

State of Alaska
Board of Massage Therapists

Board Packet

December 2-3, 2019

Video Conference

Originating at:

State Office Building

333 Willoughby Ave.

Juneau, AK 99801

Roll Call

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

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

Outreach and Education Subcommittee Meeting



**Alaska Board of Massage Therapists
State Office Building
333 Willoughby Ave
Juneau, AK 99801**

**December 2, 2019
9:00 a.m.**

**Outreach and Education Subcommittee
Agenda**

**Comprised of David Edwards-Smith,
Jill Motz, and Traci Gilmour**

Objective of this meeting is to address the Governor's focus on professional licensing reform. Committee members are to be prepared to discuss communication strategies and to identify entities that would increase the public awareness of the massage therapy licensing program. The committee members will review four key topics that have been identified and previously addressed as potential barriers to licensing.

<u>Time</u>	<u>Subject</u>	<u>Lead</u>
1. 9:00 a.m.	Call to Order/Roll Call	Chair
2. 9:05 a.m.	Strategies to Communicate with the Public <ul style="list-style-type: none">• Transparency, Proactively, Clearly• Identification of Topics for Increased Communication<ol style="list-style-type: none">1. AND Letter to the Editor- September 12, 20192. Online Community Networks3. Newsletter<ol style="list-style-type: none">a. Topicsb. Frequency (Annual or with Regulations Projects)c. Recipients (Licensees, Legislators, Press)4. Annual Town Hall Meeting5. Legislator Update on HB110 and Recent Regulations• Identification of Governmental, Non-Profit Resources for Increased Communication<ol style="list-style-type: none">1. Alaska State Legislators2. The Department of Wage and Labor3. Local AMTA Chapter4. Covenant House5. Human Trafficking Workgroup6. Rotary Clubs	Chair
3. 9:45 a.m.	Review and Prioritize Changes to Statutes and Regulation <ul style="list-style-type: none">• Streamline, Modernize, Reduce Barriers to Qualified Individuals• Fingerprinting Initial and Renewal Cycle• Massage School Requirement of 625 Hours• Continuing Education Requirements• Initial and Renewal Applications	Chair

ADN Letter to the Editor
09/12/2019

ANCHORAGE DAILY NEWS

Letters to the Editor

Letter: Abolish the Board of Massage

 Author: **Dan Russell** | **Opinion**  Updated: September 12  Published September 12

The only justification for imposition of a board of regulation is if there is a clear and imminent danger to the public without it, because having it removes from people the right to run their businesses as they see fit.

Imposition of a Board of Massage was an unconstitutional affront to our freedom. Did you ever hear of a person seriously injured from a massage? Since its imposition in 2015, a license in Anchorage went from two weeks to as much as two years to be issued and from \$100 to more than \$1,000 when all the new hoops are included, such as required national exams, CPR, fingerprints, continuing education, etc. Prostitution under cover of massage has since skyrocketed, because it cannot be policed from Juneau, as they are without money to enforce it.

Please, ask your state representatives and Gov. Mike Dunleavy to abolish the Board of Massage Therapists and associated statutes, and return control of massage to local governments, as they see fit.

— **Dan Russell**

Anchorage

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Ethics

State of Alaska
DEPARTMENT OF LAW

ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the [Department of Law's ethics website](#).

How Do I Avoid Violations of the Ethics Act?

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

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair**.

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.⁵
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.⁶

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.⁷

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first

made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the [Department of Law's ethics website](#).

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

¹ The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

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

³ You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

⁴ In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

⁵ The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

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

⁷ When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

⁸ The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible,

the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

Alaska Department of Law

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Ethics Disclosure Form

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

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board,
Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?

Yes No

2. Can I take or withhold official action that may affect the person or entity that gave me the gift?

Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

Review of Agenda

Review/Approve Past Meeting Minutes

September 2019

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

5 **BOARD OF MASSAGE THERAPISTS**

6
7 **MINUTES OF THE MEETING**
8 **September 19-20, 2019**
9

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

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

12
13
14 *Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For*
15 *a more detailed account, please request a copy of the meeting's audio recording at:*
16 *<https://www.commerce.alaska.gov/web/cbpl/PublicRecordsRequests.aspx>.*
17
18

19 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
20 scheduled meeting of the Board of Massage Therapists was held by video conference on
21 September 19-20, 2019.
22

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

25 *On the record at 9:04 a.m.*
26

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

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

35 **Division Staff present:**
36

37 Dawn Dulebohn, Occupational Licensing Examiner
38 Carl Jacobs, Investigator III
39 Billy Homestead, Investigator II/Probation Monitor
40

41 **Joining Telephonically:**
42

43 Sher Zinn, Regulations Specialist II
44

45 **Agenda Item 2** **Ethics Reporting:**
46

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

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Lars Odsather joined the meeting at 9:05 a.m.

Agenda Item 3 Review/Approve Agenda:

The board reviewed the agenda and discussed any proposed changes. Board Member Jill Motz informs the board that the Division Financial Update slotted for #6 on today’s agenda has been cancelled due to there being no updated information to present and asks that Correspondence scheduled for tomorrow under Administrative Business be moved to today at 10:00 a.m. due to her not attending tomorrow’s meeting.

In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously, it was RESOLVED to ACCEPT the agenda as amended.

Agenda Item 4 Review/Approve Past Meeting Minutes

Chair Edwards-Smith gave the floor to Vice Chair Traci Gilmour to suggest some amendments to the minutes. Ms. Gilmour starts with amending the title of her task from June 10-11, 2019 minutes from “legislative research” to “school hours requirements by state”. Ms. Gilmour goes on to question the statement: “Mr. Edwards-Smith points out that the board received \$19,800 for issued licenses in the non-renewal year of 2018” as she believes that the \$200 application fee and \$60 fingerprint processing fee does not go into the board’s coffers. OLE Dulebohn was tasked with researching whether all money generated from applications goes to the board.

TASK: OLE Dulebohn will follow up with Accounting on whether the \$200 application fee and \$60 fingerprint fee go into the board coffers.

Board member Julie Endle also submitted some spelling and grammatical corrections that OLE Dulebohn had made in the minutes prior to this meeting. Additionally, Ms. Endle asked that the line 1617 “...applicants contribute to the conversation would be more accurate and time saving” changed to “...applicants interpret their transcripts would be more accurate and time saving.” would be a better reflection of the sentiment. These changes were approved by the board chair and OLE Dulebohn was instructed to make necessary corrections.

In a motion duly made by Traci Gilmour, seconded by Julie Endle, and passed unanimously, it was RESOLVED to APPROVE the meeting minutes from June 10-11, 2019 as amended.

Agenda Item 5 Old Business

Task List from June 10-11, 2019 Meeting

Chair Edwards-Smith directs the board to the June 10-11, 2019 Task List.

Military and Disability Exemption Research

Board member Ron Gibbs begins the conversation stating that, from his research, other state boards have made allowances in their regulations for licensees that were unable to complete their continuing education in the mandated time from due to service in the military or illness by

97 submitting request to the board and submitting supporting documents. The board discusses statutes
98 on the subject from Florida and Georgia, by what means someone can apply for board concessions,
99 and would it include spouses (military). Vice Chair Gilmour reiterates to the board that she feels like
100 this possibility of extension should not include persons who had ample time to do their continuing
101 education but waited until the last minute and now want an extension.

102
103 Board member Motz noted that, according to her research, very few states issue exemptions. She
104 has found in some states a stipulation that if you need an extension, you must notify the board at
105 least 90 days before renewal, provide documentation from a physician or commanding officer, and
106 there are no exemptions only extensions to complete the continuing education. Chair Edwards-
107 Smith suggests setting up a matrix so that due process is followed and the extensions are consistent
108 for everyone.

109
110 Board Member Motz brings up some variables that the board should be aware of such as therapists
111 that were licensed by transition or persons that may have long illnesses.

112
113 The board decides to think more on the subject and return to the board meeting tomorrow with
114 draft language for a regulation and motion.

115
116 Disciplinary Matrix Feedback from SA Goeden

117
118 Chair Edwards-Smith reports that he did not submit the draft disciplinary matrix to SA Goeden for
119 review and has nothing to report.

120
121 Disciplinary Matrix Revision

122
123 *Investigator Carl Jacobs joins the meeting at 9:20 a.m.*

124
125 Chair Edwards-Smith leads the discussion on the feedback received from Investigations and
126 Department of Law regarding the board's proposed disciplinary matrix.

127
128 The board discussed amendments to Unlicensed Practice, Fraud or Misrepresentation in Securing a
129 License, Standards of Practice Violation, Engaged in Deceit, Fraud, or Intentional Misrepresentation in
130 the Course of Providing Massage Services, and adding "per offense" to all fine schedules.

131
132 Board Chair Edwards-Smith asks for Investigator Jacobs to expand on his recommendation that
133 "Fraud or Misrepresentation in Securing a License" have only an Imposition of Civil Fine as the
134 disciplinary action. Inv. Jacobs references the board's wish to reduce investigative costs and have
135 cases processed more expediently. The use of an Imposition of Civil Fine outside of a consent
136 agreement will save time and implement a consequence for this type of crime without some of the
137 investigative paperwork, time, and process. Investigator Jacobs goes on to state that he feels the
138 main purpose of the board to implement this fine is to address applicants that fail to disclose
139 information in the therapist application in a two-page document as opposed to a nine-page consent
140 agreement. Ms. Motz asks Inv. Jacobs to verify that a civil fine will not show up as a license action
141 on their record and Inv. Jacobs confirmed that they civil fines are not reportable.

142
143 The board discusses the possibilities of not seeing applications that have actual fraud such as altered
144 test scores or transcripts. OLE Dulebohn explains that while an application will go to Investigations

145 for things such as not answering a Professional Fitness question truthfully and may be issued a civil
 146 fine for that transgression, the board will still see the application after it comes back from
 147 Investigations for review to decide on licensure. Therefore, the board will still have the opportunity
 148 to do their own review and research in the applicant’s qualifications. Board member Gilmour
 149 reminded the board members that OLE Dulebohn will still be abiding by the board’s “No
 150 Investigations Needed” list that was reviewed and approved in the June 10-11, 2019 meeting.
 151 Board member Julie Endle brings to the board’s attention the matrix regarding Code of Ethics
 152 violations. She asked how the licensed board members would ascertain whether a Letter of
 153 Advisement or Fitness to Practice Interview would be the best course of action. Ms. Gilmour
 154 replies that the licensed board member would decide the consequence based on the severity of what
 155 was done.

156
 157 Ms. Gilmour continued the discussion by suggesting adding an “or” to disciplinary actions before
 158 Revocation building on the advice by Department of Law. Mr. Edwards-Smith highlighted that
 159 Unlicensed Practice violations should be “less than or equal to” 90 days and not only “less than” 90
 160 days.

161
 162 The board amended Disciplinary Matrix is as follows:

163
 164 **MAS Disciplinary Matrix/Fine Schedule**

165 Adopted September 19-20, 2019 board meeting

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

<u>Statute/ Regulation</u>	<u>Violation</u>	<u>Time Frame</u>	<u>Disciplinary Action</u>	<u>Fine</u>
AS 08.61.070	Unlicensed Practice	≤ 90 days	Fine	\$500 per offense
		91 days-1 year	Fine	\$1000 per offense
		> 1 year	Fine	\$2500 per offense
12 AAC 79.900	Code of Ethics Violation	1 st Offense	Letter of Advisement and/or Fitness to Practice Interview	n/a
		2 or more Offenses	Fine and/or Fitness to Practice Interview	\$250 per offense
AS 08.61.060	Fraud or Misrepresentation in Securing a License	1 st Offense	Imposition of Civil Fine	\$250
		2 or more offenses	Imposition of Civil Fine	\$250 per offense
12 AAC 79.900	Standard of Practice Violation (refer to SOP)	1 st Offense	Letter of Advisement	n/a
		2 or more Offenses	Fine	\$250 per offense

<u>Statute/ Regulation</u>	<u>Violation</u>	<u>Time Frame</u>	<u>Disciplinary Action</u>	<u>Fine</u>
AS 08.61.060	Engaged in Deceit, Fraud, or Intentional Misrepresentation in the Course of Providing Massage Services	1 st Offense	Letter of Advisement OR Fine	\$250-\$2500
		2 or more Offenses	Consent Agreement, Fine, Ethics Course, Suspension, or Revocation	\$1000-\$2500 per offense
AS 08.61.060	False or Misleading Massage Advertisement	1 st Offense	Letter of Advisement	n/a
		2 or more Offenses	Consent Agreement, Fine, Ethics Course, Suspension, or Revocation	\$250-\$1000 per offense
AS 08.61.060	Convicted of Felony or Crime that Affects Ability to Practice Competently and Safely	Initial Application	Fitness to Practice Interview which could result in: Denial or Consent Agreement, Ethics Course, Probation	n/a
		2 or more Offenses	Consent Agreement with 4 years of Suspension or Revocation	n/a
AS 08.61.060	Intentionally or Negligently Engaged (or allowed another under your supervision to engage) in Client Care that Did Not Meet Minimum SOP (injury or not)	1 st Offense	Consent Agreement, Probation, Ethics Course	n/a
		2 or more Offenses	Consent Agreement, Fine, Suspension, or Revocation	\$100- \$2500 per offense
AS 08.61.060	Failure to Comply with a Provision of this Chapter, Regulation, or Order of the Board	1 st Offense	Letter of Advisement OR Consent Agreement w/ Probation	n/a
		2 or more Offenses	Consent Agreement, Fine, Suspension, Probation	\$100-\$2500 per offense
AS 08.61.060	Continued to Practice After Becoming Unfit (professional/addiction)	n/a	Consent Agreement w/ 5-year probation, mandatory treatment	n/a
AS 08.61.060	Engaged in Un-Ethical or Sexual Misconduct in Connection with the Delivery of Massage to a Client	n/a	Fine, Ethics Course, Probation, Suspension, or Revocation	\$500-\$5000 per offense

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

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In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, the board ADOPTED the Disciplinary Matrix and Fine Schedule as amended.

Investigator Jacobs left the meeting at 9:59 a.m.

FARB Membership

The board discussed the possibility of joining the Federation of Associations of Regulatory Boards (FARB). Chair Edwards-Smith is in favor as it gives the board a different perspective of other boards and their regulations. He feels like the membership fee will open up a plethora of resources to the board. Vice Chair Gilmour is against it because she feels like it is duplication, it is not specifically for the massage profession, and she doesn't want the board to pay for anyone not serving the Board of Massage Therapists in Corporations, Business, and Professional Licensing to attend. She feels like any FARB attendance should be a State expenditure; not a board expenditure. Ms. Motz is against since the board has the Federation of State Massage Therapist Board (FSMTB) membership that she feels is a good investment for the return. She feels that in the current political climate it isn't fiscally responsible to send anyone to a conference such as FARB. Mr. Gibbs didn't state that the FARB membership was unreasonable for the benefits but that it isn't critical for the board in this stage of its development.

OLE Dulebohn joins the conversation stating that she found FARB useful because once you have attending a conference, you are given a password and login to access all the documentation from the conference. She felt the conference was informative but that the conversations had there inspires other ideas. The board asks that OLE Dulebohn make the information from the January 2019 conference available to all of them so that they can do more research on the subject.

TASK: OLE Dulebohn will provide FARB login and password to their home page so the board can access the material from the January 2019 meeting.

200 Agenda Item 6 Division/Financial Update

201
202 Melissa Dumas, Administrative Officer II, has canceled the Division/Financial Update as she has no
203 new information to present to the board at this time.

204
205 Agenda Item 21 Administrative Business

206
207 Correspondence

208
209 The board approved moving up Correspondence from Day 2 in order to review the correspondence
210 from Ms. Liu and Ms. Lea.

211
212 Ms. Liu sent correspondence stating that many non-English speaking massage therapists were
213 committing fraud by paying others to complete their mandatory continuing education on their
214 behalf. It also goes on to state webpages that advertise massage with their sexually charged
215 advertisements. OLE Dulebohn replied stating that the Board of Massage Therapists can only take
216 disciplinary action on massage therapists once it had been reviewed by Investigations. She then
217 provided contact information for Investigations.

218
219 Board Member Motz commented on Ms. Liu's e-mail by stating that OLE Dulebohn did a great job
220 of answering and that people cannot expect change unless they report the problem to the proper
221 department. Ms. Gilmour believes that everyone should encourage complainants to come forward
222 and show them large amounts of gratitude for their reports to help encourage their participation in
223 the system. OLE Dulebohn suggests if the board wants to get the word out, they bring it up in the
224 next Town Hall Meeting scheduled for September 20, 2019. Both Mr. Edwards-Smith and Ms.
225 Gilmour agree that the public needs to be educated on the tools that are available to them to report
226 people who are performing sexual acts under the guise of being a massage therapist. Ms. Gilmour
227 would like SA Goeden contacted with the information provided in the letter.

228
229 **TASK: OLE Dulebohn will forward Ms. Liu's correspondence to SA Goeden.**

230
231 The next correspondence is from Tarika Lea. OLE Dulebohn gives the board a recap of Ms. Lea's
232 history with the board. Ms. Motz reminds the board that in the last meeting on June 10-11, 2019 the
233 board agreed for them to approve continuing education would be irresponsible as they are not the
234 experts in education and that it would be a liability to the board. She makes a motion that the board
235 remove the language in regulation 12 AAC 79.210 that gives the board the authority to approve a
236 massage or bodywork therapy school or training program. OLE Dulebohn reminds the board that
237 they asked that this topic was brought to a Regulation's Specialist and added to the FAQ's. The
238 FAQ states that the board interprets "continuing education must be completed through a board
239 approved massage therapy or bodywork therapy school or training program" to mean that the board
240 can decide if a continuing education course relates to the profession of massage therapy. The course
241 in question must still be approved by an institute of higher learning or a local, state, or national
242 organization that serves the profession of massage therapy."

243
244 Mr. Gibbs asks the board to consider that Ms. Lea is an experienced instructor in state and has state
245 approval to operate from Alaska Commission on Postsecondary Education and to ask this type of
246 person to pay to get another approval seems exorbitant. He goes on to state that since we are a
247 small state the board should be able to evaluate Ms. Lea by her accomplishments and experience and

248 approve her courses. He feels like they are doing a dis-service to the board by not aiding the people
249 of Alaska in this way. Mr. Gibbs continues that he wouldn't encourage the board to approve the
250 vast curriculum originally submitted by Ms. Lea but if she could whittle it down to a core massage
251 curriculum, they should be able to approve those. OLE Dulebohn comments that this echoes the
252 sentiment expressed by Ms. Lea in her last correspondence to the board on June 10, 2019.

253
254 Ms. Gilmour disagrees as she does not feel that she has the expertise to approve courses. She
255 doesn't disagree that Ms. Lea has a lot of experience but is ACPE qualified to evaluate and approve
256 courses.

