

2.8. "Massage Therapist" shall mean an individual licensed by the State of Utah Division of Professional and Occupational Licensing to perform massage therapy.

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2.9. "Nuisance" shall mean an act or condition created by a person who unlawfully commits or omits to perform any duty, which either:

2.9.1. seriously injures or endangers the health, or safety of any person; or

2.9.2. seriously renders a person insecure in life; or

2.9.3. endangers the environment.

2.10. "Operator" shall mean a person who leases or manages a massage facility or temporary massage facility.

2.11. "Owner" shall mean any person who alone, jointly, or severally with others:

2.11.1. has legal title to any massage facility or temporary massage facility, with or without accompanying actual possession thereof; or

2.11.2. has charge, care, or control of any massage facility or temporary massage facility as legal or equitable owner, agent of the owner, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

2.12. "Patron" shall mean any person who receives a massage by a massage therapist.

2.13. "Permit" shall mean a written form of authorization in accordance with this regulation.

2.14. "Personal service station" shall mean a booth, table, or chair in which a personal service is provided. Examples include but are not limited to tanning booths, massage tables, and hair stylist chairs.

2.15. "Temporary Massage Facility" shall mean a location, place, area, structure, or business where either as a sole service or in conjunction with other services, massage therapy is performed for seven days or less.

3. GENERAL PROVISIONS

3.1. **Jurisdiction of the Department**.

3.1.1. This regulation is promulgated by the Salt Lake Valley Board of Health as authorized by Section 26A-1-121(1), Utah Code Ann., 1953 as amended and Chapter 9.04, Salt Lake County Code of Ordinances.

3.1.2. The Department is empowered to enforce this regulation in all incorporated and unincorporated areas served by the Department as authorized by Section 26A-1-114(1)(a), Utah Code Ann., 1953 as amended and Chapter 9.04, Salt Lake County Code of Ordinances.

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3.2. It shall be unlawful for any person not to comply with any regulation promulgated by the Department, unless granted an express variance by the Salt Lake Valley Board of Health.

3.3. Compliance with this regulation does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.

3.4. Legal action taken by the Department under this Regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.

3.5. Nothing in this regulation affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the Department, any ordinance issued by Salt Lake County or any municipality located within Salt Lake County, or any state or federally issued law, including common law. However, Departmental regulations supersede other existing local and county standards, regulations and ordinances pertaining to similar subject matter that are inconsistent.

3.6. Verbal or contractual obligations shall not diminish or remove the owner's or other responsible person's obligation to comply with this regulation.

3.7. **Severance.** If any section, subsection, sentence, clause, or phrase of this regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this regulation.

4. MASSAGE PROVISIONS

4.1. Permits and Plan Review.

4.1.1. Department Approval and Permits Required.

(i) No person shall operate a Massage Facility without written approval and a corresponding valid Massage Facility Permit from the Department.

(ii) No person shall operate a Temporary Massage Facility without obtaining written approval and a corresponding valid Temporary Massage Facility Permit from the Department.

4.1.2. Permit Application, Duration, and Renewal.

(i) Application for a permit required in part 4.1.1 shall be made upon a form provided by the Director.

(ii) Application for a permit required in part 4.1.1 shall be made prior to commencement of operation of the establishment.

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(iii) **Permit Duration and Renewal**. The Massage Facility Permit shall be issued annually and shall one year from date of issuance expire. It is the responsibility of the owner or operator of the Massage Facility to pursue permit renewal through appropriate channels. The Permit shall be renewable within 60 calendar days prior to the expiration date. The Temporary Massage Facility Permit shall be valid for seven consecutive days beginning with the date written on the permit.

4.1.3. **Massage Facility Plan Review.** A Massage Facility Permit applicant or Permit holder may be required to submit to the Department prior to the start of construction or remodeling properly prepared plans and specifications for review and approval before:

(i) The construction of a Massage Facility;

(ii) The conversion of an existing structure for use as a Massage Facility; or

(iii) The remodeling of a Massage Facility if the Department determines that plans and specifications are necessary to ensure compliance with this regulation.

4.2. **Construction and Operation Requirements for Massage Facilities.** Unless otherwise ordered or approved by the Department, each facility shall be constructed, operated, and maintained to meet the following minimum requirements:

4.2.1. **Physical Facilities.**

(i) Each massage facility and temporary massage facility shall have a toilet and a hand-washing sink with hot and cold water accessible to patrons provided with soap and single-use towels. The toilet and hand-washing facilities shall be thoroughly cleaned each day the establishment is in operation and kept in compliance with applicable state and local regulations.

(ii) A massage facility and temporary massage facility located in a dwelling shall have one dedicated restroom facility as described in subpart 4.2.1 (i) for the use of patrons and operators during business hours. Access to the restroom shall not be through the massage therapist's bedroom.

(iii) The floors and walls in the toilet and hand-washing areas must be constructed of smooth, non absorbent material.

(iv) A massage facility or temporary massage facility located in a dwelling shall not be in the massage therapist's bedroom. Access to the massage facility or a temporary massage facility shall not be through the massage therapist's bedroom.

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(v) All rooms of a massage facility or temporary massage facility shall be capable of being illuminated to allow for proper cleaning and sanitizing.

(vi) No room used for performing massage shall be used for eating, cooking, or sleeping by the massage therapist.

4.2.2. **Cleaning and Maintenance.**

(i) All tables, counters, equipment, chairs, carpeting, and other surfaces in the massage facility and temporary massage facility shall be kept clean and in good repair.

(ii) Sanitization shall be carried out using U.S. Environmental Protection Agency (U.S. E.P.A.) registered sanitizer and in accordance with the U.S. E.P.A. approved label.

(iii) At the request of the patron, sanitizer and instructions on the proper use of such shall be provided by the operator.

(iv) Each massage facility and temporary massage facility shall have an adequate supply of clean towels and linens which shall be changed after each patron. All clean towels and linens shall be stored in a closed container.

(v) Soiled towels and linens shall be placed in closed containers .

(vi) Oils, creams, lotions, or other preparations shall be sanitary and stored in clean, closed containers.

(vii) Only single use applicators or spouts that preclude contamination of the contents shall be used for the dispensing of oils, creams, lotions, or other preparations.

4.2.3. **Owners, Operators, Massage Therapists, and Patrons.**

(i) Owners and operators of a business which employs individuals to perform massage, either as employees or private contractors shall ensure that such individuals are licensed to perform massage by the Utah Division of Occupational and Professional Licensing.

(ii) All massage therapists shall conform to good hygienic practices while on duty in a massage facility.

(iii) Massage therapists shall wash their hands thoroughly before and after performing each massage.

