



Massage Therapy Licensure FAQ

June 2015

1. Why is the state regulating massage therapists?

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

2. Who must become licensed—and when?

When the Alaska State Legislature passed HB328 in the fall of 2014, it adopted requirements for licensing both new and practicing massage therapists in Alaska, including education and exam requirements. The new law goes into effect on July 1, 2015.

IF YOU ARE WORKING AS A MASSAGE THERAPIST IN ALASKA, YOU MUST APPLY TO BE LICENSED, EFFECTIVE JULY 1, 2015.

There are currently two pathways to become licensed. Please read below to determine which pathway fits your situation.

TRANSITIONAL REQUIREMENTS FOR PRACTICING MASSAGE THERAPISTS

The legislature created a transitional provision to allow those who have worked as massage therapists in Alaska to waive education and exam requirements. Practitioners applying under the transitional provisions of the new law must meet certain requirements.

Applicants who meet the transitional requirements below may use the transitional requirements to apply for licensure through June 30, 2017. After July 1, 2017, all applicants must meet the new exam and education requirements.

In order to become licensed as a massage therapist under this transitional provision, an applicant must:

- apply for a license before July 1, 2017.
- prove ownership, operation, or work for a massage therapy business AND performance of the practice of massage therapy between July 1, 2010 – June 30, 2015 by submitting one of the following documents:
 - o signed federal income tax returns for one of the five years immediately preceding July 1, 2015, listing the person's occupation as massage therapy in Alaska;

- signed schedule C federal income tax returns for one of the five years immediately preceding July 1, 2015, demonstrating reported income from the practice of massage therapy in Alaska;
 - a sworn statement Alaskan employer attesting that applicant has practiced massage therapy within the five years immediately preceding July 1, 2015, a copy of the business license of the person's employer, and a copy of the person's Form W-2 or Form 1099-MISC from the same employer;
 - a copy of a municipal occupational license that was current on the day before July 1, 2015 from a municipality in Alaska, stating applicant's occupation as massage therapist;
 - documentation that applicant has, for at least one year immediately preceding July 1, 2015, been an active member, as a massage therapist, in a national professional massage therapy association that was established before 2000, offers professional liability insurance as a benefit of membership, and has an established code of professional ethics; or
 - other documentation satisfactory to the board; and
- apply on a form provided by the department;
 - pay the fees established under AS 08.61.090*;
 - be 18 years of age or older;
 - have been fingerprinted and provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check;
 - have a current CPR certification; and
 - have not been convicted of, pled guilty or no contest to, a crime involving moral turpitude or who has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice safely.

* Fees are currently under review. Applicants will be contacted when fees are final, which is anticipated to be in mid-July. Those who have not applied by that time will need to check the web site for fee information.

These requirements are also explained in the *Initial Application – Practicing Massage Therapists* posted on the web page.

WHAT IF I DO NOT MEET THE TRANSITIONAL REQUIREMENTS?

If you are a new massage therapist or an existing massage therapist who cannot meet the transitional requirements, you are required to be licensed effective July 1, 2015 under the new education and exam criteria OR credential criteria set out by the new law.

An *Initial Application – New Massage Therapist* is posted on the board webpage that allows applicants to apply by education/examination OR credentials.

WHAT ARE THE EDUCATION/EXAMINATION OR CREDENTIAL REQUIREMENTS FOR LICENSURE?

If applying by education/examination:

- Completion of a course of study of at least 500 hours of in-class supervised instruction and clinical work from a board-approved massage school.

OR

- Completion of a board approved apprenticeship program (*the Board has not yet approved apprenticeship program details; applicants should submit program information for approval on a case by case basis*)

AND

- Verification of having passed the national exam administered
- Have been fingerprinted and passed a national criminal history record check
- Have a current CPR certification
- Completion of at least 4 hours of safety education in bloodborne pathogens and universal precautions in the 2 years preceding July 1, 2015.
- Has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or who has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the applicant's ability to practice competently and safely.

If applying by credentials:

- Verification of license in good standing to practice massage therapy in another state or country that has licensing requirements that are substantially equal to or greater than Alaska's (as outlined above)

OR

- Verification of certification by a certification entity

AND

- Have been fingerprinted and passed a national criminal history record check
- Have a current CPR certification
- Must not be the subject of an unresolved complaint or disciplinary action before a regulatory authority in this state or another jurisdiction
- Must not have had a certificate or license to practice massage therapy revoked, suspended or voluntarily surrendered in this state or another jurisdiction
- Has not been convicted of, or pled guilty to or not contest to, a crime involving moral turpitude, or been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely

What are the board-approved schools or credentialing organizations? *The Board of Massage Therapists has not approved specific schools; however, on June 15, 2015, it approved that the following accrediting/credentialing agencies be included in proposed regulations, being put out for public comment.*