257
258 Ms. Motz contributes to the conversation by stating that the board has previously had people come
259 before them to approve their course and the board's response is that the board is not a certifying
260 body and despite what is perceived as a lengthy process, the National Certification Board for
261 Therapeutic Massage and Bodywork (NCBTMB) certification is not expensive or difficult. She goes
262 on to quote Ms. Lea's letter stating she only wanted to teach a select number of classes and that
263 NCBTMB instructor certification for one class is \$250.00 and that isn't prohibitive to add a layer of
264 legitimacy. Ms. Motz goes on to state that she doesn't believe it's the board's job to approve courses
265 and that it opens the board up to potential risk. She references Ms. Lea stating that instructors have
266 liability insurance but Ms. Motz asks the board if they are willing to go and verify that anyone that
267 wants a class approved has insurance for the classes they teach? She believes the board approving
268 curriculum for courses will be a huge undertaking. Ms. Motz goes on to state that by removing the
269 board's ability to approve course curriculum, the reduce their liability and protect the public from
270 potential predators.

271
272 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
273 **roll call vote, the board will amend 12 AAC 79.210(e)(1) to read: Continuing Education must**
274 **be completed through a board approved massage therapy or bodywork therapy school or**
275 **training program. The board can decide if a continuing education course relates to the**
276 **profession of massage therapy but the course in question must still be approved by an**
277 **institute of higher learning or a local, state, or national organization that serves the**
278 **profession of massage therapy.**

279
280 **TASK: Vice Chair Traci Gilmour will complete the Regulations Questionnaire to**
281 **accompany the amendment of 12 AAC 79.210(e)(1).**

282
283 *Board Chair Edwards-Smith calls for a short break.*

284 *Off the record at 10:25 a.m.*

285 *Back on the record at 10:30 a.m.*

286
287 **Agenda Item 7 Investigative Case Review and Probation Reports**

288
289 *Investigator Jacobs joins the meeting at 10:30 a.m.*

290
291 Investigator Jacobs begins the Investigative Case Review with the permission of the Board Chair for
292 the period of May 25, 2019 through September 10, 2019. He states that Investigator Homestead
293 may be late as he is attending another board meeting. Inv. Jacobs states that the division opened 21
294 matters, closed 19, and there are 12 matters that remain open. Matters opened by the Paralegal in
295 Juneau, regarding continuing education audits and license actions resulting from those matters were

296 not covered in this report. Mr. Jacobs continues that since the last meeting, Investigations has
297 conducted some regional inspections and received permission to do some others which he will not
298 disclose at this time as to not alter the investigations.
299

300 Ms. Motz asks if the board will receive a report on the regional inspections to which Inv. Jacobs
301 states that the board will receive notice only if a substantial violation occurs. He goes on to state
302 that any human trafficking violation will be reported to the FBI.
303

304 Mr. Gibbs asks Inv. Jacobs about his report of 9 compliance inspections and Inv. Jacobs replied of
305 those, there was one where significant violations occurred and an investigation is underway. The
306 details of which will be reported to the board once the investigation concludes. Inv. Jacobs reports
307 that the inspections were well received by Division management and are indicated to continue in the
308 future. Mr. Edwards-Smith asks Inv. Jacobs if all the compliance checks were complaint driven. He
309 replied by stating they were not, it was a random, geographic check in collaboration with the Board
310 of Barbers and Hairdressers investigator. Mr. Edwards-Smith asks if Investigations will have more
311 authority to inspect once their establishment regulations are approved by the Lt. Governor and Inv.
312 Jacobs replies that they will.
313

314 *Investigator Jacobs left the meeting at 10:40 a.m.*
315

316 **Agenda Item 8** **Board Curriculum Breakdown Discrepancies- Samples**

317
318 With the board's permission, OLE Dulebohn gives a summary of some discrepancies in voting since
319 the Board Curriculum Breakdown has been introduced. She encourages the board to review the
320 files and discuss their decision-making processes in order to streamline their voting in the future and
321 avoid any un-necessary application delays due to a majority vote not being reached by electronic
322 voting. The board discusses how the Transcript Analysis Form will greatly aid the board in their
323 assessment of transcripts and discusses some specific cases. Some suggestions for board
324 accountability would be a spreadsheet, checklist, one reviewing board member per batch. The board
325 agrees that at this time, having one reviewing board member to evaluate transcripts every batch is
326 the way to go until the Transcript Analysis Form is put to use in applications.
327

328 **Agenda Item 9** **Review Tabled Applications**

329
330 The board reviewed tabled applications and made the following decisions on licensure:
331

332 The board reviewed the application for C.F. carefully and made the following decision:
333

334 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
335 **roll call vote, it was RESOLVED to APPROVE the application of Caitlyn Fletcher**
336 **PENDING completion of an additional 24 hours of Massage Theory and Practical**
337 **Application and an additional 21 hours of Ethics and Law per 12 AAC 79.140.**
338

339 The board reviewed the application for N.G. carefully and made the following decision:
340

341 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**
342 **a roll call vote, it was RESOLVED to APPROVE the application of Nanette Greer**
343 **PENDING completion of an additional 80 hours of Anatomy & Physiology Pathology,**

344 **Kinesiology (40 hours must be Pathology) and an additional 40 hours of Ethics and Law per**
345 **12 AAC 79.140.**

346

347 The board reviewed the application for Y.H. carefully and made the following decision:

348

349 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll**
350 **call vote, it was RESOLVED to DENY the application for licensure for Yang Han citing AS**
351 **08.61.040(9)(A) “The board shall issue a license to practice massage therapy to a person who**
352 **is currently licensed to practice massage therapy in another state or country that has**
353 **licensing requirements that are substantially equal to or greater than the requirements of**
354 **this state”.**

355

356 The board reviewed the application for E.I. carefully and made the following decision:

357

358 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**
359 **a roll call vote, it was RESOLVED to APPROVE the application of Elan Iles PENDING**
360 **completion of an additional 72 hours of Massage Theory and Practical Application,**
361 **additional 40 hours of Pathology, and an additional 28 hours of Ethics and Law per 12 AAC**
362 **79.140.**

363

364 The board reviewed the application for Y.J. carefully and made the following decision:

365

366 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a**
367 **roll call vote, it was RESOLVED to DENY the application for licensure for Yanqun Jiang**
368 **citing AS 08.61.040(9)(A) “The board shall issue a license to practice massage therapy to a**
369 **person who is currently licensed to practice massage therapy in another state or country that**
370 **has licensing requirements that are substantially equal to or greater than the requirements**
371 **of this state”.**

372

373 The board reviewed the application for L.K. carefully and, after deliberation, decided to review on
374 their own this evening and bring it back to the table tomorrow for a decision

375

376 The board reviewed the application for L.O. carefully and made the following decision:

377

378 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
379 **roll call vote, it was RESOLVED to APPROVE the application of Lars Odsather**
380 **PENDING completion of an additional 24 hours of Massage Theory and Practical**
381 **Application and an additional 21 hours of Ethics and Law per 12 AAC 79.140.**

382

383 The board, with the exception of Jill Motz who recused herself for ethical reasons, reviewed the
384 application for J.S. carefully and took into consideration that J.S. did submit some continuing
385 education certificates for ethics but since they were not done at an approved school, they will not
386 count for her qualifying education deficit. The board reviewed statutes and regulations to refresh
387 their understanding on what is needed to make a school approved for qualifying education and what
388 is needed for approval of continuing education. OLE Dulebohn also reminds the board that, even
389 though the board is in the process of changing regulations to include online schools, they have not
390 completed that process yet and therefore cannot accept the certificates provided as they were done
391 online to satisfy a qualifying education requirement.

392
393 **In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed with a majority**
394 **vote that did not include Ms. Motz, it was RESOLVED to APPROVE the application of**
395 **Juliana Smit PENDING completion an additional 26 hours of Ethics and Law per 12 AAC**
396 **79.140.**

397
398 Ms. Motz states that she believes that everyone who has their application approved pending should
399 be notified of the approved schools in Alaska where they can make up their deficits in education.
400 OLE Dulebohn states that if any of the applicants who have been deemed by the board to have
401 educational deficits can show where in their original transcripts they have completed the total
402 required hours, the board will accept their attestations and take the information into consideration.
403 Those applicants should consult their schools for help in identifying those hours as needed. Any
404 submissions by applicants with approved pending votes will be able to submit documentation to the
405 board via electronic voting and will not need to wait for the next scheduled meeting.

406
407 **Agenda Item 7** **Investigative Case Review and Probation Reports (continued)**

408
409 *Investigator Homestead joined the meeting at 11:43 a.m.*
410
411 Investigator Homestead begins with the Probation Report. He states there are 11 licensees on
412 probation and everyone is complying. Compliance means that all are subjected to a criminal
413 background report and self-reporting on their status quarterly. There are 2 individuals who are
414 surrendering their licenses and the Investigative Memos are in in the packet for board review.
415 Investigator Homestead asks for any questions and the board reports that they have none for the
416 complying individuals and a few for the surrenders. Inv. Homestead asks the board to ask questions
417 on license surrenders in Executive session. OLE Dulebohn expands and states that the board can
418 ask questions as long as no names or specific details are mentioned. The board speaks vaguely
419 about the circumstances that lead to the surrenders and review the information provided in the
420 Investigative Memos included in the board packet.

421
422 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**
423 **roll call vote, it was RESOLVED to ACCEPT the Surrender of License for Case # 2017-**
424 **001456 Arturo Ramirez and Case # 2017-001248 Anna Martin**

425
426 Investigator Homestead presented the board order for both surrenders to Chair Edwards-Smith at
427 that time for signature.

428
429 **Agenda Item 10** **Draft Transcript Breakdown Form**

430
431 The board reviewed the Transcript Analysis Form from Massachusetts and the proposed content
432 assembled by Mr. Edwards-Smith and Mr. Gibbs as a task from the June 2019 meeting. The
433 function of this form would be to allow applicants to direct the board as to how they have met 12
434 AAC 79.140 by specifically referencing their transcripts. The board reviewed the newly created form
435 and had positive feedback. Ms. Endle asked if the applicant would be allowed to submit an
436 application without this form to which OLE Dulebohn replied that once Division approves it and it
437 is included in the application, the applicant would have to submit a completed form as part of their
438 completed application. After careful review and a few small amendments, the board has drafted the
439 following Transcript Analysis Form to be included in the Application by Examination:

625 Hours Transcript Analysis Form

Applicant Name: _____

Address: _____

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

DIRECTIONS FOR APPLICANT:

The Alaska Board of Massage Therapy (“Board”) approved a course of study of 625 hours for individual licensure effective July 1, 2019, which is posted on the Board’s website and detailed below. Please complete this form and provide the following documentation for the Board to review for approval of your application:

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

Educational Requirements

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

- (1) Completion of a course of study of at least 625 hours from an approved massage therapy school or program which shall comply with the requirements specified in the following table:

Curriculum

Subject	Hours
Section A: Anatomy & Physiology, Pathology, Kinesiology	162 Hours
Section B: Massage Theory and Practical Application	275Hours
Section C: Clinical Practice	138 Hours
Section D: Ethics and Law	50 Hours

SECTION A: 162 Hours: Anatomy & Physiology, Pathology, Kinesiology

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

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

TOTAL HOURS: _____

625 Hours Transcript Analysis Form

SECTION B: 275 Hours: Massage Theory and Practical Application

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

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

TOTAL HOURS:

SECTION C: 138 Hours: Clinical Practice

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

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

TOTAL HOURS:

SECTION D: 50 Hours: Ethics & Law

Please list all courses specific to Section D to be considered towards the Alaska Massage Therapy Education Requirements for Licensure. Only list the number of hours in each course that were devoted to Section D subject matter.

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

TOTAL HOURS:

442
443

625 Hours Transcript Analysis Form

Description of Course Content

Anatomy & Physiology, Pathology, and Kinesiology: pertains to the education in the study of human anatomy, pathology, and kinesiology. These hours educate a massage therapist to identify human anatomy to perform palpation, massage technique, and contraindications.

- At least 40 hours in pathology, including indication and contraindications
- Muscular System
- Nervous System
- Osteology
- Circulatory System
- Kinesiology

Massage Theory and Practical Application: pertains to education in the study of modality and application of the tasks in applying these studies as a massage therapist. These hours would include a massage students actual clinical work conducting massage therapy assessment and clinically related modalities and techniques.

- 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% (125 hours) of total hours of the massage program

Clinical Practice: pertains to education in conducting massage therapy safely and competently as a professional massage therapist. The following topics are considered part of clinical practice:

- Universal and Standard Precautions
- Self-Care
- Body Mechanics
- Draping
- Record Keeping
- Business Practices and Professional Development
- Medical Terminology

Ethics and Law: pertains to education in the study of professional ethical conduct, boundaries, relationships, and the study of state and local laws.

- Local and State Laws
- Therapeutic Relationships
- Professional Boundaries

Certification of Applicant:

I, _____, certify that the information on this form is true and correct to the best of my knowledge and that all credentials supplied by me to support my application are true and correct. The Division may deny, suspend, or revoke the license of a person who has obtained or has attempted to obtain a license by fraud or deceit. The person may also be subjected to criminal charges for perjury or unsworn falsification. (AS 11.56.210)

Signature

Date

444
445
446
447
448
449

In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll call vote, the board ADOPTED the Transcript Analysis Form as amended.

450 **Agenda Item 11** **Lunch**

451

452 *Chair Edwards-Smith calls a lunch break at 11:54 a.m.*

453 *Back from lunch at 1:16 p.m. with the entire board present*

454

455 **Agenda Item 12** **Public Comment**

456

457 The board prepares to hear public comment. Lars Odsather joins the meeting telephonically and
458 expresses a wish to be heard during Public Comment. Chair Edwards-Smith invites Mr. Odsather to
459 speak. Mr. Odsather's comments are as follows:

460

461 "Hi there. My name is Lars Odsather, of course I am an applicant for a massage therapy license in
462 the State of Alaska. I have submitted an application and went to Denver Integrated Massage School
463 in Denver, CO. You also see that my graduation date was April 24 of this year. I'll try to make this
464 as brief as possible with a lot of information succinctly packed so that I don't take up a lot of your
465 time. I'm going to try to go through a timeline here to let you know where I feel my application is
466 standing up and what the board has just recently decided when I was listening in before the lunch
467 break from 9 a.m. to the lunch break. So, here we go: it is my understanding that before April 27 of
468 2019 the board or the state announced that the new application deadline for massage therapy was to
469 be altered or changed on July 1, 2019 from a 500-hour requirement to a 625-hour requirement. I
470 received my diploma in the mail after finishing all my course work on the 24th of April. This whole
471 process had been started back on July 31, 2018, long before the board or anyone else (as far as I
472 know) was in the place to change or make any alterations on the requirement of state law in
473 accordance to massage therapy. On the 26 of June, was when I learned about the change up
474 according to the April 17 notation. I wasn't aware of that, I wasn't even looking for it and I
475 understand that is not truly an excuse but it is still a fact. On June 28 about 7pm was when I learned
476 of the deadline. That was when I tried to hustle and find any way I could get my information into
477 the state as soon as possible. My home is Fairbanks, there is no longer a state office for me to
478 deliver information in Fairbanks. Anchorage and Juneau are the only two offices that would accept
479 my application, that I found out. On Thursday morning, on the 27th of June I tried to find any
480 group or overnight courier including USPS, UPS, Fed Ex, Gold Streak, none of which would be able
481 to deliver my information by the 28th at the appropriate time of 5pm closing time. The earliest time
482 that any of them would be able to deliver it was July 1st which was clearly too late. So now my only
483 options were to hand deliver the information. At this point I was able to get all of my information
484 organized except one piece of information or important criteria. My CPR came in two parts, one
485 that had to be completed online with the American Heart Association and the other part had to be
486 approved and I needed to be tested by someone who is licensed through the American Heart
487 Association to provide CPR training. This was very difficult. The American Heart Association
488 didn't have anything going on, all the classes were filled. I made several attempts, more than 5
489 attempts, to find people. The only person I could find was military personnel person on base, at the
490 fire department, who was able to help me. They were only able to do it after 5pm on the 28th. My
491 certification came in at 18:55 on Friday the 28th. By technicality, it is clearly before July 1st but I
492 understand 5pm of the state work day. Now, according to the application I turned in, I had to leave
493 at 2:15 am on Friday morning, the 28th, to get to the state office by 9:30 in the morning to turn my
494 application in. All my information was stamped by 9:45am on the 28th of June. I had to hustle back
495 to Fairbanks on the same day to meet up to get my CPR requirements done. I achieved my CPR
496 requirements, as I said by 6:55 pm. In accordance to the way the MBLEx, the national certification
497 for massage board licensing exam, works I would only be able to take my exam once the application

498 was turned in. My application was turned in and the national board got that information from the
499 state. I was able to make the time to take my MBLEx on July 8th. I went down to Anchorage again
500 to the Pearson Vue testing center and I passed my test. All of my information was correct. I
501 understand the changeover cause the 500-hour requirement to a 625-hour requirement. My school
502 is a 600-hour school. The only piece of information that I missed to make the deadline, officially,
503 was the last piece of my CPR requirement. There have just been restrictions or additions or
504 whatever word by the board were pending information/pending hours. If my tallies are correct,
505 what the board is asking me to do is go achieve more hours than what the 625-hour requirement is.
506 I understand the comparison between what my school offers and what the state sees as my
507 deficiency. At the same time if you add up all the hours, all the hours add up to more than 625
508 hours. What I'm asking the board to do, I'm pleading with the board to do, is look at my
509 information from prior to July 1st and getting all of my information in prior to July 1st so that I am
510 sitting inside the stipulations of the 500 hour requirement so I may continue to move on and move
511 forward with my life to make this career possible as the fees are changing and the costs are
512 becoming prohibitive for me as a result of the income that I am not able to achieve as a result of
513 where I am sitting right now. In limbo between work. I believe that is all that I have to say without
514 repeating myself. I want to thank the board for all of your efforts and all that you do as I am in
515 deep appreciation of where you are and what you are doing. I'm finished. Thank you.”

516
517 Chair Edwards-Smith thanked Lars for his perspective and point of view. He stated that the board
518 would respond to his comments by e-mail and announced that Public Comment is now closed.

519
520 **TASK: Chair Edwards-Smith will draft a reply to Mr. Odsather's public comment to**
521 **be sent by OLE Dulebohn to him by e-mail.**

522
523 **Agenda Item 13 Decision on Stefano Appeals Case**

524
525 The board prepares to hear a presentation from Administrative Law Judge Lawrence Pederson
526 regarding his decision on the appeal case initiated by Connor Stefano.

527
528 *ALJ Pederson joined the meeting telephonically at 1:27 p.m.*

529
530 Chair Edwards-Smith asked ALJ Pederson if they had to move to Executive Session. ALJ Pederson
531 said that they did and that OLE Dulebohn could not participate in the discussion because she was a
532 witness in the case. Chair Edwards-Smith stated that they would like OLE Dulebohn to be present
533 during the presentation by ALJ Pederson and ALJ Pederson informed the board that they could not
534 make that decision. OLE Dulebohn informed ALJ Pederson that he called in on a public line and
535 she would need to stay long enough to switch the lines over to Executive Session.

