

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 **February 28- March 1, 2019**

9
10 *Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For*
11 *a more detailed account, please request a copy of the meeting's audio recording at:*
12 *<https://www.commerce.alaska.gov/web/cbpl/PublicRecordsRequests.aspx>.*
13

14
15 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
16 scheduled meeting of the Board of Massage Therapists was held in person on
17 February 28- March 1, 2019.
18

19 **Agenda Item 1** **Call to Order/Roll Call:**

20
21 *On the record at 9:06 a.m.*
22

23 **Board Members present, constituting a quorum:**

24
25 David Edwards-Smith- Board Chair, Licensed Massage Therapist
26 Traci Gilmour, Licensed Massage Therapist
27 Ron Gibbs, Licenses Massage Therapist
28 Jill Motz, Licensed Massage Therapist
29 Julie Endle, Public Board Member
30

31 **Division Staff present:**

32
33 Dawn Dulebohn, Occupational Licensing Examiner
34 Carl Jacobs, Investigator III
35 Sonia Lipker, Senior Investigator III
36 Billy Homestead, Investigator II/Probation Monitor
37 Marylene Wales, Accountant III
38

39 **Joining Telephonically:**

40
41 Volker Hruby, American Massage Therapy Association Chapter President
42
43

44 **Joining In Person:**

45
46 Bayinna Ballard, Massage Therapist Applicant
47

48 **Agenda Item 2** **Ethics Reporting:**

49
50 The Board Chair opened the floor to any Board member that may have an ethics violation or
51 inquiry. None were presented.

52
53 **Agenda Item 3** **Review/Approve Agenda:**

54
55 The board reviewed the agenda and discussed any proposed changes.

56
57 Board Chair Edwards-Smith would like to add a point to the agenda concerning the upcoming
58 American Massage Therapy Association (AMTA) conference in April. That discussion will be added
59 to Agenda Item 13.

60
61 **In a motion duly made by Ron Gibbs, seconded by Jill Motz, and passed unanimously, it**
62 **was RESOLVED to ACCEPT the agenda as amended.**

63
64 **Agenda Item 4** **Review/Approve Past Meeting Minutes**

65
66 Chair Edwards-Smith complimented that the minutes were very comprehensive. OLE Dulebohn
67 stated that there were a few typos that have already been corrected.

68
69 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously, it**
70 **was RESOLVED to APPROVE the meeting minutes from December 6-7, 2018 as amended.**

71
72 **Agenda Item 5** **Old Business**

73
74 Task List from December 6-7 & September 10-11, 2018:

75
76 OLE Dulebohn presented the task lists from the December 6-7 & September 10-11, 2018 board
77 meetings. Items that were reported in this Board Packet were:

- 78 • Investigations has submitted the board requested information on comparables for other
79 programs in terms of investigative cases.
- 80 • All requested FAQ's have been added or amended at the board's request.
- 81 • Marylene Wales has submitted the Administrative Hearing, Investigations, and other cost
82 comparisons the board has requested.
- 83 • An updated Disciplinary Matrix was crafted by OLE Dulebohn for board review and
84 approval. Ms. Dulebohn consulted Investigators Jacobs and Lipker on the creation and the
85 choices that the board has for each infraction.
- 86 • David Edwards-Smith was unable to procure correspondence from NCBTMB on instructor
87 requirements. Mr. Edwards-Smith attempted contact several times and was always referred
88 to the information on their website. NCBTMB verbally stated that they look at the
89 experience and expertise of their instructors. If there is a complaint, NCBTMB will reply
90 and evaluate them on a case-by-case basis.

91 The board reiterates that there is an FAQ on their website for person's who would like to
92 report any unsatisfactory continuing education (ce) course from any provider. OLE
93 Dulebohn will then take those complaints and forward them to the course sponsor for
94 review. Should the course sponsor choose to update the board on their decisions on those
95 cases, OLE Dulebohn will provide that information in board packets.

96
97
98
99

TASK: OLE Dulebohn will obtain contact information for course sponsors in 12 AAC79.210(d)(3) in regard to continuing education reporting.

- 100 • OLE Dulebohn will send requests to LAW on applicant handler ID/affidavit & board ability
- 101 to define compensation for massage establishment regulations after legislative session.
- 102 • OLE Dulebohn will contact applicants denied because of criminal convictions (that have not
- 103 gone through a ALJ process) to see if they want their applications reconsidered before the
- 104 next board meeting.
- 105 • Traci Gilmour submitted possible ethics courses.
- 106 • The board’s establishment “wish list” was sent to Sara Chambers for a LAW consult and
- 107 reply with suggested framework. Reply crafted by Ms. Chambers was submitted for board
- 108 review.
- 109 • The board asked whether an Ethics Course can be required as part of the continuing
- 110 education requirement. A consult with Regulations Specialist Zinn and Maiquis yielded a
- 111 “yes” answer.
- 112 • At board request, OLE Dulebohn sent samples of correspondence sent to applicants from
- 113 the licensing examiner. Samples includes status updates, investigative updates, denial letters,
- 114 approval letters, and fitness to practice review.
- 115 • Jill Motz has been unable to procure a letter of intent from Alaska Career College (ACC)
- 116 stating they will accept students for remedial work as determined by the board. Ms. Motz
- 117 has contacted both Jennifer Deitz and Linda Sture but feels that the reason no response has
- 118 been received is that ACC wants to be able to vet all students before they are accepted into
- 119 their program.

120

TASK: OLE Dulebohn will follow-up with Jennifer Deitz on the Letter of Intent for board recommended remedial hours that includes ACC’s requirements for acceptance.

123

124

Investigator Jacobs joined the meeting at 9:22 a.m.

126

127 The board reviewed the information provided by Investigations to see where the Board of Massage
128 Therapists cases lie compared to other programs of approximately the same licensee base.

129

Investigator Lipker joined the meeting at 9:35 a.m.

131

132 Investigator Jacobs found that the Board of Massage Therapists does have significantly more
133 investigative cases than other programs with the same number of licensees.

134

135 Chair Edwards-Smith asked if the cases are more associated with initial applications or the complaint
136 process. Investigator Jacobs relays that most cases (including massage therapy) relate to the
137 application process in some way. The most common cases relate to criminal history and/or the
138 applicant failing to disclose information. The next most common issue is unlicensed practice.

139

140 Board member Ron Gibbs asks if there is anything the board can do to help reduce the expense of
141 Investigations in regard to failing to disclose information on an application. Board member Traci
142 Gilmour states that the current application available on the board’s website is vastly improved from

189 **FY 2019 Schedule of Revenues and Expenditures 1st- 2nd Quarter:**
 190

MAS	2019
39, 420	Licensing Revenue
94,489	Direct Expenditures
52,977	Indirect Expense
147,466	TOTAL EXPENSES
(106,255)	Annual Surplus (Deficit)
231,543	Beginning Cumulative Surplus
\$125,288	Ending Cumulative Surplus

191
 192 The Division website has Quarterly Reports for all boards.

193
 194 Ms. Wales further explains this document line by line at the board’s request. Ms. Wales reminds the
 195 board that the “direct expenditures” line is a place holder calculated as 50% of FY18. As the board
 196 is only half way through FY19, Ms. Wales projects that the board will double their direct
 197 expenditures. This would put them in debt for FY19. Ms. Wales goes on to state that as renewals
 198 start in July 2019 and go through September 30, 2019, the board will recover quickly.

199
 200 Ms. Motz reminds the board that what Ms. Wales has described was always the risk of running a
 201 “lean” budget by reducing the licensing fee from \$350 to \$290. The board asks OLE Dulebohn
 202 how many people applied for licensure during a non-renewal year to figure out how much revenue is
 203 generated in between renewals.

204
 205 **TASK: OLE Dulebohn will find out how many people applied for licensure in the**
 206 **non- renewal years to ascertain how much revenue was generated.**

207
 208 Ms. Motz continues that even though the board is running low on funds, that was always the
 209 guidance given by division to ensure their fees were not too high as to generate a large surplus. Ms.
 210 Wales asks the board if they would like to end the Financial Update and move on to the Fee
 211 Analysis to allow division to answer some of the current questions. Chair Edwards-Smith directs
 212 the board to the Fee Analysis portion of Ms. Wales presentation.

213
 214
 215
 216
 217 Fee Analysis

218
 219 Ms. Wales presents the division’s fee analysis findings for the Board of Massage Therapists. The
 220 board members ask for a fee analysis that could be manipulated to show different possible
 221 outcomes. Ms. Wales directed OLE Dulebohn to forward her e-mail with that information to the

222 board. The document Ms. Wales has provided show a division recommendation of \$60.00 fee
223 increase for this year's renewals.

224
225 Board member Traci Gilmour asks Ms. Wales that if the board does not vote to raise its fees, it will
226 only be in debt of \$6,650 for a very short time. She goes on to state that since the board only
227 reduced fees in the last renewal period, she would like for them to stay at the current rate of \$290.
228 Ms. Gilmour continues by stating that the board was hoping to reduce costs this licensing period to
229 licensees. If division opts to increase costs by \$60, it would negate the reduction that the board
230 accomplished by not having fingerprint renewals this year. Ms. Gilmour does acknowledge that the
231 board does not set the fees but only offers an educated opinion to division. She is worried that
232 should fees be increased at this time, the board will bear the brunt of the backlash as most licensees
233 do not know that division actually sets the fees.

234
235 Ms. Wales responds that Ms. Gilmour's cost assessment is not entirely accurate. If the board looks
236 at the fee analysis, they will see that if the fees are not increased, the board will not carry enough
237 surplus for the off years in the coming renewal cycles. Ms. Wales states that the board should
238 maintain enough surplus for 1 years' worth of expenditures. If they continue with their current fees,
239 their fees will not be enough to cover the projected cost of \$275,000 it costs to run the board every
240 year.

241
242 Board members recount that the costs for last year that division is basing their analysis on was
243 unusual. The board incurred the costs of a particularly costly legal case which is not typical, an
244 emergency teleconference, and investigative fees that are in the process of being reduced by the
245 introduction of a new, streamlined disciplinary matrix and adoption of civil fines. In addition, with
246 the mandate from the Governor that boards only meet, in-person, once a year there would be a
247 savings of approximately \$6,000. The board thinks that to raise costs based on the last year might
248 be punitive to the licensees that were not responsible for the occurrence of those costs. Ms.
249 Gilmour thinks that it would be preemptive to raise the fees now when the board has taken so many
250 steps to reduce costs in future years.

251
252 *Investigator Homestead joined the meeting at 10:10 a.m*

253
254 Ms. Wales suggests that the board manipulate the spreadsheet with the fee analysis tonight and then
255 vote on this subject during the meeting's second day. Ms. Wales reminds the board that the
256 Director will have the final say on the possibility of a fee increase but that the board's
257 recommendation will be taken very seriously. Mr. Gibbs brings up the point that there are boards
258 that have been operating in serious arrears and they are still around. While Chairman Edwards-
259 Smith reiterates that it is better to operate in the black, Mr. Gibbs states that if the board will only be
260 in the red for a few months, it would be a knee jerk reflex to increase costs when renewals end in
261 September 2019. Chair Edwards-Smith charges the board with Ms. Wales suggested research and
262 ask that the members not see it through their emotions but by the data division has provided the
263 board. He goes on to state that it is the board's responsibility to lobby for the correct amount of
264 funds to allow this program to continue

265
266 *Ms. Wales left the meeting at 10:28 a.m.*

267
268 **Agenda Item 7** **Investigative Case Review and Probation Reports**

269

270 Investigators Homestead and Jacobs join the meeting in person.

271

272 Investigator Homestead begins with the Probation Report. He states there are 8 licensees on
273 probation and everyone is complying. Compliance means that all are subjected to a criminal
274 background report and self-reporting on their status quarterly.