- American Massage Therapy Association
- Associated Bodywork and Massage Professionals
- National Certification Board for Therapeutic Massage and Bodywork
- Commission on Massage Therapy Accreditation

What are the board-approved exams? *On June 15, 2015, The Board of Massage Therapists approved that the following accrediting/credentialing agencies be included in proposed regulations, being put out for public comment:*

- Federation of State Massage Therapy Boards (MBLEX)
- National Certification Examination for Therapeutic Massage and Bodywork (NCETMB/NCETM)

What is the definition of moral turpitude? *On June 15, 2015, the Board of Massage Therapists approved that the following definition of moral turpitude be included in proposed regulations being put out for public comment:*

- (1) homicide;
- (2) manslaughter;

- (3) assault
- (4) stalking;
- (5) kidnapping;
- (6) sexual assault;
- (7) sexual abuse of a minor;
- (8) unlawful exploitation of a minor, including possession or distribution of child pornography;
- (9) indecent exposure;
- (10) unlawful distribution or possession for distribution of a controlled substance;
- (11) prostitution;
- (12) sex trafficking

3. Will the training and education I received to become licensed in my community transfer over to state licensure? Who approves the required 4 hours of safety education? What is the definition of “current” CPR certification? Which accreditation standards are acceptable to the board? Where can I find out this information?

If the training and education meets the standards and timelines set in Board of Massage Therapists statute and regulation, it will be accepted. Certain criteria were determined at the board’s February meeting and are listed above and posted on the board’s web page.

4. When will license applications be available?

Applications are currently on the board web page at www.professionallicense.alaska.gov/boardofmassagetherapists. Please ensure to fully read the instructions enclosed with the application.

5. Do massage therapists who hold a municipal license also need a state massage therapist license?

Yes. As of July 1, 2015, municipalities may no longer regulate massage therapy. All massage therapists must become licensed by the Division of Corporations, Business and Professional Licensing effective July 1, 2015. Until July 1, 2015, all municipal licenses are fully in effect unless voluntarily deregulated by the municipality. Municipal licenses and the new state license are completely unrelated agencies, fees, and processes.

6. How may an individual or organization provide feedback on the proposed regulations? Will I get a response?

On May 1, 2015, the division proposed fees for the massage therapy licensing program. All comments were due to the division’s regulations specialist, Jun Maiquis, in writing before the public comment period closed at 4:30 on June 1.

This information has been posted in the Alaska Online Public Notice System and was mailed to all massage therapists for whom the division received mailing addresses. A copy of the proposed regulations has also been posted at professionallicense.alaska.gov/BoardofMassageTherapists.

Board regulations will follow the same process once they are approved by the board for public release on June 15, 2015. Comments may be provided to jun.maiquis@alaska.gov. The board will hold oral testimony on proposed regulations at its July meeting in Anchorage. The date and time of this meeting will be posted on the board’s web page once it has been determined. If you wish to testify on the proposed regulations, be sure to check the board’s web page or the [Alaska Online Public Notice System](#) for details.

The board and division are not permitted by law to engage in a dialogue about proposed regulations. All comments submitted to Mr. Maiquis will be read and considered by the regulation's proposers. General questions will be updated on this FAQ document to assist the public in learning about the program. Due to the high volume of questions being asked, we appreciate your patience as we work through all requests.

7. What are the proposed fees for licensure?

Fees are set in regulation by the division under AS 08.01.065. By law, fees must be analyzed annually and set to approximately recover the cost of program operations. The division must consult the board before adopting fees.

During legislative testimony, fees were estimated and research provided to back up this estimate. This worksheet is also attached. The fees were based on 600 massage therapists becoming licensed in the first biennium and renewing thereafter.

At its June 15, 2015 board meeting, the Board of Massage Therapists recommended a \$50 reduction to previously proposed license fees. The Division of Corporations, Business and Professional Licensing has adopted the board's recommendation. Fees for the 2015-2017 licensing period are:

Non-Refundable Application Fee:	\$200 (paid only at initial licensure)
Initial Massage Therapy License:	\$350
Massage Therapy Biennial Renewal:	\$350 (paid every two years)
Fingerprinting Fee:	\$60 (paid every two years)

Fees will become effective 30 days after filing with the Lieutenant Governor's office. We expect the effective date to be in late July. The division will post this information on the web site, contact existing applicants, and begin receipting fees at that time. We cannot accept payment before the effective date, and all payments toward massage therapy licensure that are received before that date will be returned.

8. Why are the proposed fees different than the cost represented in the fiscal note for HB328?

The cost estimates provided during legislative testimony include only the new costs to the division budget as a result of creating the massage therapy licensing program. The fiscal note is not designed to predict licensing costs. Please see the attached worksheet for a breakdown of fiscal note expenses vs. direct licensing expenses.

