

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

MINUTES OF MEETING
September 11, 2015

By the authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference meeting of the Board Massage Therapists was held on September 11, 2015, at the Atwood Building, 550 W. 7th Avenue, Anchorage, Alaska.

FRIDAY, SEPTEMBER 11, 2015

AGENDA ITEM - CALL TO ORDER AND ROLL CALL

The meeting was called to order at 8:37 a.m. by Chairperson Amanda Unser.

Those present, constituting a quorum of the Board:

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

Traci Gilmour, Licensed Massage Therapist joined the meeting at 9:35 a.m.

In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing, were:

Todd Araujo, Assistant Attorney General
Jun Maiquis, Regulations Specialist
Karen Hudson, Licensing Supervisor
Angela Birt, Chief Investigator
Ed Riefle, Senior Investigator
Sonia Lipker, Investigator

In attendance as members of the public:

Jeremy Applegate, State of Alaska, Department of Labor
Zack Fields, State of Alaska, Department of Labor

Sally Hutchings, Federation of State Massage Therapy Boards, Telephonic
Brock Ingmire, Federation of State Massage Therapy Boards, Telephonic
Jean Robinson, American Board of Massage Practitioners, Telephonic
M. Rose McCarson, Public Participant, Telephonic

AGENDA ITEM - REVIEW/AMEND AGENDA

Chairperson Unser noted there will be time to review and follow up on tasks at 4:15.

Upon a motion made by Amanda Unser and seconded by Ron Gibbs and approved unanimously, it was:

RESOLVED to approve the agenda as amended.

AGENDA ITEM - REVIEW AND APPROVE MINUTES

Upon a motion made by Ron Gibbs and seconded by Amanda Unser and approved unanimously, it was:

RESOLVED to approve the minutes from the July 22-23, 2015 meeting as presented.

AGENDA ITEM - ETHICS DISCLOSURES / DISCLOSURE REQUIREMENTS

Licensing supervisor Karen Hudson provided board members with ethics information, noting that board members may be getting questions from applicants and if they are providing information or advice about applications they may need to be disclosed or board members may need to recuse selves from voting on an application.

Board members discussed the best practice of having applicants call the division for information.

There were no ethics disclosure reported by board members.

The Board recessed at 8:50 a.m.

The Board went back on record at 9:00 a.m.

AGENDA ITEM -PUBLIC COMMENT

Chairman Unser apologized that the Board was having telephonic issues and reported it would be resolved as quickly as possible.

She welcomed Jeremy Applegate, from the State of Alaska, Department of Wage and Hour.

Mr. Applegate spoke about human trafficking in massage establishments throughout the Municipality of Anchorage in particular, giving an overview of the issue and ways to work together to discourage this activity. He noted that his agency works to combat human trafficking through legal means, working with other agencies conducting investigations which are very resource intensive. He enlisted the board's help in discouraging human trafficking across the state as well.

Chairman Unser acknowledged the board's concern for the issue and she and boardmember Shirley Nelson welcomed suggestions for how the board might help. Mr. Applegate responded that within making sure the practitioners are educated and licensed, that the advertising of services complies with regulations, and to utilize and work with other agencies to jointly combat the practice. Boardmember Ron Gibbs acknowledged how critical it will be to work with other agencies due to lack of resources, and noted a concern for the loopholes that may exist.

Public guest Zach Fields spoke up to advise that the municipality will be establishing a task force on human trafficking and noted that commerce's investigative section might be a good addition to the task force.

AGENDA ITEM - REVIEW APPLICATIONS

Upon a motion made by Amanda Unser and seconded by David Edwards-Smith and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.610(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of reviewing application applications. Staff members are to remain present.

The Board went into executive session at 9:21 a.m. and exited out of executive session at 10:55 AM.

Upon a motion made by Amanda Unser and seconded by Ron Gibbs and approved as follows, it was

RESOLVED that the following applications be approved pending the receipt of fees and the criminal background checks:

Jennifer Alban	Mary Albert	Rachel C. Alexander
Susan Allen	Jennifer Andrulli	Katherine Balaban
Donna Baldwin	Stephanie Banatine	Holly Barbier
Joci Barton	Lani Barton	Jennifer Bell-Ruiz
David Edward-Smith	Andrea Huyck	Anne Honer
Garcia Thompson	Michelle Patton	Sitthida Sukkamon
Sarah Sandefur	Tiffany Michelle Stacey	Maave Taufe Lempau
Samantha Tanner	Daniel Walker	Rebecca Waters
Michelle Zerbe	Fengmei Zou	Deanna Cresap
Sheila Cashmann	Erin Chanel	Patricia Collins
Sara Garsha	Crystal Garrett	Sara Germain
Darren Gibson	Wannaret Giron	Pili Goddard-Vaughan
Tiffany Goins	Vickie Grimes-Echols	Theresa Hayburn
Jennifer Highfield	Sarah Hinson	Patricia Hoek
Og Youn Hwang	Marilyn Hoffman	Volker Hruby
Hisako Ito	Melani Jackson	Dana Jenkins
Nathaniel Jenkins	Rhea Lynn Johnson	William Karaganis
Leah Labar	Elizabeth Larue	Chandell Lee
Brett Linder	Liu Shimei	Marlene Loomis
Kayla Lundberg	Annelysa Massie	Brenna McCarthy
Josefina McClellan	Bruce McKay	Cynthia McMullen
Amber Medinas	Crystal Milburn	Mira Jaksic
Jeri Moran Gentle	Rene Morrissey	Jill Motz
Madeline Mullikin	Falon Nelson	Tonya Nelson
Lauren Nevzoroff	Edward Toal	Kimberly Verrydt
Gordon Wallis	Lisa Walters	Sheree Warner
Amber Wedman	Heidi Wiles	Vesna Young
Rhoda Zanella	Diana Zitmanis	Justin Powell
Bryanne Rounds	Ro Young	Betty Scott
Leilani Schisler	Mackenzi Schriver	Taylor Sitter
Debbie Slater	Toni Soderquist	Jeanette Stack
Sharla Rose	Brittany Starling	Wendy Stover

