

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 December 2-3, 2019  
9

10  
11 *Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For*  
12 *a more detailed account, please request a copy of the meeting's audio recording at:*  
13 *<https://www.commerce.alaska.gov/web/cbpl/PublicRecordsRequests.aspx>.*  
14

15  
16 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a  
17 scheduled meeting of the Board of Massage Therapists was held by video conference on  
18 December 2-3, 2019.  
19

20 Agenda Item 1 Call to Order/Roll Call:  
21

22 *On the record at 9:06 a.m.*  
23

24 Board Members present, constituting a quorum:  
25

26 David Edwards-Smith- Board Chair, Licensed Massage Therapist  
27 Traci Gilmour- Vice Chair, Licensed 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 Sara Chambers, Director of Corporations, Business, and Professional Licensing  
35 Sher Zinn, Regulations Specialist II  
36

37 Joining Telephonically:  
38

39 Carl Jacobs, Investigator III  
40 Billy Homestead, Investigator II/Probation Monitor  
41  
42

43 Agenda Item 2 Outreach and Education Subcommittee Meeting  
44

45 Subcommittee Agenda Item 1 Strategies to Communicate with the Public  
46

Topic 1- Transparency, Proactively, Clearly

47 Chair Edwards-Smith begins the subcommittee referencing the recent directive from the  
48 Governor as relayed by Director Sara Chambers in the September 2019 meeting. In the  
49 September meeting, the board determined it was necessary to put more effort into  
50 communication with the public to maintain transparency. Mr. Edwards-Smith referred to a  
51 Letter to the Editor to Anchorage Daily News posted September 12, 2019 as a reminder that  
52 the board could work to improve education and communications to the licensees and the  
53 public about board strategies, policies, and constant evolution of needed regulations.  
54

## 55 **Topic 2- Identification of Topics for Increased Communication**

### 56 2. Online Community Networks

57  
58  
59 Chair Edwards- Smith begins by identifying the mediums that could be used to increase  
60 communications with the public. The first is “online community networks” or social media.  
61 He asks the board who have used social media to educate the public. Chair Edwards- Smith  
62 recognized board member Jill Motz for her efforts to educate the public using social media.  
63 Vice Chair Gilmour weighs in that she does not utilize social media because she is a board  
64 member and feels that allowing local therapists to engage in social media has worked well in  
65 the past. She goes on to state that OLE Dulebohn is capable of educating the public on any  
66 confusing subject matter or lack of understanding and has used tools such as newsletters to  
67 make general statements and disseminate material to the public via e-mail, if they have opted  
68 in for paperless communication by application or by registering with MyLicense. She goes  
69 on to state that what frequently happens is that therapists rely on other therapist’s  
70 interpretation of information such as proposed regulations and if the board could  
71 brainstorm other ways to inject correct information to the public such as an online Town  
72 Hall, everyone would benefit. Ms. Gilmour continues that one of the biggest detriments to  
73 the board is the lack of understanding on behalf of the public and the Town Halls are  
74 helpful but having them only once a year is not enough.  
75

76 Board Member Motz joins the conversation by asking OLE Dulebohn if she is aware of  
77 other boards that use social media to communicate with the public. OLE Dulebohn replies  
78 that she knows of other boards that use Town Halls but none that correspond with the  
79 public using social media. OLE Dulebohn continues that she has been discouraged by  
80 division to use social media to speak with the public because it quickly becomes combative  
81 so she sticks to more traditional methods like e-mail, letters, and the telephone. Ms. Motz  
82 states that when she engages the public on social media, she identifies as an individual and  
83 not a board member, she mainly uses it to direct the public to publicly available resources  
84 such as board packets, meeting minutes, statutes and regulations, and division forms, and the  
85 board website to alleviate confusion and educate the public.  
86

87 Chair Edwards-Smith asks the board if they want to develop a board social media policy.  
88 Vice Chair Gilmour discourages an official board policy on the subject as she feels any  
89 interaction of a board member with the public on social media (even if they identify that  
90 they are speaking as an individual and not as a board member) would still be seen as  
91 correspondence from a board member. Mr. Edwards-Smith also goes on the record stating  
92 that he personally discourages the use of social media to have dialogue with the public.  
93

94 Ms. Motz states that she feels the board would be missing an opportunity to connect with  
95 the public by not utilizing social media. She goes on to state that as long as board members  
96 only discuss things that are a matter of public record, to not use this method would be  
97 detrimental as there are certain people who make it a habit of spreading misinformation.  
98 Ms. Motz states that the current administration has made a point that communication with  
99 the public is important and online forums are a wonderful tool. She believes that if the only  
100 information the board gives out is to call the licensing examiner, it will not give them any  
101 immediate answers and it will also discourage them from forming the habit of researching  
102 their own answers.

103  
104 Chair Edward-Smith sums up the conversation by stating that, as licensed massage  
105 therapists, they should have every right to go into a social media group and represent  
106 themselves and point conversations that are going on online to relevant information that can  
107 possibly bring clarity. That being said, the board as a group has restraints, and there is a  
108 reason that a single board member is not allowed to represent the board as a whole. Ms.  
109 Motz elaborates that there are constant complaints from the licensees that they do not  
110 receive communications from the division and the board but looking at the administrative  
111 statistics from the September meeting, you can see that half of the licensee base has not  
112 opted in for paperless communication. The Chair states that he believes it would be useful  
113 for the board to develop social media guidelines to help current and future board members  
114 navigate the waters of this subject. The board does agree that the one thing that they should  
115 stay away from during social media discussions is explaining board intent on a subject.

116  
117 The board discusses how drafting a social media protocol would be beneficial to future  
118 board members. They discuss the need to do a yearly board training as a refresher to current  
119 members and informational to new members. They would like this training to occur in the  
120 first meeting of every year. The training should include the role of the board, goals of the  
121 board, the proper way for members to present themselves, and how the individual board  
122 members should talk to the public.

123  
124 **TASK: OLE Dulebohn will add Board Training to March meeting agenda**

125  
126 3. Newsletter

127  
128 Mr. Edwards-Smith discusses the possibility of reviving the board's newsletter. Ms. Gilmour  
129 states that she would like the board to continue with the subcommittee meetings and as an  
130 extension, possibly see bi monthly postings that are created by the board go out to the  
131 public. This would be an effort on the board's part to get information out to the public to  
132 counter or head off the inevitable misinformation that will be distributed by the few  
133 individuals stirring the pot. A sentiment echoed by some board members is that there are a  
134 small number of people out there that want to disrupt the general public by misrepresenting  
135 things happening in the massage industry This newsletter could include items such as:

- 136 • Recent meeting minutes
- 137 • Continuing education needed for the 2021 renewal
- 138 • Current regulations projects with an emphasis on establishment regulations
- 139 • Renewal Fingerprints- when they will start and why they will start on that date

- 140 • What is Zoom and what role does the GCI phone line play in meetings now
- 141 • Include applicable links for the reader to use

142  
143 **TASK: Board members will divide the research/blurbs that will go into the next**  
144 **newsletter. Dave will write the continuing education (reference recent regulations were not**  
145 **about continuing education) blurb, qualifications, regulations projects (ethics), and**  
146 **Zoom/GCI information. Traci will gather the e-mail address of the applicable Alaska**  
147 **legislators, Julie will write the information on renewal fingerprints.**

148  
149 The newsletter would be done quarterly and would go out to all interested parties including  
150 licensees, applicants, Alaska schools, related organizations, and legislators. Chair Edwards-  
151 Smith wants the board to be more committed to the compilation of the newsletter and will  
152 ask the OLE only format the information and distribute. He would like the board to be  
153 vigilant of possible newsletter topics that come up during meetings.

154  
155 1. Anchorage Daily News- Letter to the Editor

156  
157 The board briefly discusses the Letter to the Editor in September 2019 concerning the Board  
158 of Massage Therapists. Chair Edwards-Smith shares that he believes that any published  
159 opinion will have an impact on the public. The board speaks of the letter being a barometer  
160 of the current climate and appreciate it coming to their attention.

161  
162 4. Town Hall Meeting

163  
164 The board discusses the implementation of Town Hall meetings in 2019. The board feels  
165 that the Town Hall meetings have been successful in engaging and educating the public.  
166 The consensus is the board would like to continue hosting Town Hall meetings at their  
167 annual in person meeting in Anchorage.

168  
169 5. Legislator Update

170  
171 Chair Edwards-Smith broaches the idea that the board should find a way to reach out to  
172 legislators since, with spending cuts, mean that they will not be doing any face to face  
173 meetings this session. He suggests adding the legislators to the newsletter distribution list  
174 and having someone write an update to HB110. Vice Chair Gilmour also suggests that  
175 board members reach out to their representatives to remind them of the massage board, the  
176 bills that have been passed regarding massage therapists, and what the board does to serve  
177 the public. OLE Dulebohn reminds the board that the current fiscal situation has mandated  
178 that board's only have one in-person meeting a year and that needs to be in the most  
179 economically feasible location. It has been made known that travel to Juneau (board  
180 meeting or otherwise) will not be considered unless the board has a potential bill that is  
181 being introduced or decided upon but Ms. Dulebohn will submit as many requests as the  
182 board would like to division.

183  
184 **Topic 3- Identification of Governmental, Non-Profit Resources to Increase**  
185 **Communication**

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**TASK: Chair Edwards-Smith would like the following organizations added to the newsletter mailing list: Alaska State Legislators, Department of Wage and Labor, Local American Massage Therapy Association, Covenant House, the Alaska Human Trafficking Workgroup, and the Rotary Club.**

Through discussion, it was suggested that Associated Bodywork & Massage Professionals (ABMP) should be added to the newsletter mailing list, that Covenant House is a resource to human trafficking victims, and the Alaska Human Trafficking Workgroup has been disbanded.

Mr. Edwards-Smith did suggest that board members may want to contact their local Rotary Club to see if they would be allowed to present to the group information on regulations and licensing as part of the community outreach. Ms. Gilmour supports this suggestion and thinks it is a valuable idea. She contributes that Pillars of America is an Rotary sponsored event in Juneau every year where people who have overcome adversities are selected to present their inspirational stories to the public. She believes that Pillars of America could be contacted to see if they have a potential speaker who was involved in human trafficking to help shine a light on this issue.

**TASK: Traci Gilmour will contact Pillars of America to request a speaker related to human trafficking be showcased for their upcoming event.**

Ms. Gilmour suggests that in the next subcommittee meeting the board should clarify what their message should be now that they have identified what agencies will be helpful in outreach and education.

**Subcommittee Agenda Item 2      Review and Prioritize Changes to Statutes and Regs**

**Topic 1- Streamline, Modernize, and Reduce Barriers to Qualified Individuals**

Board Member Jill Motz begins the conversation on application review in regard to curriculum. Ms. Motz speaks about how, when a board member approves an application pending completion of deficit hours, the only option the applicant has is to attend an in person school in accordance with AS 08.61.030. She goes on to state that statute says that applicants must graduate from massage therapy programs and she wants to know if the board is “streamlining, modernizing, and reducing barriers” by telling people that live in rural Alaska communities that they need to leave their community to go to one of the three Alaska Commission on Post-Secondary Education (ACPE) approved schools? Ms. Motz asks the board if continuing education could fill those deficits if the applicant graduated from an approved massage therapy school or program in accordance with statute? OLE Dulebohn reminds Ms. Motz that the board has a regulation that has just finished public comment to include online massage therapist schools that are state approved or nationally accredited to “in class supervised”. Ms. Motz continues that her argument is for applicants that have graduated from a 625-hour program but according to the board’s curriculum breakdown are deficit hours in a specific category. Mr. David Edwards-Smith believes that local schools could create a remedial program online for persons who are determined by the

233 board to have deficits but Ms. Motz's stresses that it would be unfair to make people wait  
234 for local schools to develop online programs. Ms. Gilmour joins the conversation and  
235 counsels that the board needs to have more foresight when creating regulations because their  
236 curriculum breakdown is causing problems for applicants that are seeking licensure. She  
237 states that she has looked and cannot find any online school that offers partial online courses  
238 at this time. Ms. Gilmour states that the board needs to find more schools that will offer  
239 online courses that the board can refer applicants to in order to complete educational  
240 deficits. She agrees with Ms. Motz that the board should help people find a better way to get  
241 the online education (once the regulation has been passed).

242  
243 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed**  
244 **unanimously with a roll call vote, Jill Motz is appointed to contact national**  
245 **organizations, US Career Institute, Alaska Career College, and Alaska Institute for**  
246 **Oriental Medicine, Acupuncture, and Massage Therapy for online course**  
247 **possibilities.**

248  
249 **TASK: Jill Motz will contact US Career Institute in Colorado in an official board**  
250 **capacity, to see if they will offer programs by module.**  
251 **Jill Motz will also contact Alaska Career College (ACC), Alaska Massage**  
252 **Therapy Association (AMTA), National Certification Board for Therapeutic**  
253 **Massage and Bodywork (NCBTMB), and Commission on Massage Therapy**  
254 **Association (COMTA), and Associated Bodywork & Massage Professionals**  
255 **(ABMP) to see if they have any resources for online education.**

256  
257 Ms. Endle reiterates that the purpose of the online research is to make the application  
258 process/requirements less burdensome for the applicant. She hopes that streamlining the  
259 application process will be better for everyone involved. Ms. Motz interjects that she doesn't  
260 think it's fair to ask Ms. Endle to analyze transcripts, as a public member of the board. OLE  
261 Dulebohn states for the record that in the September 2019 meeting, Ms. Endle did a  
262 wonderful job of breaking down transcripts and on a few applications, her attention for  
263 detail surpassed the others on the board. For that reason, OLE Dulebohn found no issue in  
264 assigning Ms. Endle a rotation in analyzing transcripts, despite one of those being fairly  
265 complicated. But, if Ms. Endle would be more comfortable, OLE Dulebohn would find no  
266 issue in asking one of the licensed massage therapists on the board to collaborate.

