

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

5 BOARD OF MASSAGE THERAPISTS
6

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

10 *Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For a more*
11 *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 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
15 scheduled meeting of the Board of Massage Therapists was held in person on
16 September 19-20, 2019.
17

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

20 *On the record at 9:04 a.m.*
21

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

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

30 **Division Staff present:**
31

32 Dawn Dulebohn, Occupational Licensing Examiner
33 Carl Jacobs, Investigator III
34 Billy Homestead, Investigator II/Probation Monitor
35

36 **Joining Telephonically:**
37

38 Sher Zinn, Regulations Specialist II
39

40 **Agenda Item 2** **Ethics Reporting:**
41

42 The Board Chair opened the floor to any Board member that may have an ethics violation or
43 inquiry. None were presented.
44

45 *Lars Odsather joined the meeting at 9:05 a.m.*
46
47
48

49 **Agenda Item 3** **Review/Approve Agenda:**

50

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

56

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

59

60 **Agenda Item 4** **Review/Approve Past Meeting Minutes**

61

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

69

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

72

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

79

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

83

84 **Agenda Item 5** **Old Business**

85

86 Task List from June 10-11, 2019 Meeting

87

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

89

90 Military and Disability Exemption Research

91

92 Board member Ron Gibbs begins the conversation stating that, from his research, other state boards
93 have made allowances in their regulations for licensees that were unable to complete their
94 continuing education in the mandated time from due to service in the military or illness by
95 submitting request to the board and submitting supporting documents. The board discusses statutes
96 on the subject from Florida and Georgia, by what means someone can apply for board concessions,

97 and would it include spouses (military). Vice Chair Gilmour reiterates to the board that she feels like
98 this possibility of extension should not include persons who had ample time to do their continuing
99 education but waited until the last minute and now want an extension.

100
101 Board member Motz noted that, according to her research, very few states issue exemptions. She
102 has found in some states a stipulation that if you need an extension, you must notify the board at
103 least 90 days before renewal, provide documentation from a physician or commanding officer, and
104 there are no exemptions only extensions to complete the continuing education. Chair Edwards-
105 Smith suggests setting up a matrix so that due process is followed and the extensions are consistent
106 for everyone.

107
108 Board Member Motz brings up some variables that the board should be aware of such as therapists
109 that were licensed by transition or persons that may have long illnesses.

110
111 The board decides to think more on the subject and return to the board meeting tomorrow with
112 draft language for a regulation and motion.

113 114 Disciplinary Matrix Feedback from SA Goeden

115
116 Chair Edwards-Smith reports that he did not submit the draft disciplinary matrix to SA Goeden for
117 review and has nothing to report.

118 119 Disciplinary Matrix Revision

120
121 *Investigator Carl Jacobs joins the meeting at 9:20 a.m.*

122
123 Chair Edwards-Smith leads the discussion on the feedback received from Investigations and
124 Department of Law regarding the board's proposed disciplinary matrix.

125
126 The board discussed amendments to Unlicensed Practice, Fraud or Misrepresentation in Securing a
127 License, Standards of Practice Violation, Engaged in Deceit, Fraud, or Intentional Misrepresentation in
128 the Course of Providing Massage Services, and adding "per offense" to all fine schedules.

129
130 Board Chair Edwards-Smith asks for Investigator Jacobs to expand on his recommendation that
131 "Fraud or Misrepresentation in Securing a License" have only an Imposition of Civil Fine as the
132 disciplinary action. Inv. Jacobs references the board's wish to reduce investigative costs and have
133 cases processed more expediently. The use of an Imposition of Civil Fine outside of a consent
134 agreement will save time and implement a consequence for this type of crime without some of the
135 investigative paperwork, time, and process. Investigator Jacobs goes on to state that he feels the
136 main purpose of the board to implement this fine is to address applicants that fail to disclose
137 information in the therapist application in a two-page document as opposed to a nine-page consent
138 agreement. Ms. Motz asks Inv. Jacobs to verify that a civil fine will not show up as a license action
139 on their record and Inv. Jacobs confirmed that they civil fines are not reportable.