275

276 *Investigator Homestead left the meeting at 10:35 a.m.*

277

278 Investigator Jacobs begins the Investigative Case Review for the period of December 1, 2018-
279 February 21, 2019. He states that the division opened 13 matters, closed 15, and there are 18
280 matters that remain open.

281

282 There is one matter for the board to review today. Investigator Jacobs asks if the board would like
283 to go into Executive Session to discuss this case. Board Chair Edwards- Smith asks if all board
284 members have reviewed the case in question and they all replied that they had. Mr. Edwards-Smith
285 goes on to ask if anyone feels the need to go into Executive Session to discuss this case and they all
286 replied that they did not. The Chair asks for a motion on this case.

287

288 **In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously**
289 **with a roll call vote, it was RESOLVED to ACCEPT the Consent Agreement as written for**
290 **Shannon Hansen #2018-001035.**

291

292 *Chair Edwards-Smith calls for a short break at 10:37 a.m.*

293 *Back on record at 10:52 a.m. with the entire board, Mr. Hruby, and Mr. Jacobs*

294

295 Investigations Board Refresher

296

297 Chair Edwards-Smith asks Investigator Jacobs to present a board member refresher which includes
298 an investigations flowchart, reviewing board member refresher with breakdowns, and sample
299 documents. Mr. Jacobs also reminds the board that public members do not perform the function of
300 a reviewing board member but it is good information for all board members to know and
301 understand as voting members.

302

303 Investigator Jacobs states that the board should strive to be consistent with their disciplinary
304 decisions. Should a case arise where the reviewing board member would want to deviate from the
305 precedent, they would need to give good reason to the rest of the board. At this time, OLE
306 Dulebohn interjects to ensure that board members know that the investigator is just a finder of
307 facts. The reviewing board member would need to cite any law or rule that has been broken and any
308 disciplinary action. That disciplinary action will then be brought to the entire board for review and
309 adoption.

310

311 Board member Jill Motz asks Mr. Jacobs about fines and suspension of fines. She argues that if the
312 board sees fit to assess fines, why would you suspend them? Why would you not just implement a
313 smaller fine? Misters Gibbs and Edwards-Smith answer that the suspended amount would be for
314 non-compliance of the consent agreement. Investigator Jacobs replies that he believes that is
315 possible but it would cost the board time and money to reinstate the suspended portion of the fine.
316 OLE Dulebohn brings up that the amount the board wants to reinstitute in a suspended fine may be

317 less than the investigation's cost and, once again, the board does not recoup any of that money to
318 help offset the investigative costs.

319
320 **TASK: Investigator Jacobs will confirm suspension of fines in consent agreements**
321 **and what language needs to be implemented in a consent agreement**
322 **designate when suspended fines will be re-instituted.**

323
324 Ms. Motz continues that she believes suspension of fines is a bad idea as it could be cause of
325 vaguery, discrimination claims, and investigative costs. Ms. Gilmour and Mr. Edwards-Smith would
326 prefer a less rigid disciplinary matrix and have more things be at the board's discretion. Chair
327 Edwards-Smith asks the board to pause this line of discussion and pick it back up when the board is
328 discussing the Disciplinary Matrix Revision later in the meeting.

329
330 **TASK: Investigator Jacobs will provide the board with an outline of how and when to**
331 **implement a civil fine.**

332
333 OLE Dulebohn reminds the board that the sanctions for implementation of a civil fine is in their
334 September 10-11, 2018 board packet.

335
336 Unlicensed Practice

337
338 Board member Jill Motz had a disagreement with Investigations over the disciplinary action
339 pertaining to persons accused of unlicensed practice and has asked for clarification on the subject.
340 According to Ms. Motz, she was told that the board had no jurisdiction over complaints of
341 unlicensed practice even though statute says it is a Class B misdemeanor.

342
343 Chief Greg Francois replied to Ms. Motz by e-mail stating that the end result on matters of
344 unlicensed practice is a "Temporary Cease and Desist Order (TCDO). The Order would become
345 permanent after 15 days if the Respondent in the Order does not request a hearing. Our procedure
346 established that once we have a person who we believe is practicing without a license, we will poll
347 the Board for the issuance of a TCDO. Once we have a majority of Board members who do not
348 object to the issuance of the TCDO, one will be prepared and signed by myself. The Respondent
349 will either be served in person or by certified mail...As far as criminal cases, in order to file a case
350 for unlicensed practice we would need to show that an individual is knowingly conducting the
351 practice without a license to practice as a massage therapist. Persons who are accused will testify at
352 hearings that they did not know they needed a license. Ignorance is no excuse of the law but the
353 burden of proof is on the State to show the person was conducting unlicensed practice knowingly.
354 Surveillance on the location would have to be conducted along with a possible undercover operation
355 of posing as a customer, receiving a service and paying for that service. This way you have a witness
356 who can testify in open court as to the unlicensed practice events/service and the Respondent was
357 receiving payment for that service. In addition to proving the case, any advertisements will have to
358 exhibited in a hearing as evidence of the intent to practice."

359
360 **TASK: Investigator Jacobs will ask Chief Francois about the details of the Cease and**
361 **Desist and how the information is reported to the authorities (if there is an**
362 **entity willing to handle the prosecution).**

363

364 OLE Dulebohn informs the board that another form of disciplinary action for unlicensed practice
365 could come from when the accused applies for a massage license since the board does have
366 jurisdiction over applicants and licensees. This was confirmed by Investigators Jacobs.

367

368 *Investigator Jacobs left the meeting at 11:33 a.m.*

369

370 **Agenda Item 8** **Review/Revision of 12 AAC 79.110(2)(B)**

371

372 Chair Edwards-Smith directs the board to the next order of business concerning 12 AAC
373 79.110(2)(B). OLE Dulebohn is asked to present and she directs the board to the regulation 12
374 AAC 79.110 which has some incorrect information. It currently states: “The board will issue a
375 license by credentials to practice massage therapy to an applicant who meets the requirements of AS
376 08.61.040 and this section. An applicant for licensure by credentials under this section must submit
377 verification that the applicant holds a current license to practice massage therapy in another state,
378 jurisdiction, or country where licensing requirements are substantially equal to or greater than the
379 requirements of this state; or certified by the American Massage Therapy Association, the National
380 Certification Board for Therapeutic Massage and Bodywork, or other board approved credentialing
381 entity...” Both AMTA and the NCBTMB do not issue licenses or credentials by their own
382 admission and are not recognized by the board as credentialing agencies. OLE Dulebohn
383 recommends that the board remove the two listed agencies and keep “board approved credentialing
384 entity”.

385

386 After discussion in which Mr. Gibbs asked for clarification that this regulation would be for a
387 massage therapy credentialing agency, the Chair asked for a motion.

388

389 **In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously**
390 **with a roll call vote, it was RESOLVED to AMEND 12 AAC 79.110(2)(B) by removing**
391 **“certified by the American Massage Therapy Association, the National Certification Board**
392 **for Therapeutic Massage and Bodywork” and have it only read “certified by a board-**
393 **approved credentialing entity”.**

394

395 **TASK: Chair Edwards-Smith will complete the Regulation Questionnaire for this**
396 **amendment and send it in to OLE Dulebohn.**

397

398 Ms. Gilmour expands this topic asking what are the accepted credentialing agencies by state and
399 OLE Dulebohn responds by stating that the only agency the board has recognized is the California
400 Massage Therapy Council but that is a project that board is required to complete in the future.
401 Chair Edwards-Smith states that researching all board accepted credentialing agencies will be a
402 priority in the boards’ future.

403

404 **Agenda Item 9** **Review Tabled Applications**

405

406 The board reviewed 3 tabled applications. Chair Edwards-Smith reminds the board of the reasons
407 to go into Executive Session and asks if the board needs to partake of that option. Ms. Motz asks to
408 be reminded if the Reviewing Board Member on a case should engage in discussion and voting on a
409 case. OLE Dulebohn reiterates that Reviewing Board Members should abstain from discussion and
410 voting if they feel like they were given any information in their role that the rest of the board was

411 not privy to and would bias their opinion and not allow an objective vote. Ms. Motz follows up
412 with a question on whether the board can approve an application pending a consent agreement.
413 OLE Dulebohn responds that the board is within their rights to do that but they would need to
414 define the parameters of the consent agreement in this meeting as to provide direction to
415 Investigations when they are drawing up the agreement.

416
417 K.K.

418
419 The board began discussion of a possible consent agreement for K.K. for failing to disclose on her
420 application but when getting to the specifics thought it would be better to create their new
421 disciplinary matrix first to ensure consistency of disciplinary action.

422
423 Agenda Item 10 Lunch

424
425 *Chair Edwards-Smith calls for a lunch break at 11:56 a.m.*
426 *Back from lunch at 1:15 p.m with the entire board and Mr. Hruby present.*

427
428
429 Agenda Item 11 Public Comment

430
431 The board prepares to hear public comment. There is no one on the phone or in person that
432 expresses a wish to address the board during public comment. Mr. Hruby is asked if he would like
433 to participate in public comment. He declines at this time but wants to thank the board for their
434 “amazing work”. After 5 minutes, the Board Chair directs the board to go back to tabled
435 applications.

436
437 Agenda Item 9(continued) Review Tabled Applications

438
439 Chair Edwards-Smith asks for a motion to go into Executive Session.

440
441 **In a motion duly made by Jill Motz, seconded by Traci Gilmour, it was RESOLVED to**
442 **ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska**
443 **Constitutional Right to Privacy Provisions, for the purpose of discussing “matters which by**
444 **law, municipal charter, or ordinance are required to be confidential”. OLE Dulebohn to**
445 **remain during Executive Session.**

446
447 *Off the record for Executive Session at 1:24 p.m.*
448 *Back from Executive Session at 1:51 p.m. Mr. Hruby rejoined the meeting telephonically at 1:53p.m.*

449
450 L.O.

451
452 After extensive discussion in Executive Session, Chair Edwards-Smith asks for a motion on this
453 application.

454
455 **In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously**
456 **with a roll call vote, it was RESOLVED to DENY the application for licensure for LaDraper**
457 **Ollison citing AS 08.61.040(9)(A) “The board shall issue a license to practice massage**
458 **therapy to a person who is currently licensed to practice massage therapy in another state or**

459 country that has licensing requirements that are substantially equal to or greater than the
460 requirements of this state” and AS 08.61.030 (3)(A) & (8) “The board shall issue a license to
461 practice massage therapy to a person who furnishes evidence satisfactory to the board that
462 the person has completed a course of study of at least 500 hours of in-class supervised
463 instruction and clinical work from an approved massage school and has successfully
464 completed a nationally recognized competency examination approved by the board.”

465
466 Y.M.

467
468 After extensive discussion in Executive Session, Chair Edwards-Smith asks for a motion on this
469 application. He also asks that there be a record of the board’s efforts to contact Ms. McCabe to
470 allow her to participate in a fitness to practice interview.

471
472 OLE Dulebohn states that on September 10-11, 2018 the board made a decision to deny licensure
473 for Yun Song McCabe. On October 12, 2018 the board held an emergency teleconference in which
474 they rescinded the denial for Ms. McCabe to allow her the opportunity to present more information
475 and participate in a fitness to practice interview. Ms. McCabe was given two opportunities to
476 participate in a fitness to practice interview; one on December 6-7, 2018 and the second on February
477 28, 2019 meeting. Ms. McCabe was notified in certified letters and e-mails that, as a prerequisite to
478 the interview, she was required to submit additional documents by a deadline prior to the interview.
479 After failing to submit the additional information both times, her interview was cancelled, she was
480 notified by e-mail, and the board was asked to make a final decision on Ms. McCabe’s application
481 for licensure.