267  
268 **Topic 2- Fingerprinting at Initial and Renewal Cycles**

269  
270 Chair Edwards-Smith believes that previously background reports were a barrier to qualified  
271 individuals but recently it has been going very smoothly. He asks the board if they would be  
272 supportive of a legislative change to implement Live Scan. Live Scan is an inkless, electronic  
273 means of capturing fingerprints in a digitized format that then transmits them to a state  
274 repository. Vice Chair Gilmour comments that she believes the board would be supportive  
275 of Live Scan but she believes that the bill would be introduced by the Department of Public  
276 Safety. OLE Dulebohn suggests that the board could write a position statement in support  
277 of Live Scan and that way if and when they hear that the legislation is coming up, it would be  
278 ready to e-mail to the appropriate group.

280 **TASK: Chair David Edwards-Smith will write a positive position statement on Live**  
281 **Scan to be reviewed and approved by the board in the March 2020 meeting.**

282  
283 Ms. Motz brings up the issue that the board has not decided when renewal fingerprints will  
284 be implemented. Ms. Gilmour suggests that topic would be better discussed during the  
285 regular board meeting after the conclusion of the subcommittee.

286  
287 **Topic 4- Continuing Education Requirements**

288  
289 Chair Edwards-Smith states that he doesn't believe that any licensee is having difficulties  
290 meeting the continuing education requirements. Ms. Motz believes that a statement in the  
291 newsletter would help clarify that the recently proposed regulatory changes to qualifying  
292 education did not pertain to continuing education. OLE Dulebohn states that since the  
293 2019 audit has not been completed yet, she has no recent information on the subject.  
294 Ms. Motz states that she believes that the board is fulfilling the directive to modernize,  
295 streamline, and reduce barriers by allowing the licensees to choose their own topics and not  
296 have the board assign categories.

297  
298 **Topic 3- Massage School Requirements of 625 Hours**

299  
300 Chair Edwards-Smith asks that OLE Dulebohn do more research into how many applicants  
301 have applied under the 625-hour pathway since it was implemented on July 1, 2019? He  
302 further would like her to distinguish how many have been licensed and how many have been  
303 approved pending completion of deficit hours.

304  
305 **TASK: OLE Dulebohn will research how many applicants have been approved under**  
306 **the 625-hour program and how many that applied under the 625-hour**  
307 **program are approved pending?**

308  
309 The subcommittee is concluded with the board members setting their next subcommittee  
310 meeting for January 13, 2019 at 10:30 a.m. by video conference.

311  
312 **TASK: Chair Edwards-Smith will draft the subcommittee agenda and submit it to**  
313 **OLE Dulebohn within 10 business days.**

314  
315 *Chair Edwards-Smith calls for a short break.*

316 *Off the record at 10:08 a.m.*

317 *Back on the record at 10:27 a.m.*

318  
319 **Agenda Item 3 Ethics Reporting**

320  
321 The Board Chair opened the floor to any Board member that may have an ethics violation or  
322 inquiry. None were presented.

323  
324 **Agenda Item 4 Review/Approve Agenda**

325

326 The board reviewed the agenda and discussed any proposed changes. Ms. Gilmour reminds the  
327 board that Ms. Motz would like the board to set the schedule for the next renewal fingerprints. Ms.  
328 Gilmour suggests adding the renewal fingerprint discussion under Old Business on December 3,  
329 2019.

330  
331 Chair Edwards-Smith would like to have a Disciplinary Matrix review added to the Investigative  
332 Case Review slotted for 11:30 a.m. today. Specifically, he would like to discuss the  
333 “Misrepresentation/Fraud in Securing a License” section with the investigative team.

334  
335 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**  
336 **a roll call vote, it was RESOLVED to APPROVE the agenda as amended.**

337  
338 **Agenda Item 5** **Review/Approve Past Meeting Minutes**

339  
340 Vice Chair Gilmour begins with mentioning that she has already sent OLE Dulebohn an e-mail with  
341 possible corrections and typos. OLE Dulebohn states that she has reviewed the e-mail but have not  
342 made any of the suggested changes. Ms. Gilmour went over her suggestions and it was found that  
343 most of the suggested typo corrections were unwarranted. Ms. Gilmour did clarify her intent in one  
344 instance from the September 2019 meeting regarding the open meetings act and setting future  
345 meetings in current meetings. OLE Dulebohn stated that she would review that section of the  
346 minutes and make clearer the object of Ms. Gilmour’s frustration. This topic sparked a discussion  
347 the Open Meetings Act, board communication outside of a publicly noticed meeting, recusal of  
348 board members with ethical conflicts, and recusal of board members who are delegated as a  
349 reviewing board member by Investigations. The board asks that in the March 2020 agenda, there is  
350 a place to do a board member etiquette training review.

351  
352 **TASK: OLE Dulebohn will include a board training section in the March 2020**  
353 **meeting to include board communication outside of publicly noticed meetings, etiquette of**  
354 **Investigations Reviewing Board Members, and voting decorum for board members with**  
355 **ethical conflicts.**

356  
357 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**  
358 **call vote, it was RESOLVED to APPROVE the September 19-20, 2019 meeting minutes as**  
359 **amended.**

360  
361 *Chair Edwards-Smith calls for a short break.*

362 *Off the record at 10:44 a.m.*

363 *Back on the record at 10:48 a.m.*

364

365 **Agenda Item 6** **Old Business**

366

367 **Task List from September 19-20, 2019 Meeting**

368

369 Chair Edwards-Smith allows OLE Dulebohn to present the September 19-20, 2019 Task List. She  
370 states that due to renewals being in the last two weeks when the September meeting occurred that  
371 some of the items she was assigned to did not get done in a timely manner and she apologizes to the



372 board. OLE Dulebohn asks that, for future renewal years, the board not have a meeting that  
373 coincides with the end of renewals. Going over tasks that were completed:

- 374 • After conferring with Accountant III, Marylene Wales, OLE Dulebohn confirmed that all  
375 revenue generated by applications (fingerprint fees, application fees, and licensing fees) is  
376 deposited into the board's account. Then the board's account is debited for expenses such  
377 as fingerprint processing, staff time, and board meetings.
- 378 • The regulations questionnaire for the Medical and Military extensions for continuing  
379 education needs to be completed so it may go to Regulations Specialist Zinn. Ms. Gilmour  
380 states that she will complete it this meeting, with assistance from OLE Dulebohn.
- 381 • The board approved Transcript Analysis Form has been approved by Supervisor Hannasch  
382 and was included in the Application by Examination as of October 30, 2019.
- 383 • Ms. Gilmour drafted a revised FAQ on chart notes and it is available for board review and  
384 approval.
- 385 • OLE Dulebohn contacted Alaska Commission on Postsecondary Education to have all  
386 board members added to the mailing list for their newsletter.

387

### 388 Establishment Registration Renewals

389

390 OLE Dulebohn is directed to present the section on Establishment Registration Renewals to the  
391 board. She states that Director Chambers, while compiling the fee analysis for establishment  
392 registration, inquired whether the board was planning on having establishments renew their  
393 registration. In a conversation with Chair Edwards-Smith, he conveyed that he didn't believe the  
394 board would be opposed to a re-registration with a fee. Having establishments re-register would  
395 ensure they remain self-funded, do not take away funds from the massage therapists coffers, and  
396 would help maintain a current and up to date list of non-exempt establishments.

397

398 The board discusses that the both the registration and renewal fee for establishments are set by  
399 division. They also discuss when the registration renewal would take place. Board member Julie  
400 Endle states for the record that she believes the proposed establishment registration fee of \$300 is  
401 burdensome and too expensive. Ms. Gilmour joins the conversation by agreeing that the fee is too  
402 high and that the way it was worded in the regulations announcement was an instant alarm to many  
403 massage therapists who did not understand that registration for establishments would not include  
404 the following currently licensed professions:

- 405 • Acupuncturist
- 406 • Chiropractor
- 407 • Naturopath
- 408 • Massage Therapist
- 409 • Physician, osteopath, paramedic, or physician's assistant
- 410 • Direct-entry midwife
- 411 • Advanced practice registered nurse
- 412 • Physical or occupational therapist

413

414 Ms. Gilmour reminds the board that in their initial meetings concerning licensing or registering  
415 establishments, the board wanted no fee or a very small fee but understands why this is not the case  
416 as the board does not want to fund establishment registration out of the money collected from

417 massage therapist applications. Registration of massage establishments will allow complaint driven  
418 investigations that are costly and those costs need to be self-funded by the income generated by the  
419 establishment registration fees. Ms. Gilmour continues that, to save the establishment's save money,  
420 that the renewal be more than two years apart. Additionally, she believes that any change outside of  
421 a renewal year (such as a change in staffing or location) be on a paper form that is sent in to division  
422 and has no cost associated with submitting them.

423  
424 Chair Edwards-Smith agrees that a onetime fee to register establishments is considerable and he  
425 believes there needs to be a minimum of 3 years between initial registration and renewals. He  
426 believes that the establishment renewal fee should be minimal compared to the initial fee but  
427 reminds the board that they do not get to decide the fees as they are set by division. Chair Edwards-  
428 Smith continues that the board does not have any knowledge as to what the cost of implementing  
429 this registration will be since it is brand new. The board has been tasked with upholding statute and  
430 writing regulations for AS 08.61.020 and they will do so in a way that creates as little impact on the  
431 licensed massage therapist business owners as possible.

432  
433 Ms. Endle continues her opposition by stating that she feels like if a large initial registration fee is  
434 imposed, the cost will be relayed to the public utilizing the massage services. She advocates for  
435 making the registration fee as low as it can to cover costs but not be a burden to the establishments  
436 and the public.

437  
438 OLE Dulebohn joins the conversation stating, to her understanding, the \$300 initial establishment  
439 fee is the lowest possible estimate at this time as determined by Director Sara Chambers. Ms.  
440 Dulebohn reminds the board that fees are constantly being analyzed and have the option of being  
441 lowered or raised based on need.

442  
443 *Investigator Carl Jacobs joins the meeting at 11:07 a.m.*

444  
445 Ms. Motz summarizes that, as a business owner, she knows that there are costs associated with  
446 doing business and she would not pass those on to her clients, therapists, or independent  
447 contractors. She knows that there are people that do those things but the board does not get to  
448 legislate the morality of people's actions. Ms. Motz continues that she is in support of establishment  
449 renewals with a renewal fee. If an establishment only had one time contact with the board, how  
450 would the board monitor staff, location, and standards of operation.

451  
452 The board discusses a 6-year renewal cycle for establishments as long as the establishment continues  
453 to keep division updated on any changes in staff, location, etc.. The discussion then goes to a  
454 renewal cycle of not less than 3 years but the board worries what the renewal fee would look like if  
455 they do a shorter renewal cycle. Chair Edwards-Smith reminds the board that they are stipulating on  
456 the unknown and then will need to adjust accordingly. Ms. Gilmour would like the board to find a  
457 way to do less harm and less conversation in the future by brainstorming some possible problems  
458 now. OLE Dulebohn suggests the board ask some of their questions to Ms. Chambers who is  
459 slotted to present the board's financial update at 1:15 p.m. that day.

460  
461 Investigator Jacobs joins the conversation by volunteering some Investigative perspective on  
462 establishment renewals. He states that a large number of issues that comes into play when an  
463 inspection is occurring is that the name of the business has changed, the address has changed, and

464 the license file does not reflect that. If the board chooses to implement a 6-year renewal cycle, he  
465 believes it will impact those minor compliance issues significantly. To reduce the fiscal drain those  
466 compliance issues, create within Investigations, Investigator Jacobs suggest shortening the cycle or  
467 tying it in to the business license renewal. Mr. Edwards-Smith reevaluates his position on the  
468 establishment renewal cycle by seeing the advantages to aligning the renewal with the professional  
469 license renewal which is on a 2-year cycle. The board discusses how business licenses are issued  
470 either biannually or yearly. Ms. Gilmour thanks Investigator Jacobs for his input but does not want  
471 establishments to have to pay a renewal fee every two year. She understands the cost of doing  
472 business but does not want to make the cost prohibitive and cause businesses to close. OLE  
473 Dulebohn chimes in that the board has a statute that is in place, the board has written the  
474 regulations to implement the registration of establishments, and all the costs associated with the cost  
475 of doing business will happen. The only thing left for the board to discuss is whether they will  
476 implement a renewal that will help ensure that establishments are charged enough to cover the costs  
477 of regulating them or will the costs come out of the money paid by massage therapists? She reminds  
478 the board that Investigator Jacobs informed them that there will be a waste of money if the  
479 establishments are not reminded to keep their information up to date by having a renewal. Ms.  
480 Gilmour remarked that Ms. Dulebohn's assessment was a good observation. Chair Edwards-Smith  
481 summarizes that all the board members feel that a renewal is important but they just don't feel good  
482 about the costs. Mr. Edwards-Smith would like to pend the discussion until Ms. Chambers can be  
483 consulted during the Financial Update at 1:15 p.m.