140
141 The board discusses the possibilities of not seeing applications that have actual fraud such as altered
142 test scores or transcripts. OLE Dulebohn explains that while an application will go to Investigations
143 for things such as not answering a Professional Fitness question truthfully and may be issued a civil
144 fine for that transgression, the board will still see the application after it comes back from

145 Investigations for review to decide on licensure. Therefore, the board will still have the opportunity
 146 to do their own review and research in the applicant’s qualifications. Board member Gilmour
 147 reminded the board members that OLE Dulebohn will still be abiding by the board’s “No
 148 Investigations Needed” list that was reviewed and approved in the June 10-11, 2019 meeting.
 149 Board member Julie Endle brings to the board’s attention the matrix regarding Code of Ethics
 150 violations. She asked how the licensed board members would ascertain whether a Letter of
 151 Advisement or Fitness to Practice Interview would be the best course of action. Ms. Gilmour
 152 replies that the licensed board member would decide the consequence based on the severity of what
 153 was done.

154
 155 Ms. Gilmour continued the discussion by suggesting adding an “or” to disciplinary actions before
 156 Revocation building on the advice by Department of Law. Mr. Edwards-Smith highlighted that
 157 Unlicensed Practice violations should be “less than or equal to” 90 days and not only “less than” 90
 158 days.

159
 160 The board amended Disciplinary Matrix is as follows:

161 **MAS Disciplinary Matrix/Fine Schedule**

162 Adopted September 19-20, 2019 board meeting

163
 164 The board reserves the right to deviate from their matrix if they find a violation is especially egregious or
 165 beyond what is normally encountered.

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

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

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

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

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

FARB Membership

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

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

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

198 Agenda Item 6 Division/Financial Update

199
200 Melissa Dumas, Administrative Officer II, has canceled the Division/Financial Update as she has no
201 new information to present to the board at this time.

202
203 Agenda Item 21 Administrative Business

204
205 Correspondence

206
207 The board approved moving up Correspondence from Day 2 in order to review the correspondence
208 from Ms. Liu and Ms. Lea.

209
210 Ms. Liu sent correspondence stating that many non-English speaking massage therapists were
211 committing fraud by paying others to complete their mandatory continuing education on their
212 behalf. It also goes on to state webpages that advertise massage with their sexually charged
213 advertisements. OLE Dulebohn replied stating that the Board of Massage Therapists can only take
214 disciplinary action on massage therapists once it had been reviewed by Investigations. She then
215 provided contact information for Investigations.

216
217 Board Member Motz commented on Ms. Liu's e-mail by stating that OLE Dulebohn did a great job
218 of answering and that people cannot expect change unless they report the problem to the proper
219 department. Ms. Gilmour believes that everyone should encourage complainants to come forward
220 and show them large amounts of gratitude for their reports to help encourage their participation in
221 the system. OLE Dulebohn suggests if the board wants to get the word out, they bring it up in the
222 next Town Hall Meeting scheduled for September 20, 2019. Both Mr. Edwards-Smith and Ms.
223 Gilmour agree that the public needs to be educated on the tools that are available to them to report
224 people who are performing sexual acts under the guise of being a massage therapist. Ms. Gilmour
225 would like SA Goeden contacted with the information provided in the letter.

226
227 **TASK: OLE Dulebohn will forward Ms. Liu's correspondence to SA Goeden.**

228
229 The next correspondence is from Tarika Lea. OLE Dulebohn gives the board a recap of Ms. Lea's
230 history with the board. Ms. Motz reminds the board that in the last meeting on June 10-11, 2019 the
231 board agreed for them to approve continuing education would be irresponsible as they are not the
232 experts in education and that it would be a liability to the board. She makes a motion that the board
233 remove the language in regulation 12 AAC 79.210 that gives the board the authority to approve a
234 massage or bodywork therapy school or training program. OLE Dulebohn reminds the board that
235 they asked that this topic was brought to a Regulation's Specialist and added to the FAQ's. The
236 FAQ states that the board interprets "continuing education must be completed through a board
237 approved massage therapy or bodywork therapy school or training program" to mean that the board
238 can decide if a continuing education course relates to the profession of massage therapy. The course
239 in question must still be approved by an institute of higher learning or a local, state, or national
240 organization that serves the profession of massage therapy."