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(iv) No massage therapist shall administer a massage or give treatment if they know or should know that they have any disease capable of being transmitted to another individual.

(v) If the Director has reasonable suspicion that a disease has been transmitted by a massage therapist in the course of performing massage, the Director shall make investigation or examination as appropriate and take action as needed to protect and preserve the public health. In addition to other legal remedies, such action may include, but is not limited to:

a. Exclusion of the employee or patron from the massage facility; or

b. The immediate closure of the facility.

(vi) The Director may require medical testing or examinations if a contagious disease is suspected of being transmitted by a massage therapist.

(vii) Massage therapists with an open wound, cut, sore, burn, or other skin injury capable of coming into contact with a client's skin shall not practice massage without covering the wound, cut, sore, burn or skin injury with a suitable physical barrier such as a finger cot or a latex glove.

(viii) Massage therapists may deny service to patrons with skin diseases or other conditions posing public health concerns.

5. LICENSES, PERMITS, & REGULATORY FEES

5.1. The Department may establish and collect appropriate fees for licenses and permits as set out in this regulation. The Department may collect appropriate fees as set out in this regulation for the performance of services, including plan reviews. If information on a license or permit application changes, the applicant shall notify the Department in writing within 20 calendar days.

5.2. **Massage Facility Permit Fees**. The fees for a Massage Facility Permit required in part 4.1.1 of this regulation shall be paid to the Department at the time of application. It shall be based upon the reasonable expenses incurred by the Department to review plans and specifications, conduct inspection(s), and act upon the permit application. The annual fee for a Massage Facility Permit shall be $100.00 plus $5.00 for each personal service station.

5.3. **Temporary Massage Facility Permit Fees**. The fees for a Temporary Massage Facility Permit required in part 4.1.1 (ii) of this regulation shall be paid to the Department at the time of application. It shall be based upon the reasonable expenses incurred by the Department to conduct inspection(s), and act upon the permit application. The fee for a Temporary Massage Facility Permit shall be $50.00.

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5.4. **Massage Facility Follow-Up Inspection Fee.** The Department will charge a follow-up fee to a Massage Facility Permit holder when conditions found during an inspection require a follow-up inspection to ensure compliance. The fee for a massage facility follow-up inspection is $100.

5.5. **Late Fees.**

5.5.1. The Department may impose upon any party subject to this regulation penalties and charges for failure to timely pay service and license or permit fees as set out in this regulation. Attorney's fees and collection fees may also be applied.

5.5.2. Fees unpaid to the Health Department after 30 calendar days of the due date will be assessed a penalty of 10% of the outstanding balance. Failure to pay the fees and additional charges after 60 days of the due date will be assessed an additional penalty of 15% of the outstanding balance including previous penalties. Failure to pay the fees and additional charges after 100 days of the due date will result in suspension of the permit and the right to operate. A $40.00 charge will be assessed for each returned check.

5.6. Unless otherwise provided for in this regulation or approved by the Director in the Department's Fee Standard, all fees collected by the Department are non-refundable. All licenses and permits issued by the Department are non-transferable.

5.7. **Denial, Suspension, or Revocation of License or Permit**. Any permit or license applied for or issued pursuant to this regulation may be denied, suspended, or revoked by the Director for any of the following reasons:

5.7.1. Failure of the permit application, plans, or specifications to show that the massage facility will be operated or maintained in accordance with the requirements and standards of this regulation.

5.7.2. Submission of incorrect or false information in the permit application, plans, or specifications;

5.7.3. Failure to construct, operate or maintain the massage facility in accordance with the permit application, plans, and specifications approved by the Director;

5.7.4. Failure of the owner or operator of a massage facility to permit or allow the Department to conduct inspections as necessary to determine compliance with this Regulation;

5.7.5. Operation of the massage facility in a way that causes or creates a nuisance or hazard to the public health, safety, or welfare;

5.7.6. Violation of this regulation or any other restrictions required by the Director;

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5.7.7. Violation of any condition upon which the permit was issued;

5.7.8. Failure to pay the permit fee or any late fees within 100 days of the permit fee's due date; or

5.7.9. Failure to supply updated information as required in subsection 5.1.

6. INSPECTIONS & INVESTIGATIONS

6.1. To ensure compliance, the Department has the authority to perform inspections, investigations, reviews, and other actions as necessary.

6.2. **Authority for Department to Enter Premises**.

6.2.1. **Regulated Commercial Premises**. Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine inspections to ensure compliance with rules, standards, regulations, and ordinances adopted by the Board of Health, the Departments of Health & Environmental Quality, county or municipal governing bodies, or the division of Occupational and Professional Licensing.

6.2.2. **Private Dwellings.** Inspections of private dwellings are made by consent of owner or otherwise responsible party or upon a warrant issued by a court.

6.2.3. **Consent by License or Permit:** The Department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.

6.3. The owner or other responsible person may request information gathered by the Department during an investigation, inspection or review as authorized by the Government Records Access and Management Act, §§ 63-2-101 to 63-2-1001 Utah Code Ann., 1953 as amended.

7. ENFORCEMENT MECHANISMS.

If the Department has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this regulation or the division has other reasonable grounds to believe that there has been a violation of any part of this regulation or that the property owner or otherwise responsible party is not in compliance with this regulation, the division may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges.

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7.1. **Criminal Enforcement Actions**. The Department may recommend criminal prosecution for violations either alone or in conjunction with civil enforcement. Criminal prosecutions for violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement entity. Factors that the Department may consider in recommending criminal enforcement include the following factors and any other relevant factors.

7.1.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or;

7.1.2. The degree to which the violation was designed to provide economic gain or cost avoidance or it involved a pattern of conduct or a common attitude of illegal conduct;

7.1.3. The degree to which the offender is a known violator and has avoided prior actions by the Department;

7.1.4. The degree to which prosecution might deter future violations;

7.1.5. The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;

7.1.6. The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;

7.1.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and

7.1.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

7.2. **Civil Enforcement Actions**.

7.2.1. The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.

7.3. **Administrative Actions.**

7.3.1. The Department may, at its discretion, issue a Notice of Violation & Order of Compliance (NOV).

7.3.2. **Service of NOV**. The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via first class mail to the last known address of the owner of the property or other responsible person.

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If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods reasonably calculated to give actual notice to the owner or other responsible party.

7.3.3. **Contents of NOV**. The NOV shall:

(i) Describe the property and the persons believed to be in violation;

(ii) Describe the violation;

(iii) Describe remedial action that will comply with the provisions of this regulation;

(iv) Set a reasonable time for the performance of any required remedial action(s);

(v) Describe the procedure to contest the NOV and the time limits for such a contest; and

(vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.