536
537 **In a motion duly made by Jill Motz, seconded by Ron Gibbs, it was RESOLVED to**
538 **ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska**
539 **Constitutional Right to Privacy Provisions, for the purpose of discussing “matters which by**
540 **law, municipal charter, or ordinance are required to be confidential”.**

541
542 *Off the record at 1:29 p.m.*

543 *Back on the record at 1:53 p.m.*

544

545 **In a motion made by Ron Gibbs, seconded by Jill Motz, and passed unanimously with a roll**
546 **call vote, the board ACCEPTED the decision for OAH No. 19-0059 MAS Connor Stefano.**

547
548 OLE Dulebohn informs ALJ Pederson that she will send him a copy of this decision after the
549 minutes of the meeting are completed. He asked that the decision be circulated.

550
551 *ALJ Pederson left the meeting at 1:55 p.m.*

552
553 *Chair Edwards-Smith calls for a short break.*

554 *Off the record at 1:56 p.m.*

555 *Back on the record at 2:10 p.m.*

556
557 **Agenda Item 14 Regulations**

558
559 Board Chair Edwards-Smith directs the board to the language revised by Regulations Specialist
560 Zinn for the board to review stemming from their draft regulations changes submitted in the June
561 10-11, 2019 meeting. Asking if there were any questions or amendments and hearing none,
562 the board perused the notes in the redline page.

563
564 The board stated that, in answer to the question on page 2 of the redline 12 AAC 79.200(2), if they
565 wanted language to read “during the preceding two years” or the “concluding licensing period” the
566 board preferred “concluding licensing period” as it was cleaner and was in line with the language
567 already in regulations.

568
569 The board stated that, in agreement to the statement on page 5 of the redline 12 AAC 79.930(1),
570 that the board need not put all the stipulations of the establishment regulation form in regulation as
571 it will make it difficult to change in the future.

572
573 The board stated that the change to 12 AAC 79.900 to include the Establishment Standards of
574 Operation (SOO) is agreeable. The board did not address 12 AAC 79.930(2) whether the
575 information included in the SOO should be on the application instead of the self-inspection report.

576
577 The board stated that the suggested addition to 12 AAC 79.930(8)(c) of “physical location” by Ms.
578 Zinn was a good suggestion and that they wanted to keep in in the language.

579
580 The board reviewed the change to page 6 of the redline 12 AAC 79.930(d)(3) where Ms. Zinn
581 suggests removing “houses a massage therapist, (who is not a massage therapist) whether the space
582 is loaned, leased or rented”. The board instead suggests replacing it with “An establishment cannot
583 employ or contract a massage therapist who does not have a license.”

584
585 Chair Edwards-Smith asked OLE Dulebohn if Ms. Zinn had altered the Code of Ethics and
586 Standards of Practice and she replied that the only changed are the ones highlighted to correct the
587 abbreviation HIPAA.

588
589 *Regulations Specialist Zinn joined the meeting at 2:20 p.m.*

590
591 Chair Edwards-Smith informs Ms. Zinn that the board has gone through all the recommended
592 changed and only have one change to 12 AAC 79.930(d)(3). Ms. Zinn walks the board through the

593 reasoning behind deleting that line and the board agrees that the line is redundant and should be
594 removed.

595
596 12 AAC 79.110(2)

597
598 The board reviews the suggested regulations change for 12 AAC 79.110(2)(B) “the board will issue a
599 license by credentials to practice massage therapy to an applicant who meets the requirements of AS
600 08.61.040 and this section...and is certified by the American Massage Therapy Association, the
601 National Certification Board for Therapeutic Massage and Body Work, or other board approved
602 credentialing entity.”

603
604 Ms. Zinn states that this has already been addressed in the draft language she presented to the board
605 in the redline document. Her suggested language is to remove the specific organizations and replace
606 it with “a board-approved credentialing entity...” based on the board’s previous meeting minutes.

607
608 Ms. Endle questions the wording of AS 08.61.040(9)(A) regarding “substantially equal to”. Ms. Zinn
609 replies that using the words “substantially equal” gives the board a little latitude as it means that even
610 though something may not appear equal the board can determine if the item in question is just as
611 good as what Alaska requires. Ms. Zinn goes on to say that many programs use the word
612 “substantially” in statutes.

613
614 12 AAC 79.200

615
616 The board reviews the information suggested by Ms. Zinn including adding “completed during a
617 concluding license period” to (5) and “documentation of” a current CPR certificate in (4).

618
619 Chair Edwards- Smith asks if there is a motion to approve the draft regulations as amended to go to
620 public comment.

621
622 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll**
623 **call vote, the board APPROVED draft regulations as amended to go to public comment.**

624
625 HB0169A

626
627 The board asks Ms. Zinn about the inclusion of HB0169A that was sent to the board at the
628 suggestion of Director Sara Chambers. The Alaska House Bill outlines ideas for fee structures for
629 low income or military families, licensing for individuals with criminal records, apprenticeship
630 programs, and occupational licensing fees and requirements.

631
632 Vice Chair Gilmour states that should this bill pass the board may have to revisit some of its
633 regulations and policies. Mr. Gibbs states that the board may want to formulate a position
634 statement regarding this bill of whether they want to support it. Ms. Motz points out that it would
635 limit a background report to three years. Ms. Endle would like more time to review the bill.

636
637 **TASK: The board will do more research on HB0169 to see if they would like to**
638 **formulate a position statement in the December 2-3, 2019 meeting**

639
640

641 12 AAC 79.900

642

643 The board reviews correspondence from Investigator Jacobs regarding their Standards of Practice as
644 it pertains to HIPPA (Health Insurance Privacy and Portability Act). Investigator Jacobs suggest
645 correcting it to HIPAA (Health Insurance Portability and Accountability Act of 1996). This
646 correction was made in the language submitted to the board by Regulation Specialist Zinn.

647

648 *Chair Edwards-Smith called a short break at 2:40 p.m.*

649 *Regulations Specialist Zinn left the meeting.*

650 *Back on the record at 2:55 p.m.*

651

652 **Agenda Item 15 Fitness to Practice Interviews**

653

654 Yi

655

656 Chair Edwards-Smith welcomes the first of two Fitness to Practice interviewee, Yong Ki Yi and her
657 translator, Geewon Anderson, in person. Ms. Yi was given the option of going into Executive
658 Session and she declined and participated in her interview on the record.

659

660 The board asked Ms. Yi several questions about her criminal history, work experience, and support
661 network. Ms. Yi answered through Ms. Anderson. At the end of the interview, the board
662 deliberated on the information they had received and prepared a motion.

663

664 **In a motion made by Jill Motz, seconded by Ron Gibbs, and passed with a majority vote**
665 **that did not include Ms. Gilmour or Ms. Endle, it was RESOLVED to DENY the**
666 **application for licensure for Yong Yi citing AS 08.61.030(9) “The board shall issue a license**
667 **to practice massage therapy to a person who has not been convicted of, or pled guilty or no**
668 **contest to, a crime involving moral turpitude, or has been convicted of, or pled no contest**
669 **to, a crime involving moral turpitude if the board finds that the conviction does not affect**
670 **the person’s ability to practice competently and safely.”**

671

672 OLE Dulebohn notified Ms. Yi of the board’s decision in person after the decision.

673

674 **TASK: OLE Dulebohn will send Ms. Yi a follow-up letter concerning her denial.**

675

676 Kim

677

678 Chair Edwards-Smith welcomes the second of the Fitness to Practice interviewee, Han Mee Kim,
679 telephonically. OLE Dulebohn introduces the board members and explains that they will be asking
680 her questions. OLE Dulebohn also asks if Ms. Kim would like this interview to be conducted
681 privately during Executive Session or publicly on the record. She replied that it didn’t matter so the
682 interview was conducted publicly.

683

684 The board asked Ms. Kim several questions about her criminal history, work experience, and
685 support network. Ms. Kim answered all of the board’s questions. At the end of the interview, the
686 board deliberated on the information they had received and prepared a motion.

687

688

689 *Chair Edwards-Smith called for a short break.*
690 *Off the record at 4:18 p.m.*
691 *Back on the record at 4:27 p.m.*

692
693 **In a motion duly made by Traci Gilmour, seconded by Rob Gibbs and passed with a**
694 **majority vote that did not include Ms. Motz, it was RESOLVED to APPROVE the**
695 **application for licensure for Han Mee Kim PENDING the acceptance of a consent**
696 **agreement that includes six (6) years of probation and 20 hours in ethics courses that must**
697 **include information human trafficking, preventing sexual misconduct, and professional**
698 **boundaries which Chair David Edwards-Smith will review the completed certificates for**
699 **compliance.**

700
701 **TASK: OLE Dulebohn will notify Han Mee Kim of the board’s decision with a**
702 **follow-up letter.**

703
704 **Agenda Item 16 Adjourn or Recess**

705
706 Chair Edwards-Smith recesses the meeting until September 20, 2019 at 9:00 a.m.
707
708 *Off the record at 4:28 p.m.*

709
710 **Friday, September 20, 2019**

711
712 **Agenda Item 17 Call to Order/Roll Call**

713
714 *On the record at 9:04 a.m.*

715
716 **Board Members present, constituting a quorum:**

717
718 David Edwards-Smith, Board Chair-Licensed Massage Therapist
719 Traci Gilmour, Licensed Massage Therapist
720 Ron Gibbs, Licenses Massage Therapist
721 Julie Endle, Public Board Member

722
723 **Division Staff present:**

724
725 Dawn Dulebohn, Occupational Licensing Examiner

726
727 **Joining Telephonically**

728
729 Sara Chambers, Director of the Division of Corporations, Business, and Professional
730 Licensing

731
732 **Agenda Item 18 Review Agenda**

733
734 Chair Edwards-Smith starts the day reminding the board of the previous day’s business that needs to
735 be addressed today: the military and medical exception conversation and the application for L.K.

736

737 Agenda Item 5 Old Business (continued)

738

739 Medical and Military Exceptions

740

741 Chair Edwards-Smith recaps yesterday's discussion on a possible regulation to allow for an
742 extension of the deadline for continuing education for individuals that the board has determined are
743 in need because of medical or military reasons. This extension would allow these person's to not
744 have consequences for not getting their continuing education in on time but would not keep their
745 license from lapsing on September 30 of odd numbered years.

746

747 The board discusses that the extension for military personnel would apply if the licensee were absent
748 from Alaska for more than 6 months, had verifying documents from proper military personnel, they
749 must submit their application for the extension to the board at least 90 days before the license is set
750 to lapse, and the waiver would only last for 6 months. The extension for medical circumstance
751 would apply if the licensee had verifying documents from a physician, submitted their application
752 for the extension to the board at least 90 days before the license was set to lapse, and the waiver
753 would only last 6 months. Additionally, the board reviewed information compiled by the Federation
754 of State Massage Therapy Boards from various states. The board decided to utilize language from
755 Kentucky to send to the Regulations Specialist for review.

756

757 Kentucky Rule 201 KAR 42:110 Section 10 states: (1) The board shall, in individual cases involving
758 medical disability, illness, undue hardship, active military service, or other similar extenuating
759 circumstance that precludes the individual's completion of the requirements, waive CE requirements
760 or grant an extension of time within which to fulfill the requirements if the board receives:

761

a. A written request for waiver or extension of time; and

762

b. 1. Verifying documentation signed by a license physician or proper military personnel, if
applicable; or

763

2. Documentation to support the waiver

764

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

769

770 **In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with**
771 **a roll call vote, the board RESOLVED to send draft language to the Regulations Specialist**
772 **regarding military and medical continuing education extensions that reflects the FSMTB's**
773 **documents on page 10: Kentucky 201 KAR 42:110 Section 10.**

774

775 **TASK: Board member to complete Regulations Questionnaire for the military and**
776 **medical extension project.**

777

778 Agenda Item 9 Review Tabled Applications (continued)

779

780 Chair Edwards-Smith directed the board to revisit the application of L.K. from the following day.

781

782 The board reviewed the application for L.K. carefully and made the following decision:

783

784 In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with
785 a roll call vote, it was **RESOLVED** to **APPROVE** the application of Lisa Koski **PENDING**
786 completion of an additional 27.5 hours of Pathology per 12 AAC 79.140.

787
788 **Agenda Item 19** **Old Business (continued)**

789 New FAQ's from Task List- #2, #27, #29

790
791
792 The board reviews the FAQ's they asked to be created in the June 2019 meeting:

793
794 **I'm a licensed massage therapist in Alaska, do I *have* to have liability insurance?**

795 It is not a requirement that massage therapists carry liability insurance. However, the Board of
796 Massage Therapists **strongly recommends you do carry insurance** to protect your clients,
797 yourself, and your business.

798
799 **Can the board give me permission to teach a continuing education class?**

800 12 AAC 79.210 states that "continuing education must be completed through a board approved
801 massage therapy or bodywork therapy school or training program, regionally or nationally accredited
802 institution of higher learning, or a local, state, or national professional organization that serves the
803 massage therapy profession."

804 The board interprets the 1st item (board approved massage therapy or bodywork therapy school or
805 training program) to mean that they can decide if a continuing education course relates to the
806 profession of massage therapy. The course in question must still be approved by an institute of
807 higher learning or a local, state, or national organization that serves the profession of massage
808 therapy.

809
810 **What does SOP #2 mean when it says to "maintain a record of daily clientele including
811 name and date of service and adequate progress notes when applicable"?**

812 12 AAC 79.900 and SOP #2 is about chart noting and HIPAA compliance.

813 Therapists must keep chart notes with regards to all patients that come to us with a diagnosis from a
814 clinician and massage therapist might bill insurance or invoice to allow the patient to bill their
815 insurance.

816 Notes are kept within files and according to HIPAA they are "kept out of the public's view and are
817 not accessible to anyone but the clinician's staff, doctors and therapists." In a clinician or doctor's
818 office they are generally kept locked in filing cabinets. This may be different in a private clinic or
819 home practice.

820 Massage therapists are not expected to keep detailed chart notes in regard to walk in/cash paying
821 clients but a log and/or record of daily clients must be kept according to Alaska Board of Massage
822 Therapists Code of Ethics and Standards of Practice.

823 For more information about HIPAA and how it affects LMT's in Alaska, please go to:

824 <https://www.hhs.gov/hipaa/for-professionals/index.html>

825
826 After review, Ms. Gilmour states that she does not like the way her FAQ about the Standards of
827 Practice #2 was written. Ms. Gilmour asks that she be allowed to re-write the FAQ, submit it to the
828 OLE to distribute to board approval, and then have it be added to the FAQ's.

829

830 In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with
 831 a roll call vote, it was **RESOLVED** to **APPROVE** the new FAQ's on liability insurance and
 832 continuing education.

833

834 Legislative Research on School Requirements

835

836 Ms. Gilmour lead the discussion on this topic. She started by informing the board that the title of
 837 this section was incorrect. She thinks the section would have been better titled "School
 838 Requirements by State". She stated that this is the research she had done to present to legislative
 839 session as an aid to the discussion on increasing the educational hour requirements for Alaska. Ms.
 840 Gilmour explained to the board what this research was and its purpose.

841

842 State Authorizing and National Accrediting Entities by State

843

844 Lorena Haynes from the Federation of State Massage Therapy Boards (FSMTB) provided a list of
 845 state accepted accrediting agencies.

State	US DOE	State DOE	COMTA	Other State DOE	Notes
Alabama		x	x	x	regional professional accrediting body, or accredited postgraduate training institute
Alaska	x	x		x	nationally recognized accrediting agency
Arizona	x	x		x	
Arkansas					Department of Health issues school licenses
California	x	x		x	- Bureau for Private Postsecondary Education. - Department of Consumer Affairs - Accrediting Commission for Senior Colleges and Universities - Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges
Colorado	x	x			- private occupational school division - Colorado community college system - nationally recognized accrediting agency
Delaware					Current state approval (does not specify)
DC	x		x	x	District of Columbia Educational Licensing Commission Accreditation Council for Continuing Education and Training Accrediting Commission of Career Schools and Colleges of Technology
Florida		x			public school system of the State of Florida
Georgia		x		x	- Nonpublic Postsecondary Education Commission (NPEC) Authorization -NCBTMB school code number
Hawaii		x			-American Massage Therapy Association - Rolf Institute
Idaho		x		x	
Illinois					Criteria acceptable to the Board
Indiana		x		x	-Indiana commission on proprietary education -Institution of higher learning
Iowa					-board approved school -case by case basis

846

847

Kentucky		x		x	-Kentucky State Board for Proprietary Education -Council on Postsecondary Education
Louisiana		x		x	-Board of Regents
Maine					BOMT approval – case by case basis
Maryland		x		X*	- Maryland Higher Education Commission - *accrediting agency or organization that accredits both institutions of higher education and programs offering instruction in massage therapy
Massachusetts					- BOMT approval
Michigan	x				Council for Higher Education Accreditation
Mississippi	x		x		
Missouri	x	x		x	-Missouri Coordinating Board of Higher Education (CBHE) -Missouri Department of Elementary and Secondary Education (DESE) approved vocational program
Montana					-National Commission for Certifying Agencies -NCBTMB Curriculum guidelines
Nebraska					BOMT approved
Nevada		x			-Commission on Postsecondary Education
New Hampshire					BOMT curriculum case by case basis
New Jersey		x		x	-New Jersey Department of Education; -The New Jersey Department Labor and Workforce Development; -The New Jersey Commission on Higher Education
New Mexico		x		x	private post-secondary educational institutions
New York		x		x	- Department or equivalent registers schools -Council for Higher Education Accreditation
North Carolina	x	x		x	Southern Association of Colleges and Schools -North Carolina Community College System -The University of North Carolina Board of Governors
North Dakota	x				-BOMT approval
Ohio		x		x	-Ohio board of regents -state board of career colleges and schools -Ohio department of education, division of career/technical adult education
Oklahoma		x			State licensed school, no board approval
Oregon		x		x	-Division of Vocational Education -Higher Education Coordinating Commission -Northwest Accreditation Commission -Oregon Office of Educational Policy and Planning
Pennsylvania		x		x	-regionally accredited college or university -Pennsylvania private licensed school or its equivalent
Puerto Rico					-official bodies of the Commonwealth of Puerto Rico -General Education Council
Rhode Island	x	x	x	x	
South Carolina					Department Approved Massage School
South Dakota					Recognized facility -List of schools
Tennessee		x			-Tennessee Higher Education Commission

848

					-Tennessee Board of Regents (transcripts must be in compliance, BOMT approves)
Texas				x	BOMT approves schools
Utah	x				Utah Department of Commerce, Division of Consumer Protection
Virginia	x	x		x	State Council of Higher Education
Washington	x	x		x	
West Virginia		x		x	NCB School Standards -West Virginia Higher Education Policy Commission
Wisconsin	x	x		x	Educational approval board Technical college

DOE US recognized institutional accrediting agencies as of 7/19/2019

https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html

Accrediting Commission of Career Schools and Colleges
Accrediting Council for Continuing Education and Training
Accrediting Council for Independent Colleges and Schools
Council on Occupational Education
Distance Education Accrediting Commission
Higher Learning Commission
Middle States Commission on Higher Education
Middle States Commission on Secondary Schools
New England Commission of Higher Education
New York State Board of Regents, and the Commissioner of Education
Northwest Commission on Colleges and Universities
Southern Association of Colleges and Schools, Commission on Colleges
Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges
WASC Senior Colleges and University Commission

849
850 Kierke Kussart from the Alaska Commission on Postsecondary Education also provided links to the
851 National Association of State Administrators and Supervisors of Private Schools (NASASPS), the
852 Accrediting Bureau of Health Education Schools (ABHES), United States Department of Education
853 (USDOE), Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), and the
854 Commission on Massage Therapy Association (COMTA) for the board’s reference.

