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

BOARD OF MASSAGE THERAPISTS

MINUTES OF THE MEETING

July 20, 2017

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Massage Therapists was held via teleconference Thursday, July 20th 2017.

Agenda item 1 **Call to order/Roll call:**

The meeting was called to order by Chair, David Edwards-Smith at 8:08 am

Board Members present, constituting a quorum:

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

Division Staff present:

Dawn Hannasch, Occupational Licensing Examiner

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Agenda item 2 **Review/Approve agenda:**

In a motion duly made by Ron Gibbs and seconded by Jill Motz with unanimous consent, it was:

Resolved to accept the agenda as written.

Agenda item 3 **Review/Approve past meeting minutes:**

Hearing no changes to the agenda, the Board Chair requested that the Board review the meeting minutes from the past 3 meetings; March 6 & 7 2017, March 28 2017 and May 10 2017.

In a motion duly made by Tracy Gilmour and seconded by Jill Motz with unanimous consent, it was:

Resolved to accept the meeting minutes from March 6 & 7 2017, March 28 2017 and May 10 2017 as written.

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Agenda item 4 Ethics reporting:

Board member Jill Motz disclosed to the Board that she gave a professional opinion in a legal matter for compensation, as a Licensed Massage Therapist.

Agenda item 5 Division/Fiscal Update:

At 8:14 a.m. Division Deputy Director, Sara Chambers joined the meeting to provide the Board with the Fiscal Year 2017 3rd quarter financial statements. Ms. Chambers notified the Board that the end of fiscal year 2017 financials will be made available at the Boards October meeting.

The Boards travel expenses have decreased by over \$11,000. This is due to the Board utilizing teleconferences for most of their meetings and the bulk of the work that was done in FY2015 and FY2016. Moving forward the Board plans to continue meeting via teleconference as often as possible and face to face only to meet the statutory requirements.

At the end of the 3rd quarter of FY2017, the Board has a surplus of \$249,633.00. The Board reviewed the 2 times that they have recommended to the Division that fee's be reduced, once in the beginning of this program and again before renewals in 2017. The Division accepted the recommendations of the Board and reduced fee's each time. The fees will be reviewed at each renewal by the Division.

The Board moved on to questions for Ms. Chambers regarding House Bill 110. Ms. Chambers reported that HB110 made its way through House Rules and may go before the Senate in the spring. The Board plans to continue to seek support for HB110. After reaching out to bill Sponsor, Representative Keto, to request that the exceptions portion of the bill be retracted, there has still been no movement on the bill. There has been talk about combining HB110 and House Bill 145. HB145 would terminate fingerprinting at each renewal. The board reached out to the bill sponsors, Representatives Westlake and LeDoux and requested that the bill be changed to require finger printing at renewal every 3rd cycle. At this time the bill is written to only require finger printing on the 4th renewal cycle or every 8 years. The board will continue to seek support for this bill as well.

Ms. Chambers answered questions that the Board had regarding sunset audits. Ms. Chambers gave the board some history of how the Legislators typically deal with sunset audits as well as the things that they are primarily looking at. The main requirement is that the board be able to cover all of its own expenses. Ms. Chambers has seen a few boards receive "hand slaps" but never has she seen a Board sunsetted.

Ms. Chambers agreed to put information together regarding the fees for establishment licensing and return at 1:30 to discuss her findings with the Board.

Agenda item 6 Regulations/Statute project review:

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97 Hearing nothing further regarding the Division update, the Board Chair opened the floor for
98 discussion on HB110 and HB145. It is the opinion of the Board that they will continue to seek
99 support for both house bills with the requested modification talked about during the Division
100 update.

101
102 It was decided that the discussion of the Barrier Crimes Matrix from last fall would be revisited
103 during old business. At this time the matrix is only a guild line used by the board when making
104 licensing denial or disciplinary decisions. It is the belief of the board that the matrix needs to be
105 added into regulations to provide a more clear and concise direction for future Board, Investigations
106 and the public.

107
108 The board reviewed the letters written to the Rolf Institute by Board Chair David Edwards-Smith
109 and by Board member Traci Gilmour. As of the date of this meeting there has been no response to
110 the board by the Rolf Institute.

111

112 **Break from 9:40 a.m. – 9:44 a.m.**

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115 **Agenda item 7 Office of Administrative Hearings:**

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117 At 9:45 a.m. Judges Pederson and Lebo along with 2 of their law clerks joined the Board via
118 teleconference.