482
483 **In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously**
484 **with a roll call vote, it was RESOLVED to DENY the application for licensure for Yun Song**
485 **McCabe referencing the September 10-11, 2018 minutes.**

486
487 Excerpt from the September 10-11, 2018 Minutes

488
489 “The board reviewed the application for Y.M. Y.M.’s criminal history was the deciding factor in the
490 board’s decision. They took into account statutes and regulation 12 AAC 79.910(9), referenced their
491 disciplinary matrix regarding crimes that are barriers to licensure, and reviewed Y.M.’s letter of
492 explanation. Y.M. was given the opportunity in the requested letter of explanation to tell her side of the
493 story and chose not to give any details.

494
495 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
496 **roll call vote, it was RESOLVED to DENY the application for licensure for Yun McCabe #2018-**
497 **000165 citing AS 08.61.030(9) “The Board shall issue a license to practice massage therapy to a**
498 **person who has not been convicted of, or pled guilty or no contest to, a crime involving moral**
499 **turpitude, or who has been convicted of, or pled guilty or no contest to, a crime involving moral**
500 **turpitude if the board finds that the conviction does not affect the person’s ability to practice**
501 **competently and safely.”**

502
503 Agenda Item 5(continued) Old Business

504
505 Rescind Motion to Extend Continuing Education Period

506

507 In the December 6-7, 2018 board meeting, the board made a motion to extend the period that
508 licensees could complete their continuing education for the 2019 license renewal to July 1, 2017-
509 September 30, 2019. After the meeting concluded, OLE Dulebohn consulted the Regulations
510 Specialists who explained that since the timeframe for continuing education is in regulation 12 AAC
511 79.210(a)(2) the board cannot change it without amending the regulation. The Chair asks the
512 motion from the December 2018 meeting be rescinded.

513
514 **In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously**
515 **with a roll call vote, it was RESOLVED to RESCIND the motion to extend the continuing**
516 **education period from July 1, 2017 to September 30, 2019 as passed in the December 6-7,**
517 **2018 meeting.**

518
519 The board asks OLE Dulebohn if this information is available in the FAQ's located on the board's
520 website. OLE Dulebohn affirms that this information and the information that states that
521 continuing education that was used to satisfy remedial courses required by an audit cannot be used
522 to for the licensing renewals.

523 524 Alaska Human Trafficking Work Group:

525
526 The board was presented with the meeting notes from the August 15, 2018 Alaska Human
527 Trafficking Work Group (AHTWG). OLE Dulebohn states that she has been in contact with the
528 AHTWG for the November 2018 meeting but was told they are not currently available. When they
529 become available she will post them in the next board packet.

530 531 Review/Update FAQ's from Website:

532
533 Ms. Motz suggests that the board review the FAQ's after the 1st day of the meeting concludes and
534 come back with any changes or additions on day 2. Chair Edward-Smith agrees that would be the
535 best option and asks the board to announce any suggested changes to the FAQ's on March 1, 2019.

536 537 Disciplinary Matrix Revision

538
539 *Investigator Jacobs joined the meeting at 2:04 p.m.*

540
541 OLE Dulebohn was asked to present the draft version of the updated Disciplinary Matrix and Fine
542 Schedule for board review and amendments. Chair Edwards-Smith surmises that there are 4 aspects
543 to the disciplinary process: Applications, Unlicensed Practice, Code of Ethics, Moral Turpitude.
544 The Chair wants to ensure there are not any repetitive items on the matrix and that it is formulated
545 to be consistent for the sake of applicants, licensees, and to reduce investigative costs.

546
547 Investigator Jacobs was consulted on various topics including Civil Fines, Falsification of
548 Application, and other board's matrices. He goes to say that not all boards have the ability to issue a
549 civil fine without consent agreement like the massage board can. Mr. Jacobs continues by informing
550 the board that the statute that allows for disciplinary action for falsification of application (AS
551 11.56.210) is different than the statute used for fraud in obtaining a license (AS 08.61.060).
552 Historically, AS 11.56.210 hasn't been used for disciplinary action but it is possible to utilize it.

553 After completing research from the board's September 2018 meeting minutes, Mr. Jacobs relays to
554 the board that civil fines cannot be used for patient/client care, diagnosis, treatment, unfit to
555 practice, unlicensed practice, crimes of moral turpitude and cannot exceed \$5,000.

556
557 The board addressed Code of Ethics, Standards of Practice, Falsification of Application, Engaged in
558 Deceit, Fraud, or Intentional Misrepresentation in the Course of Providing Massage Services, False
559 or Misleading Massage Advertisement, and Convicted of a Felony or Crime that Affects Ability to
560 Practice Competently and Safely and then opted to review the rest later in the meeting.

561
562 **Agenda Item 15** **Adoption of Proposed Regulations (ended 2/18/2019)**

563
564 *Regulation Specialist Zinn joined the meeting at 2:55 p.m.*

565
566 The board reviewed the proposed regulations changes that were sent out for public comment on
567 January 18, 2019. Regulation Specialist Sher Zinn submitted the comments that were received by
568 the public for board review. Some comments that were received were that internet is not readily
569 available in all parts of Alaska to which board members replied that all distance education can be
570 received either online or by mail correspondence and that internet is also available in public libraries
571 located in cities and villages. Chair Edwards-Smith responded to a comment that regulations being
572 proposed are not fair to Native Americans by stating that there is an exception to chapter for
573 traditional Native American healers. After the board read and considered these comments, no
574 changes were recommended for the existing regulations document.

575
576 **In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously**
577 **with a roll call vote, it was RESOLVED to ADOPT the regulations that closed public**
578 **comment on February 19, 2019 (DOL File #2019-200071).**

579
580 **TASK: OLE Dulebohn will submit Board Certifying Order and Examiner Affidavit to**
581 **Ms. Zinn on Monday when she returns to Juneau.**

582
583 Ms. Motz took this time to ask Regulations Specialist Zinn about the status of the previously
584 adopted regulations projects from December 2018 and when they would be going to the Lt.
585 Governor for signature. Ms. Zinn replied that, to the best of her knowledge, it was almost done
586 with its Department of Law review and should be sent to the Lt. Governor very soon. Ms. Zinn
587 stated that she had no intention of sending the one adopted in today's meeting to the Lt. Governor's
588 office until the one from December has been filed but she would be sending it out for the LAW
589 review.

590
591 *Ms. Zinn left the meeting at 3:10 p.m.*

592
593 **Agenda Item 5(continued)** **Old Business**

594
595
596 **FSMTB State Requirement Breakdown (2019)**

597

598 The board reviewed the updated version of the State Massage Licensure & Renewal Requirements
599 and Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure
600 that was provided by the Federation of State Massage Therapy Boards (FSMTB). The FSMTB was
601 gracious enough to include Alaska’s upcoming rules/statute changes with effective dates and
602 corrected the incorrect information regarding the NCBTMB and AMTA.

603
604 Implementation of Renewal Fingerprints

605
606 With the passage of HB110 in 2018, the submission of renewal fingerprints has been reduced from
607 every renewal period to “at least once every six (6) years.” OLE Dulebohn asks the board to decide
608 when they would like to implement the fingerprint renewals: 2019 or 2021? Division suggests
609 starting renewal fingerprints in 2021 to allow for a financial break to licensees and allow for a
610 smoother renewal period since the board will also be implementing establishment regulations this
611 year. The board discusses the merits of starting renewal fingerprints in different years, the intent of
612 the board when they lobbied for the change from the Legislature, and why fingerprints would not be
613 based on an individual’s license date. Despite a motion from Jill Motz to implement renewal
614 fingerprint in 2021, there was no second and the Chair decided to continue this conversation later in
615 the meeting.

616
617 Agenda Item 16 Break

618
619 *Chair Edwards-Smith called for a short break at 3:16 p.m.*
620 *Back on the record at 3:33 p.m.*

621
622 Agenda Item 17 Fitness to Practice Interview

623
624 The board welcomes Bayinna Ballard for a Fitness to Practice interview stemming from Ms.
625 Ballard’s previous criminal convictions. Ms. Ballard was given the option to conduct her interview
626 in Executive Session, explained to what that would entail, and she declined and opted to have it on
627 the record which would make it a matter of public record.

628
629 Ms. Ballard asked permission to read the following statement to the board prior to the beginning of
630 the interview:

631 “I wanted to take this opportunity to thank you for allowing me to share my history as well as my
632 hopes to have my massage therapy license reinstated. I have lived a very exciting life. I have
633 travelled the world. As well as success in pursuing the dreams that I have: from getting my massage
634 therapy license, to attaining my CNA license, to directing international film shorts, and running my
635 own business. I believe in the pursuit of happiness, even when there is a flaw in that pursuit. I am
636 not proud of some of my choices but I can say that I am glad that they happened. Yes, I was
637 arrested for prostitution early on in my life. The people and the things that I was apart of and was
638 doing and the lack of parental guidance gave me an unfortunate chance to grow up fast and see the
639 more seedier things in life. When I was arrested, I was trying to help a friend buy food and diapers
640 for her child. She too was a former sex worker and at the time it seemed like the best thing I could
641 do was be a provider for her and the child. My lack of experience and untouchable, youthful

642 mindset, I didn't realize that the police were ready to pounce. The next thing I knew, I was in jail in
643 San Diego for solicitation of prostitution.

644
645 By no means am I denying my decision in this matter. I do take full responsibility but the other part
646 of this story that I haven't mentioned is that, at that time and up until 2013, I was a drug addict and
647 alcoholic. This was a lifestyle choice that has clouded my life. Now, more than ever, the one thing I
648 am proud of is when I was practicing, I did not use and I did not drink as much. But when I
649 switched to my entertainment mode, I admit, I was using way too much. To be giving a tranquil
650 touch (which was the name of my business) massage. I knew that my drug use, at times, was out of
651 control. As a courtesy to the field and my license, I believed it would be inappropriate for me to
652 give a massage. I was humbled and grateful to have a license and I was good! I knew that while
653 practicing massage I could not have these kinds of issues. So, when I was in the throws of my active
654 addiction, I did not take into consideration that keeping a license would be necessary. I did not keep
655 my status current. I had no time for continuing education. I was travelling and drinking and
656 drugging. I was wrong on so many levels. I never should have allowed this behavior to continue
657 but things look so shiny when you are in that lifestyle. Then you realize it was gold plated and not
658 24 carats. This is my confession.

659
660 I am not proud of my choices but I am proud that I have been patient with this process. I am
661 proud to have the awesome privileged to share the gift of massage. Even though I cannot practice
662 legally at this moment in time, I am truly grateful for this opportunity to share my truth with you. I
663 am a better person, I am focused, and I am hopeful that you will honor me once again with the title
664 of LMT. If not, I can still be proud and keep on practicing my sobriety and being a CNA. I can
665 find some peace with my past and my present in order to live my best life in the future. Thank
666 you.”

667
668 With the conclusion of Ms. Ballard's statement, the board started the interview with the standard
669 Professional Fitness Interview questions. Ms. Ballard's responses and the additional documentation
670 she provided prior to the interview were satisfactory to the board. With the interview concluded,
671 the board thanked Ms. Ballard for her time and asked her to step out of the room so that they could
672 deliberate in Executive Session. Ms. Ballard was informed that she was welcome to come back to
673 hear the board's decision on her case.