855
856 OLE Dulebohn reminds the board that the reason all of this research has been compiled is so they
857 may compile a list of states that have educational and licensing requirements equivalent to Alaska in
858 accordance with AS 08.61.020.

859
860 **TASK: Board will evaluate data and compile list of states that have accrediting and**
861 **approval agencies such as COMTA and ACPE that are equal to Alaska.**

862
863 **TASK: OLE Dulebohn will sign board members up for ACPE newsletter.**

864
865 AS 21.36.090- Feedback from LAW and Deputy Director Walsh

866
867 In the June 2019 meeting, the board was brought a topic by Board Member Jill Motz that shows that
868 there is a statute that deals with unfair discrimination regarding insurance of professions. Ms. Motz

869 points out that AS 21.36.090 has a list of professions that cannot be unfairly discriminated against
870 but massage therapy, and eight others, are not among them. The board asks that this issue be
871 brought to the attention of division, and AAG Harriet Milks replied that more research would be
872 needed on the subject and if anything was to be done about it, it would need to be addressed next
873 session.

874
875 AS 08.61.060

876
877 Also stemming from the June 2019 meeting, the board had asked for a LAW consult about a
878 potential issue brought to their attention by Investigations. Inv. Carl Jacobs stated that AS
879 08.61.060 reads: “After a hearing, the board may impose a disciplinary sanction under AS 08.01.075
880 on a person licensed under this chapter if the board finds that the person...” Investigations is
881 concerned about the words “hearing” and “licensed” as they may be interpreted to mean an
882 administrative law hearing and may only be applicable to someone who has received their massage
883 license. OLE Dulebohn responds that historically, in this context, the board has defined “hearing”
884 as a meeting of the board on the subject and “licensed” to mean some who holds a license or whose
885 license approval is imminent. As an example, if someone has a questionable background report, the
886 board holds a Fitness to Practice interview for the applicant, holds a discussion, and decides to grant
887 the license pending the acceptance of a consent agreement that states that the applicant will not
888 break the law for 4 years and complete a 20 hours ethics course. AAG Harriet Milks response is:
889 that the statute interpretation can depend on the facts. The board is correctly interpreting “hearing”
890 to mean a process in which the applicant has a meaningful opportunity to be heard and present their
891 case, present facts, and examine witnesses. The board also seems to be correctly understanding the
892 disciplinary standards under AS 08.61.060 apply to licensees and applicants for licensure. The
893 Office of Administrative Hearings has said that it makes no sense to license someone who the board
894 knows has a problem that would warrant revocation if they were already licensed, only to turn
895 around and revoke their license immediately after granting it.

896
897 Ms. Milks also addresses the board’s intention to use AS 08.61.060 as a reference to impose a
898 disciplinary sanction in the form of a civil fine for applicants who make factually inaccurate
899 statements on their application and the board intends to license. She advises that this is appropriate
900 since AS 08.61.060 specifically incorporates AS 08.01.075(a)(8) which allow imposition of a fine.

901
902 **Agenda Item 21** **Administrative Business**

903
904 Administrative Statistics

905
906 Chair Edwards-Smith states that is grateful of the mention of how many people sent in renewal
907 fingerprints despite not being asked or directed to send them in and the amount of e-mails sent.
908 OLE Dulebohn shared with the board that about half dozen people were asked to submit
909 fingerprints on a case by case basis because of an issue with their 2017 fingerprints, but that 46
910 people sent in fingerprints (with and without money) unbidden and those cards will be returned to
911 them. Ms. Gilmour speculated that the amount of correspondence OLE Dulebohn received is
912 related to the change in statute and regulation but OLE Dulebohn replied that she couldn’t think of
913 any of the correspondence that related to that subject. Ms. Gilmour referenced people contacting
914 her with worries about bloodborne pathogens because they are not reading the application
915 thoroughly and just remember that they saw a change in statute. She goes on to state that the lack
916 of understanding is so great, it is amazing. OLE Dulebohn states that the majority of the calls she

917 received related to not getting their authorization code, not getting renewal notices, or scanning the
 918 notices that they do receive and not deriving the correct information.
 919 Ms. Dulebohn goes on to inform the board that a lot of the problems with renewals are directly
 920 related to licensees not keeping their addresses updated and not being opted in for paperless
 921 communications. She continues that, regardless of what was done before or may be done in the
 922 future, it is essential that people read notices and applications as they will tell the applicant/licensee
 923 exactly what they need to do.

924
 925 The board next addressed renewal applications in regard to the proof of current CPR certificate that
 926 was required for this year's renewals. There was discussion about how everyone had to certify on
 927 their application that they had a current CPR certificate and that they would provide proof of that
 928 no later than 10/30/2019. The discussion continued by stating that only PDF's were accepted as
 929 uploads into MyLicense but that the certificate could be mailed or faxed. Additionally, OLE
 930 Dulebohn explained that division make the mandate that all completed applications would have
 931 their licensed renewed immediately and that there would be a grace period given until 10/30/2019
 932 to send in the CPR proof. Anyone that does not have their CPR in by the time renewals end on
 933 9/30/2019 will get a notice in the mail reminding them of their responsibility. Chair Edwards-Smith
 934 asked how many renewals were expected this year and OLE Dulebohn responded that a little less
 935 than 1300 were expected and so far only about half have renewed. The board had a brief discussion
 936 about how massage therapists have a transient profession so there will always been people that move
 937 in and out of state for work.

938
 939
 940

June 10- September 16, 2019

ITEM	AMOUNT	COST/ REVENUE
Applications Received	49	
Applications Reviewed by the board	35	
Rolfers Issued/Applied Massage License using the Board's Curriculum Breakdown (not Grandfathered)	2	
Initial Licenses Issued	44	44 X \$550.00= \$24,200
Applications Denied	0	
Applications in Process	70	
Renewed Online using MyLicense (as of 9/15/2019)	529	
Total Renewed as of 9/15/2019	626	
# of Licensee's who have "opted in" for paperless communication	677	

1027 be making any board decisions during their meeting. Chair Edwards-Smith responds in the
1028 affirmative.

1029
1030 **Agenda Item 24** **Town Hall Meeting**

1031
1032 Having completed all board business for the day, the board decides to Adjourn their meeting for the
1033 day. The board is asked by OLE Dulebohn to be back from lunch at 1:30 p.m. to prepare for the
1034 Town Hall meeting that is scheduled in room 1236 at 2:00 p.m. later today.

1035
1036 **Agenda Item 25** **Adjourn**

1037
1038 At this time, the board concluded all scheduled Board Business.

1039
1040 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously, it**
1041 **was RESOLVED to ADJOURN.**

1042
1043 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended
1044 at 11:08 a.m.

1045
1046
1047 **Respectfully Submitted,**

1048
1049
1050 _____
1051 **Dawn Dulebohn, Licensing Examiner**

_____ **Date**

1052
1053
1054
1055 _____
1056 **David Edwards-Smith, Boards Chair**

_____ **Date**

1057
1058
1059

Old Business

Task List

September 2019

TASK LIST

September 19-20, 2019

#	Task	Who to Complete?	When is the Deadline?	Distribute to the Board?	Complete
1	Does \$200 application fee and \$60 fingerprint processing fee go into the board coffers?	Dawn	December 2-3, 2019	Yes into board packet	TT Marylene Wales and confirmed that all money generated by applications goes into the board coffers and then expenses are deducted.
2	Board members would like the login and password from the January 2019 FARB so they may access the material discussed	Dawn	ASAP	By e-mail	
3	Contact SA Goeden with the correspondence provided by Liu	Dawn	ASAP	No	
4	Regulations Questionnaire for 12 AAC 79.210(e)(1)	Traci	ASAP	No	During the meeting on September 19, 2019
4	Transcript Analysis Form in applications by Exam	Dawn			Included in applications by Examination as of October 2019
5	Draft a Response to Lars Odsather's Public Comment	Dave	ASAP		OLE Dulebohn contacted Mr. Odsather by phone and e-mail the last week of September.
6	Research HB0169A to see if the board would like to formulate a position statement	Board	December 2-3, 2019	Yes, in board packet	

7	Send Yong Yi Denial Letter	Dawn	ASAP	No	Completed 2 nd week of October 2019
8	Send Han Kim follow-up letter about board approval	Dawn	ASAP	No	Completed 2 nd week of October 2019
9	Complete Regulations Questionnaire for the Military and Medical Extension project		ASAP	No.	
10	Re-write FAQ on chart notes	Traci	ASAP	Yes by e-mail. For review and approval by the board.	
11	Evaluate data and compile list of states that have accrediting and approval agencies such as COMTA and ACPE that are equal to Alaska.	Board	November 12, 2019	Yes, by board packet	
12	Sign board up for ACPE newsletter	Dawn	ASAP	No	Completed 11/21/2019
13	Subcommittee Agenda	Dave	October 5, 2019	Yes, by Onboard	Completed 10/28/2019

Establishment Registration Renewal

From: [Chambers, Sara C \(CED\)](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Cc: [Hannasch, Dawn K \(CED\)](#)
Subject: RE: MAS- Establishment Estimate
Date: Wednesday, October 23, 2019 4:19:39 PM
Attachments: [image001.png](#)

Nope—thank you!

The board can consider making that motion that at their next meeting.

Sara Chambers
Division Director

Alaska Division of Corporations, Business and Professional Licensing
Inspiring public confidence through balanced regulation of competent professional and business services

P.O. Box 110806, Juneau, AK 99811-0806
commerce.alaska.gov/web/cbpl
Phone: (907) 465-2144
FAX: (907) 465-2974

From: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Sent: Wednesday, October 23, 2019 4:16 PM
To: Chambers, Sara C (CED) <sara.chambers@alaska.gov>
Cc: Hannasch, Dawn K (CED) <dawn.hannasch@alaska.gov>
Subject: RE: MAS- Establishment Estimate

Hello Sara,

I spoke with Chair Edwards-Smith today and he states that he does not believe the board would be opposed to a re-registration with a fee. He did re-iterate that establishments be self-funded and not cost massage therapists any money.

Hannasch and I just spoke and she is also in support of a re-registration with a fee (smaller than initial fee).

Everything else looks good. Is there anything you need me to do on this subject at this point?

Best Regards,

Dawn Dulebohn

Licensing Examiner
Board of Massage Therapists
Corporations, Business, and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806

Travel Action Summary



THE STATE of ALASKA

Governor Michael J. Dunleavy

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

P.O. Box 110806 Juneau, Alaska 99811-0806 Main: 907.465.2550 Toll free fax: 907.465.2974

Travel Action Summary Report

Submit to the CBPL Travel Desk no later than seven business days after the meeting has concluded. Save a copy in your program files for the end-of-year compilation of all travel-related savings and deliverables for your program.

Board: Board of Massage Therapists

Dates of Business: October 3-5, 2019

Person Reporting: Traci Gilmour

of Travelers: Employees 0 Board Members 1

- Type of Meeting: Regular board business, Special board meeting, On-site Investigation/Inspection, Adjudication only, Subcommittee meeting, Other: Federation of State Massage Therapy Boards Annual Meeting

Cost Savings

What expenses were reduced?

- 1. Conference was 100% funded and/or 3rd party reimbursed for board delegate

What is the estimated savings?

\$2684.00

Meeting Deliverables

Information gained:

Shared information amongst 40 states and their board members regarding regulatory work AK is engaged in as well as how we and other boards work with regulatory and statutory changes needed to maintain integrity in our industry. Discussion regarding shared challenges of Human and Sex Trafficking in the massage business, counterfeiting of National Certification testing for the purpose of passing state required National Exam without attending legitimate schools. Networking with licensed states to gain insight into proves practices and work together to share regulatory verbiage already in place to reduce time necessary creating new regulations.

Action recommended:

Maintain contact with state boards. Research upcoming legislation regarding changes mandated concerning regulatory boards. Continue to foster relationships and share information between states concerning Human Trafficking. Continue to work on reciprocity with other states.

Example of Why It's Important to Be Consistent with Investigative Reviews

From: [Dulebohn, Dawn L \(CED\)](#)
To: ; [Jill Motz](#); [TK Gilmour](#); healingharbor@icloud.com
Cc: [julie endle](#); [Hannasch, Dawn K \(CED\)](#)
Subject: MAS- Example of Why It's Important to Be Consistent with Investigative Reviews
Date: Friday, October 25, 2019 9:15:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Hello Board Members,

Since this has been a hot topic as of late, I thought I would give you an example of why it is so very important to be consistent with your Reviewing Board Member duties.

This applicant recently had her application approved pending 13 hours of Ethics and Law but before that went to Investigations for failing to disclose a controlled substance conviction in 2014. The reviewing board member determined that she did not violate any licensing regulation and she was told by Investigations that she made no error on her application. So now she is indignant that the board/licensing examiner wasted her time for no reason AND she has to go back and complete more schooling.

Here are some samples from her correspondence this morning after she was notified that her application was approved pending...

I will contact my school. Thank you. It's unfortunate that due to how long the board took to recognize their own decision about how I didn't need to disclose what I didn't disclose on my application, now I have to go back to school? Your system is really screwed up! Have a great day.

Holding me to standards that didn't apply until after you all held my application too long over, according to the investigation your board conducted, something I didn't need to disclose in the first place? After I have already been trained and certified in a completely different career field? Now I have to re arrange my situation again to appease the mighty massage board. So I can convince you people to give me what I worked for and paid for already? These are peoples lives your sitting up in your office toying with.

Please, please, please remember that inconsistencies such as these cause confusion to applicants and cause animosity towards the board, the state, and the system. I would urge board members to remember to act as the board has agreed upon when completing any board business (including investigations reviews) and not how they feel as an individual so that a united front is presented and people do not feel as though our "system is really screwed up".

I have replied to her correspondence explaining the what and why of things to no avail. I have cc'd Supervisor Hannasch on this correspondence.

Best Regards,

Dawn Dulebohn

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

Investigative Case Review
&
Probation Report

Probation Report

Investigative Report

Lunch

Division/Financial Update

and

Indirect Allocations

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

Board of Massage Therapists	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium
Revenue									
Revenue from License Fees	\$ -	\$ 660	\$ 660	\$ 586,230	\$ 228,015	\$ 814,245	\$ 346,505	\$ 89,770	\$ 436,275
Allowable Third Party Reimbursements	-	-	-	-	-	-	1,161	1,791	2,952
TOTAL REVENUE	\$ -	\$ 660	\$ 660	\$ 586,230	\$ 228,015	\$ 814,245	\$ 347,666	\$ 91,561	\$ 439,227
Expenditures									
Non Investigation Expenditures									
1000 - Personal Services	-	33,797	33,797	105,007	39,319	144,326	57,585	84,174	141,759
2000 - Travel	-	6,585	6,585	17,726	10,216	27,942	9,646	10,277	19,923
3000 - Services	-	12,627	12,627	52,528	34,055	86,583	96,155	60,787	156,942
4000 - Commodities	-	274	274	13	155	168	70	25	95
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	-	53,283	53,283	175,274	83,745	259,019	163,456	155,263	318,719
Investigation Expenditures									
1000-Personal Services	-	879	879	11,039	36,787	47,826	93,529	63,771	157,300
2000 - Travel	-	-	-	-	-	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	-	-	-	-	14,761	14,761	1,679	845	2,524
3094 - Inter-Agency Hearing/Mediation	-	-	-	-	18,192	18,192	16,632	2,013	18,645
3000 - Services other	-	-	-	-	-	-	-	555	555
4000 - Commodities	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	-	879	879	11,039	69,740	80,779	111,840	67,184	179,024
Total Direct Expenditures	-	54,162	54,162	186,313	153,485	339,798	275,296	222,447	497,743
Indirect Expenditures									
Internal Administrative Costs	-	3,689	3,689	33,476	37,540	71,016	53,488	43,601	97,089
Departmental Costs	-	7,130	7,130	25,405	24,679	50,084	35,578	32,777	68,355
Statewide Costs	-	5,605	5,605	9,698	8,596	18,294	16,888	15,627	32,515
Total Indirect Expenditures	-	16,424	16,424	68,579	70,815	139,394	105,954	92,005	197,959
TOTAL EXPENDITURES	\$ -	\$ 70,586	\$ 70,586	\$ 254,892	\$ 224,300	\$ 479,192	\$ 381,250	\$ 314,452	\$ 695,702
Cumulative Surplus (Deficit)									
Beginning Cumulative Surplus (Deficit)	\$ -	\$ -		\$ (69,926)	\$ 261,412		\$ 265,127	\$ 231,543	
Annual Increase/(Decrease)	-	(69,926)		331,338	3,715		(33,584)	(222,891)	
Ending Cumulative Surplus (Deficit)	\$ -	\$ (69,926)		\$ 261,412	\$ 265,127		\$ 231,543	8,652	
							* Fee analysis recommended		
Statistical Information									
Number of Licensees				756	1,482		1,498	1,277	
Additional information:									
<ul style="list-style-type: none"> • Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses * • Most recent fee change: Fee reduction FY17 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065. 									