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120 **In accordance with the provision of Alaska Statute 44.62.310 (c), I Traci Gilmour move to go**
121 **into executive session for the purpose of discussion (2) subjects that tend to prejudice the**
122 **reputation and character of any person, provided the person may request a public**
123 **discussion. Seconded by Jill Motz, with unanimous consent.**

124

125 Staff member Dawn Hannasch was requested to leave the meeting by Judges Pederson & Lebo.

126

127 The board was in Executive Session from 9:45 a.m. until 10:46 a.m. Cases OAH 16-1446-MAS and
128 OAH 16-1213-MAS were discussed.

129

130 **In a motion duly made by Traci Gilmour and seconded by Jill Motz, with a roll call vote, it**
131 **was:**

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133 **Resolved to reject the recommendation of His Honor, Administrative Law Judge,**
134 **Lawrence A. Pederson, regarding case number OAH 16-1446-MAS in the matter of Han Me**
135 **Kim. The board decided to uphold its original decision to deny Ms. Kim's application for**
136 **licensure due to her conviction of prostitution; which is a violation of the professional**
137 **standards and moral turpitude as laid out in 12 AAC 79.900 and 12 AAC 79.910 (11). The**
138 **applicant was also unable to demonstrate that she can practice competently and safely as**
139 **required in Sec. 08.61.030 (9).**

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141

142 **Jill Motz-Yea**

143 **David Edwards-Smith-Yea**

144 **Ron Gibbs-Yea**
145 **Traci Gilmour-Yea**

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148 **In a motion duly made by Traci Gilmour and seconded by Jill Motz, with a roll call vote, it**
149 **was:**

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151 **Resolved to reject the recommendation of His Honor, Administrative Law Judge,**
152 **Andrew M Lebo, regarding case number OAH 16-1213-MAS in the matter of Yong Ki Yi.**
153 **The board decided to uphold its original decision to deny Ms. Yi's application for licensure**
154 **due to her conviction of prostitution; which is a violation of the professional standards and**
155 **moral turpitude as laid out in 12 AAC 79.900 and 12 AAC 79.910 (11). The applicant was also**
156 **unable to demonstrate that she can practice competently and safely as required in Sec.**
157 **08.61.030 (9).**

158

159

160 **Jill Motz-Yea**
161 **David Edwards-Smith-Yea**
162 **Ron Gibbs-Yea**
163 **Traci Gilmour-Yea**

164

165 **Break 10:52 a.m. -10:59 a.m.**

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168 **Agenda item 8 Application review:**

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170 Occupational Licensing Examiner Dawn Hannasch presented 6 application to the Board that
171 needed further review and discussion.

172

173 3 of the applications will continue to be tabled until the applicant returns additional information as
174 requested by the board. Each of these 3 applicants will have 30 days to comply with the Boards
175 request. OLE Dawn Hannasch will send an email to each applicant within 10 business days of the
176 meeting.

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178

179 **In a motion duly made by Ron Gibbs and seconded by Traci Gilmour with a roll call vote, it**
180 **was:**

181 **Resolved to approve the application for licensure for Rosalie Hohnstein, according to**
182 **12 AAC 79.100**

183

184 **Jill Motz-Yea**
185 **David Edwards-Smith-Yea**
186 **Ron Gibbs-Yea**
187 **Traci Gilmour-Yea**

188

189 **In a motion duly made by Ron Gibbs and seconded by Traci Gilmour with a roll call vote, it**
190 **was:**

191 Resolved to approve the application for licensure for Yongli Wang, according to 12
 192 AAC 79.100. The Board also has instructed Investigator Bautista to send an advisement
 193 letter to Yongli Wang.

194
 195 Jill Motz-Yea
 196 David Edwards-Smith-Yea
 197 Ron Gibbs-Yea
 198 Traci Gilmour-Yea

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 201 In a motion duly made by Ron Gibbs and seconded by Jill Motz with a roll call vote, it was:
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203 Resolved to deny the license application for Kaydee Scarola based on the fact that
 204 she doesn't meet the requirements for a transitional license as laid out in 12 AAC 79.120 (3).