7.3.4. **Challenging an NOV.** As detailed in the SLVHD's Adjudicative Hearing Procedures, a party aggrieved by an NOV may request a departmental conference, departmental hearing, or departmental appeal in writing within ten (10) days of the date of the NOV.

7.3.5. **Departmental Conference, Settlement Agreements, and Stipulations & Orders.**

(i) After issuance of the NOV, the alleged violator has the option to request and attend a Departmental Conference to discuss the NOV and settlement with the Department and its legal counsel. No hearing officer will be present. The process of requesting a Departmental Conference are more fully described in the SLVHD's Adjudicative Hearing Procedures.

(ii) If the parties agree to a settlement, the Department will prepare, in conjunction with the District Attorney's Office, a binding Settlement Agreement or Stipulation & Consent Order which may require the payment of penalties and the costs of investigation. Parties may also agree to a settlement at any time subsequent to the Departmental Conference. After signing a Settlement Agreement or Stipulation & Consent Decree, the parties waive all rights to further department and court hearings or appeals. Settlement Agreements or Stipulation & Consent orders may be enforced in state courts.

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7.3.6. **Hearings & Appeals.** Parties Aggrieved by an NOV may also request a Departmental Hearing or a Departmental Appeal. A hearing officer is present at these proceedings and makes a written determination. The methods of challenging an NOV are more fully described in the SLVHD's Adjudicative Hearing Procedures. Departmental Hearing Orders and Departmental Appeal Orders may be appealed to the entities and within the time limits set out in the SLVHD's Adjudicatory Hearing Procedures.

7.3.7. **Failing to respond to an NOV.** If a party fails to respond to an NOV within the required time, the NOV becomes a final order unappealable to any administrative entity or court. The Department may then enforce the order in state court.

7.4. **Additional Administrative Enforcement Authority**.

7.4.1. The Department may declare unsanitary conditions a nuisance and cause every nuisance affecting the public health to be abated.

7.4.2. Variances. Any variance allowed by the Department to the requirements of this regulation shall be only by written approval of the Board of Health.

7.4.3. **Exercise of Physical Control.** The Department may establish, maintain, and exercise physical control over property and over individuals as the Department finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibit public gatherings. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately but may petition the Director for a hearing in accordance with the Salt Lake Valley Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it.

7.4.4. **Emergency Enforcement.** If the Director finds that an emergency exists that requires immediate action to protect the public health, he or she may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he or she deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the nuisance immediately; but may petition the Director for a hearing in accordance with the Salt Lake Valley Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

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8. CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES

8.1. **Criminal Penalties**.

8.1.1. Any person who is found guilty by a court of violating any of the provisions of this regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.

8.1.2. Each day such violation is committed or permitted to continue shall constitute a separate violation.

8.1.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

8.2. **Civil & Administrative Penalties.**

8.2.1. Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may be assessed according to the following factors:

(i) The violator's history of compliance or non-compliance;

(ii) The violator's economic benefit of non-compliance;

(iii) The documented costs associated with environmental or health damage;

(iv) The violator's degree of willfulness or negligence; and

(v) The violator's good faith efforts to comply and cooperate.

8.2.2. The Director may multiply the penalty by the number of days the violation occurred

8.3. **Recovery of Investigation & Abatement Costs**

8.3.1. The Department may recover its inspection, investigative and abatement expenses and costs from owners or other responsible person.

8.3.2. The Department may record a judgment lien on a violator's property to recover its expenses and costs.

9. EFFECTIVE DATE.

9.1. This regulation shall become effective upon its enactment by the Salt Lake Valley Board of Health.

PUBLIC

APPROVED AND ADOPTED this _____ day of _____, 2006.

SALT LAKE VALLEY BOARD OF HEALTH

By: _____
William S. Kidder, D.D.S.

ATTEST:

By: _____
GARY L. EDWARDS, M.S.
Executive Director
Salt Lake Valley Health Department

PUBLIC

M.E.L. Task
Exemptions & Change of Ownership

David Edwards-Smith

PUBLIC

Exemptions

PUBLIC

Massage Exemption Regulations

<u>Establishment Exemption Regulation Language for Discussion</u>

The following are exempt from the massage establishment license requirement:

1. Hospitals, residential care facilities, and assisted living facilities licensed by the state of Alaska;

2. Public and private secondary schools or accredited colleges and universities who are approved by the board and when massage is performed in a massage therapy school curriculum.

3. Sports venues at which massage may be conducted on the members of professional sports franchises by athletic trainers employed by professional sports or collegiate sports franchises.

3. Locations at which Chair Massage is exclusively done

4. On-site massage performed at the location of the client

5. Place of business is not required to hold a license under this chapter if:
(1) the place of business is owned by the federal government, the state, or a political subdivision of the state;
(2) at the place of business, a licensed massage therapist practices as a solo practitioner and:
(A) uses a business name or an assumed name and provides the massage therapist's full legal name or license number in each advertisement and each time the business name or assumed name appears in writing;
(3) at the place of business, an acupuncturist, athletic trainer, chiropractor, cosmetologist, midwife, nurse, occupational therapist, physical therapist, physician, physician assistant, podiatrist, respiratory care practitioner licensed in the state of Alaska employs or contracts with a licensed massage therapist to provide massage therapy as part of the person's practice

6. a business owned and operated by massage therapist(s) licensed in the state of Alaska.

Application for exemption?
7. An establishment or business whose primary function is not the provision of massage therapy services may be exempt from the requirement of obtaining licensure as a massage therapy establishment by filing with the Board a sworn and notarized statement by the owner, lessee, or legal possessor declaring the primary function of the establishment; and by filing with the Board official government related or business records, city business license, Internal Revenue Service tax returns and records or correspondence regarding advertisement, appointment books kept in the normal course of business, or statements of business associates consulted in relation to the practice of the primary function of the establishment to be other than massage therapy, and as to which massage therapy is an incidental practice. The Board may request such other and further documentation of the interaction of massage therapy practice and the primary function of the establishment as seems reasonable in making its determination as to the granting of exemption from establishment licensure.

<u>Previous Language Draft by the Alaska Board of Massage Therapists</u>

A. The following are exempt from the massage establishment license requirement:

PUBLIC

1. Hospitals, residential care facilities, and assisted living facilities licensed by the state of Alaska;

2. Public and private secondary schools or accredited colleges and universities who are approved by the board and when massage is performed as an educational requirement. **Requirement of whom?**

3. Sports venues at which massage may be conducted on the members of professional sports franchises by athletic trainers employed by professional sports or collegiate sports franchises.

4. The business locations in which barbers and cosmetologists, currently licensed by the state of Alaska, practice massage limited to the neck, face, scalp, hair, hands, or feet, when such massage is conducted in conjunction with a cosmetic service such as a haircut or styling, shave, manicure, or pedicure.