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

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

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)				Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	4000 - Commodities	
1011 - Regular Compensation	76,921.00				76,921.00
1014 - Overtime	600.41				600.41
1023 - Leave Taken	12,591.62				12,591.62
1028 - Alaska Supplemental Benefit	5,535.03				5,535.03
1029 - Public Employee's Retirement System Defined Benefits	1,716.18				1,716.18
1030 - Public Employee's Retirement System Defined Contribution	4,329.55				4,329.55
1034 - Public Employee's Retirement System Defined Cont Health Reim	3,218.49				3,218.49
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	773.90				773.90
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	9,786.46				9,786.46
1039 - Unemployment Insurance	172.87				172.87
1040 - Group Health Insurance	26,739.20				26,739.20
1041 - Basic Life and Travel	40.21				40.21
1042 - Worker's Compensation Insurance	779.80				779.80
1047 - Leave Cash In Employer Charge	2,067.19				2,067.19
1048 - Terminal Leave Employer Charge	1,234.10				1,234.10
1053 - Medicare Tax	1,249.78				1,249.78
1062 - GGU Business Leave Bank Contributions	15.41				15.41
1063 - GGU Business Leave Bank Usage	-				-
1069 - SU Business Leave Bank Contributions	2.35				2.35
1077 - ASEA Legal Trust	146.28				146.28
1079 - ASEA Injury Leave Usage	7.84				7.84
1080 - SU Legal Trst	17.06				17.06
1970 - Personal Services Transfer	-				-
2000 - In-State Employee Airfare		970.88			970.88
2001 - In-State Employee Surface Transportation		75.96			75.96
2002 - In-State Employee Lodging		449.99			449.99
2003 - In-State Employee Meals and Incidentals		304.00			304.00
2005 - In-State Non-Employee Airfare		1,490.69			1,490.69
2007 - In-State Non-Employee Lodging		2,271.00			2,271.00
2008 - In-State Non-Employee Meals and Incidentals		1,020.00			1,020.00
2009 - In-State Non-Employee Taxable Per Diem		96.00			96.00
2010 - In-State Non-Employee Non-Taxable Reimbursement		256.33			256.33
2012 - Out-State Employee Airfare		872.94			872.94
2013 - Out-State Employee Surface Transportation		68.03			68.03
2014 - Out-State Employee Lodging		1,085.47			1,085.47
2015 - Out-State Employee Meals and Incidentals		315.75			315.75
2017 - Out-State Non-Employee Airfare		709.78			709.78
2020 - Out-State Non-Employee Meals and Incidentals		196.00			196.00
2022 - Out-State Non-Employee Non-Taxable Reimbursement		84.50			84.50
2036 - Cash Advance Fee		9.32			9.32
2970 - Travel Cost Transfer		-			-
3000 - Training/Conferences			1,175.00		1,175.00
3002 - Memberships			849.20		849.20
3035 - Long Distance			152.23		152.23
3036 - Local/Equipment Charges			518.40		518.40
3045 - Postage			555.87		555.87
3046 - Advertising			1,445.19		1,445.19
3069 - Commission Sales			79.00		79.00
3088 - Inter-Agency Legal			26,013.51		26,013.51
3094 - Inter-Agency Hearing/Mediation			23,120.88		23,120.88
3100 - Inter-Agency Safety			8,690.25		8,690.25
3970 - Contractual Transfer			1,601.00		1,601.00
4002 - Business Supplies				24.99	24.99
Grand Total	147,944.73	10,276.64	64,200.53	24.99	222,446.89

FY 2019 CBPL COST ALLOCATIONS

Name	Task Code	Direct Revenues	3rd Party Reimbursement	Total Revenues	Direct Expense	Percentage of board licenses/total licensees:	Division receiving personal services by transaction %:	Department Personal Services - Fiscal Revenue personal services by transaction %	Indirect Expense (Total Non-PCN Allocated)	Percentage of direct personal services:	Total Indirect Expenses	Total Expenses	2019 Annual Surplus (Deficit)
Acupuncture	ACU1	\$ 39,220	\$ -	\$ 39,220	\$ 9,421	\$ 3,211	\$ 372	\$ 728	\$ 4,311	3,130	\$ 7,441	\$ 16,862	\$ 22,358
Architects, Engineer	AEL1	\$ 161,305	\$ 10,892	\$ 172,197	\$ 409,158	\$ 173,072	\$ 11,462	\$ 1,352	\$ 185,886	120,476	\$ 306,362	\$ 715,520	\$ (543,323)
Athletic Trainers	ATH1	\$ 5,005	\$ -	\$ 5,005	\$ 2,348	\$ 1,062	\$ 135	\$ 39	\$ 1,236	860	\$ 2,096	\$ 4,444	\$ 561
Audiology/Speech Pathologists	AUD1	\$ 168,637	\$ -	\$ 168,637	\$ 28,180	\$ 20,728	\$ 4,170	\$ 1,430	\$ 26,328	10,326	\$ 36,654	\$ 64,834	\$ 103,803
Barbers & Hairdressers	BAH1	\$ 439,932	\$ -	\$ 439,932	\$ 389,605	\$ 160,158	\$ 20,975	\$ 3,030	\$ 184,163	124,454	\$ 308,617	\$ 698,222	\$ (258,290)
Behavior Analysts	BEV1	\$ 15,950	\$ -	\$ 15,950	\$ 5,420	\$ 1,464	\$ 327	\$ 650	\$ 2,441	1,804	\$ 4,245	\$ 9,665	\$ 6,285
Chiropractors	CHI1	\$ 211,760	\$ -	\$ 211,760	\$ 77,361	\$ 8,523	\$ 2,784	\$ 1,430	\$ 12,737	24,832	\$ 37,569	\$ 114,930	\$ 96,830
Collection Agencies	COA1	\$ 39,272	\$ -	\$ 39,272	\$ 37,387	\$ 17,022	\$ 2,175	\$ 377	\$ 19,574	12,740	\$ 32,314	\$ 69,701	\$ (30,429)
Concert Promoters	CPR1	\$ 6,625	\$ -	\$ 6,625	\$ 3,948	\$ 661	\$ 203	\$ 52	\$ 916	1,501	\$ 2,417	\$ 6,365	\$ 260
Construction Contractors	CON1	\$ 1,390,292	\$ -	\$ 1,390,292	\$ 551,487	\$ 202,889	\$ 25,246	\$ 4,395	\$ 232,530	108,468	\$ 340,998	\$ 892,485	\$ 497,807
Home Inspectors	HIN1	\$ 5,475	\$ -	\$ 5,475	\$ 8,833	\$ 2,219	\$ 270	\$ 78	\$ 2,567	3,315	\$ 5,882	\$ 14,715	\$ (9,240)
Dental	DEN1	\$ 636,660	\$ 127	\$ 636,787	\$ 332,050	\$ 126,304	\$ 9,028	\$ 2,536	\$ 137,868	88,204	\$ 226,072	\$ 558,122	\$ 78,665
Dietitians/Nutritionists	DTN1	\$ 14,055	\$ -	\$ 14,055	\$ 8,067	\$ 6,988	\$ 1,409	\$ 234	\$ 8,631	2,797	\$ 11,428	\$ 19,495	\$ (5,440)
Direct Entry Midwife	MID1	\$ 135,595	\$ -	\$ 135,595	\$ 16,102	\$ 1,298	\$ 192	\$ 364	\$ 1,854	4,202	\$ 6,056	\$ 22,158	\$ 113,437
Dispensing Opticians	DOP1	\$ 32,558	\$ -	\$ 32,558	\$ 19,010	\$ 2,809	\$ 721	\$ 598	\$ 4,128	7,058	\$ 11,186	\$ 30,196	\$ 2,362
Electrical Administrator	EAD1	\$ 16,781	\$ -	\$ 16,781	\$ 60,352	\$ 22,546	\$ 2,074	\$ 520	\$ 25,140	12,325	\$ 37,465	\$ 97,817	\$ (81,036)
Euthanasia Services	EUT1	\$ 275	\$ -	\$ 275	\$ 813	\$ 331	\$ 23	\$ 78	\$ 432	323	\$ 755	\$ 1,568	\$ (1,293)
Geologists	GEO1	\$ 745	\$ -	\$ 745	\$ 777	\$ 189	\$ 158	\$ 13	\$ 360	273	\$ 633	\$ 1,410	\$ (665)
Guardians/Conservators	GCO1	\$ 8,934	\$ -	\$ 8,934	\$ 6,864	\$ 331	\$ 56	\$ 104	\$ 491	2,357	\$ 2,848	\$ 9,712	\$ (778)
Guide-Outfitters	GUI1	\$ 405,090	\$ -	\$ 405,090	\$ 511,497	\$ 34,633	\$ 12,803	\$ 1,508	\$ 48,944	88,129	\$ 137,073	\$ 648,570	\$ (243,480)
Marine Pilots	MAR1	\$ 128,600	\$ -	\$ 128,600	\$ 102,224	\$ 3,116	\$ 665	\$ 715	\$ 4,496	32,628	\$ 37,124	\$ 139,348	\$ (10,748)
Foreign Pleasure Craft	FPC1	\$ 77,850	\$ -	\$ 77,850	\$ 6,838	\$ -	\$ 237	\$ 156	\$ 393	2,756	\$ 3,149	\$ 9,987	\$ 67,863
Marital & Family Therapy	MFT1	\$ 84,050	\$ -	\$ 84,050	\$ 45,031	\$ 2,408	\$ 383	\$ 520	\$ 3,311	14,422	\$ 17,733	\$ 62,764	\$ 21,286
Massage Therapists	MAS1	\$ 89,770	\$ 1,791	\$ 91,561	\$ 222,447	\$ 30,148	\$ 3,843	\$ 923	\$ 34,914	57,091	\$ 92,005	\$ 314,452	\$ (222,891)
Mechanical Administrator	MEC1	\$ 12,615	\$ -	\$ 12,615	\$ 57,411	\$ 13,811	\$ 1,127	\$ 182	\$ 15,120	9,417	\$ 24,537	\$ 81,948	\$ (69,333)
Medical	MED1	\$ 2,380,618	\$ 184	\$ 2,380,802	\$ 825,304	\$ 198,805	\$ 34,668	\$ 5,136	\$ 238,609	265,208	\$ 503,817	\$ 1,329,121	\$ 1,051,681
Mortuary Science	MOR1	\$ 32,038	\$ -	\$ 32,038	\$ 9,921	\$ 3,565	\$ 169	\$ 351	\$ 4,085	3,529	\$ 7,614	\$ 17,535	\$ 14,503
Naturopaths	NAT1	\$ 4,690	\$ -	\$ 4,690	\$ 8,078	\$ 1,086	\$ 56	\$ 52	\$ 1,194	2,656	\$ 3,850	\$ 11,928	\$ (7,238)
Nurse Aides	NUA1	\$ 242,905	\$ -	\$ 242,905	\$ 232,562	\$ 84,281	\$ 11,857	\$ 794	\$ 96,932	46,226	\$ 143,158	\$ 375,720	\$ (132,815)
Nursing	NUR1	\$ 3,775,420	\$ 731	\$ 3,776,151	\$ 1,347,133	\$ 485,288	\$ 62,507	\$ 8,039	\$ 555,834	394,187	\$ 950,021	\$ 2,297,152	\$ 1,478,999
Nursing Home Administrators	NHA1	\$ 14,105	\$ 389	\$ 14,494	\$ 10,193	\$ 1,393	\$ 338	\$ 377	\$ 2,108	3,096	\$ 5,204	\$ 15,397	\$ (903)
Optometry	OPT1	\$ 131,350	\$ -	\$ 131,350	\$ 52,920	\$ 6,115	\$ 575	\$ 819	\$ 7,509	14,494	\$ 22,003	\$ 74,923	\$ 56,427
Pawnbrokers	PAW1	\$ 1,275	\$ -	\$ 1,275	\$ 1,670	\$ 614	\$ 23	\$ 13	\$ 650	488	\$ 1,138	\$ 2,808	\$ (1,533)
Pharmacy	PHA1	\$ 213,770	\$ 962	\$ 214,732	\$ 304,310	\$ 146,442	\$ 16,196	\$ 2,041	\$ 164,679	98,892	\$ 263,571	\$ 567,881	\$ (353,149)
Physical/Occupational Therapy	PHY1	\$ 125,615	\$ 724	\$ 126,339	\$ 136,965	\$ 49,341	\$ 8,611	\$ 1,612	\$ 59,564	47,892	\$ 107,456	\$ 244,421	\$ (118,082)
Prescription Drug Monitoring Program	PDMP	\$ 90,765	\$ -	\$ 90,765	\$ 6,053	\$ -	\$ -	\$ -	\$ -	-	\$ -	\$ 6,053	\$ 84,712
Professional Counselors	PCO1	\$ 77,200	\$ -	\$ 77,200	\$ 126,737	\$ 18,391	\$ 2,930	\$ 845	\$ 22,166	46,054	\$ 68,220	\$ 194,957	\$ (117,757)
Psychology	PSY1	\$ 141,845	\$ 1,696	\$ 143,541	\$ 98,689	\$ 7,319	\$ 1,533	\$ 923	\$ 9,775	30,578	\$ 40,353	\$ 139,042	\$ 4,499
Public Accountancy	CPA1	\$ 155,871	\$ 2,241	\$ 158,112	\$ 248,291	\$ 40,346	\$ 3,370	\$ 468	\$ 44,184	83,935	\$ 128,119	\$ 376,410	\$ (218,298)
Real Estate	REC1	\$ 282,453	\$ -	\$ 282,453	\$ 224,480	\$ 95,401	\$ 16,331	\$ 767	\$ 112,499	76,027	\$ 188,526	\$ 413,006	\$ (130,553)
Real Estate Appraisers	APR1	\$ 190,565	\$ 4,314	\$ 194,879	\$ 134,408	\$ 7,035	\$ 2,198	\$ 1,014	\$ 10,247	43,708	\$ 53,955	\$ 188,363	\$ 6,516
Social Workers	CSW1	\$ 65,878	\$ 506	\$ 66,384	\$ 108,430	\$ 22,829	\$ 4,001	\$ 1,274	\$ 28,104	36,653	\$ 64,757	\$ 173,187	\$ (106,803)
Storage Tank Workers	UST1	\$ 2,515	\$ -	\$ 2,515	\$ 2,463	\$ 1,487	\$ 135	\$ 65	\$ 1,687	854	\$ 2,541	\$ 5,004	\$ (2,489)
Veterinary	VET1	\$ 292,515	\$ 282	\$ 292,797	\$ 111,675	\$ 22,121	\$ 3,595	\$ 1,612	\$ 27,328	38,851	\$ 66,179	\$ 177,854	\$ 114,943
No longer existent board/commission (ie Athletic)													
Totals All Boards		\$ 12,348,444	\$ 24,839	\$ 12,373,283	\$ 6,902,913	\$ 2,027,780	\$ 269,931	\$ 48,214	\$ 2,345,925	\$ 1,967,216	\$ 4,313,141	\$ 11,216,052	\$ 1,157,231
ABL & Corporations	080801005	\$ 10,034,379	\$ -	\$ 10,034,379	\$ 1,220,779	\$ (32,041)	\$ 267,103	\$ 17,225	\$ 252,287	\$ 259,053	\$ 511,340	\$ 1,732,119	
Total CBPL		\$ 21,834,105	\$ 27,053	\$ 21,861,158	\$ 8,648,055	\$ 1,995,739	\$ 537,034	\$ 65,439	\$ 2,598,212	\$ 2,226,269	\$ 4,824,481	\$ 13,472,534	

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

Board of Massage Therapists
Schedule of Revenues and Expenditures

Board of Massage Therapists	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20 1st QTR
Revenue										
Revenue from License Fees	\$ -	\$ 660	\$ 660	\$ 586,230	\$ 228,015	\$ 814,245	\$ 346,505	\$ 89,770	\$ 436,275	\$ 244,490
Allowable Third Party Reimbursements	-	-	-	-	-	-	1,161	1,791	2,952	-
TOTAL REVENUE	\$ -	\$ 660	\$ 660	\$ 586,230	\$ 228,015	\$ 814,245	\$ 347,666	\$ 91,561	\$ 439,227	\$ 244,490
Expenditures										
Non Investigation Expenditures										
1000 - Personal Services	-	33,797	33,797	105,007	39,319	144,326	57,585	84,174	141,759	18,685
2000 - Travel	-	6,585	6,585	17,726	10,216	27,942	9,646	10,277	19,923	707
3000 - Services	-	12,627	12,627	52,528	34,055	86,583	96,155	60,787	156,942	1,046
4000 - Commodities	-	274	274	13	155	168	70	25	95	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	-	53,283	53,283	175,274	83,745	259,019	163,456	155,263	318,719	20,438
Investigation Expenditures										
1000-Personal Services	-	879	879	11,039	36,787	47,826	93,529	63,771	157,300	12,715
2000 - Travel	-	-	-	-	-	-	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	-	-	-	-	14,761	14,761	1,679	845	2,524	-
3094 - Inter-Agency Hearing/Mediation	-	-	-	-	18,192	18,192	16,632	2,013	18,645	-
3000 - Services other	-	-	-	-	-	-	-	555	555	-
4000 - Commodities	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	-	879	879	11,039	69,740	80,779	111,840	67,184	179,024	12,715
Total Direct Expenditures	-	54,162	54,162	186,313	153,485	339,798	275,296	222,447	497,743	33,153
Indirect Expenditures										
Internal Administrative Costs	-	3,689	3,689	33,476	37,540	71,016	53,488	43,601	97,089	10,900
Departmental Costs	-	7,130	7,130	25,405	24,679	50,084	35,578	32,777	68,355	8,194
Statewide Costs	-	5,605	5,605	9,698	8,596	18,294	16,888	15,627	32,515	3,907
Total Indirect Expenditures	-	16,424	16,424	68,579	70,815	139,394	105,954	92,005	197,959	23,001
TOTAL EXPENDITURES	\$ -	\$ 70,586	\$ 70,586	\$ 254,892	\$ 224,300	\$ 479,192	\$ 381,250	\$ 314,452	\$ 695,702	\$ 56,154
Cumulative Surplus (Deficit)										
Beginning Cumulative Surplus (Deficit)	\$ -	\$ -		\$ (69,926)	\$ 261,412		\$ 265,127	\$ 231,543		\$ 8,652
Annual Increase/(Decrease)	-	(69,926)		331,338	3,715		(33,584)	(222,891)		188,336
Ending Cumulative Surplus (Deficit)	\$ -	\$ (69,926)		\$ 261,412	\$ 265,127		\$ 231,543	\$ 8,652		\$ 196,988
Statistical Information										
Number of Licensees				756	1,482		1,498	1,277		-

Additional information:

- Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses *
- Most recent fee change: Fee reduction FY17
- Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.

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

Sum of Expenditures Object Name (Ex)	Object Type Name (Ex)			Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	
1011 - Regular Compensation	17,214.17			17,214.17
1023 - Leave Taken	1,990.32			1,990.32
1028 - Alaska Supplemental Benefit	1,179.69			1,179.69
1029 - Public Employee's Retirement System Defined Benefits	270.12			270.12
1030 - Public Employee's Retirement System Defined Contribution	945.79			945.79
1034 - Public Employee's Retirement System Defined Cont Health Reim	709.66			709.66
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	237.29			237.29
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	2,062.39			2,062.39
1039 - Unemployment Insurance	62.83			62.83
1040 - Group Health Insurance	5,545.57			5,545.57
1041 - Basic Life and Travel	8.00			8.00
1042 - Worker's Compensation Insurance	165.36			165.36
1047 - Leave Cash In Employer Charge	443.43			443.43
1048 - Terminal Leave Employer Charge	246.85			246.85
1053 - Medicare Tax	267.82			267.82
1063 - GGU Business Leave Bank Usage	-			-
1077 - ASEA Legal Trust	32.07			32.07
1079 - ASEA Injury Leave Usage	15.75			15.75
1080 - SU Legal Trst	3.41			3.41
2000 - In-State Employee Airfare		244.58		244.58
2001 - In-State Employee Surface Transportation		84.00		84.00
2002 - In-State Employee Lodging		239.98		239.98
2003 - In-State Employee Meals and Incidentals		138.00		138.00
3000 - Training/Conferences			998.00	998.00
3046 - Advertising			43.58	43.58
3069 - Commission Sales			4.50	4.50
3094 - Inter-Agency Hearing/Mediation			-	-
Grand Total	31,400.52	706.56	1,046.08	33,153.16

Regulations Public Comment



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING
Juneau Office

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.2550
Toll free fax: 907.465.2974

October 25, 2019

Dear Interested Parties:

The Board of Massage Therapists is implementing a registry for massage therapy establishments that are not owned by a licensed health care provider (see attached companion regulations for a list of provider types). This registry is a result of changes to state law in 2018 allowing the board to regulate these establishments.