674
675 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, it was RESOLVED to**
676 **ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska**
677 **Constitutional Right to Privacy Provisions, for the purpose of discussing “matters which by**
678 **law, municipal charter, or ordinance are required to be confidential”. OLE Dulebohn to**
679 **remain during Executive Session.**

680
681 *Off the record for Executive Session at 3:51 p.m.*
682 *Back on the record from Executive Session at 3:59 p.m.*

683
684 **In a motion duly made by Jill Motz, seconded by Rob Gibbs and passed unanimously with a**
685 **roll call vote, it was RESOLVED to APPROVE the application for licensure for Bayinna**
686 **Ballard PENDING the acceptance of a consent agreement that includes four (4) years of**
687 **probation and an ethics course of at least 3 hours.**
688

689 The board informs Ms. Ballard that today’s board book includes suggested ethics courses that she
690 could take and that they are available online. OLE Dulebohn takes Ms. Ballard through the steps
691 that will follow this meeting including the time it will take Investigations to draft her consent
692 agreement. If she agrees to the terms in the agreement, steps will be taken to issue her massage
693 therapist license. Included in the stipulations of the consent agreement will be a probationary period
694 of 4 years. If Ms. Ballard adheres to the statutes and regulations of the board and doesn’t break any
695 local, state, or federal laws, her probation will end and she will have an unrestricted license.

696
697 **TASK: OLE Dulebohn will send Ms. Ballard a follow-up e-mail after she completed**
698 **the record of the meeting (minutes).**
699

700 Ms. Ballard thanks the board and OLE Dulebohn for her time and helpfulness.

701
702 **Agenda Item 5(continued) Old Business**

703
704 Ms. Gilmour requests that the board continue their discussion on the Implementation of Renewal
705 Fingerprints. The board discusses the timeframe for tomorrow’s discussion. Chair Edwards-Smith
706 states that since they have from 9:00 a.m. to 12:00 p.m. tomorrow for discussion of Establishment
707 Regulations, he does not believe all that time will be needed and the board can go over the agenda
708 items from today that were not touched on.

709
710 **Implementation of Renewal Fingerprints (continued)**

711
712 Ms. Gilmour gives a historical statement on the board’s lobby for fingerprint renewal reduction. She
713 states that the board’s intent was reduce the fingerprint requirement to 3 renewal cycles and that the
714 “at least” was added in to be able to address licensees who had committed a crime so the board
715 could require a background report on those individuals. She believes the fingerprint renewal
716 requirements would go into effect once the bill had passed in 2018 and for the next 6 years so she
717 believes the next renewal fingerprints should be in 2023.

718
719 Since the board could not come to a consensus on the implementation date, OLE Dulebohn
720 presented a compromise statement that the board would agree to not require renewal fingerprints in
721 2019. This would allow the board time for further discussion and possible consult with Director
722 Sara Chambers and foster good will among the licensees.

723
724 **TASK: OLE Dulebohn will invite Director Sara Chambers to consult the board on**
725 **renewal fingerprint implementation.**
726

727 The board discussed this matter further and decided that they all could agree with the proposed
728 compromise. Mr. Gibbs expressed frustration at the State of Alaska for its inconsistencies in
729 guidance to the board. Ms. Gilmour followed up that the board’s intent with this legislation was to
730 reduce the burden on licensees for the next six years. Ms. Motz continues that the board’s next
731 meeting is in June, early renewals begin in July, and all the State is seeking today is clarity on renewal
732 requirements for 2019. She suggests a consult with Ms. Chambers on why Division believes that the
733 board should implement fingerprints in 2021 but her preference would be 2023.

734
735 **In a motion duly made by Jill Motz, seconded by Rob Gibbs and passed unanimously with a**
736 **roll call vote, it was RESOLVED that renewal fingerprints will not begin in 2019.**

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Agenda Item 21 **Draft Massage Establishment Regulations**

The board touched the massage establishment regulation conversation. Mr. Gibbs presented the idea that the board invite the cities of Anchorage and Fairbanks to join in the discussion of regulation and licensure since the board was informed in the December 2018 meeting that the board was only given the statutory authority to regulate and not license. Ms. Motz reminds the board that AAG Milks stated that the board could charge a registration fee. Mr. Gibbs continues that if a registration fee is being imposed, then the board’s original intent to not burden licensed massage therapists would need to be upheld by granting them an exemption to registration. He is afraid that the board will be told, once again, that although the intent was there, the board does not have the authority to uphold its rules because there might be an argument for discrimination. Chair Edwards-Smith states that given its recent issues with the State, the board will now be “checking, double checking, and triple checking” everything before it is put out for regulation, legislative consideration, or policy consideration.

OLE Dulebohn reminds the board of the Chair’s decision to have board members review the FAQ’s for possible changes and examine the fee analysis presented by Division tonight and prepare themselves for tomorrow’s vote.

Agenda Item 18 **Adjourn or Recess**

Chair Edwards-Smith has recessed for the day and will reconvene the meeting at 9:00 a.m.

Off the record 4:50 p.m.

Friday, March 1, 2019

Agenda Item 19 **Call to Order/Roll Call**

On the record at 9:01 a.m.

Board Members present, constituting a quorum:

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

Division Staff present:

- Dawn Dulebohn, Occupational Licensing Examiner
- Carl Jacobs, Investigator III
- Sonia Lipker, Senior Investigator III
- Sher Zinn, Regulations Specialist
- Greg Francois, Chief Investigator

784 Sara Chambers, Director of the Division of Corporations, Business, and Professional
785 Licensing
786 Joan Wilson, Assistant Attorney General
787

788 Joining In Person:

789
790 Volker Hruby, American Massage Therapy Association Chapter President
791

792 **Agenda Item 13** **Administrative Business**

793
794 Correspondence

795
796 • Wallis

797 The board reviewed the correspondence sent in by Gordon Wallis concerning insurance
798 coverage for massage therapists. The board recognized that Mr. Wallis has brought this
799 issue to the board’s attention in the past but unfortunately, the board does not have
800 jurisdiction over insurance companies. They recognize that a statutory change may be in
801 order but it is not in the board’s purview to lobby for that change.
802

803 Mr. Gibbs asks if there is anything that the board can do to help facilitate the conversation
804 between Mr. Wallis and the correct people to help him with his issue. Ms. Motz replies that
805 there are many licensees that are billing and being paid by insurance companies successfully.
806 Her suspicion is that Mr. Wallis is having billing issues and should resolve those with his
807 accounting department. Chair Edwards-Smith re-states that their responsibilities are entry-
808 level access for licensure, due process, and public protection but not an individual’s billing
809 problems. Ms. Motz states that the board has, on more than one occasion, given Mr. Wallis
810 advice on possibilities for his situation. Ms. Gilmour interjects that billing issues are not the
811 board’s role despite a misconception given the perceived authority that the board has in
812 many areas.
813

814 *Investigator Jacobs joined the meeting at 9:10 a.m.*
815

816 • Lea

817 The board reviewed the course offering submitted by Tarika Lea.
818

819 The board realized that although 12 AAC 79.210(d)(1) gives the option that “continuing
820 education must be completed through a board approved massage therapy or bodywork
821 therapy school or training program”, there are no guidelines in place for the board to
822 evaluate a course or instructor. Ms. Motz questions whether course approval isn’t the realm
823 of Alaska Commission on Post-Secondary Education (ACPE) and whether the intent of this
824 statute was ever for the board to evaluate course content and instructor qualifications. Chair
825 Edwards-Smith states that the board has addressed this issue previously and the board
826 decided it would like to rely on the professionals to vet continuing education (CE). Ms.
827 Gilmour interjects that she believed it was the board’s responsibility to approve courses and
828 that would include content. OLE Dulebohn recalls that the board approved a course for
829 Ortho-Bionomy last year but was reminded by Chair Edwards-Smith that the course was
830 vetting by NCBTMB. Ms. Motz worries that if the board starts approving CE courses on a

831 case-by-case basis, it could put the board at risk for legal recourse if the CE course and/or
832 instructor did not deliver safe and reliable information.

833
834 OLE Dulebohn recaps 12 AAC 79.210 for the board and states that if the board does not
835 want to approve CE courses then a regulations change may be needed. Chair Edwards-
836 Smith asks the board what the criteria should be for approving a CE course, if the instructor
837 should be credentialed, and whether this topic should be researched and be added to the
838 next meeting.

839
840 **TASK: The Chair will research what the board criteria should be in evaluating and**
841 **approving a continuing education course. It would include:**

- 842 1. **How to determine the class merit without a practical application**
843 **of the course**
844 2. **Qualifications as instructor**
845 3. **Amount of experience or expertise on subject**
846 4. **Does it relate to the practice of massage therapy or bodywork?**

847 **Look to what other credentialing agencies do and their criteria.**

848
849 **TASK: OLE Dulebohn will ask Regulations Specialist if 12 AAC 79.210(d)(1) need**
850 **defining or removal from Regulations? Is it still valid?**

851
852 Mr. Gibbs interjects, as the only educator on the board, that Ms. Lea has done a great job at
853 outlining her classes, is very detailed in explaining the different components, has been
854 accredited as an instructor in the past so the only left to do is evaluate her course.

855
856 **TASK: OLE Dulebohn to contact ACPE on what “exempt status” for continuing**
857 **education is.**

858
859 **TASK: OLE Dulebohn will contact Ms. Lea to obtain additional information on**
860 **whether Ms. Lea is a continuing education provider anywhere currently or**
861 **previously, her NCBTMB certificate, her current instructor credentials, and**
862 **her ACPE Exemption Letter.**

- 863
864 • McMullen
865 The board reviewed the correspondence sent in by Cynthia McMullen from Alaska Institute
866 of Oriental Medicine, Acupuncture, and Massage Therapy.

867
868 Ms. McMullen asks:

- 869 1. If they have students that are enrolled prior to when the Curriculum Breakdown goes
870 into effect, will the breakdown be applied to them?
871 *The board consults with OLE Dulebohn and they agree that as long as the currently enrolled students*
872 *have their applications submitted before that regulations are adopted (30 days after it is signed by the Lt.*
873 *Governor) they will not need to supplement their hours in order to qualify for licensure.*
874 2. Can the board explain what “no more than 50 hours in techniques that are exempt from
875 license requirements” as written in the new Curriculum Breakdown for Massage Theory
876 and Practical Application? What techniques are exempt or where can we find a list?

923 Investigator Jacobs continues that Non-Disciplinary Letters of Advisement are not reviewed by the
924 entire board and are only decided upon by the RBM. The issuance of that letter would effectively
925 close the case. Investigative Jacobs and OLE Dulebohn stress that the Disciplinary Matrix is
926 important to make sure that the board is in agreement on disciplinary action so that RBM's can
927 make decisions such as Non-Disciplinary Letters of Advisement without the entire board having to
928 review every case as the board is currently interested in reducing their costs. OLE Dulebohn chimes
929 in that she agrees with the stance Board member Jill Motz is taking by making disciplinary actions on
930 the matrix more specific as to reduce the margin of error when it comes to individual RBM
931 decisions. Having a large range for fines or suspensions increases the likelihood of applications
932 being delayed for changes once the entire board reviews them.

933
934 Chair Edwards-Smith decides that, in order to respect the time of the Investigator and Regulations
935 Specialist, the board will continue with the agenda item regarding establishment regulation.

936 **Agenda Item 21** **Draft Massage Establishment Regulations**

937
938
939 The board begins this meeting's discussion on Massage Establishment Regulations (MER).