5. A massage therapist licensed in the State of Alaska who owns and operates a massage business with or without employees. (????)

<u>Exemption Regulation by States with Establishment Licensing</u>

Alabama

(4) An establishment or business whose primary function is not the provision of massage therapy services may be exempt from the requirement of obtaining licensure as a massage therapy establishment by filing with the Board a sworn and notarized statement by the owner, lessee, or legal possessor declaring the primary function of the establishment; and by filing with the Board official government related or business records, city business license, Internal Revenue Service tax returns and records or correspondence regarding advertisement, appointment books kept in the normal course of business, or statements of business associates consulted in relation to the practice of the primary function of the establishment to be other than massage therapy, and as to which massage therapy is an incidental practice. The Board may request such other and further documentation of the interaction of massage therapy practice and the primary function of the establishment as seems reasonable in making its determination as to the granting of exemption from establishment licensure.1

(c) The board shall provide by rule, for a fair and reasonable procedure to grant exemptions from the licensure requirement of this section when the applicant can show that the advertising of massage therapy services is incidental to the primary function of his or her business. No such exemption shall be granted to a sexually oriented business.

PUBLIC

Massachussettes

(a) A Massage Therapy Establishment license is not required for the following:
1. Any healthcare facility licensed by the Massachusetts Department of Public Health;
2. Board approved continuing education programs and student clinics operated by Board licensed Massage Schools;
3. Locations at which Chair Massage is exclusively done; and
4. Locations at which Massage Therapy is offered for not more than 24 hours in a one week period every six months at a public or charitable event with a primary purpose unrelated to massage.
(b) The Board may require any location at which Massage Therapy is provided to provide satisfactory evidence why it is eligible for the exemption from Massage Therapy Establishment licensure requirements. The burden of proving eligibility shall rest with the entity claiming the exemption.

LOUISIANA

(2) All locations where one or more persons are regularly engaged in the practice of massage therapy shall register with the board as a massage establishment. Additionally, all locations where more than one person is regularly engaged in the practice of massage therapy shall pay the establishment license fee.

TEXAS

(a) Section 455.151 does not apply to an establishment or person that:
(1) holds a license, permit, certificate, or other credential issued by this state under another law; and
(2) offers or performs massage therapy under the scope of that credential.
(b) A licensed massage therapist who practices as a solo practitioner is not required to hold a license as a massage establishment.
(c) A place of business is not required to hold a license under this chapter if:
(1) the place of business is owned by the federal government, the state, or a political subdivision of the state;
(2) at the place of business, a licensed massage therapist practices as a solo practitioner and:
(A) does not use a business name or assumed name; or
(B) uses a business name or an assumed name and provides the massage therapist's full legal name or license number in each advertisement and each time the business name or assumed name appears in writing;
(3) at the place of business, an acupuncturist, athletic trainer, chiropractor, cosmetologist, midwife, nurse, occupational therapist, perfusionist, physical therapist, physician, physician assistant, podiatrist, respiratory care practitioner, or surgical assistant licensed or certified in this state employs or contracts with a licensed massage therapist to provide massage therapy as part of the person's practice; or

(4) at the place of business, a person offers to perform or performs massage therapy:
(A) for not more than 72 hours in any six-month period; and
(B) as part of a public or charity event, the primary purpose of which is not to provide massage therapy.
(d) A sexually oriented business may not:
(1) hold a license under this chapter; or
(2) operate as a massage establishment under this chapter.

(New Section adopted effective November 1, 2017, 42 TexReg 4991)
(a) A place of business is not required to hold a massage establishment license under the Act if:
(1) the place of business is owned by the federal government, the state, or a political subdivision of the state;

PUBLIC

(2) at the place of business, a licensed massage therapist practices as a solo practitioner and:
(A) does not use a business name or assumed name; or
(B) uses a business name or an assumed name and provides the massage therapist's full legal name or license number in each advertisement and each time the business name or assumed name appears in writing;
(3) at the place of business, an acupuncturist, athletic trainer, chiropractor, cosmetologist, midwife, nurse, occupational therapist, perfusionist, physical therapist, physician, physician assistant, podiatrist, respiratory care practitioner, or surgical assistant licensed or certified in this state employs or contracts with a licensed massage therapist to provide massage therapy as part of the person's practice; or
(4) at the place of business, a person offers to perform or performs massage therapy:
(A) for not more than 72 hours in any six-month period; and
(B) as part of a public or charity event, the primary purpose of which is not to provide massage therapy.
(b) Unless the person is exempt from the licensing requirement, a person may not represent that the person is a massage establishment unless the person holds an appropriate license under this subchapter.

DELEWARE
(f) This chapter shall not apply to:
(1) Actions by any person, who is certified or licensed in this State by any other law, and who is engaged in and acting within the scope of the profession or occupation for which that person is certified or licensed;
(2) Actions by any person engaged in an occupation which does not require a certificate or certification, including, but not limited to, physical education teachers, athletic coaches, health or recreation directors, instructors at health clubs or spas, martial arts, water safety and dance instructors, or coaches, who is acting within the scope of activity for which such person is trained; and
(3) Any student of massage who is practicing within the scope of his or her course of study.

MISSOURI
A person desiring to receive a license to operate a massage business in the state of Missouri shall file a written application with the board on a form prescribed by the board and pay the appropriate required fee. It shall be unlawful for a business to employ or contract with any person in this state to provide massage therapy as defined in subdivision (7) of section324.240 unless such person has obtained a license as provided by this chapter. Failure to comply with the provisions of this section shall be cause to discipline the licensee.
(L. 1998 H.B. 1601, et al., A.L. 1999 H.B. 343 merged with S.B. 362, A.L. 2006

NEBRASKA
Massage Therapy Establishment means any duly licensed place in which a massage therapist practices his/her profession of massage therapy. This does not include:
a. On-site massage performed at the location of the client;
b. Stand-alone devices, such as chairs, which are operated by the customer; or
c. Establishments located within the confines of a hospital, nursing home, or other similar establishment or facility licensed or otherwise regulated by the Department of Health and Human Services.