205
 206 Jill Motz-Yea
 207 David Edwards-Smith-Yea
 208 Ron Gibbs-Yea
 209 Traci Gilmour-Yea

210
 211 OLE Dawn Hannasch will send Ms. Scarola the letter of denial with her appeal rights laid out.
 212

213
 214 **Agenda item 9** **Investigative Report:**
 215

216 Investigator's Jasmin Bautista, Amber Whaley & Joel Dolphin joined the meeting via teleconference
 217 at 11:30 a.m. Ms. Bautista presented the Board with the following information:
 218

219 The following information was compiled as an investigative report to the Board for the period of
 220 March 1, 2017 thru July 11, 2017. This report includes cases, complaints, and intake matters handled
 221 since the last report. The Division opened fifteen **(15) matters and closed four (4) matters.**
 222 **Twenty (20) matters** remain open at this time.
 223

224
 225 **Agenda item 10** **Administrative Business:**
 226

227 • **Correspondence**
 228

229 The Board reviewed a few letters written by licensees regarding finger printing at renewal,
 230 the cost of licensure and the need for 4 hours of blood borne pathogens when applying for
 231 initial licensure by exam. The Board instructed OLE Dawn Hannasch to respond on behalf
 232 of the Board as follows:
 233

234 1. Fingerprints at renewal: The reason that fingerprints are required at each renewal is
 235 because it is written onto law: Sec. 08.61.050 (5). Also, the Department of Public Safety
 236 cannot keep your fingerprints on file, therefore a new set must be submitted.

- 237 2. Cost of licensure: The Board has recommended that the Division lower fee's on 2
 238 separate occasions, once when the program was first being developed and again this year
 239 at renewal. Statute requires that each board be able to pay for its own expenses. At this
 240 time the board has a surplus of \$249,633.00.
- 241 3. Blood borne pathogens: The requirement for 4 hours of BBP training is ONLY FOR
 242 THOSE THAT ARE APPLING FOR THEIR INITIAL LICENSE, not for those who
 243 are ALREADY licensed. In HB110, the Board is attempting to change that law to only
 244 require 2 hours.
 245

246 **Lunch break 12:07 p.m. – 1:15 p.m.**
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249 **Agenda item _____ Public Comments:**
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251 There were no members of the public in attendance for public comments
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254 **Agenda item 5 _____ Division update continued:**
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256 Deputy Director Sara Chambers rejoined the meeting at 1:30 p.m. to present information to the
 257 Board regarding HB90, HB110 & a review of the proposed statutes for the Establishment licenses.
 258

259 The board voiced its support for HB90, which would impose a “surcharge” to each applicant to
 260 support investigative costs. This would lower the cost of investigations to each Board.
 261

262 As stated throughout the meeting, the Board will still pursue approval from the Legislators for
 263 HB110. Ms. Chambers read through the proposed statutes with the Board and pointed out some
 264 areas of concern. The cost of the Establishment license will depend deeply on the changes that the
 265 Board seeks in HB110. It is understood by the Board that the biggest driver of fees will be the
 266 enforcement aspect. Chairmen, David Edwards-Smith stated that the Board still has more work to
 267 do on this topic.
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270 **Agenda item 10 _____ Administrative Business (continued):**
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273 OLE will mail the wall certificates, approved meeting minutes and the ALJ decisions to Chairmen,
 274 David Edwards-Smith for signatures.
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281 **Agenda item 11 _____ Old Business:**
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284 • **Past task's status:**

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286 The Board reviewed the task list from the May 2010 meeting. Ron Gibbs shared information
 287 with the board about the CA accreditation of Massage schools. The delegate from California
 288 sent Mr. Gibbs a packet that will be shared with the board at its October 2017 meeting.
 289

Task	Who to complete	When is the deadline?	Dawn to Distribute to the Board?
Write a letter of support for HB90	David Edwards-Smith	ASAP	Completed
Contact Joe-Bob Smith and inquire about the criteria for CA accredited massage therapist's school.	Ron Gibbs	July 2017 meeting	Will be presented at the October meeting
Contact AMTA & AMP for a list of accredited schools	Dawn Hannasch	ASAP	Completed
Flush out more accreditation agencies	Traci Gilmour	July 2017 meeting	To be completed for the October meeting
FAQ's	All members	July 2017 meeting	Completed
Seek support for HB90	Traci Gilmour	This week	Completed
Draft a resolution to send to the MBLEX regarding special accommodations	All members	Teleconference in the next month or so	Completed
Apprenticeship program and establishment licensing support	Jill Motz	July 2017 meeting	Completed

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- **Drafted resolution to support accommodations for the MBLEX**

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298 The Alaska State Board of Massage Therapists will send a letter of support to the FSMTB to
299 allow translators for the MBLEX as an accommodation.