940
941 Chair Edwards-Smith begins the discussion with a recap from the last meeting. HB 110 was passed
942 in 2018 allowing the board to regulate massage establishments. This omission of licensure is a
943 deviation from what the board lobbied for and the intent of both the board and the legislators. The
944 board was made aware of this error in the December 6-7, 2019 meeting by Sara Chambers and
945 Harriet Milks.

946
947 The board is now attempting to revamp now that they understand they have regulatory power but
948 not licensing power. The board created a "wish list" for regulations that included operations,
949 inspections, registry, massage workers in establishment, whether regulation exclude licensed massage
950 therapists, fee setting abilities for investigations, and if there could be a registration fee asked OLE
951 Dulebohn to send it to Sara Chambers and Harriet Milks to create guidance for the board as they
952 move forward with their responsibilities.

953
954 Several board members expressed lack of faith in the administration from Division. Most board
955 members continue to oppose including licensed massage therapists in the regulations for massage
956 establishments as it was the intent when they lobbied legislature for massage establishment licensing.
957 Mr. Gibbs references a point made by OLE Dulebohn that purveyors of human trafficking are
958 getting a massage license to circumvent these types of regulations in the lower 48 but for now the
959 board should err on the side of protecting the LMT's from undue regulation. The entire board (with
960 the exception of newly appointed public member Ms. Endle) expressed frustration with state
961 administration over the lack of guidance concerning the disciplinary matrix and the massage
962 establishment regulations enacted with the passage of HB 110

963
964 *Volker Hruby joined the meeting in person at 10:17 a.m.*

965
966 OLE Dulebohn lets the board know that they have been advised not to exempt massage therapists
967 from MER but it is their choice. When asked by the board why Division is discouraging LMT's be
968 exempt, OLE Dulebohn states that MER will address standards that are not included in LMT's
969 statutes and regulations like locking doors, dress code, and sanitation standards.

970 By excluding LMT's from MER, the board will not be holding LMT's to the same standard and that
971 may be seen as discriminatory. The board feels that everything that would be required in MER are
972 covered for LMT's by the Standards of Practice. The board feels that LMT's should be exempt
973 because they already know about sanitation, dress code, etc. and the board has authority over them
974 through their license.

975
976

977 After consulting Regulations Specialist Zinn, who advised the board that there will be no way to
978 punish establishment owners for wrong doing and that the only ones who could possibly be
979 disciplined for wrong doing in an establishment are the licensed massage therapists employed there,
980 the board stated that they might be better off only duplicating the standards of practice found for
981 LMT's in establishment regulations. OLE Dulebohn interjects with a conversation that she had
982 with AAG Milks who advised that the board could charge a registration fee and that the board may
983 find a good solution is to add a line to the LMT application asking for disclosure of the LMT's
984 intended work place. This would allow for revenue for establishment regulation and investigation
985 and take care of registering establishments.

986

987 The board expresses that the reason for them to lobby for establishment licensure was to provide a
988 tool for investigations and law enforcement in the fight against human trafficking. Now that they
989 do not have this tool, all the board can do is regulate massage therapists and outline how they must
990 operate (which was not the intention of the bill). Chair Edwards-Smith would like the experts that
991 the board relies upon for guidance to tell the board how they can meet this goal with the tool they
992 have now in regulation.

993

994 Mr. Gibbs directs the board that they are bound write these regulations and believes that to meet
995 their letter of responsibility the board should impose no fee, create criteria for massage
996 establishments, and ensure that those regulations are mirrored in the LMT's Standards of Practice to
997 ensure continuity. Chair Edwards-Smith agrees with Mr. Gibbs and thinks that to be able to move
998 forward, the board needs to define massage establishment and define compensation.

999

1000 The board asks Regulation Specialist Zinn what their minimum obligation is for massage
1001 establishment regulations and she replied that they need to define what a massage establishment is
1002 and facility standards. The board decided this would apply to every massage therapist in Alaska but
1003 it would not be a burden as there would be no fee or additional license. Most board members feel
1004 that these items pertain to standards that every legitimate therapist should already be practicing
1005 whether you are operating out of your home or a large corporation.

1006

1007 *Jill Motz out at 10:23 a.m. Back at 10:26 a.m.*

1008 *Carl Jacobs out at 10:24 a.m.*

1009

1010 The board began to work on MER as a new project as everything that they had written before
1011 pertained to licensing of establishments.

1012

1013 Massage Establishment Regulations

1014

1015 Compensation is defined as anything of value in exchange for services.

1016

1017

- 1018 Establishment is defined as:
- 1019 a. a place of business of two or more individuals of a partnership, firm, or association,
 - 1020 corporation, or business entity.
 - 1021 b. Any other combination of individuals that uses the word “massage in any solicitation or
 - 1022 advertisement”.
 - 1023 c. Engages in, conducts, or carries on or permits massage therapy to be conducted or
 - 1024 carried on for money or other compensation.
 - 1025 d. Anyone who houses a massage therapist whether spaces are loaned, leased, or rented.
 - 1026 e. A fixed or permanent location or mobile facility that is open and accessible to the public
 - 1027 for compensated massage services.

1028

1029 The board has continued discussion about the definition of massage establishment. The subject on

1030 whether the board could retain an attorney that was not employed by the State to advise was asked

1031 and answered with a negative by Ms. Zinn.

1032

1033 **TASK: OLE Dulebohn will send the board’s establishment “wish list” and the reply**

1034 **by Ms. Chambers to Regulations Specialist Zinn.**

1035

1036 Chair Edwards-Smith states that it is becoming increasingly difficult for the board to draft

1037 regulations without having their “wish list” items defined. Since the board feels that it has not

1038 received all the answers to its questions, it does not feel like it has the tools to proceed. The Chair

1039 wants to know if a definitive answer to whether or not the board has the authority to require

1040 establishment inspections, define operation requirements, require fees, register establishments, and

1041 have exemptions for establishments.

1042

1043 *Greg Francois joins the meeting at 10:41 a.m.*

1044

1045 Chair Edwards-Smith has reviewed the outline that Director Sara Chambers has crafted for the

1046 board but feels that it would dissolve the mission statement that the board has developed with all of

1047 their goals and objectives of lobbying for this bill in the first place. The Chair would like the “wish

1048 list” sent back to LAW and AAG Milks for more applicable definitions.

1049

1050 **TASK: Send board “wish list” from December 6-7, 2018 meeting back to LAW and**

1051 **AAG Milks for further definition.**

1052

1053 The draft establishment regulation outline created by Director Chambers was as follows:

1054

1055 **REGULATION OF MASSAGE THERAPY ESTABLISHMENTS**

- 1056
- 1057 **12 AAC 79.XXX. REGISTRATION OF MASSAGE THERAPY ESTABLISHMENTS.** (a) A person
- 1058 who practices massage therapy as defined in AS 08.61.100 who is not exempt under AS 08.61.080 must register
- 1059 with the board. Registration required under this section must be received prior to transacting massage business.
- 1060 (b) The owner or operator of a massage therapy establishment shall register on a form provided by the
- 1061 department. A completed application must include:
- 1062 1. Payment of registration fee
 - 1063 2. Name of the owner(s)
 - 1064 3. Name of the operator(s), if not the owner

- 1065 4. Business name of the massage therapy establishment
1066 5. Business license number of the massage therapy establishment
1067 6. Corporate entity number if the owner is not a natural person
1068 7. Mailing and street address of the massage therapy establishment
1069 8. Name and license number of each licensed massage therapist who is employed in the establishment
1070 9. Listing of all other massage therapy establishments the applicant operates, including the businesses
1071 name, mailing address, and street address of each establishment
1072 10. An affidavit stating whether the operator has ever been found in violation of a provision of AS
1073 08.61.060 in any jurisdiction
1074 11. A complete self-inspection of the premises on a form provided by department
1075

1076 **12 AAC 79.xxx CODE OF ETHICS AND STANDARDS OF PRACTICE.** The *Alaska Board of Massage*
1077 *Therapists Code of Ethics and Standards of Practice*, dated June 2015, is adopted by reference as the code of ethics
1078 for massage therapists in the state. In order to maintain a high standard of integrity in the profession and to
1079 safeguard the health and welfare of the public, the operator of a massage therapy establishment shall ensure
1080 that all massage therapists delivering services in the establishment adhere to the code of ethics.
1081

1082 **Editor's note:** A copy of the *Alaska Board of Massage Therapists Code of Ethics and Standards of Practice*, adopted
1083 by reference in 12 AAC 79.900, may be obtained from the Department of Commerce, Community, and
1084 Economic Development, Division of Corporations, Business and Professional Licensing, Board of Massage
1085 Therapists, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; phone (907) 465-
1086 3811; website at

1087 <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>.
1088

1089 **12 AAC 79.XXX INSPECTIONS.** a) The department may conduct an inspection of each massage therapy
1090 establishment to ensure that the shop meets the department's operational standards established in 12 AAC
1091 79.XXX. If the department determines that the establishment is not in compliance with a regulation of the
1092 department, the department shall report the violation to the board and take appropriate action under its own
1093 regulations.

- 1094 (b) The division may make periodic inspections of all massage establishments, either licensed or unlicensed.
1095 1. An agent of the division may enter and inspect during business hours, without prior notice, and
1096 massage establishment. Such inspections may include, but need not be limited to, confirmation that
1097 the site is being utilized for massage therapy and determination of whether the establishment is in
1098 compliance with the laws and rules governing the establishment's operation, facilities, personnel,
1099 safety, and sanitary requirements.
1100 2. The department may adopt a reasonable inspection fee under AS 08.01.065(a).

1101 (c) On a form provided by the department, the operator of the establishment shall inspect and attest
1102 compliance with the standards set in 12 AAC 79.XXX upon registration, annually, and as may be required in
1103 regulations.
1104

1105 **12 AAC 79.XXX MESSAGE THERAPY ESTABLISHMENT OPERATIONS.**

- 1106 (a) Standards of Practice and Code of Ethics for Massage Therapists is displayed in a location available
1107 to the public.
1108 (b) All employed massage therapists license in full view of the public
1109 (c) There is a written and/or digital system of maintaining client records for at least five years
1110 (d) Maintain general liability insurance for location and premise and provide proof upon request.
1111 (e) Maintain all equipment pertaining to the practice of massage therapy used to perform massage
1112 therapy services on the premises in a safe and sanitary condition.
1113 (f) Maintain compliance with all applicable state and local building and fire codes
1114 (g) Provide for the removal of garbage and refuse in a sanitary manner.
1115 (h) Provide for safe storage and/or removal of soiled linens as per universal and Standard Precaution
1116 practices.