9. How are the estimated costs determined? What do licensing fees pay for?

AS 08.01.065 requires all costs of regulating the profession to be borne by its licensees. The regulatory requirements enacted in other states have no bearing on Alaska's state statute; therefore, the cost of licensure in another state is not a reasonable barometer of what should be charged in Alaska.

The proposed fees are based on the known costs of a similarly sized and structured licensing program. The law requires massage therapists to adhere to many provisions, and it gives ample authority to the board to determine many of the requirements of licensure. For example:

- The agency must create, publish, and manage licensing application forms and fees, which entail adherence to the state's recordkeeping, security, payment, and refund policies and procedures.

- Requirement of licensees to meet professional fitness standards, which are evaluated by the license examiner and referred to the agency's investigative unit, if necessary for further review.
- Enforcement of disciplinary sanctions available to the agency if a licensee violates the state licensing statutes or regulations or individual practices athletic training without a license. Because state law requires all costs of a licensing program to be borne by the licensees of that program (AS 08.01.065), any investigative, attorney, or appeal expenses of the state will be recovered in the licensing fee.
- AS 08.61 defers to the board to adopt necessary regulations for management of the licensing program. This requires board and investigator travel, legal support, and other resources the board and division need to comply with the expectations of law. The Alaska Administrative Code prescribes the requirements for public notice and adoption of agency regulations—the cost of which is borne by the licensing program.

10. Would the services of the regulations specialist, examiner, and investigator roles already be provided by a national credentialing agency for all certified massage therapists? If not, what is the difference? If so, can the state use the certification to regulate massage therapists instead of an additional state regulation?

The massage therapy licensing program must comply with Alaska state law. All proposal and adoption of regulations, license processing, records retention, and license investigations must be performed in accordance with state law. While some of the credentialing functions point to national exam or certification, a private organization cannot be delegated the statutory authority of state boards. Licensure by a state is reserved for the state. It is not the role of the agency to evaluate whether private certification meets the needs of the public; rather, the agency is engaged in implementing the laws passed by the legislature.

11. Are there any other ways to reduce the start-up costs?

The agency is committed to delivery of efficient and effective licensure and constantly seeks opportunities to reduce the cost of regulation. As mentioned above, it is likely the early start-up estimates could be much lower than provided here or in the fiscal note. Since the program has not yet been implemented, the fee analysis is carefully based on actual costs of similar licensing programs.

In this case, the comparative program—while not similar in day-to-day activity by licensees—is very close in terms of level of effort by agency staff. Social Worker licensing was selected for this comparison because it also requires fingerprinting, also has a governing board, and in FY13 had a similar number of licensees. The agency has been provided an estimate of 600 total licensees for the massage therapist program. Should the actual number of licensees be much greater, the cost of licensure will be lower.

12. Are there waivers or deferments to spread the initial cost across the first 2 years?

Per state law, licenses must be paid in full before they can be issued. The license is issued biennially, so the cost is already proposed to be spread across two years. After consideration of public comment, the agency could elect to lower the initial cost and keep it steady over the next several licensing cycles; however, this could place the licensing program into an unadvisable deficit position.

13. How often must I be fingerprinted? Why is the cost \$60? Can fingerprints that were taken by another agency be used again for licensure?

The new law required fingerprinting upon initial licensure, as well as upon renewal of licensure every two years. The Department of Public Safety sets fees and processes fingerprints to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400. This process is more comprehensive than a state background check, so it requires additional cost and time. The FBI does not permit reuse of fingerprints or the resultant background checks.

14. If a license application has not been approved by July 1, 2015, can a massage therapist who is required to be licensed this year still practice in Alaska?

It is likely that the first licenses will not be issued until late summer, after fees are finalized and receipted for each applicant. Until this time, those required to become licensed in 2015 are encouraged not to practice because it will be a violation of state law. However, the division will not be issuing cease and desist orders for unlicensed practice to those who have an application on file and are simply waiting for the background check and license processing to be completed by the state.

Massage therapist license enforcement questions should be directed to Ed Riefle at ed.riefle@alaska.gov.

15. What should current graduates do if they currently qualify for a municipal license but not a state license?

The schedule in Answer #1 (above) shows the criteria for whether a massage therapist must hold a state license as of July 1, 2015, or whether they may postpone licensure until July 1, 2017. If a recent graduate does not meet the requirements to postpone until 2017, then he or she may not practice until they (1) become licensed or (2) meet the requirements to postpone.

16. What are the conflict of interest rules for state board members?

Ethical considerations and requirements for appointed board members are governed by the Alaska Executive Ethics Act. A wealth of information can be found on the Department of Law website, and this information (among other key responsibilities) are included in the board member orientation manual:

Main Ethics Act Page: <http://www.law.alaska.gov/doclibrary/ethics.html>

Board Info: <http://www.law.alaska.gov/doclibrary/ethics/EthicsInfoBC.html>

Procedures: <http://www.law.alaska.gov/doclibrary/ethics/EthicsBC.html>

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

No. Once the therapist is required to have a license per (1) above, it is illegal to practice without a license.