241
242 Mr. Gibbs asks the board to consider that Ms. Lea is an experienced instructor in state and has state
243 approval to operate from Alaska Commission on Postsecondary Education and to ask this type of
244 person to pay to get another approval seems exorbitant. He goes on to state that since we are a
245 small state the board should be able to evaluate Ms. Lea by her accomplishments and experience and

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

251
252 Ms. Gilmour disagrees as she does not feel that she has the expertise to approve courses. She
253 doesn't disagree that Ms. Lea has a lot of experience but is ACPE qualified to evaluate and approve
254 courses.

255
256 Ms. Motz contributes to the conversation by stating that the board has previously had people come
257 before them to approve their course and the board's response is that the board is not a certifying
258 body and despite what is perceived as a lengthy process, the National Certification Board for
259 Therapeutic Massage and Bodywork (NCBTMB) certification is not expensive or difficult. She goes
260 on to quote Ms. Lea's letter stating she only wanted to teach a select number of classes and that
261 NCBTMB instructor certification for one class is \$250.00 and that isn't prohibitive to add a layer of
262 legitimacy. Ms. Motz goes on to state that she doesn't believe it's the board's job to approve courses
263 and that it opens the board up to potential risk. She references Ms. Lea stating that instructors have
264 liability insurance but Ms. Motz asks the board if they are willing to go and verify that anyone that
265 wants a class approved has insurance for the classes they teach? She believes the board approving
266 curriculum for courses will be a huge undertaking. Ms. Motz goes on to state that by removing the
267 board's ability to approve course curriculum, the reduce their liability and protect the public from
268 potential predators.

269
270 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
271 **roll call vote, the board will amend 12 AAC 79.210(e)(1) to read: Continuing Education must**
272 **be completed through a board approved massage therapy or bodywork therapy school or**
273 **training program. The board can decide if a continuing education course relates to the**
274 **profession of massage therapy but the course in question must still be approved by an**
275 **institute of higher learning or a local, state, or national organization that serves the**
276 **profession of massage therapy.**

277
278 **TASK: Vice Chair Traci Gilmour will complete the Regulations Questionnaire to**
279 **accompany the amendment of 12 AAC 79.210(e)(1).**

280
281 *Board Chair Edwards-Smith calls for a short break.*

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

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

284

285 Agenda Item 7 Investigative Case Review and Probation Reports

286

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

288

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

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

297
298 Ms. Motz asks if the board will receive a report on the regional inspections to which Inv. Jacobs
299 states that the board will receive notice only if a substantial violation occurs. He goes on to state
300 that any human trafficking violation will be reported to the FBI.

301
302 Mr. Gibbs asks Inv. Jacobs about his report of 9 compliance inspections and Inv. Jacobs replied of
303 those, there was one where significant violations occurred and an investigation is underway. The
304 details of which will be reported to the board once the investigation concludes. Inv. Jacobs reports
305 that the inspections were well received by Division management and are indicated to continue in the
306 future. Mr. Edwards-Smith asks Inv. Jacobs if all the compliance checks were complaint driven. He
307 replied by stating they were not, it was a random, geographic check in collaboration with the Board
308 of Barbers and Hairdressers investigator. Mr. Edwards-Smith asks if Investigations will have more
309 authority to inspect once their establishment regulations are approved by the Lt. Governor and Inv.
310 Jacobs replies that they will.

311
312 *Investigator Jacobs left the meeting at 10:40 a.m.*

313
314 **Agenda Item 8** **Board Curriculum Breakdown Discrepancies- Samples**

315
316 With the board's permission, OLE Dulebohn gives a summary of some discrepancies in voting since
317 the Board Curriculum Breakdown has been introduced. She encourages the board to review the
318 files and discuss their decision-making processes in order to streamline their voting in the future and
319 avoid any un-necessary application delays due to a majority vote not being reached by electronic
320 voting. The board discusses how the Transcript Analysis Form will greatly aid the board in their
321 assessment of transcripts and discusses some specific cases. Some suggestions for board
322 accountability would be a spreadsheet, checklist, one reviewing board member per batch. The board
323 agrees that at this time, having one reviewing board member to evaluate transcripts every batch is
324 the way to go until the Transcript Analysis Form is put to use in applications.