- 1117 (i) Any room or cubicle that massage or massage therapy practices are performed in are not equipped
1118 with an externally locking door.
- 1119 (j) Rest room facilities shall include at least one sink with hot and cold running water and shall be
1120 equipped with a soap dispenser with soap or other hand cleaning materials, clean towels or other
1121 hand-drying device such as a wall-mounted electric blow dryer, and waste receptacle.
- 1122 (k) Each massage facility and temporary massage facility shall have a toilet and a hand-washing sink with
1123 hot and cold water accessible to patrons provided with soap and single-use towels.
- 1124 (l) Establishment owners shall provide for safe and unobstructed human passage in the public areas of
1125 the premises
- 1126 (m) The operator of a massage therapy establishment will only employ or permit to practice on the
1127 premises only licensed or officially enrolled student massage therapists to perform massage therapy
1128 as defined in statute and regulations
- 1129 (n) Student enrollment documentation must be current, on premises, and presented for inspection upon
1130 request.
- 1131 (o) No massage establishment shall operate or be open for business between the hours of 12:00 a.m. and
1132 5:00 a.m.
- 1133 (p) No massage establishment shall operate in a building where a primary business is alcohol beverage
1134 sales, photography studio, model studio, art studio, telephone answering service, motion picture
1135 theatre, or adult-oriented business
- 1136 (q) Establishment shall ensure that no inappropriate employee dress is permitted. Inappropriate dress
1137 includes clothing which exposes the breasts, buttock, genitalia or attire that shows the practitioners
1138 undergarments. No swim attire is permitted unless treatment provided is a water modality.
- 1139 (r) Every massage establishment shall be equipped with a workable land line telephone for emergency
1140 calls. Rural exemptions may be made on population.
- 1141 (s) No person shall perform massage or massage therapy cubicle, room, or area equipped with an
1142 externally locking door.
- 1143 (t) No massage establishment shall be used as a shelter or living quarters for any person.
1144 1. No owner or manager shall allow a licensed massage establishment to be used for housing,
1145 sheltering, or harboring any person(s), or as living or sleeping quarters for a person(s).
1146 2. If a massage establishment is located within, but is ancillary to, a business such as a hotel or
1147 motel, this prohibition shall apply only to the areas designed, designated, or used as a
1148 massage establishment.
1149 3. A sole proprietor who is also a licensed massage therapist is exempt from this subsection if
1150 the establishment is also the person's primary residence and the person is named on the deed
1151 or lease.
- 1152 (u) A massage establishment may dispatch a licensed massage therapist to perform outcall massage, but
1153 only if the therapy is to take place at the client's transient lodging, temporary or permanent residence,
1154 or at the client's place of business.
- 1155 (v) No owner, operator, massage therapist, or employee shall administer services to any person under
1156 the age of eighteen (18) years without a parent or legal guardian present or written consent of parent
1157 or legal guardian.
- 1158 (w) No owner, operator, massage therapist, or employee shall promote, solicit, initiate, engage in, permit,
1159 or allow any act that violates AS 08.61 or regulations of the Alaska Board of Massage Therapists, or
1160 the Code of Ethics or Standards of Practice set forth by the board. No owner, manager, massage
1161 therapist, or employee shall initiate or engage in unprofessional conduct in any massage
1162 establishment, including but not limited to the following:
1163 1. Engaging in sexually suggestive advertising related to massage services
1164 2. Engaging in any form of sexual activity on the premise of a massage establishment where
1165 massage is provided for compensation.
- 1166 (x) No owner, operator, massage therapist, or employee shall keep, or allow to be kept, within any
1167 massage establishment any item known as or commonly used as a marital or sexual aid, including, but
1168 not limited to, any contraceptive item or device, vaginal or anal lubricant, or any sex toy.

- 1169 (y) No owner, operator, or employee shall allow television, video or recording equipment in any room
1170 where massage services are being provided, but a security surveillance monitor that can only receive
1171 images of the inside of the common areas of the establishment may be located in these rooms at any
1172 time. With written client consent, a massage therapist may use video and photography equipment for
1173 therapeutic purposes.
- 1174 (z) Any mirrors and windows in the massage establishment will be positioned or covered in a manner to
1175 maintain the privacy of the person receiving the massage at all times during the massage and while
1176 the client is dressing and undressing.
- 1177 (aa) All licensed massage therapists must have legal identification available upon inspection.
- 1178 (bb) No controlled substances as defined in AS XXX shall be allowed in the massage establishment
- 1179 (cc) The distribution or consumption of alcohol is not permitted in the massage establishment.
- 1180 1. The appropriate event permits must be obtained from the Alcohol and Marijuana Control
1181 Office.
- 1182 2. The Board of Massage Therapists, through the department, must be notified in writing prior
1183 to any special event that will include alcohol in the massage establishment.
- 1184

1185 12 AAC 79.XXX The board may issue a cease and deist order and impose a civil fine not to exceed \$5,000
1186 for each individual violation of this section by a massage therapy establishment. (AS 08.01.075)

1187

1188 12 AAC 79.990(a)(3) “operator” means a person having managerial control of a massage therapy
1189 establishment.

1190

1191 *Carl Jacobs back at 10:44 a.m.*

1192

1193 The board continued their conversation on massage establishment definition, fees, and that their
1194 intent in this bill was always to exempt a sole proprietor based on employed therapists and not
1195 employees. The board reviews their current language work with Chief Francois. Chief Francois
1196 cautions the board to not make their regulations so specific that they “box themselves” in. Misters
1197 Francois and Jacobs give suggestions to how the board can re-vamp their definition for massage
1198 establishments for better coverage.

1199

1200 *Sara Chambers joins the meeting telephonically at 10:55 a.m.*

1201

1202 Chair Edwards-Smith reviews the work done by the board prior to Director Chambers joining the
1203 meeting and asks that Division and LAW provide clarity on their “wish list” taking into
1204 consideration the board’s stated goals and objectives for these regulations. Director Chambers
1205 addresses the board and states that she was trying to assist the board by going “above and beyond”
1206 the questions by outlining the draft regulations for their review and not just answering their
1207 questions. Chair Edwards-Smith acknowledges the work that Ms. Chambers put in but feels like
1208 that that document still left a lot of open questions regarding the board’s mission statement for
1209 establishments. Mr. Edwards-Smith asks Ms. Chambers if the board can continue with their plan to
1210 hold massage establishment owners responsible for standards or any type of censure if they are not
1211 massage therapists and Ms. Chambers replied that they could. Ms. Chambers directs the board to
1212 the outline she created for them to use as a starting point. The board immediately questioned Ms.
1213 Chambers on their ability to exempt licensed massage therapists. Ms. Chambers replied that they
1214 could, but would it be fair and would the board be setting themselves up for lawsuit if they chose to
1215 do so since they would be implementing different standards for LMT’s and establishments. Ms.
1216 Chambers goes on to question how the board would ensure that massage therapists are also
1217 adhering to the higher standards set for establishments without creating a loophole? Ms. Chambers

1218 continues by reminding the board that their proposed standards for establishments from previous
1219 meetings are not located anywhere in the statutes, regulations, standards of practice, or code of
1220 ethics for LMT's.

1221
1222 *Traci Gilmour out at 11:05 a.m. Back at 11:08 a.m.*

1223
1224 When the topic of inspections by Investigation came up, the board was divided on whether that was
1225 something they wanted to implement since, at this time, fees are not being proposed for registration
1226 and the cost for inspections would come from the fees gathered by LMT applications and licensing
1227 renewals. Chief Francois recommends to the board that AAG Milks be present when the board
1228 wants to discuss inspections and what access investigations may have to an establishment to avoid
1229 any 4th Amendment issues. Ms. Chambers interjects that the inspection issue has been addressed in
1230 the draft regulations she created for the board.

1231
1232 Ms. Chambers reminds the board that licensure is a barrier to practice; a gateway. It would be a
1233 process that someone would have to successfully pass through in order to practice. Regulation
1234 would be what happens after licensure, or in the case of massage therapy, there is no gateway to go
1235 through. But even without having to go through the process of licensure, rules applied by the
1236 governing body would still be applicable to everyone participating. Just because there is no license
1237 to take away, establishment owners would still have to abide by regulation because it is state law.
1238 The board needs to come up with the rules in which a massage establishment to operate because
1239 they have been given that authority by the passage of HB 110. Being able to set standards and
1240 practices, inspect, and issue fines is still a very powerful thing. Anything the board drafts is just a
1241 jumping off point as it will still go to LAW and through a public comment process. Ms. Chambers
1242 ask that the board amend her basic outline by injecting their expertise and specifics and let it go
1243 through the process of being sent to the Regulations Specialists, LAW, and the public.

1244
1245 Ms. Motz brings up in the meeting in order to err on the side of caution, she would like to see the
1246 board only implement the current Standards of Practice and Code of Ethics that LMT's are already
1247 obligated to uphold, as the regulations for massage establishments. She feels that anything beyond
1248 that would place a burden on LMT's.

1249
1250 Ms. Chambers concurs with Mr. Gibbs earlier contribution to the conversation in which someone
1251 applying as an LMT could be register themselves and their establishment by Division adding an
1252 additional item on their initial application. The second item for the board to consider is whether the
1253 board wants to exempt LMT's from having to adhere to the same standards as non-massage
1254 therapists when it comes to their establishment because there will be a lot more rules in
1255 establishment regulation that what are currently in the Standards of Practice that the board is
1256 requiring LMT's to follow.

1257
1258 Chair Edwards-Smith reminds the board that this conversation can only continue for 5 more
1259 minutes in the interest of timeliness. Mr. Gibbs suggests that the board adopt a skeleton regulation
1260 outline to allow it to move forward. He feels that if the board picks items that are earmarks for
1261 human trafficking activity, it should not negatively impact any legitimate therapist whether someone
1262 has a large business or a sole proprietor working out of their home.

1263
1264 Chair Edwards-Smith concludes this conversation by saying that he agrees with Director Chambers
1265 that everyone should be held to the same standards but the board agrees that they do not want an

1266 undue burden on massage therapists. He thinks the board should design their rules in such a way
1267 that they are basic expectations that the board would expect to see from any massage establishment.
1268 Ms. Gilmour interjects quickly that she would like to know if Division can add to LMT applications
1269 that they disclose if they will be working for a non-LMT owned establishment. Chair Edwards-
1270 Smith asks that they remember these closing comments and address them at a later time.

1271

1272 *Chair Edwards-Smith calls for a 5-minute break at 11:27 a.m.*

1273

1274 **Agenda Item 7(continued)** **Investigative Case Review and Probation**

1275

1276 *Back on the record at 11:35 a.m. Joining are all board members and Misters Francois, Jacobs, and Hruby*

1277

1278 **Unlicensed Practice (continued)**

1279

1280 Chief Greg Francois asked to present his position on unlicensed practice cases as a Misdemeanor B.
1281 to follow up on the e-mail he sent to the board on the subject on February 26, 2019, he states that
1282 there is a lack of resources at this time but what it would take to file a criminal case based on statutes
1283 and regulations is a “preponderance of the evidence” (51% and can prove the case). Going in to a
1284 criminal case, Investigations would have to meet the higher standard of “beyond a reasonable
1285 doubt” or clear and convincing evidence. Chief Francois goes on to state that the way
1286 Investigations can prove a case is “beyond a reasonable doubt” is to have documented proof
1287 (conduct surveillance to confirm suspicion that the complaint may be true) and that may lead to an
1288 undercover operation to confirm that massage services are being offered for compensation. After
1289 that proof is obtained, Investigations will go to a Prosecutor, who will then take it to court.. He
1290 goes on to state that this amount of investigation will take many man hours and those will be
1291 charged to the board. Chief Francois hopes that in the future, Investigations will work in
1292 conjunction with Anchorage Police Department which will allow his team to save man hours and
1293 the board to save on costs. OLE Dulebohn asks Chief Francois if, instead of all the surveillance
1294 man hours, things like posted schedule and prices, outgoing voicemails advertising massage services,
1295 website information, and a complaint might also count as evidence. Chief Francois responds that in
1296 order to bypass the costly process he outlined, there would have to be many independent complaints
1297 to corroborate the evidence.

1298

1299 Board member Jill Motz disclosed that she was responsible for this presentation as she had a conflict
1300 with Investigations over a case review where she states she was told that the board didn’t have
1301 authority over Unlicensed Practice (ULP) complaints. She just wanted the board to be aware that
1302 there is a process for dealing with the ULP complaints in the form of a Temporary Cease and Desist
1303 Order, which after investigation could go to the board to decide if it would become a Cease and
1304 Desist.

