

STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING BOARD OF MASSAGE THERAPISTS

MINUTES OF MEETING February 22-23, 2016

By the authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board Massage Therapists was held on February 22-23, 2016 at the State Office Building (333 Willoughby AVE Juneau, AK 99801).

February 22, 2016

Agenda Item - Call to order and Roll Call - 8:31AM by Chairperson Amanda Unser.

Those present representing a quorum of the Board:

Amanda Unser, Licensed Massage Therapist
Ron Gibbs, Licensed Massage Therapist
David Edwards-Smith, Licensed Massage Therapist
Shirley Nelson, Public Member
Traci Gilmour, Licensed Massage Therapist

In attendance from the State of Alaska were (all in person):

Randy Brown, DCCED Licensing Examiner
Sara Chambers, DCCED Division Supervisor
Sonia Lipker, DCCED Investigator

In attendance as members of the public (all telephonic):

Edward Toal - ROLFer
Barbara Mayor - ROLFer
Joanie Waller - LMT
Claire Miller - LMT
Drew Cason - Denali Daniels & Associates, Inc.
Linda Jordan, ROLFer
Kevin Snedden - FSMTB

Agenda Item - Review & Approve Agenda

Adjustments to the Agenda were made to change "Denali Daniels" to "Denali Daniels & Associates, Inc." and to include Application review in Executive Session on February 23rd, 2016 from 9AM - 9:30AM for applicant interview.

Upon a motion made by Amanda Unser and seconded by Ron Gibbs, with unanimous approval, It was RESOLVED to approve the amendments to the agenda. 8:34AM

Agenda Item - Review Minutes

Upon a motion made by Traci Gilmour and seconded by Shirley Nelson, with Amanda Unser abstaining, and Shirley Nelson, Ron Gibbs, David Edwards-Smith and Traci Gilmour voting in favor, It was RESOLVED to approve Minutes from the January 14th, 2016 meeting with the correct spelling of Edward Toal's name. 8:36AM

Upon a motion made by Amanda Unser and seconded by Ron Gibbs, with unanimous approval, It was RESOLVED to amend Minutes from the December 3, 2015 meeting. 8:37AM

Upon a motion made by Ron Gibbs and seconded by David Edwards-Smith, with unanimous approval,

It was **RESOLVED** to approve Minutes as amended from the December 3, 2015 meeting. 8:38AM

Agenda Item – Task List Review

- ROLFing discussion
- Transitional Application (other documentation option)

Agenda Item – Ethics Report

There are no ethics issues to disclose.

Agenda Item – Public Comment

Joanie Waller asked the board to answer if there is a location where the details of a discussion referenced on an agenda are located. Additionally, she asked if structural integration courses count toward continuing education requirements for this license? (Board to follow up in written correspondence)

Claire Miller expressed her concern that this board has not broken down the requirements of the 500 hour licensing requirements.

Agenda Item – “Other Documentation” on Transitional Application

The Board provided a list of documents they would consider, that when combined with a total of three documents, would likely provide satisfactory evidence verifying employment/practice as a Massage Therapist. They are as follows:

- 3 months of bank statements prior to July 2015 showing the applicant's business name and personal name (in relation to massage therapy)
- 5 notarized letters from patients or clients that are not one's family, stating that they have paid and received massage services from the applicant prior to July 1, 2015.
- Massage Therapy liability insurance documenting coverage prior to July 2015 from a company that is not a massage therapy association or club stating applicant's name as a policy holder with a minimum coverage of \$500,000. Must show 6 month coverage.
- 3 credit card statements prior to July 2015 stating applicant's name and business name accompanied by a state or local business license current as of the same year as the credit card statement.
- Certificates of continuing education in massage therapy modalities provided by an approved provider for a continuing education from agencies the board has approved as continuing education providers which are stated in regulations dated between July 2011 and July 2015 resulting in a minimum of 48 continuing education units.

Agenda Item – Remaining Business (If needed)

Kevin Snedden joined to present information on behalf of FSMTB in regards to statutory exemptions that other states offer. Correspondence was included with the board packet.