325
326 **Agenda Item 9** **Review Tabled Applications**

327
328 The board reviewed tabled applications and made the following decisions on licensure:

329
330 The board reviewed the application for C.F. carefully and made the following decision:

331
332 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
333 **roll call vote, it was RESOLVED to APPROVE the application of Caitlyn Fletcher**
334 **PENDING completion of an additional 24 hours of Massage Theory and Practical**
335 **Application and an additional 21 hours of Ethics and Law per 12 AAC 79.140.**

336
337 The board reviewed the application for N.G. carefully and made the following decision:

338
339 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**
340 **a roll call vote, it was RESOLVED to APPROVE the application of Nanette Greer**
341 **PENDING completion of an additional 80 hours of Anatomy & Physiology Pathology,**

342 **Kinesiology (40 hours must be Pathology) and an additional 40 hours of Ethics and Law per**
343 **12 AAC 79.140.**

344

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

346

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

353

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

355

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

361

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

363

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

370

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

373

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

375

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

380

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

625 Hours Transcript Analysis Form

Applicant Name: _____

Address: _____

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

DIRECTIONS FOR APPLICANT:

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

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

Educational Requirements

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

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

Curriculum

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

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

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

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

625 Hours Transcript Analysis Form

SECTION B: 275 Hours: Massage Theory and Practical Application

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

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

TOTAL HOURS:

SECTION C: 138 Hours: Clinical Practice

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

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

TOTAL HOURS:

SECTION D: 50 Hours: Ethics & Law

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

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

TOTAL HOURS:

625 Hours Transcript Analysis Form

Description of Course Content

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

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

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

- Assessment: Basic massage therapy techniques dedicated to the study of massage therapy and various clinically related modalities
- No more than 50 hours should address techniques that are exempt from license requirements
- Practical application not to exceed more than 20% (125 hours) of total hours of the massage program

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

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

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

- Local and State Laws
- Therapeutic Relationships
- Professional Boundaries

Certification of Applicant:

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

Signature

Date

439
440
441
442
443
444

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

445 **Agenda Item 11** **Lunch**

446

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

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

449

450 **Agenda Item 12** **Public Comment**

451

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

455

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

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

511
512 Chair Edwards-Smith thanked Lars for his perspective and point of view. He stated that the board
513 would respond to his comments by e-mail and announced that Public Comment is now closed.

514
515 **TASK: Chair Edwards-Smith will draft a reply to Mr. Odsather's public comment to**
516 **be sent by OLE Dulebohn to him by e-mail.**

517
518 **Agenda Item 13 Decision on Stefano Appeals Case**

519
520 The board prepares to hear a presentation from Administrative Law Judge Lawrence Pederson
521 regarding his decision on the appeal case initiated by Connor Stefano.

522
523 *ALJ Pederson joined the meeting telephonically at 1:27 p.m.*

524
525 Chair Edwards-Smith asked ALJ Pederson if they had to move to Executive Session. ALJ Pederson
526 said that they did and that OLE Dulebohn could not participate in the discussion because she was a
527 witness in the case. Chair Edwards-Smith stated that they would like OLE Dulebohn to be present
528 during the presentation by ALJ Pederson and ALJ Pederson informed the board that they could not
529 make that decision. OLE Dulebohn informed ALJ Pederson that he called in on a public line and
530 she would need to stay long enough to switch the lines over to Executive Session.

531
532 **In a motion duly made by Jill Motz, seconded by Ron Gibbs, it was RESOLVED to**
533 **ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska**
534 **Constitutional Right to Privacy Provisions, for the purpose of discussing "matters which by**
535 **law, municipal charter, or ordinance are required to be confidential".**

536
537 *Off the record at 1:29 p.m.*

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

539

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

542
543 OLE Dulebohn informs ALJ Pederson that she will send him a copy of this decision after the
544 minutes of the meeting are completed. He asked that the decision be circulated.