484

485 OLE Dulebohn suggest that the board move the Travel Summary from FSMTB until later in the  
486 meeting to allow for the last bullet point which involves Investigations. Chair Edwards-Smith  
487 agreed and the board proceeded with the last topic on this agenda item.

488

#### 489 Example of Why It's Important to Be Consistent with Investigative Reviews

490

491 OLE Dulebohn presented the board with an e-mail she sent them on October 25, 2019 and  
492 included in the meeting packet at the request of Chair Edwards-Smith. OLE Dulebohn reminds the  
493 board that they have gone to great lengths to create consistency in reviewing case files and have even  
494 gone through the time and effort to create and revamp a disciplinary matrix in order to streamline  
495 the process for the board and Investigations and to also provide clarity for the people that are being  
496 investigated. The email OLE Dulebohn sent to the board showcases snippets of a correspondence  
497 that she received from an applicant who was had been sent to Investigations for failing to disclose a  
498 criminal conviction on her application. According to the applicant, she was then informed by  
499 Investigations that she in fact did not need to disclose her criminal convictions and therefore had  
500 been delayed in her application process for no reason. Because of this inconsistency on behalf of  
501 the reviewing board member, this applicant is furious and blames the board for these defunct  
502 policies that kept her waiting for no reason.

503

504 OLE Dulebohn continues that this not the only case that has gone against the board's current  
505 disciplinary matrix for someone failing to disclose a criminal conviction.

506

507 Ms. Gilmour asks the board how they can fix having a reviewing board member go against the  
508 wishes of the board's disciplinary matrix? Ms. Motz asks for clarification of the situation of the 1<sup>st</sup>  
509 case reference and OLE Dulebohn replied that the applicant had a controlled substance conviction  
510 in 2014 which the applicant did not disclose on their application. The non-disclosure caused the

511 applicant's file to be sent to Investigations, the Investigator enlisted a Reviewing Board Member,  
512 and the Reviewing Board Member determined that the applicant did not violate the licensing  
513 regulations despite them being listed in AS 08.61.060 and 12 AAC 79.910(10). Investigations then  
514 contacted the applicant and informed her that she made no error on her application. The result is  
515 an indignant applicant who feels like her time was wasted for no good reason.

516  
517 Chair Edwards-Smith weighs in that he agrees that someone shouldn't be penalized for something  
518 that is outdated and not relevant to them practicing massage therapy but the board has put in place a  
519 disciplinary matrix that clearly states that regardless of the timeframe or crime, if the applicant fails  
520 to disclose a criminal conviction, that there is a fine assigned. He asks the board if the disciplinary  
521 matrix should be redone again in order to take into account time frame and crimes the board has  
522 determined are not a threat to the practice of massage therapy. Ms. Gilmour agrees that if the  
523 Reviewing Board Member is going to go against the matrix and no action is going to be taken for  
524 failure to disclose, then there is no reason the application file was held up in Investigations and the  
525 applicant is right to be mad. Ms. Gilmour believes the board needs to give OLE Dulebohn and  
526 Investigator Jacobs better direction despite the fact that Investigator Jacobs was following the  
527 Reviewing Board Member's direction. Chair Edwards-Smith would like to see a motion during this  
528 board meeting if the board finds that changes need to be made to the disciplinary matrix.

529  
530 Ms. Endle questions the clarity of the statement on the application regarding Professional Fitness  
531 Questions. Ms. Motz disagrees that the application is very clear and even goes so far to state "if in  
532 doubt, disclose". OLE Dulebohn asks the board if she may interject in order to show them the  
533 precise language on the application that states: *Failure to fully disclose information pertaining to a "yes"*  
534 *answer may cause a delay in the processing time of your application. A "yes" answer may not prejudice your*  
535 *application, however, failure to report honestly may.* Then Professional Fitness Question #1 states: *Have you*  
536 *been convicted of a crime or are you currently charged with committing a crime? For purposes of this question, "crime"*  
537 *includes a misdemeanor, felony, or a military offense, including a conviction involving driving under the influence*  
538 *(DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or*  
539 *revoked license. "Convicted" includes having been found guilty by verdict of a judge or jury, having entered a plea of*  
540 *guilty, nolo contendere or no contest, or having been given probation, a suspended imposition of sentence, or a fine.*  
541 OLE Dulebohn continues that she reviews background reports and should there be a charge that is  
542 dismissed, it is not referred to Investigations. Items that are on a background report and are missing  
543 a disposition are sent to Investigations in order for them to discover the outcome of the charge. All  
544 applicants are expected to answer the Professional Fitness Questions honestly. Ms. Gilmour  
545 suggests expanding on this subject using an FAQ.

546  
547 **TASK: OLE Dulebohn will expand on applicant's responsibility to disclose all**  
548 **criminal convictions or current charges in their application and the Investigative process by**  
549 **drafting an FAQ.**

550  
551 Ms. Endle expresses appreciation for Ms. Dulebohn's explanation of the PFQ's and what leads to an  
552 investigative referral. Chair Edwards-Smith expands that the board needs to understand that if an  
553 applicant fails to disclose even a minor infraction, despite the time that has passed, it is still a \$250  
554 civil fine unless the board decides to make a change to the disciplinary matrix. OLE Dulebohn  
555 reminds the board that they opted to no longer have the option of Letters of Advisement because  
556 the Reviewing Member of the board was making a decision that the rest of the board would later  
557 disagree with. That was when the decision to implement a civil fine came into play.

558  
559 *Investigator Billy Homestead joins the meeting at 11:30 a.m.*  
560

561 Investigator Jacobs joins the conversation and speaks on behalf of himself, Senior Investigator  
562 Lipker, and Chief Francois in reaffirming that however the board chooses to maintain their  
563 disciplinary matrix is within the powers of the board but from Investigation’s perspective the  
564 Reviewing Board Member still has the option to order a Non-Disciplinary Letter of Advisement for  
565 any case, even if it deviates from the matrix, provided that the Reviewing Board Member provides a  
566 rationale for why they are deviating for the record. Inv. Jacobs states that he has had multiple board  
567 member come to him since the adoption of the disciplinary matrix in September and indicate that  
568 the board did not intend it to apply to a 20 year old offense that did not meet the definition of a  
569 crime of moral turpitude but that it was intended for persons who knowingly falsifies their license in  
570 the attempt to obtain a license. Inv. Jacobs states that it is unique to this board that those two  
571 situations would be looked at under the same disciplinary scope. He continues that he cannot recall  
572 another board that is implementing an imposition of civil fine for what Investigations considers an  
573 “application matter”. Inv. Jacobs states that he has had feedback from applicants that expressed an  
574 imposition of civil fine for failing to disclose criminal offenses would be an additional cost of doing  
575 business and possibly prohibitive. OLE Dulebohn expands on what Inv. Jacobs said by reminding  
576 the board that the reason the board wanted to the disciplinary matrix the way it currently stands is  
577 for the consistency. The board historically has had issues with one Reviewing Board Member  
578 making decisions on discipline on behalf of the entire board and once the entire board reviewed it,  
579 found that the entire board did not agree with their actions. Additionally, an issue with one person  
580 deciding that a Non-Disciplinary Letter of Advisement should go out to the applicant is once it is  
581 sent, the board’s hands are tied in regard to any future discipline it may decide to implement as a  
582 board on that matter. She reminds the board that the matrix was created in collaboration with what  
583 the entire board decided was the best course of action at the time and if Reviewing Board Members  
584 start to differ from the matrix, the board is back to the issues that caused them to create the matrix  
585 in the first place. Ms. Gilmour agrees with the reasons the matrix was first created but also feels like  
586 the board should be able to trust each other’s judgement. Ms. Gilmour suggest a change to the  
587 matrix that reflects the “No Investigations Needed” list the board has created that states the charges  
588 or convictions that the board doesn’t feel is a hinderance to the practice of massage therapy to  
589 include failure to disclose. In the interest of respecting the time of the two investigators, Chair  
590 Edwards- Smith makes a decision to pend this discussion until Old Business on December 3<sup>rd</sup> at  
591 9:30 a.m.

592  
593 **Agenda Item 7** **Investigative Case Review and Probation Reports**  
594

595 Investigator Homestead begins with the Probation Report. He states there are 9 licensees on  
596 probation and everyone is complying. Three of the individuals on the list have a lapsed license  
597 which means that they will not accrue any time towards their probation while their license is not  
598 current and active. Investigator Homestead asks for any questions and the board reports that they  
599 have none.

600 Investigator Jacobs begins the Investigative Case Review with the permission of the Board Chair for  
601 the period of September 11, 2019 through November 27, 2019. Inv. Jacobs states that the division  
602 opened 15 matters and closed 12. Mr. Jacobs disclosed that Investigations continues to review and  
603 complete compliance inspections and have received referrals for compliance issues in the Anchorage  
604 area. Inv. Jacobs reveals that Investigations is currently setting up some regional compliance

605 inspections in conjunction with another board simultaneously. He states that he believes he may  
606 have some additional cases stemming from those regional inspections to present to the board during  
607 their next meeting. Investigator Jacobs invites questions for himself and Investigator Homestead.

608  
609 OLE Dulebohn asks Inv. Jacobs if the regional inspections that were planned at the time of the  
610 board's September meeting are the ones that he was referring to in this meeting. Mr. Jacobs replies  
611 that Investigations has not done any inspections outside of the Anchorage area since September  
612 2019 due to travel authorization. He continues that Investigations has an inspection trip authorized  
613 and coming up soon. Mr. Jacobs ask that the board include Investigations on any upcoming  
614 discussion on the disciplinary matrix so they may provide guidance as needed.

615  
616

617 *Investigators Jacobs and Homestead left the meeting at 11:43 a.m.*

618

619 **Agenda Item 6** **Old Business (continued)**

620

621 **Example of Why It's Important to Be Consistent with Investigative Reviews (continued)**

622

623 Ms. Motz asks the board to refer to the 2<sup>nd</sup> case example of a Reviewing Board Member (RBM) not  
624 following the direction of the Disciplinary Matrix. As the RBM, she explains to the board that a  
625 serious offense was disclosed but a less serious, traffic related offense was not. Ms. Motz states that  
626 she was advised by Senior Investigator Lipker to reevaluate her initial evaluation that was in line with  
627 the matrix because, should the case go to trial, it would be hard to prove that the applicant tried to  
628 secure their license through fraud or deceit when they had disclosed a more serious conviction. Ms.  
629 Motz states that she was strongly encouraged to make an exception to the disciplinary matrix and,  
630 based on that, she made the choice to deviate from the matrix. Ms. Motz also disclosed that Senior  
631 Investigator Lipker also inferred that if the case went before an administrative hearing that it would  
632 be unlikely that the board would win. Ms. Motz states that she made it clear to the investigators that  
633 the rest of the board would not be happy with her deviation from the board approved matrix.

634

635 In light of the board discussion, OLE Dulebohn shares that should an applicant disclose all criminal  
636 history that is confirmed as correct with the receipt of the background reports, that conviction  
637 would not have been included in the Investigations referral. It is only due to the non-disclosure that  
638 it was sent to Investigations. OLE Dulebohn muses that maybe the disciplinary matrix doesn't need  
639 to change but the policy of what is sent to Investigations needs to be modified. For example, if  
640 someone doesn't disclose something that is more than 10 years old and isn't on the Moral Turpitude  
641 list, it shouldn't be sent to Investigations. This modification would be a change to what the board  
642 doesn't care isn't disclosed. If the board wants to make a flat policy to avoid discrepancies with  
643 Investigations/Reviewing Board Members concerning crimes that the board has deems does not  
644 impact a practicing massage therapist, it may be accomplished by not sending it to Investigations in  
645 the first place. Board Edwards-Smith asks that OLE Dulebohn send the board the policies and  
646 procedures excerpt and the "No Investigations Needed" list for their review and consideration.

647

648 **Agenda Item 8** **Lunch**

649

650 *Chair Edwards-Smith calls a lunch break at 11:49 a.m.*

651 *Back from lunch at 1:18 p.m. with board members David Edwards-Smith, Traci Gilmour, Jill Motz, and Julie*  
652 *Endle and Director Sara Chambers present.*

653  
654 **Agenda Item 9** **Division/Financial Update**

655  
656 Sara Chambers, Director of Corporations, Business, and Professional Licensing, will present the  
657 Division/Financial Update to the board. Director Chambers begins by directing the board to the 1<sup>st</sup>  
658 Quarter of FY2020.

659  
660 Ms. Chambers goes over the finances of the board for 1st Quarter of FY2020 which ran from July 1,  
661 2019- September 30, 2019 and the 4<sup>th</sup> Quarter of FY 2019 which ran from April 1, 2019- June 30,  
662 2019.