1305

1306 **Agenda Item 5(continued)** **Old Business**

1307

1308 **Disciplinary Matrix(continued)**

1309

1310 The board continued their amendment of the new Disciplinary Matrix. The board discussed
1311 Intentionally or Negligently Engaged (or allow another under your supervision to engage) in Client
1312 Care that Did Not Meet Minimum SOP (regardless of injury to client), Failure to comply with a
1313 Provision of this Chapter, Regulation, or Order of the Board, Continued to Practice After Becoming

1314 Unfit (professional/addiction), Engaged in Un-Ethical or Sexual Misconduct in Connection with the
1315 Delivery of Massage to a Client, and Homicide.

1316

1317 *Board Chair Edwards-Smith called for lunch at 12:07 p.m. until 1:00 p.m.*

1318

1319 **Agenda Item 22** **Lunch**

1320

1321 **Agenda Item 23** **Consultation with LAW on CBD Oil Use**

1322

1323 *Back on the record at 1:02 p.m. In attendance is the entire board, Investigator Lipker, and AAG Joan Wilson*

1324

1325 The meeting opens with Mr. Gibbs jumping in to state the board would like some clarification on
1326 their role when it comes to CBD Oil as they, as a rule, do not regulate topical ointments. He goes
1327 on to ask if there is a potential liability to the, board down the line, for taking this stance. He states
1328 that normally this would not be an issue but the board is getting quite a few questions from licensee
1329 and the public because it is readily available and people are using it.

1330

1331 AAG Wilson is informed by the board that they did send two letters out (January 4 and January 31,
1332 2019) to licensees informing them of the law concerning CBD after speaking with Rob Carter from
1333 the Department of Natural Resources and Erika McConnell from the Alcohol and Marijuana
1334 Control Office. The board's position is that of education and that the board will take no action on
1335 person's using CBD oil in their business unless a complaint is filed with Division since the board is
1336 required by law to enforce the Standards of Practice.

1337

1338 *Investigator Jacobs joined the meeting at 1:09 p.m.*

1339 *Volker Hruby joined the meeting at 1:10 p.m.*

1340

1341 Ms. Wilson states that she is in attendance to speak with the board in two capacities: public
1342 statement on the record and law council off the record (available under the open meetings act to
1343 receive council about something that could become a subject of concern for the board). Laws
1344 regarding CBD Oil that comes from Industrial Hemp is currently in flux. She references Mr.
1345 Carter's conversation with the board in the December 6-7, 2018 meeting and that what he conveyed
1346 to the board was factual. Ms. Wilson informs the board that, according to the proposed state
1347 budget, the Department of Natural Resources and the Division of Agriculture are in for a significant
1348 cut. She suggests a consult with Division of Corporations, Business, and Professional Licensing as
1349 to where they stand with the topic of CBD Oil and professional licensing. Regardless, there are still
1350 no regulations created to address the topic of CBD Oil and absent those regulations, the State of
1351 Alaska does not have pilot program for Industrial Hemp and CBD to allow persons to register.
1352 People who are required to register are persons or entities that produce Industrial Hemp.
1353 "Produce" includes growing, processing, selling, and buying of Industrial Hemp or Hemp products.

1354

1355 Eventually businesses will be asked to register in a specific category and that may include massage
1356 therapists that would be offering it in their business. Even if therapists will not be required to
1357 register, they will be given assurances that the product they are offering to their clients is tested and
1358 verified here in Alaska or comes from another state that has an Industrial Hemp Pilot Program.
1359 Those other states would also be required to comply with the Farm Bill of 2014. What the Farm Bill
1360 verifies is that CBD Oil would be a product with less than 3% THC. Having concluded her
1361 statement, Ms. Wilson invites questions.

1362
1363 Chair Edwards-Smith asks that if a massage therapist is offering services that exclusively include
1364 CBD, if they will be required to register as a purveyor of CBD since they would essentially be selling
1365 that CBD to a client in conjunction with a massage for an additional fee. Ms. Wilson answers that
1366 she does not know the answer to that question since there is a distinction between an individual that
1367 purchases CBD directly to use on themselves and a professional that purchases CBD to use on
1368 clients or who would offer the CBD for sale. Person's that are directly purchasing for themselves
1369 will not be asked to register the product. Professionals that would be purchasing CBD to use on
1370 their clients or to sell in their businesses, may need to register.

1371
1372 Mr. Gibbs asks if Ms. Wilson has a list of states that have instituted an Industrial Hemp Pilot
1373 Program. She replies that when SB 6 was passed, there were approximately 26 states were in the
1374 process of implementing it. Off the top of her head, she remembers Kentucky, Oregon, Colorado,
1375 New Hampshire, and Vermont. Mr. Gibbs follows up asking if an Alaskan therapist purchases
1376 CBD from one of those states, would it be acceptable to use it in Alaska? Ms. Wilson states that the
1377 problem is that Alaska still needs a lawful Pilot Program. Ms. Wilson states that as an FYI, the most
1378 a person would endure for disciplinary action for "producing" CBD when there is still not a Pilot
1379 Program in Alaska is a Cease and Desist Order which, if they still don't comply, would result in a
1380 court date.

1381
1382 Ms. Wilson goes on to inform the board that under the Farm Bill of 2018, CBD (unlike marijuana) is
1383 removed from Schedule 1. The biggest problem going forward is determining whether the CBD Oil
1384 that is being sold and used is from Industrial Hemp or Marijuana. If CBD runs the risk of being
1385 made from marijuana and not industrial hemp, then it wouldn't be included in the Industrial Hemp
1386 Pilot Program. She warns that without a testing program in Alaska, consumers should exercise
1387 caution.

1388
1389 Chair Edwards-Smith asks Ms. Wilson to evaluate their current position statement to see if it leaves
1390 the board vulnerable to legal action. He goes on to say that there is an expectation that LMT's will
1391 obey their Standards of Practice, among which is that LMT's will obey all local, state, and federal
1392 laws. If a complaint arises, the board is responsible to give due process to determine if the
1393 complaint is valid. Ms. Wilson advises that the board, through OLE Dulebohn and Director
1394 Chambers, request an Attorney General opinion on the legality of CBD, the board's legal
1395 responsibility, and what authority would disciplinary action be based on as this will not only benefit
1396 the Board of Massage Therapists, but other professional boards. If someone used CBD from
1397 marijuana and a client had an unintended reaction, she believes that the complaint would go through
1398 investigations as it always has.

1399
1400 **TASK: OLE Dulebohn will forward a request to Ms. Chambers to request Attorney**
1401 **General opinion on whether:**
1402 **1. CBD is "not officially legal"**
1403 **2. Board's Legal Responsibility**
1404 **3. Should a complaint go to Investigations, what authority would the board**
1405 **enforce disciplinary action based on (AS 08.61.060) or Standards of Practice**
1406 **Regulation?**

1407
1408 AAG Wilson cautions that a lot of the CBD Oil that is being sold on the internet comes from other
1409 countries like China who have different standards than the United States. She hopes that in a year,

1410 the board will have a very clear guideline from the Department of Natural Resources regulations
 1411 regarding the Industrial Hemp Pilot Program. Ms. Wilson states that she is glad the board is being
 1412 proactive and informing their licensees about CBD with the Consumer Protection Warning,
 1413 information from Mr. Carter, and their obligation regarding the Standards of Practice.

1414
 1415 *AAG Wilson, Senior Investigator Lipker, and Investigator Jacobs left the meeting at 1:29 p.m.*

1416 **Agenda Item 5(continued)** **Old Business**

1417
 1418 Disciplinary Matrix(continued)

1419
 1420 Chair Edwards-Smith entertained a motion on the board amended Disciplinary Matrix.

1421
 1422 **In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with**
 1423 **a roll call vote, the Board of Massage Therapists ADOPTED the amended Disciplinary**
 1424 **Matrix after a review by the Department of Law and the Department of Investigations.**

1425
 1426 The board amended matrix is as follows:

1427
 1428 **MAS Disciplinary Matrix/Fine Schedule**

1429 Updated February 28-March 1, 2019 board meeting

<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
		91 days-1 year	Fine	\$1000
		> 1 year	Fine	\$2500
12 AAC 79.900	Code of Ethics Violation	1 st Offense	Letter of Advisement	n/a
		2 or more Offenses	Fine	\$250 per offense
AS 08.61.060	Fraud in Obtaining License *	n/a	Denial or Revocation, 4 years wait until reapplication, fine at board discretion	\$2500
AS 08.61.060	Fraud in Retaining License *	n/a	Denial or Revocation, 4 years wait until reapplication, fine at board discretion	\$2500
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
AS 11.56.210	Falsification of Application	1 st Offense	Civil Fine	\$250 Civil Fine
		2 or more Offenses	Consent Agreement w/ fine,	\$250 per item

AS 08.61.060	Engaged in Deceit, Fraud, or Intentional Misrepresentation in the Course of Providing Massage Services	1 st Offense	Letter of Advisement, Fine	\$250-\$2500
		2 or more Offenses	Consent Agreement, Fine, Ethics Course, Suspension, Revocation	\$1000-\$2500
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, Revocation	\$250-\$1000
AS 08.61.060	Convicted of Felony or Crime that Affects Ability to Practice Competently and Safely	Initial Application	F.T.P. Interview → 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, Revocation	\$100-\$2500
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
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, Revocation	\$500-\$5000
CRIMES OF MORAL TURPITUDE				
AS 08.61.030, 12 AAC 79.910	Homicide	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Manslaughter	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a

		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Assault	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Stalking	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Kidnapping	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Sexual Assault	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Sexual Abuse of a Minor	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a

		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Unlawful Exploitation of a Minor (including possession or distribution of child pornography)	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Indecent Exposure	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Prostitution	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Sex Trafficking	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Criminal Sexual Conduct	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a

		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Incest	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Robbery	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Extortion	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Forgery	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Theft	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a

		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Endangering the Welfare of a Child	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Endangering the Welfare of a Vulnerable Adult	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500
AS 08.61.030, 12 AAC 79.910	Reckless Endangerment	Initial Application	F.T.P. Interview → Denial or Consent Agreement, Ethics Course, Probation	n/a
		Renewal Application	F.T.P. Interview → Consent Agreement w/ Ethics Course & Probation, Fine, OR Suspension, OR Revocation, 4 years wait until reapplication	\$500-\$2500

1430

1431 **Agenda Item 9 (continued) Review Tabled Applications**

1432

1433 K.K.

1434

1435 **In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with**
 1436 **a roll call vote, it was RESOLVED to APPROVE the application for licensure for Kristen**
 1437 **Keyes PENDING the payment of a \$250.00 civil fine for Falsification of Application.**

1438

1439 **Agenda Item 24 Break for Town Hall Preparation**

1440

1441 *Chair Edwards-Smith called for a break to attend the Town Hall Meeting at 1:35 p.m.*

1442

1443 **Agenda Item 25** **Town Hall Meeting**

1444

1445 Complete audio of the Town Hall meeting can be found at:
1446 ProfessionalLicense.Alaska.Gov/BoardOfMassageTherapists

1447

1448 **Agenda Item 13 (continued)** **Administrative Business**

1449

1450 *Back from the Town Hall Meeting at 4:19 p.m. with all board members and Mr. Hruby in attendance*

1451

1452 Statistics

1453

1454 Chair Edwards-Smith asks OLE Dulebohn to present the administrative statistics. OLE Dulebohn
1455 states that since the last meeting held on December 6-7, 2019 the Board of Massage Therapists has
1456 addressed the following:

1457

ITEM	AMOUNT	COST
Applications Received	35	
Applications Reviewed by the board	35	
Licenses Issued	17	
Applications Denied	2	
Applications in Process	81	
Phone Calls Received	206	
E-mails Sent	849 + 2 mass e-mails	
Returned Letters	69	69 x .55 = \$37.95

1458

1459 OLE Dulebohn addresses the last item of “Returned Letters”. The importance of this is that this is
1460 only the cost of wasted postage. It is not including the time to create the letters and the materials
1461 like paper, ink, and envelopes. She goes on to state that these are a result of licensees not keeping
1462 their addresses updated as required by law.