545
546 *ALJ Pederson left the meeting at 1:55 p.m.*

547
548 *Chair Edwards-Smith calls for a short break.*

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

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

551

552 **Agenda Item 14 Regulations**

553

554 Board Chair Edwards-Smith directs the board to the language revised by Regulations Specialist
555 Zinn for the board to review stemming from their draft regulations changes submitted in the June
556 10-11, 2019 meeting. Asking if there were any questions or amendments and hearing none,
557 the board perused the notes in the redline page.

558

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

563

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

567

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

571

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

574

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

579

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

583

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

585

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

588 reasoning behind deleting that line and the board agrees that the line is redundant and should be
589 removed.

590

591 12 AAC 79.110(2)

592

593 The board reviews the suggested regulations change for 12 AAC 79.110(2)(B) “the board will issue a
594 license by credentials to practice massage therapy to an applicant who meets the requirements of AS
595 08.61.040 and this section...and is certified by the American Massage Therapy Association, the
596 National Certification Board for Therapeutic Massage and Body Work, or other board approved
597 credentialing entity.”

598

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

602

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

608

609 12 AAC 79.200

610

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

613

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

616

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

619

620 HB0169A

621

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

626

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

631

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

634

635

636 12 AAC 79.900

637

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

642

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

644 *Regulations Specialist Zinn left the meeting.*

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

646

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

648

649 Yi

650

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

654

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

658

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

666

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

668

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

670

671 Kim

672

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

678

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

682

683

684 *Chair Edwards-Smith called for a short break.*

685 *Off the record at 4:18 p.m.*

686 *Back on the record at 4:27 p.m.*

687

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

695

696 **TASK: OLE Dulebohn will notify Han Mee Kim of the board's decision with a**
697 **follow-up letter.**

698

699 **Agenda Item 16 Adjourn or Recess**

700

701 Chair Edwards-Smith recesses the meeting until September 20, 2019 at 9:00 a.m.

702

703 *Off the record at 4:28 p.m.*

704

705 **Friday, September 20, 2019**

706

707 **Agenda Item 17 Call to Order/Roll Call**

708

709 *On the record at 9:04 a.m.*

710

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

712

713 David Edwards-Smith, Board Chair-Licensed Massage Therapist

714 Traci Gilmour, Licensed Massage Therapist

715 Ron Gibbs, Licenses Massage Therapist

716 Julie Endle, Public Board Member

717

718 **Division Staff present:**

719

720 Dawn Dulebohn, Occupational Licensing Examiner

721

722 **Joining Telephonically**

723

724 Sara Chambers, Director of the Division of Corporations, Business, and Professional

725 Licensing

726

727 **Agenda Item 18 Review Agenda**

728

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

731

732 Agenda Item 5 Old Business (continued)

733

734 Medical and Military Exceptions

735

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

741

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

751

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

756

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

757

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

758

2. Documentation to support the waiver

759

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

764

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

769

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

772

773 Agenda Item 9 Review Tabled Applications (continued)

774

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

776

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

778

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

782
783 **Agenda Item 19** **Old Business (continued)**

784
785 New FAQ's from Task List- #2, #27, #29

786
787 The board reviews the FAQ's they asked to be created in the June 2019 meeting:

788
789 **I'm a licensed massage therapist in Alaska, do I *have* to have liability insurance?**

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

793
794 **Can the board give me permission to teach a continuing education class?**

795 12 AAC 79.210 states that "continuing education must be completed through a board approved
796 massage therapy or bodywork therapy school or training program, regionally or nationally accredited
797 institution of higher learning, or a local, state, or national professional organization that serves the
798 massage therapy profession."

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

804
805 **What does SOP #2 mean when it says to "maintain a record of daily clientele including
806 name and date of service and adequate progress notes when applicable"?**

807 12 AAC 79.900 and SOP #2 is about chart noting and HIPAA compliance.