663  
664 **FY 2019 4<sup>th</sup> Quarter- FY 2020 1<sup>st</sup> Quarter- Schedule of Revenues and Expenditures**

665

MAS	2019	2020
<b>Licensing Revenue</b>	<b>\$91,561</b>	<b>\$244,490</b>
Direct Expenditures	222,447	33,153
Indirect Expense	92,005	23,001
<b>TOTAL EXPENSES</b>	<b>\$314,452</b>	<b>\$56,154</b>
Annual Surplus (Deficit)	(222,891)	188,336
Beginning Cumulative Surplus	\$231,543	\$8,652
<b>Ending Cumulative Surplus</b>	<b>\$8,652</b>	<b>\$196,988</b>

666

667 The Division website has Quarterly Reports for all boards.

668

669 Ms. Chamber shows the board that changes have been made to the Quarterly Statement in terms of  
670 formatting changes. Division has added a breakdown of Expenditures into “Investigation” and  
671 “Non- Investigation”. Ms. Chambers states that this change was at the request of other boards will  
672 high investigation costs. Director Chambers also directs the board to see that the Indirect  
673 Expenditures column is also broken down into more details that include “Internal Administrative  
674 Costs”, “Departmental Costs”, and “Statewide Costs”.

675

676 Director Chambers goes over the revenue generated by the 2019 renewals but is clear that there will  
677 still be more income that has yet to be reported. OLE Dulebohn explains to the board that, after a  
678 consultation with Accountant Marylene Wales, she was informed that there would still be quite a lot  
679 of revenue to be added to the board account as a significant number of licensees did not renew their  
680 licenses until the last two weeks of renewals or even after October 1, 2019.

681

682 After Ms. Chambers goes over the travel expenses for July 1- September 30, 2019, Chair Edwards-  
683 Smith asks about the travel expenses relating to Investigations as there is nothing in the 2000 field

684 under the Investigation Expenditures. Ms. Chambers states that if those expenses were reconciled  
685 after September 30, 2019, they would show up in the 2<sup>nd</sup> Quarter statement.

686  
687 Chair Edwards- Smith expresses that he is happy to see the breakdown such as it is especially  
688 considering the cost that will be recouped due to the inspections of establishments that are on the  
689 horizon. Vice Chair Gilmour asks Director Chambers how the board can direct the public to this  
690 breakdown and how they can help the public understand how their money is being spent. Ms.  
691 Chambers advises that the best way for the public to understand the Division/Financial Update is to  
692 call in during this portion of the meeting so they can follow along as it is presented to the board and  
693 not be overwhelmed by the amount of information on that report.

694  
695 **TASK: OLE Dulebohn will locate the 2<sup>nd</sup> page of Indirect Expenditures and**  
696 **distribute it to the board for their convenience.**

697  
698 Chair Edwards- Smith asks about the highlighted portion on the Schedule of Revenues and  
699 Expenditures that show “Fee Analysis Recommended” in yellow. Ms. Chambers explains that this is  
700 a new feature which will show in green, yellow, or red. If the program has in reserve \$1- the  
701 previous year’s expenses, the color will be yellow. If the board has in reserve one year’s expenses or  
702 higher, the color will be green. If the board has less than \$1 in reserve the color will be red.  
703 Division’s goal is to see boards have 1 year of expenses in the “bank” in order to cover expenses  
704 such as Investigations and Administrative Hearings. Having this surplus keeps the board from any  
705 unexpected fiscal surprises and allows division not to have to raise and lower fees frequently. Ms.  
706 Gilmour reminds the board that they lobbied the division to not raise fees in order to keep costs  
707 down for massage therapists and were aware that they would carry less revenue than recommended.  
708 OLE Dulebohn also reminds the board that they were counseled by division to carry less in surplus  
709 in 2018 but then the board had a few very expensive lawsuits that drained their surplus so the  
710 balance evened out.

711  
712 Having no more questions about the Division/Financial Update, the board asks for Ms. Chambers  
713 counsel regarding establishment registration and renewals. Ms. Motz begins by asking Ms.  
714 Chambers how the fees for establishment registration were calculated, when the board should ask  
715 those registrations to be renewed, and how much the renewal registration fee would be? Ms.  
716 Chambers asks OLE Dulebohn to recap the establishment registration conversation for her  
717 reference. OLE Dulebohn reminds Director Chambers that division has sent a \$300 initial  
718 registration fee to accompany the establishment registration regulations that include only those not  
719 on the exempt list and that just returned from public comment, a \$2000 inspection fee for non-  
720 exempt establishments that failed to register, and there was a possibility to be brought to the board  
721 of renewing the registration to continue to fund the costs associated with the establishment  
722 registration but to also ensure that establishment information remains current. Ms. Chambers  
723 discloses that there is a formula for setting fees based on estimated costs including inspections, staff  
724 time, and potential discipline. Chair Edwards-Smith asks if there are any other programs such as  
725 Barbers and Hairdressers, that have compliance inspections that the board could use as a barometer  
726 for what they could expect to pay for inspections? Ms. Chambers discloses that division just got  
727 authorization to inspect Barbers and Hairdresser establishments in the last year as it was previously  
728 carried out by the Department of Environmental Conservation (DEC). Ms. Chambers states that  
729 the DEC has previously billed division \$15,000 to inspect approximately 100 tattoo establishments.



730 She believes that the board could possibly surmise the cost of inspections based on how many  
731 massage establishments the board anticipates registering.

732  
733 Chair Edwards-Smith relays that the board believes that renewing the registration of establishments  
734 is necessary, but they would like guidance on the most efficient way of doing those renewal and  
735 whether it should be tied to an existing licensing period. Ms. Chambers suggest the board consult  
736 OLE Dulebohn on that matter but believes it makes sense to tie the renewal to business licensing  
737 renewals as that would make the most sense to a business owner.

738  
739 Vice Chair Gilmour joins the conversation with a question about how the proposed \$300  
740 registration fee will be broken up. OLE Dulebohn reviews the document that went out to the  
741 public and it states that the \$300 is a one-time, nonrefundable registration fee. The fee would be  
742 used for all things related to the registration of massage establishments including application  
743 processing and investigative costs. Ms. Chambers explains to the board why a onetime fee for a  
744 registration that is in perpetuity would not work well and why renewals that include even a token  
745 renewal fee is preferred, if not for any other reason than to keep the list of massage establishments  
746 in Alaska current. Ms. Gilmour expresses that she would not want to see all massage establishments  
747 inspected every year and that she feels a random inspection approach would work better for this  
748 particular program. Ms. Chambers informs the board that they can determine in regulation the  
749 frequency of inspections and recommends they do so. Chair Edwards-Smith brings up that the  
750 board has relied on complaint driven inspections up to this point to keep the cost and burden to a  
751 minimum. OLE Dulebohn brings up the point that the board has nothing in regulations that  
752 mandates how many or what kind of inspections should be taking place and yet Investigator Jacobs  
753 has disclosed that there are two regional inspections planned in FY 2020. Ms. Dulebohn asks who  
754 authorizes those inspections to be scheduled if the board has not been consulted. Ms. Chambers  
755 states that the board needs to give their directive on inspections to staff as it is tied to their revenue.  
756 Ms. Chambers also believes that directive would help consistency and the making of a fiscal plan.  
757 Ms. Chambers also brings up, for the board's consideration, what would happen if the investigators  
758 receive a complaint in Barrow or somewhere else that is fairly inaccessible? Would the board want  
759 Investigations to pursue such a complaint with an inspection?

760  
761 Ms. Chambers suggests the board start on conversation on regional inspections with Chief Francois  
762 and Investigator Jacobs. The discussion should include the board's permission to inspect  
763 establishments and licensee, Investigation's vision from a policy and safety standpoint, and fiscal  
764 conversation on the budget the board would like to stay within. Chair Edwards-Smith agrees that  
765 the meeting with Investigations would be a logical next step. OLE Dulebohn reiterates that there  
766 has been a disconnect between the Investigations Unit and the board/board staff for quite a while,  
767 she asks if the board would like her to send an invitation to their investigative team since there is a  
768 regional inspection that will cost the board money that has already been scheduled in the not-to-  
769 distant future and the board has never been consulted when it comes to the scheduling of these  
770 inspections? Ms. Chambers is consulted as to whether the board should have a say in the scheduling  
771 of these regional inspection and she replies that she believes that scheduling a meeting with  
772 Investigations is a good idea as Investigations may believe that they have received a directive from  
773 the board and are pursuing that course. Ms. Chambers does remind the board that, at the end,  
774 division will have the final say on how the resources are allocated for inspections.

775

776 TASK: OLE Dulebohn was asked to send out an e-mail request to Misters Francois and  
777 Jacobs to meet with the board on December 3<sup>rd</sup> at 1:30 p.m..

778  
779 *Regulations Specialist Sher Zinn joins the meeting at 2:12 p.m.*  
780

781 Ms. Motz brings the board back to the conversation about establishment registration costs. Ms.  
782 Motz asks Ms. Chambers if the board will recoup any of the \$2000 that will be assessed for  
783 establishments that are not registered to offset the investigative costs. Ms. Chambers explains that  
784 when the fees were proposed, the \$2000 was defined as a fee for investigation of unregistered  
785 establishments so it will be deposited in the board's account. Ms. Chambers continues that division  
786 has the authority to set investigative fees, and this has been proposed for establishments that are not  
787 in compliance to cover their investigation. This assessment will also help ensure that those that are  
788 registered and in compliance, do not have to pay the higher \$2000 fee. Ms. Chambers is very clear  
789 that the \$2000 fee is not a fine or it would be part of the disciplinary matrix and that fine would go  
790 to the general fund. The board expresses interest in the ability to assess fees that would help cover  
791 costs and ask whether there are any other places they can utilize this. Ms. Chambers replies that this  
792 is the first time that she can recall this being done but she sees it as a work around to legislation not  
793 coming around to fines being used to cover board costs of investigations. Ms. Chambers states that  
794 this investigative fee was proposed because of the structure surrounding the potential issue is of  
795 noncompliance and the need of the investigation. Ms. Motz states that she is glad to hear that the  
796 cost associated with people that are not in compliance will not fiscally impact registered  
797 establishments or licensed massage therapists.

798  
799 *Sara Chambers left the meeting at 2:22 p.m.*  
800

801 **Agenda Item 10** **Regulations Public Comments**

802  
803 Board Chair Edwards-Smith directs the board to the items that went out for public comment since  
804 the September 2019 meeting. Mr. Edwards-Smith asks Ms. Zinn to present the documents she  
805 submitted for board review. Ms. Zinn tells the board that she has brought the proposed language  
806 for regulations as well as the public comments she has received on the subjects. Ms. Zinn reminds  
807 the board that they may make changes based on the public comments but any significant changes or  
808 restrictions would need to go back out for public comment.

809  
810 Ms. Zinn informs the board that since the fees were assessed for establishment registration by  
811 division after the board had drafted the language on that subject, the board needs to make a motion  
812 on regulations on renewal of the registration and on the \$2000 investigative fee for non-registered  
813 establishments. Ms. Zinn also suggests the board require that if the business is no longer in  
814 operation, the owner notify division so the business can be taken off the registry. Ms. Gilmour  
815 states that the board would find out who was still in operation when the establishment is required to  
816 renew their registration. Ms. Zinn suggests that the board divide their review to the regulations that  
817 have already gone out and the renewal registrations.

818  
819 Chair Edwards-Smith shares his observation that the majority of the comments on the currently  
820 proposed regulations seemed to be misunderstandings by the public that Ms. Zinn worked hard to  
821 direct the commenter to the correct information. Ms. Gilmour respectfully directs the conversation

822 to ensuring the board members have read all the public comments and to ask if there were any  
823 questions or suggested changes concerning the proposed regulations by the board.

824  
825 Ms. Motz joins the discussion by pointing out that the majority of public comments submitted were  
826 ones that were based on misinformation and that Ms. Zinn did an amazing job of clarifying any  
827 submitted questions. Ms. Zinn relayed to the board that the majority of the public's comments that  
828 she received revolved around people misinterpreting that Section 100 involved continuing education  
829 (which it did not) and that massage establishment registration had to be done by licensed massage  
830 therapists (which it does not). Ms. Gilmour asked if Ms. Zinn received any comments by the people  
831 that would actually be impacted by the registration of massage establishments and Ms. Zinn replied  
832 that she only received comments from one e-mail address that may be affected but she does not  
833 believe that individual has a LLC or even a business license. Ms. Zinn shared with the board that  
834 she cast a wide net when it came to informing the public of the upcoming establishment registration.  
835 She used the business licensing data base to send the notice to anyone who owned a spa, hair salon,  
836 barber shop, tattoo establishment, chiropractors, physicians, massage therapists, B & B's, hotels, and  
837 lodges and had a certain NAICS code.

838  
839 Chair Edwards-Smith would like the board to start drafting a motion for establishment renewals that  
840 include fees, renewal timeframe, that registered businesses notify division in the event they cease  
841 operations, and investigative fee for non-registered establishments. Ms. Zinn explains to the board  
842 that the purpose of requiring a business to notify division in the event they cease to operate is so  
843 that if someone makes a complaint to Investigations, division has the most up to date information  
844 on that business. Additionally, it will help ensure that the list of registrants is current. OLE  
845 Dulebohn shares possible motion language for the board's consideration.