Alaska's professional licensing statutes (AS 08.01.065) require the Division of Corporations, Business and Professional Licensing (CBPL) to reasonably ensure the regulatory costs of each occupation are approximately equal to fee collections related to that occupation. Therefore, the following fees are proposed:

One-time nonrefundable registration fee: \$300

Fee for investigation of unregistered establishments, each time: \$2,000

The \$2000 investigation fee for unregistered establishments does not include establishments that are owned by a licensed health care provider that is exempt from registration. Only those establishments that should be registered with the board, but are not, will be subject to this investigation fee.

The proposed fee amounts and additional documentation can also be found on the program's web page at: <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>

This fee proposal is entering a public comment period. The division encourages all interested parties to comment on this proposal through the division's regulations specialist. After the comment period closes and the division reviews all comments received, the division may adopt the regulation as drafted, may amend a proposed fee, or may withdraw the regulations in part or in whole.

All comments received will be reviewed and taken into consideration prior to adopting the final regulations.

Follow the instructions enclosed to make written comments during the public comment period. Comments must be addressed to CBPL Regulations Specialist, PO Box 110806, Juneau, AK 99811 or regulationsandpubliccomment@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Sara Chambers".

Sara Chambers
Division Director

**Notice of Proposed Changes to Fees for Massage Therapy Establishments Regulated by the
Board of Massage Therapy in the Regulations of the Department of Commerce,
Community, and Economic Development**

BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development proposes to add a registration fee for massage therapy establishments, and an investigation fee for unregistered establishments, to implement amendments to AS 08.61 enacted under Chapter 10, SLA 2018 (HB 110).

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code, dealing with new fees, including the following:

12 AAC 02.396. Board of Massage Therapists, is proposed to add a fee for massage therapy establishment registration, and an investigation fee for unregistered establishments.

Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Department will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/195862>, and using the comment link. **The comments must be received not later than 4:30 p.m. on November 29, 2019.** Comments received after this deadline will not be considered by the Department.

You may submit written questions relevant to the proposed action to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Department will aggregate its response to substantially similar questions and make the questions and responses available on the Department's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx> or on the Alaska Online Public Notice System. The Department may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov not later than November 22, 2019, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MASFees-1019.pdf>.

After the public comment period ends, the Department will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.010; AS 08.01.065; AS 08.61.090.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.010; AS 08.01.065; AS 08.61.090.

Chapter 02. General Occupational Licensing Functions.

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

The introductory language of 12 AAC 02.396 is amended to read:

12 AAC 02.396. Board of Massage Therapists. The following fees are established for massage therapists **and massage therapy establishments**:

12 AAC 02.396(4) is amended to read:

(4) nonrefundable fingerprint processing fee, \$60;~~].~~

12 AAC 02.396 is amended by adding new paragraphs to read:

(5) nonrefundable massage therapy establishment registration fee, \$300;

(6) fee for each investigation of an unregistered massage therapy establishment,

\$2000. (Eff. 8/01/2015, Register 215; am 6/14/2017, Register 222; am ____/____/____,

Register ____)

Authority: AS 08.01.010 AS 08.01.065 AS 08.61.090



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,
and Economic Development

OFFICE OF THE COMMISSIONER

P.O. Box 110800
Juneau, Alaska 99811-0800
Main: 907.465.2500
Toll free fax: 907.465.2500

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations, outside of the Alcohol and Marijuana Control Office (AMCO), but for the Division of Corporations, Business and Professional Licensing (CBPL), under the Alaska Administrative Procedure Act, is hereby delegated to:

Sara Chambers
Division Director
Division of Corporations, Business and Professional Licensing
DCCED
P.O. Box 110806
Juneau, AK 99811-0806
907-465-2536
sara.chambers@alaska.gov

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations of the Alcohol and Marijuana Control Office, under the Alaska Administrative Procedure Act, is hereby delegated to:

Shawn Williams
Assistant Commissioner
DCCED
550 West Seventh Avenue, Suite 1535
Anchorage, AK 99501
907-269-8100
shawn.williams@alaska.gov

This Delegation of Authority will remain in effect until modified or revoked by a subsequent delegation. This Delegation supersedes and revokes all delegations preceding it.

Dated the 30th day of April, 2019

A handwritten signature in blue ink, appearing to read "Julie Anderson".

Julie Anderson
Commissioner
Department of Commerce, Community,
and Economic Development

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF MASSAGE THERAPY

BRIEF DESCRIPTION: The Board of Massage Therapy is proposing to update the regulations of the educational requirements defining “in-class supervised instruction”, the continuing education requirements, the Code of Ethics and Standards of Practice, and massage therapy establishments to implement amendments to AS 08.61 enacted under Chapter 10, SLA 2018 (HB 110).

The Board of Massage Therapy (Board) proposes to adopt regulation changes in Title 12, Chapter 79 of the Alaska Administrative Code including the following:

1. **12 AAC 79.100. Application for licensure by examination**, is proposed to be changed by adding new sections regarding “in-class supervised instruction”.
2. **12 AAC 79.110. Application for licensure by credentials**, is proposed to be changed to remove certain organizations and allow the board to approve a credentialing entity for massage therapist certification.
3. **12 AAC 79.200. License renewal**, is proposed to amend the renewal requirements, clarify when continuing education must be obtained, and add requirements for reinstatement of a lapsed license.
4. **12 AAC 79.210. Continuing education requirements**, is proposed to be amended to clarify the continuing education requirements, and add continuing education in ethics.
5. **12 AAC 79.900. Code of ethics and standards of practice**, is proposed to update the code of ethics and standards of practice, adopted by reference.
6. **12 AAC 79.930. Regulation of massage therapy establishments**, is a new section outlining regulation of massage therapy establishments.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/195853>, and using the comment link. **The comments must be received not later than 4:30 p.m. on November 25, 2019.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board’s website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, not later than November 19, 2019, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MAS-1019.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.61.020; AS 08.61.030; AS 08.61.040; AS 08.61.050; AS 08.61.090.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.61.020; AS 08.61.030; AS 08.61.040; AS 08.61.050; AS 08.61.090.

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 10/24/19

/s/
Sher Zinn, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION (AS 44.62.190(d))

- 1. Adopting agency:** Board of Massage Therapy – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
- 2. General subject of regulation:** Educational requirements for in-class supervised instruction, continuing education, the Code of Ethics and Standards of Practice, and regulation of Massage Therapy Establishments.
- 3. Citation of regulation:** 12 AAC 79.100; 12 AAC 79.110; 12 AAC 79.200; 12 AAC 79.210; 12 AAC 79.900; 12 AAC 79.930.
- 4. Department of Law file number:** #2018201001
- 5. Reason for the proposed action:** Update and clarification of current regulations and to implement statutory changes.
- 6. Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
- 7. Estimated annual cost to comply with the proposed action to:**
A private person: Cost of registration for a massage therapy establishment to be determined by the Department.
Another state agency: None known.
A municipality: None known.
- 8. Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2020 or in subsequent years.
- 9. The name of the contact person for the regulation:**

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

Chapter 79. Board of Massage Therapy.

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

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

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

(1) must be completed through a board-approved online distance education monitoring program;

(2) meet the requirements of (b)(2)(B) of this section; and

(3) may not include the practical application hours described in

12 AAC 79.140(b)(6). (Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am ___ / ___ / ___, Register ___)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.090

12 AAC 79.110(b)(2)(B) is amended to read:

(B) is certified by **a** [THE AMERICAN MASSAGE THERAPY ASSOCIATION, THE NATIONAL CERTIFICATION BOARD FOR THERAPEUTIC MASSAGE AND BODYWORK, OR OTHER] board-approved credentialing entity; and (Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am ___ / ___ / ___, Register ___)

Authority: AS 08.61.020 AS 08.61.040 AS 08.61.090

12 AAC 79.200(b)(4) is amended to read:

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

12 AAC 79.200(b)(5) is amended to read:

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

12 AAC 79.200 is amended by adding new subsections to read:

(c) The board will reinstate a massage therapy license that has lapsed less than three years if the applicant meets the requirements of (b)(1), (2) and (3) of this section and submits

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

(2) proof satisfactory to the board of completion of all continuing education required by 12 AAC 79.210, during the concluding licensing period.

(d) A massage therapy license that has lapsed three years or more may not be reinstated.
(Eff. 5/28/2016, Register 218; am 4/17/2019, Register 230; am ____ / ____ / _____, Register ____)

Authority: AS 08.61.020 AS 08.61.050

Register _____, _____ 2020 PROFESSIONAL REGULATIONS

12 AAC 79.210(a)(2) is amended to read:

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

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

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

(Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223; am 4/17/2019, Register 230; am ____/____/____, Register ____)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.900 is amended to read:

12 AAC 79.900. Code of ethics, [AND] standards of practice, and establishment standards of operation. The *Alaska Board of Massage Therapists Code of Ethics, [AND] Standards of Practice, and Establishment Standards of Operation*, dated **September 2019** [DECEMBER 2018], is adopted by reference as the code of ethics for massage therapists in the state. In order to maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, massage therapists licensed in this state shall adhere to the code of ethics. (Eff. 1/17/2016, Register 217; am 5/1/2019, Register 230; am ____/____/____, Register ____)

Authority: AS 08.61.020

12 AAC 79 is amended by adding a new section to Article 3 to read:

12 AAC 79.930. Regulation of massage therapy establishments. (a) A massage therapy establishment, unless exempted under (b) of this section, must register with the board by submitting

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

(2) a notarized, completed self-inspection report form provided by the department, including certification of compliance with the Establishment Standards of Operation established by the board; and

(3) the fee required under 12 AAC 02.396.

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

(1) acupuncturist under AS 08.06;

(2) chiropractor under AS 08.20;

(3) naturopath under AS 08.45;

(4) massage therapist under AS 08.61;

(5) physician, osteopath, paramedic, or physician assistant, under AS 08.64;

(6) direct-entry midwife under AS 08.65;

(7) advanced practice registered nurse under AS 08.68; or

(8) physical or occupational therapist under AS 08.84.

(c) The owner and manager of a massage therapy establishment shall notify the

department in writing by submitting the requirements of (a) of this section for a new registration not later than ten business days following any change in ownership or physical location of the massage therapy establishment.

(d) Under this section, a “massage therapy establishment” is defined as a fixed or mobile place of business that

(1) is owned by one or more natural persons, partnership, limited partnership, corporation, company, limited liability company, or other entity;

(2) engages in, conducts, or permits massage or massage therapy to be conducted for any form of compensation, or uses the word “massage” in any solicitation or advertisement.

(e) The department shall maintain a registry of all massage therapy establishments registered with the board. (Eff. ____ / ____ / _____, Register ____)

Authority: AS 08.61.020

Recess Until Next Day...

Roll Call

Day 2

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

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

Review of Agenda

Professional Licensing Meetings 101

Professional Licensing Meetings 101

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

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

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

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

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

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

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

So, these types of meetings must be publicly noticed:

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

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

Meeting administration

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

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

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

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

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

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

TIMEFRAMES AND METHOD OF PUBLIC NOTICE

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

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

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

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

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

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

EXCEPTION TO PUBLIC NOTICE OF A MEETING

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

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

How Do Committees Operate?

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

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

FORMATION OF A COMMITTEE

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

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

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

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

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

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

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

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

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

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

Is it really a meeting?

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

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

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

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

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

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

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

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

Contact your board staff or email license@alaska.gov.

Old Business (continued)

Review Updated FAQ's

Board Compilation of State Authorizing and National Accrediting Entities

The **National Accrediting Commission of Career Arts and Sciences (NACCAS)** is an autonomous, independent accrediting commission constituted as a nonprofit Delaware corporation, with its main office located in Alexandria, Virginia. The Commission's origins date back to 1969, when two accrediting agencies in the field merged to form the Cosmetology Accrediting Commission (CAC). CAC changed its name to "NACCAS" in 1981.

NACCAS is recognized by the [U.S. Department of Education](#) (link is external) as a national agency for the institutional accreditation of postsecondary schools and departments of cosmetology arts and sciences, including specialized schools. It presently accredits approximately 1,300 institutions that serve over 120,000 students. These schools offer over thirty(30) courses and programs of study that fall under NACCAS' scope of accreditation.

Accrediting Commission of Career Schools and Colleges

1967/2016/S2021

Scope of recognition: the accreditation of postsecondary, non-degree-granting institutions and degree-granting institutions in the United States, including those granting associate, baccalaureate and master's degrees, that are predominantly organized to educate students for occupational, trade and technical careers, and including institutions that offer programs via distance education.

Michale McComis, Executive Director
2101 Wilson Boulevard, Suite 302
Arlington, Virginia 22201
Tel. (703) 247-4212, Fax (703) 247-4533
E-mail address: mccomis@accsc.org
Web address: www.accsc.org

Accrediting Council for Continuing Education and Training

1978/2013/S2018

Scope of recognition: the accreditation throughout the United States of institutions of higher education that offer continuing education and vocational programs that confer certificates or occupational associate degrees, including those programs offered via distance education.

Title IV Note: *Only those institutions classified by this agency as "vocational" may use accreditation by the agency to establish eligibility to participate in Title IV programs.*

William V. Larkin, Executive Director
1722 N Street, NW
Washington, DC 20036
Tel. (202) 955-1113, Fax (202) 955-1118
E-mail address: wvlarkin@accet.org
Web address: www.accet.org

Accrediting Council for Independent Colleges and Schools

1956/2016/W2021

Scope of recognition: the accreditation of private postsecondary institutions offering certificates or diplomas, and postsecondary institutions offering associate, bachelor's, or master's degrees in programs designed to educate students for professional, technical, or occupational careers, including those that offer those programs via distance education.

Michelle Edwards, President
750 First Street, NE, Suite 98
0 Washington, DC 20002-4241

Tel. (202) 336-6780, Fax (202) 842-2593
E-mail address: medwards@acics.org
Web address: www.acics.org

Council on Occupational Education

1969/2016/S2021

Scope of recognition: the accreditation and preaccreditation ("Candidacy Status") throughout the United States of postsecondary occupational education institutions offering non-degree and applied associate degree programs in specific career and technical education fields, including institutions that offer programs via distance education.

Gary Puckett, Executive Director
7840 Roswell Road, Building 300, Suite 325
Atlanta, Georgia 30350
Tel. (770) 396-3898, (800) 917-2081, Fax (770) 396-3790
E-mail address: puckettg@council.org
Web address: www.council.org

Distance Education Accrediting Commission

1959/2017/S2022

Scope of recognition: the accreditation of postsecondary institutions in the United States that offer degree and/or non-degree programs primarily by the distance or correspondence education method up to and including the professional doctoral degree, including those institutions that are specifically certified by the agency as accredited for Title IV purposes.

Title IV Note: *Only accredited institutions that are certified by the agency as accredited for Title IV purposes may use accreditation by this agency to establish eligibility of its degree and/or non-degree programs to participate in Title IV programs.*

Leah K. Matthews, Executive Director
1101 17th Street NW, Suite 808
Washington, DC 20036
Tel. (202) 234-5100, Fax (202) 332-1386
E-mail address: info@deac.org
Web address: www.deac.org

Commission on Massage Therapy Accreditation

Scope of Recognition: the accreditation of institutions and programs in the United States that award postsecondary certificates, postsecondary diplomas, academic Associate degrees and occupational Associate degrees, in the practice of massage therapy, bodywork, and aesthetics/esthetics and skin care

Title IV Note: Only freestanding schools or colleges of massage therapy, body work and aesthetics/esthetics may use accreditation by this agency to establish eligibility to participate in Title IV programs.

Dawn Hogue, Acting Executive Director

Commission on Massage Therapy Accreditation 2101 Wilson Blvd, Ste 302
Arlington, VA 22201

Tel 1: (202) 888-6790
Fax: 2028886787
Email address: dhogue@comta.org
Web address: www.comta.org

Southern Area Colleges and Schools

The following are the seven active regional accrediting agencies for educational institutions in the United States:^{[5][6]}

- [Middle States Commission on Higher Education](#), formerly part of the [Middle States Association of Colleges and Schools](#) - Postsecondary institutions in [New York](#), [New Jersey](#), [Pennsylvania](#), [Delaware](#), [Maryland](#), the [District of Columbia](#), [Puerto Rico](#), and the [US Virgin Islands](#).
- [New England Association of Schools and Colleges](#) - Educational institutions in the six [New England](#) states ([Connecticut](#), [Maine](#), [Massachusetts](#), [New Hampshire](#), [Rhode Island](#), and [Vermont](#)).
- [Higher Learning Commission](#), formerly part of the [North Central Association of Colleges and Schools](#)^[7] - Educational institutions in [Arkansas](#), [Arizona](#), [Colorado](#), [Iowa](#), [Illinois](#), [Indiana](#), [Kansas](#), [Michigan](#), [Minnesota](#), [Missouri](#), [North Dakota](#), [Nebraska](#), [New Mexico](#), [Ohio](#), [Oklahoma](#), [South Dakota](#), [Wisconsin](#), [West Virginia](#), and [Wyoming](#). Since 2006, the North Central Association has been part of AdvancED.
- [Northwest Commission on Colleges and Universities](#) (NWCCU) for postsecondary institutions in [Alaska](#), [Idaho](#), [Montana](#), [Nevada](#), [Oregon](#), [Utah](#), and [Washington](#). Since 2012, the [Northwest Accreditation Commission](#) for primary and secondary schools has been a division of AdvancED.
- [Southern Association of Colleges and Schools](#) - Educational institutions in [Alabama](#), [Florida](#), [Georgia](#), [Kentucky](#), [Louisiana](#), [Mississippi](#), [North Carolina](#), [South Carolina](#), [Tennessee](#), [Texas](#) and [Virginia](#).
- [Western Association of Schools and Colleges](#) - 4-year educational institutions in [California](#), [Hawaii](#), [Guam](#), [American Samoa](#), [Micronesia](#), [Palau](#), and [Northern Marianas Islands](#), as well as schools for American children in [Asia](#).
- [Accrediting Commission for Community and Junior Colleges](#), formerly part of the Western Association of Schools and Colleges - 2-year educational institutions in [California](#), [Hawaii](#), [Guam](#), [American Samoa](#), [Micronesia](#), [Palau](#), and [Northern Marianas Islands](#), as well as schools for American children in [Asia](#).