Agenda Item – ROLFing Discussion

Drew Cason from Denali Daniels & Associates **joined** to notify the board that they are representing the interests of ROLFers, and to support maintaining their exemption. Additionally, he mentioned that he was contracted to explore potential licensure for this group. The Board continued to discuss the merits of the current exemption.

Agenda Item – Division Update

Sara Chambers joined to notify the board that there are no changes from the previous division financial information. She also discussed some of the administrative concerns the division has regarding potential shop licensure. Additionally, Licensing Examiner Randy Brown provided an update of licensing progress. The Board

has requested that the division send out notification to all applicants that the board will begin enforcing licensing requirements June 30, 2016.

Agenda Item - Shop Licensing

Continued discussion ensued regarding shop licensing, reviewing the statutes of other states to help form a coherent document presentable to the legislator that would sponsor this bill.

Proposed language to change statute would include: "Board has the power to: adopt regulations governing the operation of massage establishments and their facilities, personnel, safety and sanitary requirements, financial responsibility, insurance coverage, and license application and granting process."

A Massage Establishment would be: "defined as a place of business that offers the practice of massage therapy and where the practice of massage therapy is conducted on the premises of the business. Any massage business which engages in or carries on, as the whole or part of its services, the practice of massage therapy not at a fixed location, but at a location designated by the customer, client or service is an onsite or out call massage therapy establishment."

The board further

The Board took no action on this material.

Agenda Item - Remaining Business

The Board continued discussion regarding potential changes to education requirements (statutory) brought up as a result of public comment from Claire Miller. Additionally, continued discussion regarding ROLFing (Structural Integrators) exemption, moving closer to taking an official position. The board noted that they would like determine whether or not they have the authority to require exemptions to register with them and would need the division's assistance with this.

The board recessed at 4:26PM, to return tomorrow (February 23, 2016) at 8:30AM.

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February 23, 2016

Agenda Item - Call to order and Roll Call - 8:30AM by Chairperson Amanda Unser.

Those present representing a quorum of the Board:
Amanda Unser, Licensed Massage Therapist
Ron Gibbs, Licensed Massage Therapist
David Edwards-Smith, Licensed Massage Therapist
Shirley Nelson, Public Member
Traci Gilmour, Licensed Massage Therapist

Agenda Item - Investigative Report

Investigator Sonia Lipker joined to notify the Board that as of the date of the report, 17 cases had been opened and 15 were closed.

Agenda Item - Applicant/Application Review

In accordance with the provisions of AS 44.62.310 C: **Upon a motion made by Amanda Unser and seconded by Traci Gilmour, with unanimous approval,**

It was **RESOLVED** to enter executive session for the purpose of discussing subjects that tend to prejudice the reputation or character of any person provided the person may request the public discussion. Board staff is requested to remain during the session. **9:04AM**

Upon a motion made by Amanda Unser and seconded by Traci Gilmour, with unanimous approval,
It was **RESOLVED** to exit executive session.

Upon a motion made by Amanda Unser and seconded by David Edwards-Smith, with unanimous approval,
It was **RESOLVED** to approve the licensure of Christopher Delamar pending completion of a two hour ethics course. The course shall be administered by an approved continuing education provider and can apply toward the applicant's continuing education requirements.

Upon a motion made by Traci Gilmour and seconded by Ron Gibbs, with unanimous approval,
It was **RESOLVED** to approve the licensure of Sharon Cruickshank pending receipt of two notarized, professional letters of reference and receipt of verification of completion of outpatient treatment.