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

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

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

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

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

820
821 After review, Ms. Gilmour states that she does not like the way her FAQ about the Standards of
822 Practice #2 was written. Ms. Gilmour asks that she be allowed to re-write the FAQ, submit it to the
823 OLE to distribute to board approval, and then have it be added to the FAQ's.

824

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

828

829 Legislative Research on School Requirements

830

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

836

837 State Authorizing and National Accrediting Entities by State

838

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

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

841

842

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

843

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

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

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

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

844
845 Kierke Kussart from the Alaska Commission on Postsecondary Education also provided links to the
846 National Association of State Administrators and Supervisors of Private Schools (NASASPS), the
847 Accrediting Bureau of Health Education Schools (ABHES), United States Department of Education
848 (USDOE), Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), and the
849 Commission on Massage Therapy Association (COMTA) for the board’s reference.

850
851 OLE Dulebohn reminds the board that the reason all of this research has been compiled is so they
852 may compile a list of states that have educational and licensing requirements equivalent to Alaska in
853 accordance with AS 08.61.020.

854
855 **TASK: Board will evaluate data and compile list of states that have accrediting and**
856 **approval agencies such as COMTA and ACPE that are equal to Alaska.**

857
858 **TASK: OLE Dulebohn will sign board members up for ACPE newsletter.**

859
860 AS 21.36.090- Feedback from LAW and Deputy Director Walsh

861
862 In the June 2019 meeting, the board was brought a topic by Board Member Jill Motz that shows that
863 there is a statute that deals with unfair discrimination regarding insurance of professions. Ms. Motz

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

869
870 AS 08.61.060

871
872 Also stemming from the June 2019 meeting, the board had asked for a LAW consult about a
873 potential issue brought to their attention by Investigations. Inv. Carl Jacobs stated that AS
874 08.61.060 reads: “After a hearing, the board may impose a disciplinary sanction under AS 08.01.075
875 on a person licensed under this chapter if the board finds that the person...” Investigations is
876 concerned about the words “hearing” and “licensed” as they may be interpreted to mean an
877 administrative law hearing and may only be applicable to someone who has received their massage
878 license. OLE Dulebohn responds that historically, in this context, the board has defined “hearing”
879 as a meeting of the board on the subject and “licensed” to mean some who holds a license or whose
880 license approval is imminent. As an example, if someone has a questionable background report, the
881 board holds a Fitness to Practice interview for the applicant, holds a discussion, and decides to grant
882 the license pending the acceptance of a consent agreement that states that the applicant will not
883 break the law for 4 years and complete a 20 hours ethics course. AAG Harriet Milks response is:
884 that the statute interpretation can depend on the facts. The board is correctly interpreting “hearing”
885 to mean a process in which the applicant has a meaningful opportunity to be heard and present their
886 case, present facts, and examine witnesses. The board also seems to be correctly understanding the
887 disciplinary standards under AS 08.61.060 apply to licensees and applicants for licensure. The
888 Office of Administrative Hearings has said that it makes no sense to license someone who the board
889 knows has a problem that would warrant revocation if they were already licensed, only to turn
890 around and revoke their license immediately after granting it.

891
892 Ms. Milks also addresses the board’s intention to use AS 08.61.060 as a reference to impose a
893 disciplinary sanction in the form of a civil fine for applicants who make factually inaccurate
894 statements on their application and the board intends to license. She advises that this is appropriate
895 since AS 08.61.060 specifically incorporates AS 08.01.075(a)(8) which allow imposition of a fine.