300

301 The letter will read as follows:

302

303 Whereas the State of Alaska has implemented a law to license Massage Therapists

304

305 Whereas the requirements for that law require the passing of a National exam

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307 Whereas a large percentage of Alaska's population is multi-lingual

308

309 Whereas the MBLEX currently doesn't offer any accommodations for languages other Spanish

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311 Now therefore let it be resolved that the State of Alaska Board of Massage Therapists firmly
312 encourages the FSMTB to provide alternative methods to those that do not have English as their
313 first language.

314

315 The Board fully supports this resolution and believes that it will benefit the citizens of Alaska.

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318 • **Support from the Department of Labor for an apprenticeship program in Alaska**

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320 Board member Jill Motz met with the Department of Labor-specifically Workforce Development to
321 discuss a possible Apprentice program for Alaska. Ms. Motz was able to share information with
322 them that would help them get the program started. She received good interest from them and was
323 encouraged when they stated that this was within their budget.

324

325 Some of the highlights from the discussion were allowing the apprentice to do their "book work" on
326 line and then do their 2200 (just an example) hours of hands on with a licensed professional.

327

328 The Board looks forward to supporting the Department of Labor and hopes to see this prospect
329 move forward.

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332 **Agenda item 12** **New Business:**

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334 • **New Task list**

Task	Who to complete	When is the deadline?	Dawn to Distribute to the Board?
Do we have application for a public member of the Board?	Dawn	October Mtg	Yes

Provide the Board with the 'formula" to help make a "best guess" on the cost of regulations projects.	Dawn	October Mtg	Yes
Send letter to Chiropractors in Alaska, to knowtify them of the requirments of licensing for massage therapists in Alaska	Dawn	8/15/2017	Yes
Review HB110 closely	Board	October Mtg	Yes
Review the Barrior crimes matrix and the investigative fee's/fines	Board	October Mtg	Yes

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- **Dawn Hannasch, Occupational Licensing Examiner-Update from the Directors Summit with FSMTB**

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Thank you for the opportunity to attend the FSMTB 2017 Executive Directors Summit in March!! It was 2 whirlwind days of learning, growing and networking. Below are a few topics that I believe that the Board would find interesting:

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- **MTLD:** Massage Therapy Licensing Date base. I will be working with my Supervisor and our IT department to allow FSMTB access to our database to keep records current. The checklist will be updated to include a mandatory MLTD and NCBTMB check on each applicant. My hope is that as time goes on, more States will see the benefit and participate which would give us a more comprehensive database. This is part of our membership and has no other fee's associated with it.
- Because the MAS Board is a member of the FSMTB, you can take free on-line coursed from CLEAR
- The CE registry is coming soon. It is a helpful tool that we have access to with our yearly membership.
- The FSMTB recommends to all licensing Boards that CE requirements be more specific:
 - EXAMPLE: 6 CE's on Ethics
 - 7 CE's Professional Development 3 CE's
 - Business management
- Only those that have an application in process can sit for the MBLEX.

- 365 • Also included in our membership is the ability for FSMTB to develop an exam specific to
- 366 Alaska. The exam could be used at renewal to show knowledge of the state's statutes and
- 367 regulations.
- 368 • At this time only 31 states require background checks at initial licensing and 3 (including
- 369 Alaska) require a background check at renewal.
- 370 • After making inquiries, no other state had information to offer about foreign massage
- 371 school graduates, other than requiring an accredited translation of the diploma and
- 372 the transcripts.
- 373

374 Other items of interest that were presented, was a 2 hour training on how to spot fraud on
 375 applications, documents and background checks. I found this training extremely valuable and
 376 informative. My hope is that I will be able to attend this event in the future as well as the FSMTB
 377 annual meeting.

378
 379 Again, I thank you for the opportunity to attend this informative and interactive event.

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 381 Hearing nothing further, the Chair entertained a motion to adjourn.

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 383 **In a motion duly made by Ron Gibbs and seconded by Jill Motz with unanimous consent, it**
 384 **was:**

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 386 **Resolved to adjourn at 2:50 p.m.**

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 388
 389 **Respectfully Submitted,**

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 393 _____
 394 **Dawn K Hannasch, Licensing Examiner**

10/2/2017

Date

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

12-1-17

Date