PUBLIC

NORTH CAROLINA
Massage and bodywork therapy establishment. Any duly licensed site or premises in which massage and bodywork therapy is practiced. This term does not include any of the following:
a. On-site massage performed at the location of the customer.
b. Stand-alone devices, such as chairs, that are operated by the customer.
c. Establishments lo
cated within the confines of a hospital, nursing home, or other similar establishment or facility licensed or otherwise regulated by the Department of Health and Human Services.
d. Massage and bodywork therapy provided by a sole practitioner.
e. A student clinic operated by a Board-approved school or a massage and bodywork therapy program offered by community colleges in North Carolina that are accredited by the Southern Association of Colleges and Schools or massage and bodywork therapy programs offered by a degree or diploma granting college or university accredited by any accrediting agency that is recognized by the United States Department of Education and licensed by the North Carolina Community College System or The University of North Carolina Board of Governors or exempt from such licensure pursuant to G.S. 116-15(c).
f. Chiropractic physician offices that provide massage and bodywork therapy only by massage and bodywork therapists currently licensed in North Carolina.
(4a) Owner. The person, sole proprietor, partnership, limited partnership, or corporation that operates the massage and bodywork therapy establishment.
…
(6) Sole practitioner. A single licensed massage and bodywork therapist offering massage or bodywork therapy services from a space the licensed massage and bodywork therapist controls and from which only the licensed massage and bodywork therapist offers and provides the services.

OREGON
(2) The board may exempt by rule a type of massage facility from the prohibition in subsection (1)(b) of this section if the board finds that requiring a permit for that type of facility is not necessary to regulate the practice of massage therapy or to protect the health and safety of the public.

TENNESSEE
The practice of reflexology shall not be subject to the licensure requirements of this chapter. For the purposes of this chapter, "reflexology" means the application of specific pressures to reflex points in the hands and feet only.

PUBLIC

Change of Ownership

PUBLIC

Transfer of License Regulation

After reviewing regulation language and researching this subject I suggest that the board has consideration for the Alabama transfer of license language.

Dave

ALABAMA
(3) In the event the licensed establishment sold, subleased, or legal possession of the establishment is changed, the new owner, lessee, or legal possessor of the establishment shall be required to apply for and obtain a new license within sixty (60) days of the change of ownership, lessee, or legal possess. The establishment license is not assignable or transferable.

DELEWARE
(i) A massage establishment license issued pursuant to this chapter shall be issued for a single, identified location and is not assignable or transferable.

FLORIDA
(b) A license may be transferred from one location to another only after inspection and approval by the board and receipt of an application and inspection fee set by rule of the board, not to exceed $125.
(c) A license may be transferred from one business name to another after approval by the board and receipt of an application fee set by rule of the board, not to exceed $25.

When a massage establishment business name is changed, without a change in ownership or location, a new establishment inspection is not required.

LOUISIANA
All name, location and/or ownership changes of licensure must be reported in writing to the board within 30 days of occurrence using a form provided by the board.

MISSOURI
A license shall not be transferable or assignable. When a massage business is sold or ownership or management is transferred, or the corporate legal organization status is substantially changed, the license of the massage business shall be voided and a new license obtained. Application for a new license shall be made to the board in writing, at least ninety days prior to the effective date of the sale, transfer, or change in corporate status. The application for a new license shall be on the same form, containing the same information required for an original license, and shall be accompanied by a license fee to be determined by the board. The board may issue a temporary operating permit to continue the operation of the massage business for a period of up to ninety days pending the survey inspection and the final disposition of the application.

(1) At least fifteen (15) days prior to a proposed name change, the massage therapy business owner shall notify the board of the proposed name change in writing prior to changing the business name or before revising any printing materials or advertisements.

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(A) The license reflecting the name change shall replace the original license and be displayed in a conspicuous place on the premises of the licensed massage therapy business.
(2) When a massage therapy business changes location, an application for a location change must be submitted to the board along with the required fee. The business shall submit to a survey inspection by the board at the new location.

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(3) When a massage therapy business is sold, or ownership or management is transferred, or the corporate legal organization status is substantially changed, the massage therapy business shall apply for a license by submitting an application, paying the required application fee, and submitting to an inspection.

NEBRASKA

Any establishment may apply for a change to its license, due to a change in Owner(s), change in name, or a change in location. Each establishment license issued is in effect solely for the Owner(s) and premises named thereon and will expire automatically upon any change of Owner(s) or change of location.

82-007.01 Change in Owner(s): The applicant must apply to the Department for and obtain another credential as specified in 172 NAC 82-003 at least 15 days prior to the change.

82-007.02 Change in Establishment Name: The applicant must submit:

1. A request for a change in the establishment name at least 15 days prior to the change; and
2. The required fee for a reissued license.

82-007.02A The Department will act within 150 days upon all completed applications and will reissue a license with the change of establishment name identified on the license.

82-007.03 Change in Location: The applicant must apply to the Department for and obtain another credential as specified in 172 NAC 82-003 at least 15 days prior to the change.

OREGON

3. Establishment licenses are not transferable

(5) The board may authorize transferring the name of a massage facility to another massage facility if the permittee who operates the massage facility to which the name will be transferred:

(a) Submits an application in a form and manner prescribed by the board by rule;
(b) Pays the fee required under ORS 687.071 (1)(j);
(c) Makes all necessary changes to documents on file with the Secretary of State; and
(d) Complies with any other applicable rule of the board.

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Classroom Hours via Distance Education

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Alaska state 08.61.030 3(a) states that in order for a person to receive a license for Massage Therapy, an applicant must complete a "course of study of at least 500 hours of in-class supervised instruction and clinical work from an approved massage school"

For the purposes of this discussion, we will focus on the phrase "in-class, supervised" in regards to distance education.

Like all things in life, education has been revolutionized by the internet. Starting in the 2000's, university and college systems began delivering education content via the internet. From Ivy League (1) to Alaskan Universities and Colleges, full degrees can be obtained entirely online.

In Alaska, there is arguably no larger post-secondary educational institution than the University of Alaska. With "brick and mortar" traditional schools in some of the larger population areas of the state, they have a large, well respected delivery of online classes and degrees.

It is important to note that UAA is offering more than 100 different Associates and Baccalaureate degrees that can be obtained entirely online (or with only short, intensive face-to-face sessions) (2) while what we are considering here is "certification" level education.

While doing research for this topic, I spoke to several representatives of UAA in different areas of the state, including Fairbanks, Sitka and Anchorage. I was surprised to learn that there are several high-level, medically oriented education programs delivered via distance education by UAA. Specifically, the Occupational Therapy and Nursing programs.

The OT program was created out of great need in Alaska. Done in partnership with Creighton University, students take all theoretical classes online. Some in real-time, many recorded and watched/listened to at a later date. Students who enroll in this program then work with the University to do their clinical rotations locally. They are able to get their theory content delivered online and then arrange to do their "hands-on" portion here in the state.

Speaking to the Director of Nursing at UAA-Anchorage, she had excellent things to say about the progress the school has made in helping to get Nurses into our remote communities. The school functions much like the OT program with a few exceptions and noted that "in-class, supervised" for her program is

interpreted as “Enrolled in an approved class, supervised by either a teacher or in a system (program) that ensures the student makes progress.”