846  
847 Board member Julie Endle joins the conversation by referencing her opposition to the \$300  
848 establishment registrations fee set by division and the 10-business day deadline for registered  
849 massage establishments to notify division if they have a change in ownership or physical  
850 location of the massage therapy establishment. Ms. Endle also asks the board if, as a business owner  
851 of a B&B, if she would be required to register her business as a massage establishment would one of  
852 her clients choose to bring a massage therapist to the B&B for treatment. Board member Traci  
853 Gilmour would like to reassure Ms. Endle that a B&B business whose client chooses to engage a  
854 massage therapist would not be required to register as a massage establishment. A B&B would only  
855 need to register if it employs or has contracted the services of a massage therapist. Ms. Gilmour  
856 reveals to the board that, after some reflection, she supports the \$300 initial registration fee for  
857 establishments. The reason being is that she wants establishments to be self-supported and does not  
858 want to see the fees for their investigations and inspections come out of the massage therapist fees.  
859 Ms. Motz also supports the initial registrations fee of \$300 which breaks down to \$12.50 a month,  
860 assuming the renewal of the registration is the same amount as the initial registration. As a business  
861 owner, she doesn't not feel that such an amount would be prohibitive to business. Ms. Motz  
862 reminds the board that the end game in registering establishments is to curb human trafficking  
863 which why the board created a list of exempted professions from having to register. Mr. Edwards-  
864 Smith asks Ms. Zinn if it is necessary for the board to quote the amount of the initial registration fee  
865 in regulation or if it could just be referred to as "fee as set by division". Ms. Zinn replies that citing  
866 the regulation is enough and to avoid future regulations projects the board does not need to cite the  
867 specific dollar amount. Ms. Zinn continues that the actual registration renewal fees can change  
868 based on the cost of inspections and how many people register their businesses with division. Ms.

869 Gilmour expresses to the board how she believes the \$2000 inspection fee for unregistered  
870 establishments will help to ensure that the specific functions are covered by their assigned fees.  
871 OLE Dulebohn reminds the board that it may be a challenge to get unlicensed professionals that  
872 have not registered their massage establishment to pay the \$2000 investigation fee and that they  
873 should not count on that income to cover the investigative costs those investigations incur.  
874

875 Ms. Gilmour is prepared to make a motion regarding the proposed regulations that Ms. Zinn will  
876 draft and come back to the board for review and possible approval.  
877

878 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**  
879 **with a roll call vote, it was RESOLVED to** for the Regulations Specialist to draft potential  
880 regulations pertaining to:

- 881 1. **A non-registered massage therapy establishment that has been investigated by**  
882 **division will pay a \$2000 investigation fee to Corporations, Business, and**  
883 **Professional licensing per 12 AAC 02.396.**
- 884 2. **A registration fee for establishments will be set by division.**
- 885 3. **There will be an establishment registration renewal with a fee as set by division.**  
886

887 Chair Edwards-Smith asks if the board needs to set a timeline for establishment registration  
888 renewals. Ms. Zinn informs the board that if they do not set a renewal date for registrations that is  
889 different than their current renewal date for licensure, the date to renew registration will  
890 automatically default to their licensing renewal date. Ms. Zinn asks the board what they would like  
891 included in the renewal form. The board states that they believe that to renew the registration, the  
892 establishment owner will need to fill out the form created by division, that form will include  
893 questions about ownership, location, attestation that they are following standard operating  
894 procedures and standards of practice, and a self-inspection sheet, and pay the fee as set by division.  
895 Ms. Zinn states that a renewal application does not need to be notarized as division is trying to made  
896 renewing online the standard.  
897

898 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
899 **roll call vote, it was RESOLVED to APPROVE the following items for the Regulations**  
900 **Specialist to draft into regulations language:**

- 901 1. **A non-registered massage therapy establishment that has been investigated by**  
902 **division will pay a \$2000 investigation fee to Corporations, Business, and**  
903 **Professional licensing per 12 AAC 02.396.**
- 904 2. **A registration fee for establishments will be set by division.**
- 905 3. **There will be an establishment registration renewal with a fee as set by division**  
906

907 *Regulations Specialist Zinn joined the meeting at 2:20 p.m.*  
908

909 The board reviewed the proposed regulations changes that ended public comment on November 29,  
910 2019. The board discusses changes to deadlines to notify division in change of ownership or  
911 physical location, requiring 2 of the 16 required continuing education hours be in Ethics to support  
912 public safety be done every other biennial licensing period instead of every licensing period, and  
913 some housekeeping errors brought to their attention by Ms. Zinn.

914 After the board read and considered these comments, the following changes were recommended for  
915 the existing regulations document:

- 916 • Change the deadline to notify division of establishment change in ownership or physical  
917 location from 10 business days to 30 days.
- 918 • Amend 12 AAC 79.100(d)(2) by putting the word “must” before “meet”.
- 919 • Insert reference of 12 AAC 79.900 before semi-colon in 12 AAC 79.930(2).
- 920 • Amend 12 AAC 79.210 (2)(3) to read “every other biennial licensing period beginning on or  
921 after October 1, 2019”. The ethics requirement would begin the 2019 licensing period and  
922 be included in the CE audit in 2021.

923  
924 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
925 **roll call vote, it was RESOLVED to ADOPT the regulations that closed public comment on**  
926 **November 29, 2019 as amended.**

927  
928 **TASK: OLE Dulebohn will submit Board Certifying Order and Examiner Affidavit to**  
929 **Ms. Zinn.**

930  
931 *Regulations Specialist Zinn left the meeting at 3:32 p.m*

932  
933 **Agenda Item 6 Old Business(continued)**

934  
935 **Travel Summary from FSMTB Annual Meeting**

936  
937 Vice Chair Gilmour, who was elected to attend the Federation of State Massage Therapy Board  
938 (FSMTB) Annual Conference, gives the board a presentation on her experience. Ms. Gilmour states  
939 that she was very impressed with the conference. Ms. Gilmour imparts to the board that one of the  
940 best takeaways is the networking opportunities given to the delegates. The way that FSMTB  
941 structures the event allows multiple opportunities for state delegates to speak with other  
942 approximately 40 other districts on topics such as regulation, investigations, policies, education  
943 requirements, licensing, and human trafficking issues. Ms. Gilmour also shares with the board the  
944 information that she received on “exam mills” in Mississippi where students do not learn about  
945 massage therapy and only cram for the MBLEx from stolen test questions. These mills are related  
946 to human trafficking and when they are discovered by law enforcement, they begged the  
947 investigators not to do anything for fear of what the repercussions may be from their “handlers”.  
948 Ms. Gilmour imparts information about deregulations tactics which are attempting to get boards  
949 disbanded. She cautions that the board should make sure they are aware of any bills that are being  
950 introduced that could impact the board so they can be prepared to lobby the legislature.

951  
952 Ms. Gilmour inquired about the pros and cons of the Alaska Board joining the Federation of  
953 Associations of Regulatory Boards (FARB) while at FSMTB since Debra Persinger, the Executive  
954 Director of FSMTB, is on the FARB board. Ms. Persinger believes it is necessary for the Alaska  
955 Board to join FARB but Ms. Gilmour is still against the board paying for that membership and  
956 maintains that the state should pay for it.

957  
958 Speaking of deregulation, Ms. Motz reminds the board of the agenda item for tomorrow regarding  
959 HB0169 and how it is important that the board formulate a position statement to ensure their voice  
960 is heard. Chair Edwards-Smith believes that the opinion letter written to Anchorage Daily News is  
961 also a warning sign of a tide of deregulation and how it is a warning to boards to be more aware of

962 the climate. The board feels that the more the public is educated, the more that everyone will  
963 understand that this board has no intention to overreach but to ensure that public safety is  
964 maintained.

965  
966 **Agenda Item 11** \_\_\_\_\_ **Adjourn or Recess**

967  
968 Chair Edwards-Smith recesses the meeting until December 3, 2019 at 9:30 a.m.

969  
970 *Off the record at 3:46 p.m.*

971  
972 **Tuesday, December 3, 2019**

973  
974 **Agenda Item 12** \_\_\_\_\_ **Call to Order/Roll Call**

975  
976 *On the record at 9:35 a.m.*

977  
978 **Board Members present, constituting a quorum:**

- 979  
980 David Edwards-Smith, Board Chair-Licensed Massage Therapist  
981 Traci Gilmour, Licensed Massage Therapist  
982 Jill Motz Licenses Massage Therapist  
983 Julie Endle, Public Board Member

984  
985 **Division Staff present:**

- 986  
987 Dawn Dulebohn, Occupational Licensing Examiner

988  
989 **Joining Telephonically**

- 990  
991 Carl Jacobs, Investigator III  
992 Sonia Lipker, Senior Investigator III

993  
994 **Agenda Item 13** \_\_\_\_\_ **Review Agenda**

995  
996 Chair Edwards-Smith starts the day reminding the board that this meeting would have been board  
997 member Ron Gibbs' last as his term expires on March 1, 2020 and Mr. Gibbs has shown no  
998 intention of renewing his place. Ms. Gilmour suggests the board contact Boards and Commissions  
999 to see if there has been any interest expresses in the position. Chair Edwards-Smith asks what the  
1000 board can do to express their appreciation of Mr. Gibbs time on the board? OLE Dulebohn states  
1001 that she believes division sends out a certificate of appreciation. The board considers other ways to  
1002 show Mr. Gibbs their gratitude of his time.

1003  
1004 Chair Edwards-Smith states that he has spoken with Investigator Jacobs about meeting with the  
1005 board today at 1:30 p.m. to discuss the board's disciplinary matrix and the regional inspections. Mr.  
1006 Edwards-Smith relays that Investigator Jacobs did not confirm that Chief Francois would be joining  
1007 the meeting but believes that is the intent.

1009 The board reviewed the amended agenda from yesterday. The amended agenda included adding a  
1010 discussion for the implementation of renewal fingerprints to Agenda Item 15 at 9:30 a.m. and adding  
1011 a discussion with Investigations regarding the board’s disciplinary matrix and regional inspections at  
1012 1:30 p.m. between Agenda Item 18 and 19.

1013  
1014 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
1015 **roll call vote, it was RESOLVED to APPROVE the agenda as amended.**

1016  
1017 **Agenda Item 14 Professional Licensing- Meetings 101**

1018  
1019 Chair Edwards-Smith states that it was fortuitous that this is on the agenda as the board was just  
1020 discussing making items like this one part of an annual board training/refreshers course. The board  
1021 discusses the information contained in the handout that was drafted by Supervisor Dawn Hannasch  
1022 and its content relating to meetings, subcommittees, opens meeting act, and quorums.

1023  
1024 The board agrees that Meetings 101 is a great resource for the board and should but uploaded to  
1025 Onboard Resources folder for the board’s convenience.

1026  
1027 TASK: OLE Dulebohn will add Meetings 101 to the Onboard Resources folder.

1028  
1029 **Agenda Item 15 Old Business (continued)**

1030  
1031 Review New FAQ’s

1032  
1033 Board Chair Edwards-Smith shares that he thought the FAQ drafted by Ms. Gilmour was great and  
1034 that he suggests only one edit. He believes that the line “Files are generally kept locked in filing  
1035 cabinets” should be removed. This may be different in a private clinic or home practice.” He  
1036 suggests modifying the preceding line to read: “Keeping in compliance with HIPAA, files are kept  
1037 secure.

1038  
1039 OLE Dulebohn informs the board that, in addition to Ms. Gilmour’s newly crafted addition, she has  
1040 updated all the existing FAQ’s to make sure they are current. She asks the board to review and  
1041 make note of any changes that be made or typos they may find. Chair Edwards-Smith comments  
1042 that the FAQ’s seem very thorough and he cannot think of any more information to add. He  
1043 expresses concern of information overload and OLE Dulebohn reassures him that when the  
1044 Publication’s Specialist puts the information on the board’s website, it is in an “accordion” format  
1045 that allows them to see all the FAQ topics, but the answers are accessed by a “drop down” arrow.  
1046 Ms. Gilmour commented that she has reviewed the current FAQ’s on the board’s website and the  
1047 accordion format makes researching the FAQ’s much easier and manageable.

1048  
1049 Board Compilation of State Authorizing and National Accreditation Entities

1050  
1051 OLE Dulebohn reminds the board that all of the supporting documents in the board packet were  
1052 from the September 2019 meeting. The board was tasked in the September meeting to research the  
1053 accrediting entities to decide which, if any, they would like to recognize.

1054

1055 Chair Edwards-Smith states for the record that his research did not yield anything that he believes  
1056 that the board would like to add to their “list” at this point. He felt like few states used the  
1057 Commission on Massage Therapy Associations (COMTA) and most relied on state resources for  
1058 their credentialing agencies.

1059  
1060 Ms. Gilmour states that the National Accrediting Commission of Career Arts and Sciences  
1061 (NACCAS) is the preferred agency of Juneau’s Alaska Academy of Advanced Cosmetology and it is  
1062 recognized by the US Department of Education (USDOE). She suggests the board take a deeper  
1063 look at it to see if it may be one it wants to utilize in the future.