18. What is the appeal process for a board action on a license?

The state provides very clear and specific procedures to ensure the due process of its citizens is protected. Pursuant to AS 44.62.390, if a license is denied or disciplined, a letter will be sent with appeal instructions to the practitioner, who has 15 days to respond. If no response is received, the practitioner is deemed to have waived his/her rights to appeal.

19. What about Native healers, Rolfers, and others who may be performing massage-related techniques?

AS 08.61.080 provides several exemptions from licensure. Please read this list to see whether your practice fully falls under one or more of these exemptions. If you provide massage therapy as defined by law—or use one of many terms to advertise that you do so—then you must become licensed. Illegal activity in conjunction with the delivery of massage services remains a crime under Alaska law and will continue to be prosecuted.

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

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

Do you have a question that is not answered here?

Please email sara.chambers@alaska.gov or randy.brown@alaska.gov so it can be added.

Would you like to be notified about / provide comments to proposed regulations?

Provide your name and email address to:

Jun Maiquis, Regulations Specialist
jun.maiquis@alaska.gov

Estimated Costs for Massage Therapy Fiscal Note and Massage Therapy Licensing Program Costs, various scenarios

Fiscal Note Costs (Requires New Authority)							
				A	B	C	
	First Year	Ongoing		1st Biennium Costs per Fiscal Note	1st Biennium Costs Adj. for IT via Indirect	Ongoing Biennial Costs	
1 time Legal	11.9			11.9	11.9	0.0	
1 time IT	35.2			35.2	0.0	0.0	
Fingerprinting	3.0	3.0		6.0	6.0	6.0	
Public Notice	1.1	1.1		2.2	2.2	2.2	
Ongoing Legal		5.6		5.6	5.6	11.2	
Hearing Mediation		3.2		3.2	3.2	6.4	
73000	51.2	12.9		64.1	28.9	25.8	
72000	18.4	36.8		55.2	55.2	73.6	
74000	0.2	0.2		0.4	0.4	0.4	
FN Costs	69.8	49.9		119.7	84.5	99.8	
Estimated Pooled and Indirect Costs (Existing Authority)							
				F	G		
	Average of FY12/13	Estimated Average of FY14/15		Biennial Costs w/ 10% Indirect Adjustment	Biennial Costs w/o 10% Indirect Adjustment		
<i>Pooled Direct Costs of Social Work Examiners</i>							
Examiner, Supervisor, Investigator, Regulations Specialist:	65.4	71.9		143.8	130.7		
<i>Trending Percentage Increase</i>		10.02%					
<i>Indirect Costs of Social Work Examiners</i>							
Internal Admin	22.3	24.5		49.0	44.6		
Dept Costs	13.9	15.2		30.4	27.7		
Statewide Costs	7.5	8.2		16.4	14.9		
<i>Trending Percentage Increase</i>		10.00%		95.8	87.2		
				239.6	217.9		
Estimated License Program Costs & Fees						Estimated License Program Costs & Fees	
1st Biennium @ 600 licensees						Ongoing Biennia @ 600 licensees	
	A + F	A + G		B + F	B + G	C + F	C + G
	Fiscal Note w/ Indirect Adj.	Fiscal Note w/o Indirect % Adj.		Fiscal Note adj. for IT via Indirect, w/Indirect Adj.	Fiscal Note adj. for IT via Indirect, w/o Indirect Adj.	Ongoing Costs w/Indirect Adj.	Ongoing Costs w/o Indirect % Adj.
	359.3	337.6		324.1	302.4	339.4	317.7
	\$ 359,300	\$ 337,600		\$ 324,100	\$ 302,400	\$ 339,400	\$ 317,700
	\$ 598.83	\$ 562.67		\$ 540.17	\$ 504.00	\$ 565.67	\$ 529.50

Guide to HB 328 Cost Explanation								
<i>Licenses are issued for two years, so costs are reflected biennially unless otherwise noted.</i>								
<i>Fees are estimated by adding fiscal note costs that need additional budget authority to the anticipated expenses that exist within current division budget authority.</i>								
Scenario A:	First biennium costs as reflected in the fiscal note (needs authority)							
Scenario B:	First biennium costs as reflected in the fiscal note, with IT set-up adjusted for recovery via indirect (needs authority)							
Scenario C:	Out-year costs reflected in the fiscal note per biennium (needs authority)							
Scenario F:	Biennial costs including trending 10% indirect cost adjustment							
Scenario G:	Biennial costs based on actuals, does not include trending 10% indirect cost							
Peach shading	Most likely fee scenario							