By and large every university and college has some version of online learning, if not full degree programs delivered remotely. A meta-analysis of online learning, done by the department of education noted that students who studied through an online portal often do better and learn more than those who attend traditional schools. There are a myriad of reasons for this and a link to the study can be found in at the bottom of this document. (3 &4)

I believe that with some board approved criteria (e.g. Distance Education Accrediting Commission and continued requirement that online schools meet the same COMTA or other national quality standards) we can easily interpret “in-class, supervised” in the modern and most correct way- allowing students to have their non-clinical education content delivered to them via distance education or online. There should remain a requirement that a portion of education must be in-person and hands-on, given the nature of our industry.

1) https://www.ecollegefinder.org/2013/04/23/10-schools-online-programs/
2) https://distance.alaska.edu/programs/
3) http://www.massagetherapyschoolsinformation.com/online-massage-therapy-schools/
4) https://www2.ed.gov/rschstat/eval/tech/evidence-based-practices/finalreport.pdf

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Too Long/Didn't Read/David Perfers Bullet Points Version

1) Most Colleges and Universities deliver full degree programs online.
    a. Many of these degrees never require a student to go to an actual brick and mortar school.
    b. These are DEGREE programs, either 2 or 4 year, not certification programs.
    c. Most massage programs are certification programs.
2) UAA has several, high level medical degree programs that deliver theoretical content online.
    a. These programs also have a hands-on portion, for which students travel to Anchorage or arrange to attend a facility or school that can offer them the practical portion for their degrees.
3) The US department of Education has done a Meta-Analysis of Online Learning and found that many people have better educational outcomes when pursing higher education online.
4) Speaking to educators at UAA who oversee Distance Education Programs, "In-class, supervised" can modernly adapted to mean "Enrolled in an approved class, supervised by either a teacher or in a system (program) that ensures the student makes progress."
5) The board can impose the same oversight on these programs as we do on all others.
    a. COMTA or other national accredidation should be present
    b. The board can also consider requiring the program to have approval from a Distance Education Certifying body or Commission. (e.g. Distance Education Accrediting Commission)
6) There should remain a requirement that a portion of education must be in person and hands-on given the nature of our industry. Enrolled in an approved class, supervised by either a teacher or in a system (program) that makes sure the student makes progress

PUBLIC

Federal Definition of Distance Education

The Real Property Appraiser Qualification Criteria 2015

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B. Credit for the class hour requirements may be obtained only from the following providers:
   1. Colleges or universities;
   2. Community or junior colleges;
   3. Real estate appraisal or real estate related organizations;
   4. State or federal agencies or commissions;
   5. Proprietary schools;
   6. Providers approved by state certification/ licensing agencies; or
   7. The Appraisal Foundation or its Boards.

C. Experience may not be substituted for education.

D. Distance education is defined as any education process based on the geographical separation of student and instructor. A distance education course is acceptable to meet class hour requirements if:
   1. The course provides interaction. Interaction is a reciprocal environment where the student has verbal or written communication with the instructor; and

   2. Content approval is obtained from the AQB, a state appraiser regulatory jurisdiction, or an accredited college, community college, or university that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. Non-academic credit college courses provided by a college shall be approved by the AQB or the state appraiser regulatory jurisdiction; and

   3. Course delivery mechanism approval is obtained from one of the following sources:
      a. AQB approved organizations providing approval of course design and delivery; or
      b. a college or university that qualifies for content approval in paragraph 2 above that awards academic credit for the distance education course; or
      c. a qualifying college or university for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.

E. Criteria specific to Qualifying Education
   1. Class hours will be credited only for educational offerings with content that follows the *Required Core Curriculum* for each respective credential classification. Course content requirements may be general or specific to property types. The *Required Core Curriculum* is to be followed by major headings with the classroom hours for each. Guide Note (GN-1) contains guidance for curriculum content with subtopics listed under each major module. The subtopics listed in GN-1 are used for developing Examination Content Outlines for each applicable credential classification, and may also be amended from time to time to reflect changes in technology or in the Body of Knowledge. GN-1 is not mandatory for meeting the *Required Core Curriculum*.

   2. Credit toward qualifying education requirements may also be obtained via the completion of a degree in Real Estate from an accredited degree-granting college or university approved by the Association to Advance Collegiate Schools of Business, or a regional or national accreditation agency recognized by the U.S. Secretary of Education, **provided that the college or university has had its curriculum reviewed and approved by the AQB**.

      The AQB may maintain a list of approved college or university degree programs, including the *Required Core Curriculum* and Appraisal Subject Matter Elective hours satisfied by the award of the degree. Candidates for the Trainee Appraiser, Licensed Residential, Certified Residential or Certified General credential who are awarded degrees from approved institutions are required to complete all additional education required for the credential, in which the approved degree is judged to be deficient by the AQB.

   3. Class hours may be obtained only where:
      a. the minimum length of the educational offering is at least 15 hours; and
      b. the individual successfully completes a proctored, closed-book final examination pertinent to that educational offering.

   4. Where the qualifying education course includes multiple modules as listed in the *Required Core Curriculum*, there must be appropriate testing of each module included in the course.

   5. Courses taken to satisfy the qualifying education requirements must not be repetitive. Courses shall foster problem-solving skills in the education process by utilizing case studies as a major teaching method when applicable.

   6. Applicants must take the *15-Hour National USPAP Course*, or its AQB-approved equivalent, and pass the associated *15-Hour National USPAP Course* examination. At least one of the course instructors must be an AQB Certified USPAP Instructor who is also a state certified appraiser in good standing. Course equivalency shall be determined through the AQB Course Approval Program or by

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an alternate method established by the AQB. USPAP education presented in a distance education format must be designed to foster appropriate student-to-student, student-to-instructor, and student-to-material interaction.

7. In addition to the generic requirements described in III. D, distance education courses intended for use as qualifying education must include a written, closed-book final examination (proctored by an official approved by the college or university, or by the sponsoring organization). The term "written" as used herein refers to an exam that might be written on paper, or administered electronically on a computer workstation or other device. Oral exams are not acceptable. The testing must be in compliance with the examination requirements of this section.

F. Criteria Specific to Continuing Education

1. The purpose of continuing education is to ensure that appraisers participate in a program that maintains and increases their skill, knowledge, and competency in real property appraising.

   Aside from complying with the requirements to complete the *7-Hour National USPAP Update Course*, or its equivalent, appraisers may not receive credit for completion of the same continuing education course offering within an appraiser's continuing education cycle.

2. Credit towards the continuing education hour requirements for each appraiser classification may be granted only where the length of the educational offering is at least two (2) hours.