Upon a motion made by Ron Gibbs and seconded by Shirley Nelson, with unanimous approval,
It was **RESOLVED** to approve the following applications:

- Heather Jorgensen
- Lanie Izabelle Lumbab
- Lynsey Rochester
- Aimee Olejasz
- Megan Nigro
- Jacob Miller

- Marla Larson
- Patricia Brewster

Upon a motion made by Traci Gilmour and seconded by Ron Gibbs, with unanimous approval, It was RESOLVED to approve the following applications:

- Tatyana Russkih
- Ashley Norris
- Kailee Champion
- Tuomo Latva-Kiskola
- Jessica Small
- Kyleigh Michelle Rust
- Garland Brooks
- Douglas Oldham

Agenda Item - Remaining Business

Upon a motion made by David Edwards-Smith and seconded by Ron Gibbs, with Amanda Unser, Traci Gilmour, Ron Gibbs voting "NO" and David Edwards-Smith and Shirley Nelson voting "YES."

It was NOT RESOLVED to recommend to the legislature removal of the language under AS 08.61.080 (10).

Upon a motion made by Amanda Unser and seconded by Traci Gilmour, with unanimous approval,

It was RESOLVED to support ROLFers in the pursuit of their own licensure and that the Board seek to change the language in 08.60.080 (10) "person engaged only in the practice of structural integration and who holds a current certified professional membership from the International Association of Structural Integrators or who is Certified ROLFer certified by the ROLF Institute of Structural Integration."

Upon a motion made by Ron Gibbs and seconded by David Edwards-Smith, with Traci Gilmour voting "NO" and David Edwards-Smith, Shirley Nelson, Ron Gibbs, and Amanda Unser voting "Yes."

It was RESOLVED to add 08.61.080 (13) (A) "persons who qualify for exemptions 10 or 13 must register for their exemption with the department."

Amanda Unser directed the department to inquire with the Department of Law regarding whether or not the board must change under "Duties and Powers" AS 08.61.020 to include authority to require registration, as aforementioned.

Upon a motion made by Amanda Unser and seconded by David Edwards-Smith, with Amanda Unser, David Edwards-Smith, Shirley Nelson and Ron Gibbs voting "YES", and Traci Gilmour voting "NO"

It was RESOLVED to amend 08.61.030 (A) to read "a course of study of at least 750 hours of in-class supervised instruction and clinical work from an approved massage school."

Agenda Item - Administrative Business

Task List:

- Amanda will provide a legible copy of statutes that the board has decided needs changing. David Edwards-Smith will be reviewing data to come up with an estimate of the number of potential massage establishments in the state.
- The board is waiting to hear back from the Department of Law regarding the regulations that were submitted regarding the apprenticeship program.
- The board would like to ensure that public notices are being communicated well to all applicants.
- Contact FBI and Investigations regarding financial records for potential shop licensing requirements.
- Produce letter for Claire Miller to send to Washington State explaining our circumstances.

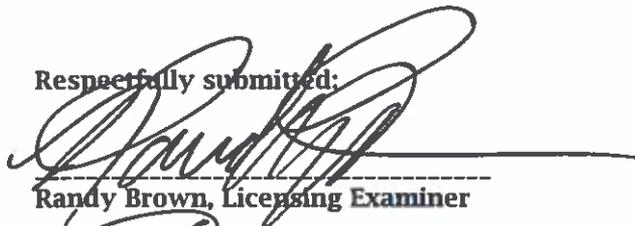
- Produce letter for Joanie Waller regarding where to locate meeting minutes/recordings. Additionally, Structural Integration Courses will be counted as continuing education courses as long as the course is provided by an approved CEU provider. The providers are listed in regulations
- Postcard for reminder regarding licensure enforcement (June 30th enforcement) shall be sent out as soon as time permits.
- Sign minutes from previous meetings.

Agenda Item - Representative Nageak

Two board members joined Representative Nageak in his office, and teleconferenced in to this meeting. The discussion was positive, noting the program has been very successful in the amount of applications received and licenses issued, and that before any changes to statutes are made, the board should consider lowering fees to applicants, as more applicants have applied (and paid fees) than were anticipated.

**Upon a motion made by Amanda Unser and seconded by Traci Gilmour, with unanimous approval
It was RESOLVED to adjourn this meeting at 3:36PM**

Respectfully submitted:



Randy Brown, Licensing Examiner



Amanda Unser, Chairperson

6.3.16
Date

06/03/2016
Date