896
897 **Agenda Item 21** **Administrative Business**

898
899 Administrative Statistics

900
901 Chair Edwards-Smith states that he is grateful of the mention of how many people sent in renewal
902 fingerprints despite not being asked or directed to send them in. Additionally, the statistics on the
903 amount of e-mails sent was surprising. OLE Dulebohn shared with the board that about half dozen
904 people were asked to submit fingerprints on a case by case basis because of an issue with their 2017
905 fingerprints, but that 46 people sent in fingerprints (with and without money) unbidden and those
906 cards will be returned to them. Ms. Gilmour speculated that the amount of correspondence OLE
907 Dulebohn received is related to the change in statute and regulation but OLE Dulebohn replied that
908 she couldn’t think of any of the correspondence that related to that subject. Ms. Gilmour
909 referenced people contacting her with worries about bloodborne pathogens because they are not
910 reading the application thoroughly and just remember that they saw a change in statute. She goes on
911 to state that the lack of understanding is so great, it is amazing. OLE Dulebohn states that the

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

919
 920 The board next addressed renewal applications in regard to the proof of current CPR certificate that
 921 was required for this year's renewals. There was discussion about how everyone had to certify on
 922 their application that they had a current CPR certificate and that they would provide proof of that
 923 no later than 10/30/2019. The discussion continued by stating that only PDF's were accepted as
 924 uploads into MyLicense but that the certificate could be mailed or faxed. Additionally, OLE
 925 Dulebohn explained that division make the mandate that all completed applications would have
 926 their licensed renewed immediately and that there would be a grace period given until 10/30/2019
 927 to send in the CPR proof. Anyone that does not have their CPR in by the time renewals end on
 928 9/30/2019 will get a notice in the mail reminding them of their responsibility. Chair Edwards-Smith
 929 asked how many renewals were expected this year and OLE Dulebohn responded that a little less
 930 than 1300 were expected and so far only about half have renewed. The board had a brief discussion
 931 about how massage therapists have a transient profession so there will always been people that move
 932 in and out of state for work.

933
 934

June 10- September 16, 2019

ITEM	AMOUNT	COST/ REVENUE
Applications Received	49	
Applications Reviewed by the board	35	
Rolfers Issued/Applied Massage License using the Board's Curriculum Breakdown (not Grandfathered)	2	
Initial Licenses Issued	44	44 X \$550.00= \$24,200
Applications Denied	0	
Applications in Process	70	
Renewed Online using MyLicense (as of 9/15/2019)	529	
Total Renewed as of 9/15/2019	626	
# of Licensee's who have "opted in" for paperless communication	677	
Sent in Un-Necessary Fingerprint Cards for 2019 Renewal	46	

Phone Calls Received	472 (last period 352)	
E-mails Sent	2464 (last period 1191)	
Returned Letters	52	52 x .55 = \$28.60
Returned Certified Mail	2	2 X \$7.45= \$ 14.90

935

936 *Chair Edwards-Smith called a short break at 10:05 a.m.*

937 *Back on the record at 10:17 a.m.*

938

939 **Agenda Item 20** **Regulatory Reform Introduction Presentation**

940

941 *Director Sara Chambers joined the meeting at 10:17 a.m.*

942

943 Chair Edwards-Smith welcomes Director Chambers and begins by referencing the memo that Ms.
 944 Chambers had distributed on the topic of Professional Licensing Reform. This memo was written
 945 to educate boards and staff on the goals put forth by Governor Dunleavy’s administration. Overall,
 946 state officials have been tasked by the Governor to go through statutes and regulations and
 947 administrative processes to ensure they are modern, defensible, understandable, and transparent.
 948 We are also to ensure that we are not putting any artificial barriers in the way of qualified individuals
 949 while continuing to maintain public protection. The four main resolutions Ms. Chambers makes
 950 are:

- 951 1. At all times, our governance should demonstrate that we have internalized the purpose of
- 952 professional licensing by safeguarding the public interest.
- 953 2. Make decisions that reflect proficiency in the statutes, regulations, division policies, and
- 954 state/national issued that affect our licensing programs.
- 955 3. Add value to the bottom line by delivering excellent service to all internal and external
- 956 customers.
- 957 4. Prioritize changes to statutes and regulations that streamline, modernize, and reduce barriers
- 958 to employment of qualified individuals.

959

960 After Ms. Chambers completes her summary of her memo, Chair Edwards-Smith interjects that he
 961 feels it would be important for the Board of Massage Therapist to create a public outreach
 962 subcommittee. The goal of this subcommittee would be to strengthen education of the public on
 963 the board, how it protects the public, and how it strengthens the economy. It would also aim to
 964 inform the public of the resources available to them. Mr. Edwards-Smith would like the
 965 subcommittee to identify community resources, inform legislators, and seek feedback on
 966 communications with the public. He states he would entertain a motion for a subcommittee to be
 967 formed.