3. Credit may be granted for education offerings that are consistent with the purpose of continuing education and cover those real property related appraisal topics, including, but not limited to:
   a. Ad valorem taxation;
   b. Arbitration, dispute resolution;
   c. Courses related to the practice of real estate appraisal or consulting;
   d. Development cost estimating;
   e. Ethics and standards of professional practice, USPAP;
   f. Land use planning, zoning;
   g. Management, leasing, timesharing;
   h. Property development, partial interests;
   i. Real estate law, easements, and legal interests;
   j. Real estate litigation, damages, condemnation;
   k. Real estate financing and investment;
   l. Real estate appraisal related computer applications;
   m. Real estate securities and syndication;
   n. Developing opinions of real property value in appraisals that also include personal property and/or business value;
   o. Seller concessions and impact on value; and/or
   p. Energy efficient items and "green building" appraisals.

4. Up to one half of an individual's continuing education requirement may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.

5. Educational offerings taken by an individual in order to fulfill the class hour requirement for a different classification than his/her current classification may be simultaneously counted towards the continuing education requirement of his/her current classification.

6. In addition to the generic requirements described in III.D., distance education courses intended for use as continuing education must include at least one of the following:
   a. A written examination proctored by an official approved by the college or university, or by the sponsoring organization. The term "written" as used herein refers to an exam that might be written on paper, or administered electronically on a computer workstation or other device. Oral exams are not acceptable; or
   b. Successful completion of prescribed course mechanisms required to demonstrate knowledge of the subject matter.

7. Real estate appraisal-related field trips may be acceptable for credit toward the continuing education requirements. However, transit time to or from the field trip may not be included when awarding credit unless instruction occurs during said transit time.

8. Appraisers must successfully complete the *7-Hour National USPAP Update Course*, or its AQB-approved equivalent, every two calendar years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

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Classroom Hours by Distance Education

Certified Real Estate Appraisers

Statutes and Regulations

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12 AAC 70.125. APPLICATION FOR APPROVAL AS A TRAINEE APPRAISER. (a) The board will issue a certification approving a person as a trainee appraiser to an applicant who meets the requirements of 12 AAC 70.935 and this section.

(b) An applicant for certification under this section must

(1) submit a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form; and

(B) proof that the applicant has successfully completed and passed 75 classroom hours of instruction that meet the requirements in 12 AAC 70.140(a) and the required courses that are specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers, and that comply with the specifications for course content established by the Appraiser Qualifications Board of the Appraisal Foundation; the course must be completed by the trainee appraiser before obtaining a trainee appraiser credential; all qualifying education must be completed within the five year period before the date of submission of a trainee appraiser application; and

(2) pay any fees required in 12 AAC 02.370.

(c) To renew a certification as a real estate appraiser trainee, the applicant must

(1) submit an application for renewal on a form provided by the department; and

(2) provide evidence of satisfactory completion of 14 hours of continuing education credit.

Authority: AS 08.87.020 AS 08.87.310

12 AAC 70.126. APPLICATION FOR APPROVAL AS A SUPERVISORY APPRAISER. (a) The board will issue a certification approving a person as a supervisory appraiser to an applicant who is certified to practice as a general real estate appraiser or residential real estate appraiser and who meets the requirements of 12 AAC 70.935 and this section.

(b) An applicant for certification under this section must

(1) submit 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) proof that the applicant has successfully completed and passed the required courses that are specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers, and that comply with the specifications for course content established by the Appraiser Qualifications Board of the Appraisal Foundation; the course must be completed by the supervisory appraiser before obtaining a supervisory appraiser credential; and

(2) pay any fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.310

12 AAC 70.130. REAL ESTATE APPRAISER EXAMINATIONS. (a) To be certified as a real estate appraiser by examination, an applicant must pass the following examination within the 24 months immediately preceding the date of certification:

(1) for general or institutional certification, the Uniform State General Certification Examination endorsed by the Appraiser Qualifications Board of The Appraisal Foundation; or

(2) for residential certification, the Uniform State Residential Certification Examination endorsed by the Appraiser Qualification Board of The Appraisal Foundation.

(b) Repealed 1/16/2005.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.140. STANDARDS FOR ACCEPTABLE EDUCATION. (a) To comply with the real estate appraisal education requirements of 12 AAC 70.115 for initial certification, or the registered trainee education requirements of 12 AAC 70.125, an applicant's classroom hours of instruction, as defined in 12 AAC 70.910, must relate directly to real estate appraisal theory or practices and must be obtained through

(1) a member organization of the Appraisal Foundation;

(2) a junior college, college, or university;

(3) a course approved by the Appraiser Qualifications Board Educational Course Review Program;

(4) a real estate appraisal or real estate related organization;

(5) a state or federal agency or commission;

(6) a proprietary school; or

(7) another organization or academic institution approved by the board.

(b) The board will credit only a course approved under 12 AAC 70.145 toward the classroom hours of instruction required for certification or registration.

(c) An applicant's classroom hours of education for certification as a general or residential real estate appraiser must include coverage of all topics listed in the applicable Appraiser Qualification Criteria developed by the

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Appraiser Qualifications Board of the Appraisal Foundation, *The Real Property Appraiser Qualification Criteria* effective January 1, 2015, and adopted by reference.

(d) Repealed 1/16/2005.

(e) Repealed 6/28/2015.

(f) The board will award credit toward the classroom hour requirement for initial certification or trainee registration for completion of a course by distance education if the course

(1) meets the requirements of this section and 12 AAC 70.145(d);

(2) requires successful completion of a written final examination that is proctored by an official approved by the presenting college or university, or by the sponsoring organization;

(3) is presented to an organized group in an institutional setting with

(A) a person qualified and available to answer questions, provide information, and monitor student attendance;

(B) a minimum of two classroom hours;

(4) meets the requirements for courses established by the Appraiser Qualifications Board;

(5) has been presented by a college or university accredited by the Commission on Colleges or a regional accreditation association that offers distance education programs in other disciplines; and

(6) has received approval

(A) repealed 1/16/2005; or

(B) of the International Distance Education Certification Center's (IDECC) for the course design and delivery mechanism and either the approval of the

(i) Appraiser Qualifications Board through the AQB Course Approval Program; or

(ii) licensing or certifying jurisdiction where the course is being offered, for the content of the course.

(g) The board will not award credit for noninstructional course time except for a maximum of 20 hours spent writing appraisal reports for a course on that subject. The number of hours credited under this subsection may not exceed 50 percent of the total classroom hours awarded for the course for which the appraisal reports were written. The board will award credit under this subsection for no more than one course during an applicant's total classroom hours of instruction.