1064  
1065 Ms. Motz brings to the table the e-mail sent to the board from Alaska Commission on  
1066 Postsecondary Education (ACPE) Program Coordinator Kierke Kussart and her stance on  
1067 accreditation vs. approval. Ms. Motz relays that “accreditation” is a non-governmental, peer review  
1068 process which sets standards for educational quality and the only one’s recognized by ACPE are the  
1069 one’s recognized by the USDOE. Whereas “authorization” refers to the regulation of private  
1070 postsecondary education by a state.

1071  
1072 **TASK: OLE Dulebohn will upload the documents located in the Board Compilation**  
1073 **of State Authorizing and National Accrediting Entities in the Onboard Board Resources**  
1074 **folder.**

1075  
1076 OLE Dulebohn reminds the board that the reason this topic is on the agenda is because it is a  
1077 directive of the board per AS 08.61.020(6).

1078  
1079 **TASK: OLE Dulebohn will continue to put State Authorizing and National**  
1080 **Accrediting information in the board packet until the board has satisfied the directive of AS**  
1081 **08.61.020(6).**

1082  
1083 Board Position Statement on HB0169A

1084  
1085 Chair Edwards-Smith directs the board to HB0169A. The board reviews the bill on the record with  
1086 the intent of formulating a position statement to support or oppose this proposed legislation.

1087  
1088 Ms. Endle asks the purpose of the board writing a position statement for a non-massage therapist  
1089 bill. OLE Dulebohn explains that position statement from boards are taken into consideration and  
1090 help influence legislators on bills.

1091  
1092 Some of the topics discussed for the bill are:

- 1093 • Waiver of licensing fees depending on the applicant’s income- the general consensus of the  
1094 board on this topic was negative. The Board of Massage Therapists is receipt funded. If it  
1095 was a law that the board must waive all fees to people who meet certain criteria, the board  
1096 would have to carry them and other licensees would be paying for their license to be issued.  
1097 Reference page 2, line 26.
- 1098 • Military Family- to the board’s knowledge, there are no massage therapist’s positions open  
1099 with active, US military. HB90 ensured that military personnel and their spouses receive  
1100 expedited application processing.



- 1101 • Criminal Convictions- The bill would state that board cannot consider criminal history that  
1102 is older than 3 years. It also lists items as barriers to licensure which the board has already  
1103 found they do not have authorization to have per their statutes. Reference page 3, line 20.  
1104

1105 Ms. Motz states that this bill seems to be a way to deregulate boards in a guise of removing barriers  
1106 to licensure. Ms. Gilmour states that the board’s interpretation of HB0169A is correct and they are  
1107 coming to the understanding that HB0169A is not in the board’s best interest.  
1108

1109 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
1110 **roll call vote, it was RESOLVED to APPROVE a position statement be drafted opposing**  
1111 **HB0169A after board review.**  
1112

1113 **TASK: Chair David Edwards-Smith will draft and forward a position statement on**  
1114 **the board’s behalf opposing HB0169A to OLE Dulebohn. The position statement will**  
1115 **include waiver of licensing fee, overreach into board purview (criminal history),**  
1116 **apprenticeship programs (hours), and limitation of lobbying services. Ms. Dulebohn will**  
1117 **then distribute the position statement on to the rest of the board for review and approval.**  
1118

1119 Regulations Questionnaire for Military and Medical Extension  
1120

1121 Vice Chair Traci Gilmour completed the Military and Medical Extension regulations questionnaire.  
1122

1123 **TASK: OLE Dulebohn will forward the Military and Medical Extension**  
1124 **questionnaire on to Regulations Specialist Zinn.**  
1125

1126 Renewal Fingerprint Implementation Year  
1127

1128 The board discusses the implementation of renewal fingerprint cards to coincide with AS  
1129 08.61.050(5) due to the passing of HB110 in 2018. That statute says that the board has the power to  
1130 asks licensees to provide renewal fingerprint cards that will be used to generate state and federal  
1131 background reports at least once every six years. The board discusses the pros and cons to  
1132 implement in 2021 vs 2023 renewal periods. Ms. Gilmour was in favor of giving licensees the full 6  
1133 years from the date the statute went into effect which would be 2023. As the group was unable to  
1134 recall the specific details as to why the board should implement the renewal fingerprints in 2021  
1135 instead of 2023, it was asked that OLE Dulebohn consult with Director Sara Chambers for some  
1136 historical knowledge.  
1137

1138 Chair Edwards-Smith called for a short break at 10:41 a.m.

1139 Back on the record at 10:53 a.m.  
1140

1141 OLE Dulebohn consulted with Director Sara Chambers and relayed to the board that the division  
1142 historically allows applicants that are granted a license within 90 days of a license expirations date to  
1143 be “morphed” into the next licensing period. Therefore, any person licensed from July 1, 2017-  
1144 September 30, 2017 would not have been required to submit renewal fingerprints for 2017 and  
1145 would be out of compliance with statute if they didn’t implement renewal fingerprints again until  
1146 2023.

1147  
1148 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**  
1149 **call vote, it was RESOLVED to IMPLIMENT renewal fingerprints starting in 2021 in**  
1150 **accordance with AS 08.61.050(5) to ensure compliance of all licensees.**

1151  
1152 Chair Edwards-Smith stresses that the selection of 2021 for renewal fingerprints will ensure  
1153 compliance of all licensees. The board would like to include a blurb in the upcoming newsletter as  
1154 the reasoning being implementing the renewal fingerprint requirement in 2021.

1155  
1156 **TASK: Jill Motz will write the newsletter blurb regarding renewal fingerprint**  
1157 **requirements to start in 2021 and why.**

1158  
1159 **Agenda Item 16** **Administrative Business**

1160  
1161 Administrative Statistics

1162  
1163 The board reviews the administrative statistics that OLE Dulebohn has compiled for their  
1164 convenience. The first page is actually generated by Program Coordinator Colleen Kautz regarding  
1165 the recent massage therapist renewal statistics.

1166  
1167 OLE Dulebohn presents to the board information on how division handled renewals. Division, in  
1168 an effort to comply with the Governor’s mandate regarding not delaying licensing to qualified  
1169 individuals, has tested out online renewals which allows a licensee to immediately renew their license  
1170 despite the requirement to submit proof of current CPR as stated in AS 08.61.050 and 12 AAC  
1171 79.200. That person could complete their renewal application online and upon completion and  
1172 payment of the licensing fee, their renewal license would automatically generate and be mailed to  
1173 that individual. Division added an attestation on the renewal application that the licensee “has proof  
1174 of current CPR and will submit that proof no later than October 30, 2019” despite the licensing  
1175 period ending on September 30, 2019. As referenced in the statistics, and estimate of 56 licensees  
1176 did not comply with this requirement and therefore had their licenses lapsed on November 1, 2019  
1177 which is why the current number of active licensees is less than the number renewed in Ms. Kautz’s  
1178 breakdown.

1179  
1180 OLE Dulebohn relays that she actually lobbied her superiors against this course and asked that  
1181 renewals be done in line with regulations but she was overruled. As this process of not requiring the  
1182 CPR prior to issuing the license has not turned out as hoped, Ms. Dulebohn hopes that it will not be  
1183 repeated for the 2021 renewals. Additionally, OLE Dulebohn discusses with the board that  
1184 regulation was just sent out for public comment to change “proof of CPR” to “documentation of a  
1185 current certification in CPR...” at the urging of division. This change will allow division to place an  
1186 attestation in the application that will take the place of requiring proof of current CPR completion.  
1187 Ms. Dulebohn continues that since checking CPR certificates is not part of the renewal continuing  
1188 education audit, there is a possibility that licensees will never had to show actual proof of CPR  
1189 completion in the coming years. Chair Edwards-Smith expresses his dismay at CPR not being  
1190 checked at audits as he feels that the audits would address all compliance issues. OLE Dulebohn  
1191 explained that his point is shared by some in division and is still being discussed. Chair Edwards-  
1192 Smith wonders what the point of having a CPR certificate is if it would never be checked. OLE  
1193 Dulebohn checked in Centralized Regulations and the language on audits is as follows:

1194 **12 AAC 02.960. AUDIT OF COMPLIANCE WITH CONTINUING COMPETENCY**  
1195 **REQUIREMENTS.**

1196 (a) Except as provided in (b) - (j) of this section, the department will audit compliance of licenses with  
1197 continuing competency requirements in accordance with this section if

- 1198 (1) the licensee is required to meet continuing competency requirements under AS 08 or this title;  
1199 (2) repealed 9/29/2005;  
1200 (3) repealed 9/29/2005.

1201 (b) A licensee subject to audit under (a) of this section and applying for license renewal shall

- 1202 (1) complete and sign a statement of compliance with continuing competency requirements; and  
1203 (2) submit the statement to the department with the application for license renewal.

1204 (c) Except as provided in (d) of this section, the department will select licensees for audit under (a) of this  
1205 section as follows:

- 1206 (1) ten percent of the total number of licensees in that profession if the total number of licensees is  
1207 less than 3,000; or  
1208 (2) five percent of the total number of licensees in that profession if the total number of licensees  
1209 is 3,000 or more.

1210 (d) The department will require that a different percent of licensees be selected for audit, if the board that  
1211 regulates the profession, or the department for a profession not regulated by a board or commission, finds  
1212 that a different percent to be audited is necessary to protect public health and safety.

1213 (e) A licensee selected for audit under (c) or (d) of this section will be notified by the department. Within  
1214 30 days of notification, the licensee shall submit to the department, documentation to verify completion of  
1215 the continuing competency activities claimed on the statement submitted with the application for license  
1216 renewal. The documentation must include a valid copy of a certificate or similar verification of satisfactory  
1217 completion of the continuing competency activities claimed that provides

- 1218 (1) the name of the licensee;  
1219 (2) the amount of continuing competency credit awarded;  
1220 (3) a description of the continuing competency activity;  
1221 (4) the dates of actual participation or successful completion; and  
1222 (5) the name, mailing address and signature of the instructor, sponsor, or other verifier.

1223 (f) A licensee subject to audit under (a) of this section is responsible for maintaining adequate and detailed  
1224 records of all continuing competency activities completed and shall make the records available to the  
1225 department on request. A licensee shall maintain the records until the later of

- 1226 (1) four years from the date of completion of the continuing competency activity; or  
1227 (2) if the licensee was selected for audit, the date that the department notifies the licensee that the  
1228 audit is completed.

1229 (g) The department will extend the period for providing documentation of completion of continuing  
1230 competency activities if the department finds that the licensee has good cause for the need for additional  
1231 time to submit the documentation required in (e) of this section.

1232 (h) The department will notify the respective board of a licensee's failure to comply with the department's  
1233 request for records under (e) of this section.

1234 (i) For professions licensed by the department, the department will consider the licensee's failure to comply  
1235 with the department's request for records under (e) of this section as grounds for imposition of disciplinary  
1236 sanctions to the extent allowed under AS 08 and this title.

1237 (j) In this section, "successful completion" means the date that credit for the continuing competency  
1238 activity is awarded by the instructor, sponsor, or other verifier for completion of the activity.

1239 **Authority:** AS 08.01.050 AS 08.01.087 AS 08.01.100 AS 08.01.080  
1240

1241 OLE Dulebohn relays that her supervisors have interpreted this regulation as only pertaining to  
1242 continuing education and not CPR certification. The board believes that CPR should be included in  
1243 CE audits since having to keep an updated CPR is continuing your education. Ms. Gilmour asks  
1244 about how 12 AAC 79.210(b) allows hands on CPR to be submitted as part of the licenses  
1245 continuing education credit. OLE Dulebohn explains that is an option to help fulfill CE  
1246 requirement but is not mandatory.

1247 The board expressed frustration at this new information and the impact on it's licensees.  
 1248  
 1249 **TASK: Chair Edwards-Smith will contact Director Sara Chambers relating to the**  
 1250 **renewals not requiring proof of CPR prior to licenses being issued, the lapsing of the**  
 1251 **licenses of those who did not comply with the renewal requirements, and the reason why**  
 1252 **CPR is not included in the Continued Competency Requirement audit.**  
 1253  
 1254 Traci Gilmour left at 11:10 a.m.  
 1255 Back at 11:15 a.m.  
 1256  
 1257 Ms. Motz is concerned about the amount of people who have been practicing without a active  
 1258 license due to their non-compliance with this CPR issue. The licensed massage therapists on the  
 1259 board recall the section in their application about having to attest to having a current CPR certificate  
 1260 and wonder about what will happen to those who attested dishonestly and didn't obtain that  
 1261 certification before submitting their renewal application.  
 1262  
 1263

September 17- November 29, 2019

ITEM	AMOUNT	COST/ REVENUE
Initial Applications Received	16	
Applications Reviewed by the board	37	
Rolfers Issued Massage License using the Board's Curriculum Breakdown (not Grandfathered)	2	
Initial Licenses Issued	26	26 X \$550.00= \$14,300
Applications Denied	3	
Applications in Process	44	
Renewed Online using MyLicense (as of 10/27/2019)	823	
Total Renewed as of 11/29/2019	1067	1067 x \$290.00= \$309,430
Total Number Lapsed as of 11/29/2019 due to Non-Compliance with Renewal Requirements (CPR)	56	
# of Licensee's who have "opted in" for paperless communication	772	
Sent in Un-Necessary Fingerprint Cards for 2019 Renewal	46	
Phone Calls Received	442 (last period 472)	
E-mails Sent	1085 (last period 2464)	

Renewal Reminder Letter on 10/8/2019	322	322 x .55= \$177.10
Need CPR Letter on 10/8/2019	385	385 x .55= \$211.75
License Lapse due to CPR Letter on 11/1/2019	134	134 x .55= \$74.25

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The board also discussed division’s decision to allow licensees to renew online after September 30, 2019 without any additional compliance checks until October 30, 2019. OLE Dulebohn stated that this was not the process that was utilized for the 2017 renewals. Currently there has been no more direction on what will happen to the licensees who were allowed to renew their license without proof of current CPR and, as of this date, are not compliant and have had their licenses lapsed.