The seven organizations form the **Council of Regional Accrediting Commissions** (C-RAC).^[8] Each regional accrediting commission's executive directors and commission chairs sit on C-RAC and periodically promulgate principles and guidelines which are followed by the regional commissions. Although the principles do not replace individual commission regulations, they provide a basis for assessing accreditation practice between regions.^[9]

All regional agencies have accrediting authority for colleges and universities, 2-year, 4-year, or both. Some agencies also have accrediting authority over K-12 schools (primary and secondary schools). Both the northwestern and mid-Atlantic regions divide responsibility between two separate accreditation agencies with one focusing on primary and secondary schools and the other focusing on postsecondary institutions.^{[10][11][12]} In the western region, there is a [separate commission](#) that accredits 2-year colleges.

From: [Kussart, Kierke A \(ACPE\)](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: accreditation
Date: Tuesday, August 20, 2019 2:30:00 PM

Hello, Dawn,

Here is a link to my newsletter with the article about authorization vs. accreditation:

https://acpe.alaska.gov/Portals/3/OTHER/Pubs/INstitution_INsight-Issue_13_Winter_2018.pdf?ver=2018-04-17-103250-510 It also has an article about Charter College being accredited by Accrediting Bureau of Health Education Schools (ABHES). ABHES accredits at least 7 massage schools in other states. <https://www.abhes.org/>

Here is a link to the USDOE list of recognized accreditors:

https://www2.ed.gov/admins/finaid/accred/accreditation_pg5.html

Another accreditor that accredits Massage Therapy programs is the Accreditation Commission for Acupuncture and Oriental Medicine. www.acaom.org

And you've likely heard of COMTA. www.comta.org

-

Let me know if you have any questions!

Regards,

Kierke A Kussart
Institutional Authorization
Alaska Commission on Postsecondary Education
907-465-6741
907-465-5316 (fax)

From: [Kussart, Kierke A \(ACPE\)](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: RE: accreditation
Date: Friday, August 23, 2019 12:20:23 PM

No problem,

So, what bodies normally do is accept the USDOE recognized accreditors and just let the USDOE do the work.

I also noticed another task; Consult FSMTB to establish a list of ACPE equivalents in every state

I don't know who the FSMTB is but ACPE is a member of the National Association of State Administrators and Supervisors of Private Schools (NASASPS) and they have a list <https://nasasps.org/resources/state-contact-list/>

Have a great weekend!

Kierke A. Kussart
ACPE

From: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Sent: Friday, August 23, 2019 11:41 AM
To: Kussart, Kierke A (ACPE) <kierke.kussart@alaska.gov>
Subject: RE: accreditation

Thank you Ms. Kierke! Much appreciated

Dawn

From: Kussart, Kierke A (ACPE) [<mailto:kierke.kussart@alaska.gov>]
Sent: Tuesday, August 20, 2019 2:30 PM
To: Dulebohn, Dawn L (CED) <dawn.dulebohn@alaska.gov>
Subject: accreditation

Hello, Dawn,

Here is a link to my newsletter with the article about authorization vs. accreditation:
https://acpe.alaska.gov/Portals/3/OTHER/Pubs/INstitution_INsight-Issue_13_Winter_2018.pdf?ver=2018-04-17-103250-510 It also has an article about Charter College being accredited by Accrediting Bureau of Health Education Schools (ABHES). ABHES accredits at least 7 massage schools in other states. <https://www.abhes.org/>

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And you've likely heard of COMTA. www.comta.org

-

Let me know if you have any questions!

Regards,

Kierke A Kussart
Institutional Authorization
Alaska Commission on Postsecondary Education
907-465-6741
907-465-5316 (fax)

From: [Lorena Haynes](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Subject: Accrediting Agencies
Date: Friday, August 30, 2019 7:33:14 AM
Attachments: [Accrediting Agencies - AK.pdf](#)

Hi Dawn,

This is the report on which states accept which accrediting agencies according to their statutes and/or rules. I added the currently recognized institutional accrediting agencies by the US DOE at the end. I hope this is useful. Please distribute as appropriate.

In service,

Lorena Haynes

Director of Government Relations
Federation of State Massage Therapy Boards
7300 College Boulevard, Suite 650
Overland Park, KS 66210
lhaynes@fsmtb.org
www.fsmtb.org
913.681.0380

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Accepted Accrediting Agencies for States

State	US DOE	State DOE	COMTA	Other State DOE	Notes
Alabama		x	x	x	regional professional accrediting body, or accredited postgraduate training institute
Alaska	x	x		x	nationally recognized accrediting agency
Arizona	x	x		x	
Arkansas					Department of Health issues school licenses
California	x	x		x	- Bureau for Private Postsecondary Education. - Department of Consumer Affairs - Accrediting Commission for Senior Colleges and Universities - Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges
Colorado	x	x			- private occupational school division - Colorado community college system - nationally recognized accrediting agency
Delaware					Current state approval (does not specify)
DC	x		x	x	District of Columbia Educational Licensing Commission Accreditation Council for Continuing Education and Training Accrediting Commission of Career Schools and Colleges of Technology
Florida		x			public school system of the State of Florida
Georgia		x		x	- Nonpublic Postsecondary Education Commission (NPEC) Authorization -NCBTMB school code number
Hawaii		x			-American Massage Therapy Association - Rolf Institute
Idaho		x		x	
Illinois					Criteria acceptable to the Board
Indiana		x		x	-Indiana commission on proprietary education -Institution of higher learning
Iowa					-board approved school -case by case basis
Kentucky		x		x	-Kentucky State Board for Proprietary Education -Council on Postsecondary Education
Louisiana		x		x	-Board of Regents
Maine					BOMT approval – case by case basis
Maryland		x		X*	- Maryland Higher Education Commission - *accrediting agency or organization that accredits both institutions of higher education and programs offering instruction in massage therapy

Accepted Accrediting Agencies for States

Massachusetts					- BOMT approval
Michigan	x				Council for Higher Education Accreditation
Mississippi	x		x		
Missouri	x	x		x	-Missouri Coordinating Board of Higher Education (CBHE) -Missouri Department of Elementary and Secondary Education (DESE) approved vocational program
Montana					-National Commission for Certifying Agencies -NCBTMB Curriculum guidelines
Nebraska					BOMT approved
Nevada		x			-Commission on Postsecondary Education
New Hampshire					BOMT curriculum case by case basis
New Jersey		x		x	-New Jersey Department of Education; -The New Jersey Department Labor and Workforce Development; -The New Jersey Commission on Higher Education
New Mexico		x		x	private post-secondary educational institutions
New York		x		x	- Department or equivalent registers schools -Council for Higher Education Accreditation
North Carolina	x	x		x	Southern Association of Colleges and Schools -North Carolina Community College System -The University of North Carolina Board of Governors
North Dakota	x				-BOMT approval
Ohio		x		x	-Ohio board of regents -state board of career colleges and schools -Ohio department of education, division of career/technical adult education
Oklahoma		x			State licensed school, no board approval
Oregon		x		x	-Division of Vocational Education -Higher Education Coordinating Commission -Northwest Accreditation Commission -Oregon Office of Educational Policy and Planning
Pennsylvania		x		x	-regionally accredited college or university -Pennsylvania private licensed school or its equivalent
Puerto Rico					-official bodies of the Commonwealth of Puerto Rico -General Education Council
Rhode Island	x	x	x	x	
South Carolina					Department Approved Massage School
South Dakota					Recognized facility -List of schools
Tennessee		x			-Tennessee Higher Education Commission

Accepted Accrediting Agencies for States

					-Tennessee Board of Regents (transcripts must be in compliance, BOMT approves)
Texas				x	BOMT approves schools
Utah	x				Utah Department of Commerce, Division of Consumer Protection
Virginia	x	x		x	State Council of Higher Education
Washington	x	x		x	
West Virginia		x		x	NCB School Standards -West Virginia Higher Education Policy Commission
Wisconsin	x	x		x	Educational approval board Technical college

DOE US recognized institutional accrediting agencies as of 7/19/2019

https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html

- Accrediting Commission of Career Schools and Colleges
- Accrediting Council for Continuing Education and Training
- Accrediting Council for Independent Colleges and Schools
- Council on Occupational Education
- Distance Education Accrediting Commission
- Higher Learning Commission
- Middle States Commission on Higher Education
- Middle States Commission on Secondary Schools
- New England Commission of Higher Education
- New York State Board of Regents, and the Commissioner of Education
- Northwest Commission on Colleges and Universities
- Southern Association of Colleges and Schools, Commission on Colleges
- Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges
- WASC Senior Colleges and University Commission

Position Statement on HB0169A

HB0169A

From: [Zinn, Sher K \(CED\)](#)
To: [Dulebohn, Dawn L \(CED\)](#)
Cc: [Hannasch, Dawn K \(CED\)](#)
Subject: New Legislation criminal background
Date: Friday, June 7, 2019 8:23:19 AM
Attachments: [HB0169A.PDF](#)

Dawn,

Attached is the legislation Sara was talking about earlier this week, starting on page 3 under (f). The board may be interested in what's in it. It also limits boards to three years of a conviction for denial of a license, plus other interesting ideas.

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

HOUSE BILL NO. 169

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 5/14/19

Referred: House Special Committee on Military and Veterans' Affairs, Labor & Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to occupational licensing fees for low-income workers and military
2 families; relating to licensing of individuals with criminal records; relating to
3 apprenticeship programs; relating to the minimum wage; relating to lobbying; and
4 relating to municipal occupational licensing fees and requirements."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 08.01.065(c) is amended to read:

7 (c) Except as provided in **(f) - (m)** [(f) - (j)] of this section, the department
8 shall establish fee levels under (a) of this section so that the total amount of fees
9 collected for an occupation approximately equals the actual regulatory costs for the
10 occupation. The department shall annually review each fee level to determine whether
11 the regulatory costs of each occupation are approximately equal to fee collections
12 related to that occupation. If the review indicates that an occupation's fee collections
13 and regulatory costs are not approximately equal, the department shall calculate fee
14 adjustments and adopt regulations under (a) of this section to implement the

1 adjustments. In January of each year, the department shall report on all fee levels and
 2 revisions for the previous year under this subsection to the office of management and
 3 budget. If a board regulates an occupation covered by this chapter, the department
 4 shall consider the board's recommendations concerning the occupation's fee levels and
 5 regulatory costs before revising fee schedules to comply with this subsection. In this
 6 subsection, "regulatory costs" means costs of the department that are attributable to
 7 regulation of an occupation plus

8 (1) all expenses of the board that regulates the occupation if the board
 9 regulates only one occupation;

10 (2) the expenses of a board that are attributable to the occupation if the
 11 board regulates more than one occupation.

12 * **Sec. 2.** AS 08.01.065 is amended by adding new subsections to read:

13 (k) The applicable board or department shall waive initial occupational
 14 licensing fees and examination fees for an individual who applies for a waiver and
 15 who

16 (1) meets the low-income threshold established by the department;

17 (2) is a current or former member of the armed forces of the United
 18 States; or

19 (3) is the spouse of a current or former member of the armed forces of
 20 the United States.

21 (l) An individual seeking waiver of initial occupational licensing fees and
 22 examination fees under (k) of this section must apply to the appropriate licensing
 23 board or the department in a format prescribed by the licensing board or department.
 24 The licensing board or department shall process the application within 30 days after
 25 receiving it from the applicant.

26 (m) The licensing board or department shall adopt regulations necessary to
 27 implement (k) and (l) of this section. The regulations must include a low-income
 28 threshold for waiver of licensing fees and examination fees that is based on enrollment
 29 in a state or federal public assistance program or on the applicant's household adjusted
 30 gross income being under 130 percent of the federal poverty line, unless a higher
 31 threshold is set by the department.

1 * **Sec. 3.** AS 08.01.077 is amended by adding new subsections to read:

2 (b) Notwithstanding any other provision of this title, the licensing board or
3 department may not consider an arrest that is not followed by a conviction as the basis
4 for the denial or nonrenewal of a license or grounds for disciplinary action.

5 (c) A licensing board and the department shall specify in regulation the
6 criminal convictions that disqualify an applicant from obtaining a license and shall
7 define "good moral character" or "moral turpitude" in regulation if either standard is
8 used by the licensing board or department in determining whether to issue or renew a
9 license. A disqualifying criminal conviction must directly relate to the duties and
10 responsibilities of the applicable licensed occupation.

11 (d) In determining whether to deny a license to an applicant with a criminal
12 conviction, the board or department shall consider

13 (1) the nature and seriousness of the crime;

14 (2) the amount of time that has passed since the conviction;

15 (3) the relationship between the nature of the crime and the duties and
16 responsibilities of the occupation for which the license is sought; and

17 (4) evidence of rehabilitation or treatment undertaken by the applicant
18 since the conviction.

19 (e) Notwithstanding any other provision of this title, the licensing board or
20 department may not disqualify an applicant for more than three years from the later of
21 the date of the most recent criminal conviction or release from incarceration based on
22 a criminal conviction, unless the

23 (1) disqualifying conviction is for a violation of AS 11.41 or a crime in
24 another jurisdiction that has similar elements; or

25 (2) applicant has been convicted of any other crime during the
26 disqualification period.

27 (f) An individual with a conviction of record may petition the licensing board
28 or department for a determination of whether the individual's conviction will
29 disqualify the individual from obtaining a license. The licensing board or department
30 may charge a fee not to exceed \$25 for each petition. The board or department shall
31 inform the individual of its determination within 30 days after receiving the

1 individual's application.

2 (g) If the board or department denies an application based on an applicant's
3 prior criminal conviction, the board or department shall notify the applicant

4 (1) of the grounds and reasons for the denial or disqualification;

5 (2) of the applicant's right to a hearing;

6 (3) of the earliest date the applicant may reapply for the license; and

7 (4) that evidence of rehabilitation or treatment may be considered upon
8 reapplication.

9 (h) Before denying an application, the board or the department shall find, by
10 substantial evidence in light of the whole record, that an applicant's criminal
11 conviction is a disqualifying conviction and is directly related to the duties and
12 responsibilities of the licensed occupation. The board or department shall document
13 written findings for each of the factors under (d) of this section.

14 (i) The board or department shall have the burden of proof to show that a
15 disqualifying criminal conviction directly relates to the occupation for which the
16 license is sought.

17 * **Sec. 4.** AS 08.02 is amended by adding a new section to read:

18 **Sec. 08.02.060. Apprenticeship programs.** (a) Notwithstanding any other
19 provision of this title, a board or the department shall grant an occupational license to
20 an applicant who

21 (1) has completed eighth grade;

22 (2) has successfully completed an apprenticeship approved by the
23 appropriate licensing board, the department, or the United States Department of Labor,
24 or that is otherwise permitted under state or federal law;

25 (3) has passed the appropriate licensing examination, if applicable;

26 (4) is at least 18 years of age; and

27 (5) has completed the number of apprenticeship hours equal to the
28 number of hours required for licensing training.

29 (b) This section does not apply to a license or certificate issued under
30 AS 08.04.100, 08.04.110, AS 08.11.010, AS 08.29.110, AS 08.36.110, AS 08.38.030,
31 AS 08.42.050, AS 08.45.030, AS 08.63.100, AS 08.64.200, 08.64.205, 08.64.225,

1 AS 08.68.170, AS 08.72.140, AS 08.80.110, AS 08.84.030, 08.84.032, AS 08.86.130,
2 08.86.162, AS 08.95.110, or AS 08.98.165.

3 (c) The applicable board or department may adopt regulations to implement
4 this section.

5 * **Sec. 5.** AS 29.10.200 is amended by adding a new paragraph to read:

6 (68) AS 29.35.143 (municipal occupational licensing fees and
7 requirements).

8 * **Sec. 6.** AS 29.35 is amended by adding a new section to read:

9 **Sec. 29.35.105. Minimum wage.** A municipality may not enact or enforce a
10 minimum wage that differs from the state minimum wage calculated under
11 AS 23.10.065.

12 * **Sec. 7.** AS 29.35 is amended by adding a new section to read:

13 **Sec. 29.35.143. Municipal occupational licensing fees and requirements;**
14 **lobbying services.** (a) Except as specifically provided by statute, the authority to
15 regulate and establish occupational licensing fees and requirements is reserved to the
16 state, and, except as specifically provided by law, a municipality may not enact or
17 enforce an occupational licensing fee or requirement that was not enacted before the
18 effective date of this Act.

19 (b) For an occupational licensing fee enacted by a municipality before the
20 effective date of this Act, the municipality shall waive initial occupational licensing
21 fees for an individual who qualifies for a waiver under AS 08.01.065(k) and who
22 applies for a municipal license on or after the effective date of this Act. An individual
23 seeking a waiver under this subsection must apply to the municipality in a format
24 prescribed by the municipality. The municipality shall process the application within
25 30 days after receiving it from the applicant.

26 (c) A municipality may not purchase lobbying services from a professional
27 lobbyist or private entity that provides lobbying services for a municipal licensing
28 board or agency.

29 (d) This section applies to home rule and general law municipalities.

30 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 APPLICABILITY. AS 29.35.143(c), added by sec. 7 of this Act, applies to the
2 purchase of lobbying services and contracts relating to lobbying services entered into on or
3 after the effective date of this Act.

Regulations Questionnaire

Medical and Military Extensions

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General top of the regulation: _____

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

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

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

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

Administrative Business

Administrative Statistics

From: [Kautz, Colleen K \(CED\)](#)
To: [Hannasch, Dawn K \(CED\)](#); [Hoffard, Renee \(CED\)](#); [Dulebohn, Dawn L \(CED\)](#); [Spencer, Cynthia R \(CED\)](#); [Khmelev, Andy A \(CED\)](#)
Subject: Renewal stats - week ending October 27 2019
Date: Tuesday, October 29, 2019 4:28:37 PM

Just an FYI

Professional Licensing Renewal Activity as of October 27, 2019

Program	License expiration date	Date renewal opened	Total licenses eligible to renew	Renewed in-house	Renewed online	Renewed as of October 27, 2019	Percent renewed	Total not yet renewed	Percent not yet renewed
Barbers and Hairdressers	8/31/2019	6/10/2019	5532	1380	3262	4641	84%	891	16%
Big Game Guides and Transporters	12/31/2019	10/3/2019	1467	31	177	209	14%	1258	86%
Massage Therapists	9/30/2019	7/11/2019	1150	225	823	1047	91%	103	9%
Professional Counselors	10/31/2019	8/21/2019	739	59	529	588	80%	151	20%

Colleen K. Kautz
Program Coordinator | Professional Licensing
Division of Corporations, Business and Professional Licensing
Phone: (907) 465-2524
Website: commerce.alaska.gov/web/cbpl

Administrative Business

Meeting Calendar

STATE OF ALASKA

2020

State Holidays

Date	Holiday
01/01	New Year's Day
01/20	MLK Jr.'s Birthday
02/17	Presidents' Day
03/30	Seward's Day
05/25	Memorial Day
07/04	Independence Day (observed 7/3)
09/07	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/26	Thanksgiving Day
12/25	Christmas Day

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday

 Nearly Unavailable

 Unavailable

Updated 08/28/2019

 MAS Meeting



State calendar maintained by the
Division of Finance,
Department of Administration
<http://doa.alaska.gov/calendars.html>
Revised 04/16/2018

HOLIDAY CALENDAR

JANUARY

S	M	T	W	R	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
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JULY

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MARCH

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29	30	31				

SEPTEMBER

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APRIL

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OCTOBER

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MAY

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31						

NOVEMBER

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29	30					

JUNE

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DECEMBER

S	M	T	W	R	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Document Signing

1024 be making any board decisions during their meeting. Chair Edwards-Smith responds in the
1025 affirmative.