968

969 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**
 970 **a roll call vote, it was RESOLVED to APPROVE the formation of a subcommittee**
 971 **comprised of Dave Edwards-Smith, Jill Motz, and Traci Gilmour for Outreach and**
 972 **Education.**

973

974 OLE Dulebohn brings the meeting back to Ms. Chambers’ presentation on Regulatory Reform and
 975 references a handbook that Ms. Chambers created and distributed to everyone. When asked the
 976 purpose of this handbook, Ms. Chambers replied that the handbook should be used as a tool in
 977 conjunction with the provided PowerPoint to provide structure and to encourage outside the box

978 thinking and risk assessment analysis. Ms. Chambers continues that this PowerPoint will help the
979 board evaluate their statutes and regulations and once you look at them, it will help you did deeper
980 rather than just accepting a surface understanding. Director Chambers also suggests that the board
981 use the PowerPoint and handbook as a tool to engage the public in their upcoming subcommittee.
982

983 Chair Edwards-Smith states for the record that this board is constantly working to evaluate their
984 statutes and regulations and actually have some regulations changes about to go out for Public
985 Comment. At this point, Ms. Chambers will leave the board to review the PowerPoint and will
986 available for questions if the need arises.
987

988 *Chair Edwards-Smith calls for a short break and Director Chambers left the meeting at 10:40 a.m.*
989 *Back on the record at 10:50 a.m.*
990

991 OLE Dulebohn starts the presentation introducing the board to Director Chambers' PowerPoint
992 presentation on Regulatory Reform per the Governor's mandate. The board reviews and discusses
993 the PowerPoint presentation and agree that it would be a good idea to utilize the handbook in future
994 meetings and with discussions with the public.
995

996 The board ended their discussion on the presentation feeling enlightened and empowered to look at
997 the statutes and regulations in a different and more modern way.
998

999 **Agenda Item 21** **Administrative Business (continued)**

1000
1001 **Meeting Calendar**
1002

1003 The board reviewed the meeting calendar for the remainder of 2019 and for 2020. During review of
1004 the calendar, the board discussed when they would set their Outreach and Educational
1005 Subcommittee meeting. OLE Dulebohn stated that the board should set their subcommittee
1006 meeting during a scheduled board meeting and that it be included in a motion. Vice-Chair Traci
1007 Gilmour objected to the process of needing to set a subcommittee meeting during a regularly
1008 scheduled meeting stating it was burdensome and a waste of time. She would like the policy of
1009 setting future meetings/subcommittees in current meetings changed. OLE Dulebohn states that
1010 notices for public meetings need to go out 30 days in advance. Chair Edwards-Smith states that the
1011 subcommittee will be a brief teleconference that will probably be 3 hours. He asks for a motion for
1012 the subcommittee meeting.
1013

1014 **In a motion made by Ron Gibbs, seconded by Julie Endle, and passed unanimously with a**
1015 **roll call vote, it was RESOLVED to set the date for the Outreach and Educational**
1016 **subcommittee meeting for November 30, 2019 at 8:30 a.m.**
1017

1018 **TASK: Chair Edwards-Smith will submit a subcommittee agenda to OLE Dulebohn**
1019 **by October 5, 2019.**
1020

1021 Board member Julie Endle clarifies that the subcommittee will then bring their research and
1022 communications to the entire board in their next meeting for action and the subcommittee will not
1023
1024

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

1026

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

1028

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

1032

1033 **Agenda Item 25** **Adjourn**

1034

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

1036

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

1039

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

1042

1043

1044 **Respectfully Submitted,**

1045

1046

1047



Dawn Dulebohn, Licensing Examiner

12/03/2019
Date


1048

1049

1050

1051

1052



David Edwards-Smith, Boards Chair

12/03/2019
Date

1053

1054

1055

1056