**TASK: OLE Dulebohn should check to ensure that meeting minutes from September 2018 are correct and not from another date.**

Ms. Endle asks if a certified letter can be sent to all the licensees that are out of compliance due to CPR. OLE Dulebohn stated that division could do that but it is very costly, some people will not sign for certified letters, or do not pick the certified letters up from their post office in the correct amount of time so they are returned to sender.

OLE Dulebohn informs the board that audit letter will go out soon which will result in more interaction from the division’s paralegal. She hopes that with the paralegal’s involvement, these issues may be resolved soon.

*Chair Edwards-Smith called a short break at 10:05 a.m.  
Back on the record at 10:17 a.m.*

Meeting Calendar Review

The board reviews the meeting dates that have been set for 2020.

Correspondence

Malenfant-

The board reviews correspondence sent in by Sara Malenfant regarding regulations for massage establishment specifically mentioning cleanliness standards. Ms. Gilmour expresses how grateful the board is for this level of response. Chair Edwards-Smith concurs with Ms. Gilmour.

**TASK: Julie Endle will draft a reply to Ms. Malenfant to thank her for her input and participation. Ms. Endle will forward it to OLE Dulebohn within 10 business days for distribution.**

KRDO News Article-

1304 The board reviews a news article from KRDO that highlights licensing loopholes in Colorado  
1305 involving state exam cheat sheets, falsified credentials, and fraudulent schools. Ms. Gilmour  
1306 expands that she learned of these things happening in Mississippi as well during the FSMTB annual  
1307 conference. This item was forwarded to the board for review for informational purposes only.  
1308

1309 Chair Edwards-Smith believes this may be a good topic for the board's newsletter as well.  
1310

1311 Santa Barbara Body Therapy Institute-  
1312

1313 Correspondence was sent to the board from Cindy Anderson at Santa Barbara Body Therapy  
1314 Institute regarding the board's curriculum breakdown located in regulations under 12 AAC 79.140.  
1315 Ms. Anderson asks the board whether they would consider a course in Business Skills as part of the  
1316 board's Ethics and Law requirements. The board's response is that Business Skills are not part of  
1317 Ethics and Law but would be included under the Clinical Practice category.  
1318

1319 **TASK: OLE Dulebohn will notify Santa Barbara Body Therapy of the board's reply to**  
1320 **Ms. Anderson's questions.**  
1321

1322 Ms. Endle asks the license massage therapists on the board to clarify what would be included as part  
1323 of "Professional Boundaries". Ms. Motz describes "professional boundaries" as maintaining good  
1324 healthy boundaries between clients and therapists, your professional and personal personas, and not  
1325 getting romantically involved with clients. Ms. Endle thanks the rest of the board for their response  
1326 and believes it will be helpful when she is evaluating transcripts.  
1327

1328 Election of Reviewing Board Member for Continuing Education Audits  
1329

1330 OLE Dulebohn explains to the board that Paralegal Marilyn Zimmerman would like the board to  
1331 assign a reviewing board member (RBM) to consult during the upcoming continuing education  
1332 audits. This RBM would only be consulted if it is determined that a licensee has not met the  
1333 continuing education requirements as set out in 12 AAC 79.210 and Ms. Zimmerman needs a board  
1334 member to consult on the remedial continuing education topic that is submitted.  
1335

1336 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
1337 **roll call vote, the board ELECTS Jill Motz as the primary reviewing board member for**  
1338 **continuing education audits and Ron Gibbs as a secondary.**  
1339

1340 Agenda Item 19 Random Inspections Meeting with Investigations  
1341

1342 Chair Edwards-Smith preps the board on information that he has gathered prior to the conversation  
1343 that will occur after lunch with Investigations. He shares that he has learned that Investigations has  
1344 already participated in random inspections in conjunction with the inspector of Barbers and  
1345 Hairdressers in Fairbanks. Chair Edwards-Smith reiterates that the Board of Massage Therapists has  
1346 always maintained that inspections should only be done in the event of a complaint to mitigate costs  
1347 and focus on public protection. He encourages suggestions on how to set that policy with  
1348 Investigations. As one of these random inspections has already taken place without the board's  
1349 consent and without establishment regulations being in place, Mr. Edwards-Smith asked Investigator  
1350 Jacobs to provide a checklist for the inspections, what were the costs associated with inspections,  
Page | 30

1351 and what were the outcomes. OLE Dulebohn suggests that the board jot down specific questions  
1352 that they would like Investigations to answer so the conversation doesn't get sidetracked. The board  
1353 agrees that their primary concern is the cost that unscheduled, regional inspections will cost  
1354 licensees.

1355  
1356 **Agenda Item 20** **Review Tabled Applications**

1357  
1358 The board agrees to tackle some tabled applications in the extra time they have before lunch. In  
1359 order to discuss the applications fully, the board decides to go into Executive Session.

1360  
1361 **In a motion duly made by Jill Motz, seconded by Traci Gilmour, it was RESOLVED to**  
1362 **ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska**  
1363 **Constitutional Right to Privacy Provisions, for the purpose of discussing “subjects that tend**  
1364 **to prejudice the reputation and character of any person, provided the person may request a**  
1365 **public discussion”. OLE Dulebohn to remain during Executive Session.**

1366  
1367 Off the record for Executive Session at 11:35 a.m.  
1368 Back on the record at 11:59 a.m.

1369  
1370 After discussing the application for J.H.at length during executive session, the board has reached a  
1371 decision on the application for licensure.

1372  
1373 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a**  
1374 **roll call vote, it was RESOLVED to APPROVE the application of Jinyan Huang.**

1375  
1376 After discussing the application for J.A. at length during executive session, the board has reached a  
1377 decision on the application for licensure.

1378  
1379 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**  
1380 **a roll call vote, it was RESOLVED to APPROVE the application of Julie Aurand**  
1381 **PENDING receipt of completed Transcript Analysis Form, completion of an additional 31**  
1382 **hour of Ethics and Law, and completion of an additional 110 hours of Clinical Practice per**  
1383 **12 AAC 79.140.**

1384  
1385 **Agenda Item 21** **Review Applications (pending)**

1386  
1387 After discussing the application for M.C.at length during executive session, the board has reached a  
1388 decision on the application for licensure.

1389  
1390 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
1391 **roll call vote, it was RESOLVED to APPROVE the application of Matthew Cabrigas**  
1392 **PENDING receipt and board approval of completed Transcript Analysis Form, to show**  
1393 **transcript content from Alaska Academy of Advanced Cosmetology per 12 AAC 79.140.**

1394  
1395 After discussing the application for J.R. at length during executive session, the board has reached a  
1396 decision on the application for licensure.

1397

1398 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a  
1399 roll call vote, it was **RESOLVED** to **APPROVE** the application of Jessica Ryan **PENDING**  
1400 receipt and board approval of completed Transcript Analysis Form, to show transcript  
1401 content from Alaska Academy of Advanced Cosmetology per 12 AAC 79.140.

1402

1403 Agenda Item 17 Lunch

1404

1405 *Chair Edwards-Smith calls a lunch break at 12:02 p.m.*

1406 *Back from lunch at 1:15 p.m. with board members David Edwards-Smith, Traci Gilmour, Jill Motz, and Julie*

1407 *Endle present.*

1408

1409 Agenda Item 18 Public Comment

1410

1411 The board prepares to hear public comment. During this time, Ms. Motz asks if the meetings that  
1412 have both a GCI and Zoom option are open in both mediums simultaneously. OLE Dulebohn  
1413 states that GCI is used only a backup and possibly for Executive Session. At the request of the  
1414 board, she opens up the GCI line to check for anyone that may be calling in for public comment.  
1415 OLE Dulebohn explains that division encourages Zoom use over GCI because Zoom meetings are  
1416 free with the subscription to their site and GCI costs per use. Ms. Dulebohn discloses that should  
1417 someone choose to call in to Zoom and not use the web link, it is not toll free but GCI is. The  
1418 board asks if OLE Dulebohn would create an FAQ for the differences in GCI and Zoom and  
1419 designate that Zoom is the primary method to attend the meetings.

1420

1421 **TASK: OLE Dulebohn will create a new FAQ for GCI vs. Zoom information.**

1422

1423 Hearing no one asking to be heard for public comment and after waiting approximately 5 minutes,  
1424 Chair Edwards-Smith announced that Public Comment is now closed.

1425

1426 Agenda Item 19 Random Inspections Meeting with Investigations (continued)

1427

1428 Prior to the meeting with Investigations, Chair Edwards-Smith asks OLE Dulebohn to distribute an  
1429 e-mail he composed regarding the board's direction on Failure to Disclose on the Disciplinary  
1430 Matrix. The e-mail expands on the board's "No Investigations Needed" list that states criminal  
1431 convictions that the board has decided does not need to be referred to Investigations as it does not  
1432 impact a person's ability to practice as a massage therapist competently and safely. Mr. Edward-  
1433 Smith's proposed amendment to the "No Investigations Needed" list is:

1434 **Failure to Disclose**

1435 Failure to disclose on (or more) of the following convictions on an application (or in a criminal  
1436 background check) **that occurred more than 10 or more years prior** will not result in a referral  
1437 to Investigation unless the Division, in its discretion, reasonably believes that an attempt to  
1438 secure a license through fraud, deceit, or misrepresentation has occurred **and will result in a**  
1439 **letter of advisement of this Failure to Disclose.**

1440

1441 Chair Edwards-Smith states that his intention with this statement is to avoiding sending files to  
1442 Investigations for a failure to disclose if the thing the applicant didn't disclose is not a crime the  
1443 board sees as a danger to the public such as the ones on the "No Investigations Needed" list.



1444 Adopting this policy would avoid having applications delayed by going to Investigations for  
1445 something the board does not find prohibitive to licensure as it may have accidentally been  
1446 omitted. Ms. Motz shares that the amendment Mr. Edwards-Smith has drafted is confusing. Mr.  
1447 Edwards-Smith clarifies that the letter he is referencing would not be the “Non-Disciplinary  
1448 Letter of Advisement” that are issued by Investigations but would be an informational letter sent  
1449 out by the OLE letting the applicant know that they should have disclosed all criminal history as  
1450 outlined in the application but that the board will not be issuing a license action or civil fine  
1451 because of the content of the criminal history not disclosed.

1452  
1453 OLE Dulebohn absorbs the intent of the Chair and after some discussion with the board, believes  
1454 that, if this is something the board want to continue with, should be a policy similar to P&P 28 to  
1455 avoid confusion on the part of the applicant. Ms. Gilmour agrees. OLE Dulebohn will consult  
1456 her supervisor on making this an amendment to the divisions internal policy but is unsure if the  
1457 OLE is able to send out any “letters of advisement”. Chair Edwards-Smith clarifies that the  
1458 letter he envisions would not be so much a “letter of advisement” but an informational letter  
1459 informing the applicant that they should have disclosed all of their criminal history and the board  
1460 is aware that they didn’t and will not pursue license action as the content wasn’t considered by  
1461 the board to be prohibitive to licensure. The board agrees that they like the direction this idea is  
1462 taking and OLE Dulebohn states that she will speak to Supervisor Hoffard about implementing  
1463 it.

1464  
1465 **TASK: OLE Dulebohn will speak to Supervisor Hoffard regarding amending**  
1466 **the board’s “No Investigations Needed” list to include evaluation of non-disclosures and**  
1467 **the ability of the OLE to send out informational letters to those applicants that fail to**  
1468 **disclose criminal history that the board has determined is not prohibitive to licensure.**

1469  
1470 The board has a discussion recapping yesterday’s conversation on what the Professional Fitness  
1471 Questions on the application require applicants to disclose in terms of their criminal history.

1472  
1473 *Investigators Lipker and Jacobs joined the meeting at 1:40 p.m.*

1474  
1475 Investigator Jacobs states that he and Senior Investigator Lipker are here at the board’s invitation to  
1476 address questions on regional inspections to consult on any changes to the board’s disciplinary  
1477 matrix. Inv. Jacobs asks OLE Dulebohn to forward the Massage Therapy Inspection Report that is  
1478 used as a checklist during compliance inspections. He continues that the inspections conducted in  
1479 Mat-Su earlier this year were chosen at random by who was open for business. Online reviews and  
1480 comments are avoided to help maintain neutrality.

1481  
1482 Investigator Jacobs states that, once onsite, investigators:

- 1483 • Introduce themselves
- 1484 • Disclose the board they are representing in the inspection
- 1485 • Go over inspection process and checklist
- 1486 • Provide technical assistance in any articles of non compliance
- 1487 • If a significant violation occurs, Investigator goes back to office and opens a case.