1026
1027 **Agenda Item 24 Town Hall Meeting**

1028
1029 Having completed all board business for the day, the board decides to Adjourn their meeting for the
1030 day. The board is asked by OLE Dulebohn to be back from lunch at 1:30 p.m. to prepare for the
1031 Town Hall meeting that is scheduled in room 1236 at 2:00 p.m. later today.

1032
1033 **Agenda Item 25 Adjourn**

1034
1035 At this time, the board concluded all scheduled Board Business.

1036
1037 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously, it**
1038 **was RESOLVED to ADJOURN.**

1039
1040 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended
1041 at 11:08 a.m.

1042
1043
1044 **Respectfully Submitted,**

1045
1046
1047 _____
1048 **Dawn Dulebohn, Licensing Examiner**

Date

1049
1050
1051 _____
1052 **David Edwards-Smith, Boards Chair**

Date

1054
1055
1056

Correspondence

Correspondence

Malenfant

From: [Sara Malenfant](#)
To: [Board of Massage Therapists \(CED sponsored\)](#); [Dulebohn, Dawn L \(CED\)](#)
Subject: FW: Massage cleaning wording
Date: Thursday, October 10, 2019 12:06:41 PM
Attachments: [Massage cleaning research.docx](#)

Sent from [Mail](#) for Windows 10

From: [Sara Malenfant](#)
Sent: Thursday, October 10, 2019 11:48 AM
To: dawn.dulebohn@alaska
Subject: Massage cleaning wording

Hello Dawn,

I am hoping you may forward this to the Alaska Board. As I was cleaning out my email box, I noticed my direct email to them did not go through.

I contacted you in early September over cleaning guidelines for massage which the board is working on the wording. Here is the best results from my research. Maybe it will be a help to the board.

As I could not find any specific guidelines on massage practices, I then thought what is the germiest medical office out there, it has got to be pediatrics. Karen from Alaska Health Facilities Licensing and Certification, confirmed that these pediatric guidelines would be great ones to follow, as State Health does not regulate massage, yet.

So here are my findings from NIH as OSHA and CDC do not give a schedule of cleaning such as daily, weekly, etc. Basically they are vague with their wording of when necessary, and contradict each other as to the disinfectant solutions used. Osha says bleach, CDC says peroxide. I found NIH to be the best at specifics.

If the board or you have better guidelines specific for massage practices I would love to have them.

Thank you, for your time and for always being willing to help.
Sara Malenfant 101851

Sent from [Mail](#) for Windows 10

Massage cleaning Standards

research guidelines follows pediatrics office from NIH
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2532878/>

Level of disinfection required for medical equipment (Table 2) (2,6,40,41):

NIH **Balancing priorities**

Infection control programs are designed to reduce the risk of transmission so that it is at an acceptable level. The consequences of transmission in terms of infection severity and outcome must be weighed against the consequences of preventive measures taken. Practices must be tailored to the level of care being provided and the patient population served ([1](#)).

Prevention of transmission of infection and maintaining a child-friendly office may be opposing goals. Physicians must decide whether the benefits of an office in which children are free to play with each other, share toys, and generally have fun and practice their social skills, outweigh the risks of the infections that may be acquired there.

TABLE 2

Sterilization and disinfection requirements

Instrument	Level of disinfection	Products
Critical items – items that enter sterile tissue (eg, needles)	Sterilization	Steam, dry heat, chemical sterilants
Semicritical items – items that contact mucous membranes or nonintact skin but do not enter tissue (eg, laryngoscopes, specula)	Sterilization or high-level disinfection	Pasteurization, 2% glutaraldehyde, 0.55% orthophthalaldehyde, 6% to 7.5% hydrogen peroxide with or without peracetic acid, immersion in sodium hypochlorite 5.25% diluted 1:50 for ≥ 20 min, immersion in boiling water for 20 min
Noncritical items* – items that touch only intact skin (eg, stethoscopes or blood pressure cuffs)	Intermediate-or low-level disinfection. Detergent and water considered sufficient by some authorities	70% to 90% ethyl or isopropyl alcohol, sodium hypochlorite 5.25% diluted 1:500, 3% hydrogen peroxide, quaternary ammonium products, iodine, iodophors, 0.5% accelerated hydrogen peroxide, phenolics [†]
Environmental surfaces – doorknobs, table tops, carts, floors	Low-level disinfection or detergent and water	

*If visibly contaminated with blood, use sodium hypochlorite diluted 1:10 to 1:100 or 70% to 90% alcohol;

†Phenolics should not be used for items that will be in direct contact with the skin of newborns. Data from references [2,3,5,6,40,41,59](#)

Massage cleaning Standards

research guidelines follows pediatrics office from NIH

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2532878/>

Level of disinfection required for medical equipment (Table 2) (2,6,40,41):

- Items entering sterile body spaces (eg, needles) should be disposable or sterilized before reuse.
- Items in contact with mucous membranes or nonintact skin (eg, thermometer, suture cutter and vaginal speculum) should be disposable or undergo high-level disinfection or sterilization before re-use.
- Items in contact with intact skin only (eg, stethoscope, otoscope, blood pressure cuff and infant scales) should undergo low-level disinfection (2,3,5,6,40,41) or cleaning with detergent and water (6,40,42). Items contaminated with blood or body fluids should undergo disinfection. 1. Optimally, these should be cleaned after each use (1,2,6). If this is not feasible, clean daily and if soiled (1–3,6). 2. Clean bell and diaphragm of stethoscopes, handle and body of otoscopes and ophthalmoscopes, and reusable ear curettes with alcohol or disinfectant wipes (2,6) or with soap and water (6,40). Disinfect if contaminated with blood. 3. Items designed for single-patient use should not be used for more than one patient (3,5,6).
- Frequently touched office items which are difficult to clean (eg, pens, charts, computer keyboard and mouse, personal digital assistant devices and pagers) should be considered as always contaminated; hand hygiene should be performed before patient contact after contact with these items. Computer mice and keyboards should be cleaned daily (2). Use of covers on computer keyboards may facilitate cleaning (5).
- Cleaning of surfaces:
 - The examining table should be covered with disposable paper or cloth which is changed between patients. Clean the table between patients if soiled. If soiled with body fluids or stool, clean and disinfect with bleach (1:100) (2,3,5,6,40).
 - Examination tables, treatment chairs, sinks and other frequently touched surfaces (eg, light switches, door knobs and telephones) should be cleaned daily (1,2,3,6).
 - Washrooms should be cleaned daily and when soiled. Provide a diaper changing area with disposable paper covers and receptacles for used diapers (2,3,6).
 - Surfaces such as countertops, chairs and floors are usually not an infection risk and should be cleaned weekly or on a routine basis and when soiled (2,3,6,40). Other surfaces, including cupboards, walls, windows and air vents, should be cleaned at least annually and as needed to maintain appropriate standard of cleanliness (3).
 - Surfaces may be cleaned with a low-level disinfectant/detergent (2,5,6,40,41) or with a detergent (2,40,41).

Correspondence

KRDO

circle-arrow Play Button Stop Button chevron-right chevron-left chevron-up search warning chevron-left-skinny chevron-right-skinny x clock calendar play-button cancel-circle user twitter facebook youtube instagram email



44°

News

By [Stephanie Sierra](#)

November 11, 2019 10:33 pm

Published [November 11, 2019](#) 6:46 pm

KRDO uncovers license loophole, prompting state action

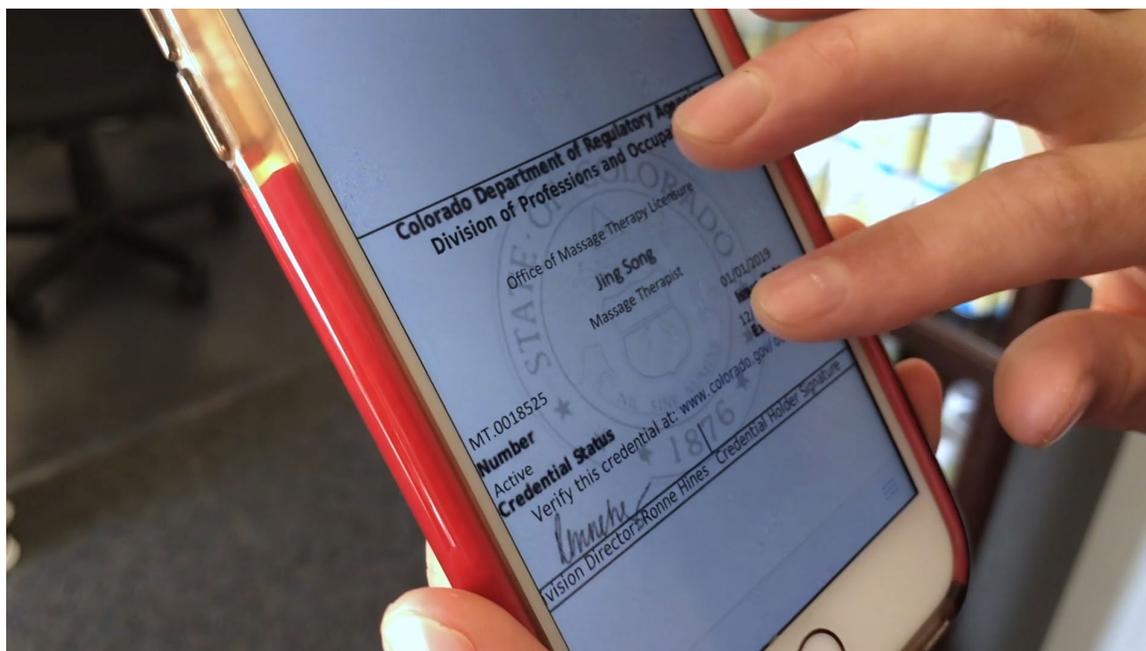
Cheat sheets, rigged tests, falsified credentials -- they're all becoming big problems in the massage therapy industry. Illegitimate masseuses are getting licensed by cheating the system.

We're seeing it right here in Colorado, but we have found that state has little to no oversight.

Under Colorado law, any person practicing massage therapy is required to be licensed with the state. In order to get that license, it's required the individual passes a state-administered exam. But according to our investigation, hundreds or possibly even thousands in Colorado don't take the exam, or they cheat on it.

The problem: the state agency tasked to oversee this issue doesn't have the statutory authority to fix the problem.

It was July 16, 2015, when Jing Song graduated from the International Institute of Cosmetics, a beauty school that licensed massage therapists in Colorado.



"This is my license, it says massage therapy," said Song, staring at her license certificate.

But today, that school no longer exists.

It's one of three that shut down following investigations uncovering evidence instructors were falsifying credentials. According to records from the Department of Regulatory Agencies, or DORA, Song is one of 66 people in the state that graduated from one of these reported 'fake' schools before they were terminated.

"Did you cheat on the exam?" Reporter Stephanie Sierra asked Song.

"No. No," Song said.

While Song tells us she didn't cheat, she admits many of her former classmates did.

"We can search Google, you know, the website from the government, the questions is similar there," said Song.

A similar issue of cheating was uncovered in a federal indictment by the Department of Justice back in late May and early June. According to the indictment, two instructors from Majestic Vocational School in Aurora were accused of falsifying credentials and creating cheat sheets with answers to the state license exam translated in Chinese.



"We find that they don't appear to be qualified that they don't have the background that would show they are massage therapists and would have gone through this rigorous education program," said Trevor Vaughn, who works with Aurora's Tax and Licensing Department.

Vaughn assisted with legislation that allowed the city to eliminate nearly every illicit spa in just over a year.

"This is a clear problem these instructors are licensing people with little to no experience in massage therapy," Sierra said during the interview.

"Yes, it's very frustrating and that's what we've seen almost universally with the places we suspect of doing prostitution or illicit activities," said Vaughn.

To put it in perspective, of the 19 parlors shut down in Aurora for illegal activity, Vaughn found nearly every therapist fronting the business graduated from a fake school.

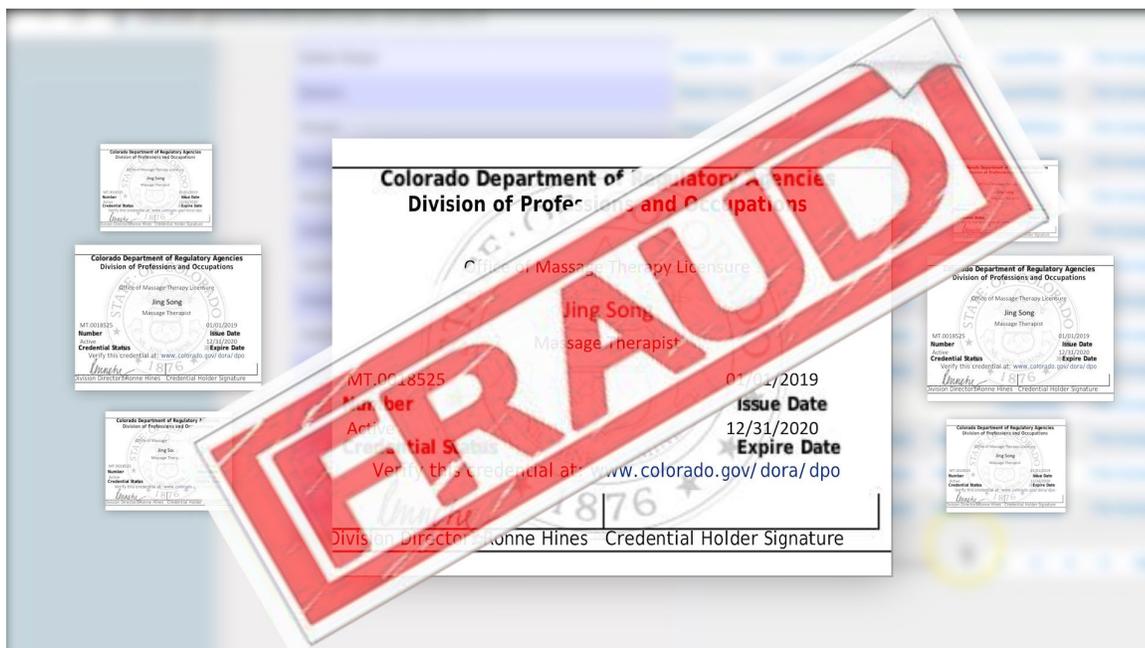
"It's concerning when they're able to get licenses and they have no qualifications," Vaughn said.

And what may be even more concerning is under Colorado law, the licenses issued from these fake institutions still remain valid with the state.

So we brought this issue to DORA's Director of External Affairs, Nathan Batchelder.

"One of the ways we're committed to our mission is by making sure candidates for licensure actually meet the requirements set forth in law," said Batchelder.

Yet, the state agency doesn't have a review process in place to verify licenses issued from schools that were shut down for fraud.



"Some consider this a flaw in oversight. As the investigating agency, how do you plan to address this?" we asked.

"I think it's important to understand that," Batchelder said before pausing. "Maybe I don't understand your question ... is it a flaw in terms of?"

"As far as, they're not verifying those particular licenses, I mean no one is taking them away," Sierra said.

"Right. And I think that's why we're open to conversations and recommendations from the community on any kind of enhanced authority or regulatory purview," said Batchelder.



Reporter Stephanie Sierra (left) speaking with State Sen. Paul Lundeen (R-Monument) about possible solutions to address the licensing loophole.

The keyword is "enhanced authority" which would require legislative help. That's why we took this issue to State Sen. Paul Lundeen (R-Monument).

"We need to have some ability to claw that license out, or at least question it," Lundeen said. "This will be the next step, we need to do something about closing this loophole."

A crucial change, one we can hope to see this next legislative session.

To reiterate, DORA doesn't have the statutory authority to verify licenses issued from these fake schools. But following our interview, the agency tells our team they are open to discussion on potential legislation to address this problem.

Colorado Springs / Investigations / Local News / State & Regional News

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Stephanie Sierra

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Correspondence

Santa Barbara Body Therapy Institute

From: [MarketingSBBTI](#)
To: [Board of Massage Therapists \(CED sponsored\)](#)
Cc: katie@sbbti.com
Subject: RE: Santa Barbara Body Therapy Institute - inquiry re: Ethics and Law requirement
Date: Monday, November 11, 2019 12:41:24 PM

Dear Dawn;

Thank you for your response. If you are willing to pose that question to the board in December, that would be much appreciated.

Santa Barbara Body Therapy Institute has a couple of students that are planning to work in Alaska, and we are concerned with providing the appropriate material to meet the required clock hours for Ethics.

Your assistance is very much appreciated.

Best Regards,

Cindy Anderson
Marketing/Student Outreach
Santa Barbara Body Therapy Institute
561 N. Quarantina St.
Santa Barbara, CA 93103
805 966-5802

From: Board of Massage Therapists (CED sponsored) [mailto:boardofmassagetherapists@alaska.gov]
Sent: Friday, November 08, 2019 3:38 PM
To: MarketingSBBTI
Subject: RE: Santa Barbara Body Therapy Institute - inquiry re: Ethics and Law requirement

Hello Barbara,

The Board usually does the assessment of transcripts. From the breakdown they have created, I see that business practices and professional development falls under Clinical Practice.

Additionally, from previous board discussions, I believe the ethics courses meant for CE's would be along the same lines as the course breakdown and would additionally include things like human trafficking preventing sexual misconduct.

If you like, there is an upcoming board meeting in December. I can pose this question directly to the board in that meeting. Would you like me to do that?

Best Regards,

Dawn Dulebohn

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

From: MarketingSBBTI [mailto:Marketing@sbbti.com]
Sent: Friday, November 8, 2019 11:49 AM
To: Board of Massage Therapists (CED sponsored) <boardofmassagetherapists@alaska.gov>
Subject: Santa Barbara Body Therapy Institute - inquiry re: Ethics and Law requirement

Dear Dawn;

I am inquiring about the Alaska requirements for the 50 hours of Ethics and Law, and the CE requirements for Ethics.

I see from the regulations that the following must be included in the clock hours for Ethics:

- Professional boundaries
- Therapeutic relationships
- Local and state laws

I am wondering if a course in Business Skills would satisfy a portion of the Ethics and Law initial licensing and CE requirement?

Your help is greatly appreciated.

Best Regards,

Cindy Anderson
Marketing/Student Outreach

Santa Barbara Body Therapy Institute
516 N. Quarantina St.
Santa Barbara CA 93103
805.966.5802
www.sbbti.com

Lunch

Public Comment

The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak; the licensing examiner will keep track of the time and notify the individual when they have 1 minute left.

This is not the time for the board to respond to the comments. The board can choose to respond to any comments at the end of the comment period; they can choose to send a letter with their responses to the individual; or they can choose to not respond.

Tabled Applications

J.H.

Adjourn