1463

1464 Chair Edwards-Smith asks if the reporting of these administrative statistics will be a regular
1465 presentation and OLE Dulebohn replies that it is. She continues that this information is important
1466 because it shows the public what goes on behind the scenes and, in the current climate of
1467 deregulation, justifies part of what the board is doing and why they are needed.

1468

1469 **Agenda Item 14** **Applicant Requested Background Review**

1470

1471 The board reviews a request from a potential applicant and Jennifer Deitz from Alaska Career
1472 College asking the board to review potential applicant’s criminal background convictions on request
1473 to determine whether those crimes will prevent licensure. The reason for this request is that before
1474 a student spends time and money going to school, both schools and students would benefit from
1475 knowing if the board will deny their application based on past criminal convictions. Additionally,
1476 some school (like ACC) may not even allow a student to enroll if they have reason to believe that
1477 the student’s application for licensure will be denied.

1478

1479 OLE Dulebohn informs the board that when she attended FARB in January, that she learned that
1480 the State of Louisiana has just implemented a procedure that would allow the board to review
1481 applicant submitted criminal convictions and make a motion that would carry forward to when their
1482 application is submitted. The potential applicants would submit a type of form similar to the
1483 Professional Fitness Questions on the application, their fingerprints, and pay the processing fee.
1484 When the background reports are ready, both the form and the report would go to the board for
1485 review and decision on whether that information would keep the applicant's application from being
1486 approved. This decision would not have any bearing on additional information that is disclosed to
1487 the board at a later date.

1488
1489 The board thinks this is a process worth looking into in a future meeting. Chair Edwards-Smith
1490 would like some questions answered and research conducted prior to the next meeting. Is this a
1491 regulation project or policy?

1492
1493 **TASK: OLE Dulebohn will check with Division on whether implementing this**
1494 **process would be a regulation or policy change.**

1495
1496 **TASK: Traci Gilmour will research Louisiana's criminal background report review**
1497 **policy.**

1498
1499 **Agenda Item 13 (continued) Administrative Business**

1500
1501 AMTA Annual Meeting

1502
1503 Chair Edwards-Smith would like he board to allow him to address the AMTA Annual meeting on
1504 April 26, 2019 to present information that is publicly available on the board's behalf as an effort of
1505 community outreach.

1506
1507 **In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously**
1508 **with a roll call vote, it was RESOLVED to ELECT Chair David Edwards-Smith to be the**
1509 **board representative at the AMTA local meeting on April 26, 2019 in order to present**
1510 **publicly available information.**

1511
1512 **Agenda Item 12 Use of Curriculum Breakdown**

1513
1514 OLE Dulebohn asks the board how they will apply the drafted Curriculum Breakdown if/when the
1515 Lt. Governor signs it into regulation. Will the board use it to determine whether every transcript is
1516 acceptable, will it just be used on transcripts where the accreditation is in question as the case of the
1517 Rolf Institute of Structural Integration, or some other way?

1518
1519 The board answers that the only way to apply the Breakdown fairly is to look at every transcript. If,
1520 for example, the Breakdown requires a certain number of hours be dedicated to a particular subject
1521 and the applicant does not meet that, the board will require qualifying education remedial hours be
1522 completed before approval of application. Continuing education would not be allowed as a
1523 substitute as qualifying education would have to be in line with AS 08.61.030(3)(A). This
1524 Breakdown can only be applied to new applications submitted after the regulation goes into effect.
1525 OLE Dulebohn stresses the importance of enlisting local Alaska schools to commit to providing
1526 remedial qualifying education is the key to really making the Breakdown work.

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Board member Jill Motz asks OLE Dulebohn about the specific hours on the Curriculum Breakdown.

TASK: OLE Dulebohn will verify that the correct version of the Curriculum Breakdown went to the Regulations Specialist.

Agenda Item 6 (continued) Division/Financial Update

Fee Analysis(continued)

Chair Edwards-Smith asked if all the board members had time to review the documents on the Division’s Fee Analysis that included a proposed fee increase. He then asked if there were any motions on the subject. A motion was made and seconded with discussion following.

Ms. Gilmour begins discussion by saying that she reviewed what Ms. Wales presented to the board. Her review of Ms. Wales projection reveals that the board will not go into deficit until 2023-2024. She goes on to say that 2019, 2020, 2021 the board will have a smaller surplus (which was recommended they institute in previous meetings) but the board does not go into debt. Ms. Gilmour goes on to support her motion by stating that the board has revamped regulations, amended their Disciplinary Matrix, have instituted Fitness to Practice Interviews, and adopted the ability to impose civil fines all in the hopes that those measures will decrease attorney, hearing, and investigative costs drastically. She thinks that these cost saving measures support her motion to not increase fees at this time.

Chair Edwards-Smith and Ms. Motz worry about the repercussion of the possibility of operating in the negative and would not like to see a more drastic fee increase be needed in the future as opposed to a moderate increase now, should that be what Division decides. Chair Edwards-Smith states that the board will be their trust in the experts at Division to make this decision as none of the board members are accountants and it the final decision lies with the State.

Ms. Endle contributes to the conversation by asking if the fees must be increased, can they be in a specific section that would not impact renewing licensees.

TASK: OLE Dulebohn will inquire if fee increases be applied to Initial Applications or the Non-Refundable Application Fee only?

Ms. Gilmour would like to reiterate that the Department sets the fees for programs. The board can only make recommendations but ultimately, Division will do what they think is in the best interest of the board. Ms. Motz is also hopeful that Division will not raise fees. She believes that unusual circumstances such as a large lawsuit in 2018 contributed to the board expenditures. Ms. Gilmour feels that licensees will feel the pain of this potential increase the most as the board has recently decided there would be no renewal fingerprints for 2019 in order to decrease their renewal burden by \$60.00. To raise their licensing fee by \$60.00 will undermine part of what the board had hoped to accomplish by lobbying the legislature to reduce the renewal fingerprint requirements.

1573 In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with
 1574 a roll call vote, it was the board RECOMMENDS that the licensing fee REMAIN at \$290.00
 1575 for the 2019-2020 licensing period and will be re-evaluated for the 2021 licensing period.

1576
 1577 Agenda Item 13 (continued) Administrative Business

1578
 1579 New Task List:

TASK LIST
 February 28-March 1, 2019

#	Task	Who to complete?	When is the deadline?	Distribute to the Board?	Completed
1	Obtain contact information for course sponsors in 12 AAC79.210(d)(3) in regard to continuing education reporting.	Dulebohn	Before June Meeting	Yes, via OnBoard	
2	Follow-up with Jennifer Deitz on the Letter of Intent for board recommended remedial hours that includes ACC's requirements for acceptance.	Dulebohn	May 15, 2019	Yes, via OnBoard	
3	Revamp the 1 st informational page to include check boxes, statement on disclosure and professional fitness questions (PFQ), and applicant signature to Supervisor Hannasch. Also bold the statement on the PFQ for disclosing all criminal convictions to avoid investigation process	Dulebohn	May 15, 2019	Yes, via OnBoard	
4	Find out how many people applied for licensure in the non- renewal years to ascertain how much revenue was generated	Dulebohn	Before June Meeting	Yes, via OnBoard	
5	Confirm suspension of fines in consent agreements and what language needs to be implemented in a consent agreement designate when suspended fines will be re-instituted	Jacobs	ASAP	Yes, via OnBoard	
6	Provide the board with an outline of how and when to implement a civil fine	Jacobs	ASAP	Yes, via OnBoard	
7	Ask Chief Francois about the details of the Cease and Desist and how the information is reported to the authorities (if there is an entity willing to handle the prosecution).	Jacobs	ASAP	Yes, via OnBoard	

8	Complete the Regulation Questionnaire for amendment to 12 AAC 79.110(2)(B) and send it in to OLE Dulebohn	Edwards-Smith	May 15, 2019	No.	
9	Board Certifying Order and Examiner Affidavit to Ms. Zinn on Monday when she returns to Juneau	Dulebohn	ASAP	No.	
10	Send Ms. Ballard a follow-up e-mail after she completed the record of the meeting (minutes).	Dulebohn	ASAP	No.	
11	Invite Director Sara Chambers to consult the board on renewal fingerprint implementation.	Dulebohn	Before June Meeting	No.	
12	<p>Research what the board criteria should be in evaluating and approving a continuing education course. It would include:</p> <ol style="list-style-type: none"> 1. How to determine the class merit without a practical application of the course 2. Qualifications as instructor 3. Amount of experience or expertise on subject 4. Does it relate to the practice of massage therapy or bodywork? <p>Look to what other credentialing agencies do and their criteria.</p>	Edwards-Smith	May 15, 2019	Yes, via OnBoard	
13	Ask Regulations Specialist if 12 AAC 79.210(d)(1) need defining or removal from Regulations? Is it still valid?	Dulebohn	Before June Meeting	Yes, via OnBoard	

14	Contact ACPE on what “exempt status” for continuing education is	Dulebohn	May 15, 2019	Yes, via OnBoard	
15	Contact Ms. Lea to obtain additional information on whether Ms. Lea is a continuing education provider anywhere currently or previously, her NCBTMB certificate, her current instructor credentials, and her ACPE Exemption Letter	Dulebohn	ASAP	Yes, via OnBoard	
16	Forward the board’s answers to Ms. McMullen’s questions regarding the Curriculum Breakdown	Dulebohn	ASAP	No.	
17	Forward the board’s answers to Ms. Dougherty question involving Reiki as a continuing education	Dulebohn	ASAP	No.	
18	Send the board’s establishment “wish list” and the reply by Ms. Chambers to Regulations Specialist Zinn	Dulebohn	ASAP	No.	
19	Request Attorney General opinion on whether: <ol style="list-style-type: none"> 1. CBD is “not officially legal” 2. Board’s Legal Responsibility 3. Should a complaint go to Investigations, what authority would the board enforce disciplinary action based on (AS 08.61.060) or Standards of Practice Regulation? 	Dulebohn/Chambers	May 15, 2019	Yes, via OnBoard	
20	Send new Disciplinary Matrix to LAW and Investigations	Dulebohn	ASAP	Any changes, yes, via OnBoard	
21	Check with Division on whether implementing Criminal Review process would be a regulation or policy change.	Dulebohn	Before June Meeting	Yes, via OnBoard	
22.	Research Louisiana’s criminal background report review policy	Gilmour	May 15, 2019	Yes, via OnBoard	
23	Verify that the correct version of the Curriculum Breakdown went to the Regulations Specialist	Dulebohn	ASAP	Yes, via OnBoard	

24	Inquire if fee increases be applied to Initial Applications or the Non-Refundable Application Fee only?	Dulebohn	ASAP	Yes, via OnBoard
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1580

1581 At this time, the board concluded all scheduled Board Business.

1582

1583 **Agenda Item 26 Adjourn**

1584

1585 **In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously, it was**
 1586 **RESOLVED to ADJOURN.**

1587

1588 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended
 1589 at 4:55 p.m.

1590

1591 **Respectfully Submitted,**

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1595

06/11/2019

1596 **Dawn Dulebohn, Licensing Examiner**

Date

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1598

1599

1600

6-11-19

1601 **David Edwards-Smith, Boards Chair**

Date