1488

1489 Investigator Jacobs reports that in his research of the September and June 2019 minutes, the board  
1490 expressed interest in having regional inspections. Investigations has proceeded with regional  
1491 inspections in, what they believed was, following guidance from the board. He continued that  
1492 regional inspections do not necessarily come from a complaint. Investigator Jacobs believes that  
1493 random inspections are beneficial to the board. He cannot recall any complaint that has come to  
1494 investigations in the last year that has alluded to human trafficking. Inv. Jacobs believes the best  
1495 way to look for signs of human trafficking and ensure compliance with statutes and regulations is to  
1496 go and conduct random inspections.

1497  
1498 Investigator Jacobs acknowledges the board's concern over the costs associated with these  
1499 inspections. Although he does not have any figures to report to the board at this time, he reminds  
1500 the board that, while inspecting on behalf of the Board of Massage Therapists, the board will be  
1501 billed for his time and his travel expenses. In the recent trip to Fairbanks, the investigations were in  
1502 conjunction with another professional board, the costs were split between the two boards.

1503  
1504 Chair Edwards-Smith asks for the outcome of the Fairbanks inspection. Inv. Jacobs revealed that  
1505 approximately 20 compliance inspections were preformed, 9 of those were for massage therapy. 1  
1506 case of unlicensed practice was created. The other inspections resulted in no significant violations  
1507 and were therefore not referred to the board.

1508  
1509 In terms of the Anchorage inspections, Inv. Jacobs relays that the majority of licensees seem to be  
1510 complying with the majority of statutes and regulations. However, if the small percentage of the  
1511 population that isn't in compliance can cause significant amount of damages and engage in  
1512 inappropriate activity. He continues that Investigation hasn't found significant violations to refer to  
1513 the board for review and potential disciplinary action.

1514  
1515 Ms. Gilmour asks that, as the board is not necessarily consulted when inspections are being  
1516 scheduled, that Investigations reports to the board in their quarterly meetings on how many places  
1517 have been inspected. She states that it seems that random inspections have been going on for a  
1518 while without the board's knowledge. Ms. Gilmour continues that it would be important to receive  
1519 a report so it is on the record and that the public is informed that inspections are happening, what  
1520 the outcomes are, and the money being spent on them.

1521  
1522 Chair Edwards-Smith states that he doesn't share Ms. Gilmour's enthusiasm for the random  
1523 inspections since the board's intention has always been to initiate inspections by complaint only. He  
1524 is very concerned with the costs that may build over time and believes that the board, through  
1525 research, determined that doing complaint based inspections would be the most efficient. Mr.  
1526 Edwards-Smith isn't sure that the small outcomes of these investigations justifies the cost of doing  
1527 them. Ms. Gilmour agrees with Chair Edwards-Smith's assessment and feels that giving better  
1528 direction through a development of a policy would be beneficial. She explains to Investigator  
1529 Jacobs that the board asked division to not increase the fees of massage therapists and therefore  
1530 need to keep a sharp eye on expenses.

1531  
1532 Investigator Jacobs thanks board members Gilmour and Edwards-Smith for their feedback and  
1533 discloses that the Investigations team has no preference when it comes to random vs. complaint  
1534 driven inspections. However, his understanding was that the board viewed random inspections as a  
1535 positive thing, requested for them to be done, and potentially asked for additional staff to be hired

1536 to be able to complete those inspections. He continues that if the board is actually recommending  
1537 that no inspections be conducted unless a complaint is received, that is appropriate and  
1538 Investigations will honor that direction. Inv. Jacobs informs the board that he cannot recall a  
1539 instance where a member of the public has reported that a massage therapist is engaging in illicit or  
1540 criminal behavior and request for investigations to become involved. Inv. Jacobs states that on  
1541 every Investigations Report that the board receives, under the “Case Status” it states, “division  
1542 inspection” and in the “Closure” column it will state “compliance” if the case was the result of an  
1543 inspection. He apologizes if he hasn’t done a sufficient job in explaining those differences to the  
1544 board.

1545  
1546 Ms. Gilmour continues that she doesn’t doubt that Inv. Jacobs was doing what he believed to be the  
1547 direction of the board but apparently the board isn’t asking the correct questions and the board  
1548 needs to set a policy concerning inspection. Inv. Jacobs advises the board that they do not need to  
1549 create a policy involving inspections and could just give an outline as to the direction they would like  
1550 to take. Inv. Jacobs relays that two more regional inspections are planned before the end of the  
1551 fiscal year: one is within the next 60 days and one before June 30, 2020. He continues that if the  
1552 board isn’t interested in pursuing those inspections that it would better to know sooner rather than  
1553 later. Ms. Motz expresses that she doesn’t think the board is upset about the inspections as much as  
1554 they were taken off guard since the September 2019 meeting was the first that they had been made  
1555 aware that the regional inspections were taking place. Ms. Motz reiterates that cost is very important  
1556 to the board and that information needs to be reviewed. She thinks that random inspections can be  
1557 positive but there has to be a way for the board to maintain fiduciary responsibility. Ms. Motz also  
1558 believes that more community outreach to inform the public of the existence of Investigations and  
1559 it’s role involving complaint driven inspections could be utilized. Chair Edwards-Smith agrees that  
1560 the board expressed an interest in inspections but it was in conjunction with massage establishment  
1561 regulations and those have yet to be adopted which the cause for the shock the board is expressing.  
1562 Chair Edwards-Smith believes the power to perform inspections will allow the board to enter illicit  
1563 establishments to help combat human trafficking but are not as useful if those establishment  
1564 regulation tools are not yet in place.

1565  
1566 Investigator Jacobs reminds the board that, although the establishment regulations are not in place  
1567 yet, the board still has the authority to enter and inspect massage therapists which is something that  
1568 law enforcement and the FBI do not have. Additionally, Inv. Jacobs has been working on a  
1569 partnership with the Department of Labor to inspect for wage and labor related abuses. He  
1570 continues that word spreads in communities and that he believes from experience that there will be a  
1571 benefit to the board conducting non-complaint related inspections but can’t speculate on whether  
1572 there will be a cost benefit.

1573  
1574 **TASK: OLE Dulebohn will research how much it costs the board for each random,**  
1575 **regional inspection by consulting Accountant III Marylene Wales.**

1576  
1577 Chair Edwards-Smith asks the board if they would like to set a cap for inspection costs and Vice  
1578 Chair Gilmour replies that there are already two inspections scheduled for 2020 and that the board  
1579 needs to review the financials and outcomes of these and discuss it in the board’s March 2020  
1580 meeting.

1581

1582 **TASK: OLE Dulebohn will include on the March 2020 meeting agenda the topic of**  
1583 **regional inspections vs complaint driven inspections.**

1584  
1585 Investigator Jacobs relayed that the last inspection took place in August of 2019. OLE Dulebohn  
1586 points out to the board that with the new format implemented by division on their Financial  
1587 Update, the board should be able to see exactly how much the inspections cost the board.

1588  
1589 Regarding the discussion previously had by the board about potentially changing the board's  
1590 disciplinary matrix, Chair Edwards-Smith asked OLE Dulebohn to recap the discussion about  
1591 amending the board's "No Investigations Needed" list to utilize P&P 28 in non-disclosure referrals  
1592 of items that are determined by the board to not impact an applicant's ability to practice massage  
1593 therapy. Investigator Jacobs relays that no other professional board in Alaska operates by allowing  
1594 the administrative staff of the board to determine whether matters warrant investigative review in  
1595 lieu of licensed members of the board. OLE Dulebohn replies by referencing P&P 28 and that it is  
1596 something that is already utilized by all boards. Inv. Jacobs states that he will work with  
1597 Investigations management to accommodate that policy. Chair Edwards-Smith asks OLE  
1598 Dulebohn to send Inv. Jacobs the "No Investigations Needed" list. Ms. Dulebohn replies that the  
1599 current version is available on the board's website but that she will send Inv. Jacobs the amended list  
1600 once it is completed.

1601  
1602 **TASK: OLE Dulebohn will send Inv. Jacobs the amended "No Investigations Needed" list.**

1603  
1604 The board made the following motion:

1605  
1606 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**  
1607 **a roll call vote, it was RESOLVED to AMEND the board's "No Investigations Needed" list**  
1608 **to add an internal direction that a "Failure to disclose convictions on an application that**  
1609 **occurred 10 or more years ago will not result in a referral to Investigations unless division, in**  
1610 **its discretion, reasonably believes that an attempt to secure a license through fraud, deceit,**  
1611 **or misrepresentation has occurred. Division will send out an informational letter to**  
1612 **applicants for failure to disclose.**

1613  
1614 Ms. Gilmour explained to the investigators on the line why the board feels like this is a needed  
1615 change. She references the letter the board reviewed from an upset applicant that had been sent to  
1616 Investigations for Failure to Disclose, a Reviewing Board Member determined that the offense  
1617 wasn't worthy of disciplinary action as the crime was listed on the board's "No Investigations  
1618 Needed" list, and no action was taken. This lead the applicant to be very upset with the board and  
1619 their processes because the waste of time and delay in her application processing.

1620  
1621 *Investigators Jacobs and Lipker leave the meeting at 2:21 p.m.*

1622  
1623 **Agenda Item 21 Review Applications (current) (continued)**

1624  
1625 The board continues to review applications and deems going into Executive Session to be  
1626 appropriate for this discussion.

1627

1628 **In a motion duly made by Julie Endle, seconded by Jill Motz, it was RESOLVED to**  
1629 **ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska**  
1630 **Constitutional Right to Privacy Provisions, for the purpose of discussing “matters which by**  
1631 **law, municipal charter, or ordinance are required to be confidential”. OLE Dulebohn to**  
1632 **remain during Executive Session.**

1633

1634 *Off the record for Executive Session at 2:23 p.m.*

1635 *Back on the record at 3:08 p.m.*

1636

1637 After discussing the application for J.B.at length during executive session, the board has reached a  
1638 decision on the application for licensure.

1639

1640 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**  
1641 **call vote, it was RESOLVED to APPROVE the application of Jill Brekken.**

1642

1643 After discussing the application for E.J. at length during executive session, the board has reached a  
1644 decision on the application for licensure.

1645

1646 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**  
1647 **call vote, it was RESOLVED to APPROVE the application of Elizabeth Jansen PENDING**  
1648 **the completion of 28 additional hours of Ethics and Law per 12 AAC 79.140.**

1649

1650 After discussing the application for C.O. at length during executive session, the board has reached a  
1651 decision on the application for licensure.

1652

1653 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**  
1654 **call vote, it was RESOLVED to APPROVE the application of Chaelin O’Brien.**

1655

1656 After discussing the application for S.S. at length during executive session, the board has reached a  
1657 decision on the application for licensure.

1658

1659 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**  
1660 **call vote, it was RESOLVED to APPROVE the application of Sharina Straughn.**

1661

1662 After discussing the application for S.T. at length during executive session, the board has reached a  
1663 decision on the application for licensure.

1664

1665 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**  
1666 **call vote, it was RESOLVED to APPROVE the application of Savannah Toone.**

1667

1668 **TASK: OLE Dulebohn will send documents to Chair David Edwards-Smith for**  
1669 **signature and return.**

1670

1671 **Agenda Item 23                      Adjourn**

1672

1673 OLE Dulebohn goes over the tasks assigned in the two-day meeting and assures the board that she  
1674 will complete the minutes as time allows.

1678 Board member Julie Endle asks the board if they would like to continue having one reviewing board  
1679 member for transcripts now that the Transcript Analysis Form is included in all applications by  
1680 Examination. The board decided they will continue to use a rotating board member for transcript  
1681 analysis and trust that the assigned individual is up to the task. Ms. Motz clarifies that when the  
1682 other board members not assigned to transcript analysis are voting on the application, they are  
1683 evaluating all of the other content and that should they find everything else acceptable, they would  
1684 vote yes and rely on the reviewing board member to identify any educational deficits according to 12  
1685 AAC 79.140. OLE Dulebohn shows the board that in the Onboard application description it  
1686 designates the reviewing board member and that information goes into an applicant's file. Ms.  
1687 Gilmour sums up the discussion with the guidance that the only person that should pend an  
1688 application because of the transcript should be that week's reviewing board member.  
1689

1690 At this time, the board concluded all scheduled Board Business.  
1691

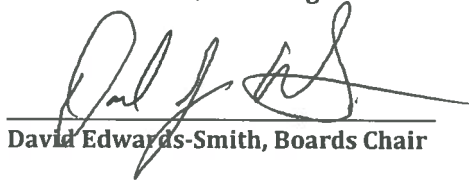
1692 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously, it was**  
1693 **RESOLVED to ADJOURN.**  
1694

1695 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended  
1696 at 3:08 p.m.  
1697

1698  
1699 **Respectfully Submitted,**  
1700

1701   
1702 \_\_\_\_\_  
1703 **Dawn Dulebohn, Licensing Examiner**

1701 3/2/20  
1702 \_\_\_\_\_  
1703 **Date**

1704  
1705   
1706 \_\_\_\_\_  
1707 **David Edwards-Smith, Boards Chair**  
1708  
1709

1705 3/2/20  
1706 \_\_\_\_\_  
1707 **Date**