(h) An applicant's classroom hours of instruction must include coverage of the full scope of the fundamentals of appraisal theory, principles, and practices. A course that is highly specialized or narrow in focus will not be credited toward an applicant's required classroom hours of instruction unless the applicant has also completed sufficient courses to cover the fundamental aspects of appraisal theory, principles, and practices.

(i) The board will not award credit for more than eight classroom hours of instruction per day. If no breakdown of instructional, assignment, and examination hours is given for a course or seminar, the board will award three and one half classroom hours of instruction for the last day of the course or seminar and seven classroom hours of instruction for all other days of the course or seminar.

(j) The board will require additional information if necessary to determine if an applicant's classroom hours of instruction meet the requirements in this section.

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.310

Editor's note: Copies of the Appraiser Qualification Criteria adopted by reference in 12 AAC 70.140 are available from the Appraisal Qualifications Board of the Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington, DC 20005-3517; phone: (202) 347-7722; website at www.appraisalfoundation.org.

12 AAC 70.145. APPROVAL OF COURSE OR SEMINAR FOR INITIAL CERTIFICATION OR TRAINEE REGISTRATION. (a) The board will use the standards established in this section to determine if a course or seminar is in a subject related to real estate appraisal and will be credited toward an applicant's total classroom hours of instruction.

(b) The board will review each course or seminar submitted with an individual's application for certification or registration and approve a course or seminar that meets the requirements of this section. The board will require an applicant to submit additional information, including the information required in (e)(3) - (10) of this section, if necessary to determine if a course or seminar meets the requirements in this section.

(c) The board will review and preapprove a course or seminar that meets the requirements of this section if an individual or organization submits the course or seminar to the board for preapproval under (e) of this section.

(d) To be approved by the board, a course or seminar must meet the following requirements:

(1) the primary focus of the course or seminar must be directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal;

(2) the course or seminar must be a minimum of 15 classroom hours in duration and include successful completion of a final examination; except as provided in 12 AAC 70.140(g), time spent on

(A) the final examination will be counted toward the minimum course duration or credited toward the total classroom hours of instruction required for certification or registration;

(B) an assignment will not be counted toward the minimum course duration or credited toward the total classroom hours of instruction required for certification or registration;

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Code of Ethics

Regulations Change

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written with the AMENDMENTS of 12 AAC 79.100(5) changing the 4 hours of Bloodborne pathogens to 2 hours, 12 AAC 79.140(b) to 500 hours by reducing 1)130 hours and 2) 220 hours and including the Massage Curriculum Breakdown to accommodate the approved statutory increase to 625 hours as of July 1, 2019. The 625 Massage Curriculum Breakdown would be: Anatomy & Physiology-162 hours, Clinical Practice- 138 hours, Ethics & Law- 50 hours, and Massage Theory and Practical Applications- 275 hours.

Investigative Email from Christina Bond

OLE Dulebohn reports on an e-mail she received from Investigator Christina Bond. In yesterday's meeting Ms. Bond was asked to follow up on the probation that was put on hold for Arturo Ramirez. Ms. Bond states that she spoke with Mr. Ramirez on 6/12/2018 and he confirms that he is no longer practicing massage therapy, he is still in Alaska, and he is unsure whether or not he will be returning to the profession. Ms. Bond asked him to keep her updated on his status.

Massage Establishment Licensing Mission Statement

OLE Dulebohn brings to the board's attention that there was not a motion in earlier in the meeting for the board to adopt the proposed mission statement for Massage Establishment Licensing and she asked if the board wanted to address that presently. Chair Edwards-Smith affirms that he does want to proceed with that process and asks the board to consider making a motion. The board discusses the statement and language that would like to utilize.

In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll call vote, it was RESOLVED to ADOPT the following Massage Establishment Mission Statement: "Massage establishment regulations will serve the purpose of safeguarding legitimate massage establishments, therapists, and the public from illicit massage establishments and human trafficking activity."

Code of Ethics Change

Ms. Motz reports on an issue that has come to her attention that there are perhaps some therapists that are using sex to market their massage services via social media. Ms. Motz believes any type of sexualizing behavior as advertising is detrimental because it does harm to the profession and peers by insinuating that massage has a sexual component. She would like to bring this issue to the board for discussion and to include in that discussion a change to the Code of Ethics, #8. She explains that adding this language to the Code of Ethics will give the board authority when a complaint is reported to either call the accused in to explain, issue a letter of advisement, or the complaint can be forwarded to Investigations.

Ms. Motz continues to say this situation has been brought to the attention of some of the professional organizations and they will be amending their Code of Conduct as well.

The board discusses what makes advertising sexual, if the advertising in question was a one-time occurrence or a habit, how they do not want to allow therapists to perpetuate the stigma that massage has a sexual component, and if this type of infraction would fall under AS 08.61.060(3) that "after a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person

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licensed under this chapter if the board finds that the person advertised massage therapy services in a false or misleading manner".

In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a roll call vote, it was RESOLVED to AMEND the Code of Ethics #8 to read: "I will not, in any circumstance, initiate or engage in sexual conduct, activities, advertising, or sexualizing behavior involving a client, even if the client attempts to sexualize the relationship".

The board notes for the record that they would like to review all instances violating this change to Code of Ethics on a case by case basis beginning with Investigations.

Qualifying Education via Distance Education

On the June 11th, the board discussed the idea of combined education to allow for applicants to take part of their education online and the clinical and final exam in person. The board discusses AS 08.61.030 (3) (A) "the board shall issue a license to practice massage therapy to a person who furnishes evidence satisfactory to the board that the person has completed a course of study of at least 500 hours of in-class supervised instruction and clinical work from an approved massage school" in regards to their interpretation of what "in-class supervised instruction and clinical work" means and whether a distance education program would fit that criteria.

Ms. Motz, Chair Edwards-Smith, and OLE Dulebohn contributed documents to be used as research in this matter. It was discussed that the distance education program be accredited by an agency that specializes in distance education such as the Distance Education Accrediting Commission. The board discussed taking information from all of the available sources and forming language to present to the board that would end in a motion for a regulations project. Ms. Gilmour interjects that using an online glossary of terms as a tool in writing the draft language would be beneficial.

TASK: Jill Motz will gather information and draft language for distance education for to further define "in-class" to present to the board in the September 10 and 11 meeting (or next teleconference).

New Task List

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TASK LIST

June 12, 2018

Task	Who to complete?	When is the deadline?	Distribute to the Board?	Completed
Send David approved minutes, wall certificates, ce consent agreements to sign and return to Division	Dawn	07/15/2018	No	
Massage Licensing Establishment Language from board assigned tasks to send to Dawn	Board Members	08/16/2018	Yes	
Send Board List of Unacceptable Continuing Education Guideline to Dawn	David	06/12/2018	No	

Adjourn

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