YES	NO	ABSTAIN
Amanda Unser		
		David Edwards-Smith
Shirley Nelson		
Traci Gilmour		
Ron Gibbs		

Upon a motion made by Shirley Nelson and seconded by Ron Gibbs and amended by David Edward-Smith and approved as follows, it was

RESOLVED that the following applications be approved pending the receipt of fees and the criminal background check:

Kenneth Blackwell	Tyra Blanchard	Donna Blount
Caitlin Borum	Stephanie Bowen	Starla Brewer

Claudette Burden	Cheree Burgan	Kimberly Carie
Barbara Carlin	Andrew Carroll	Joanne Casey
Leilo Congdon	Cheryl Creek	Jamie Crocker
Mary Davis	Deborah	Carissa Cuernsey
Susan Hale	Yvonne Hall	Stephanie Hamilton
Shannon Hansen	Allyssa Harry	Elizabeth Haus
Mary Hayden	Shoshanna Held	Thea Dowling
Sharmem Dulce	Susan Endsley	Rachelle Ebbesson
Samantha Elliott	Nicholette Eley	Aimee epps
Jillian Fellman	Cheska Fortenberry	Ian Gaskins
Britain Deberry	Shawn Deremer	Oliver Kapuscick
Sandrenia Katasse	Leilani Keller	Janann Kaufman
Sarah Kelliher	Dawn Kelly	Heidi Kemble
Kilee Messimer	Tennille Knorz	Alanna Kretschmer-Dunn
Natalie Nickle	Jennifer O'Fontanella	Douglas Oldham
Amanda Unser	Patty Olsen	Allishia Dyola
Mary Pederson	Monique Pednault	Jaquelin Pichardo
Kerry Platzke	Keeley Porter	Jessica Razink*
Sarah Reichert	Christina Revet	Alyson Rigby-Ronningen
Cathleen Rose	Christi Targac	Karie Tieszen
Tammy Thinoi	Brandy Tolosoa	

**pending receipt of business license*

YES	NO	ABSTAIN
		Amanda Unser
David Edwards-Smith		
Shirley Nelson		
Traci Gilmour		
Ron Gibbs		

The board reviewed the application of Darcy Ziel, noting that the applicant had provided "other documentation satisfactory to the board" including a state business license dated February 19, 2009 through December 31, 2010, a municipality of Anchorage massage therapy license that expired on October 1, 2010, and current CPR, and documentation of 500 program hours of education completed.

Upon a motion made by Ron Gibbs and seconded by Amanda Unser, and approved unanimously, it was

RESOLVED that the application of DARCY ZIEL be approved pending the receipt of fees and the criminal background check:

YES	NO	ABSTAIN
Amanda Unser		
David Edwards-Smith		
Shirley Nelson		
Traci Gilmour		
Ron Gibbs		

The board reviewed the application of Amanda Waggoner, who provided documentation of completion of 3 hours of HIV/AIDS and 2 hours in medical error prevention to satisfy the safety education requirement.

 Upon a motion made by Amanda Unser and seconded by Shirley Nelson, and approved unanimously, it was

RESOLVED that the application of AMANDA WAGGONER be approved pending the receipt of fees and the criminal background check:

YES	NO	ABSTAIN
Amanda Unser		
David Edwards-Smith		
Shirley Nelson		
Traci Gilmour		
Ron Gibbs		

AGENDA ITEM - PRESENTATION - HUMAN TRAFFICKING

Upon a motion made by Amanda Unser and seconded by Ron Gibbs and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.610(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of a confidential FBI presentation. Staff members are to remain present.

The Board went into executive session at 11:07 a.m. and exited out of executive session at 11:58 A.M.
The Board recessed for LUNCH at 11:59 a.m.

AGENDA ITEM - REGULATIONS

Board members received an update from staff Regulations Specialist Jun Maiquis on the status of proposed regulations. The regulations were adopted at the July meeting by the board, and have been rekeyed at the division; those now go to the department of law for review and if all goes well and the regulations do not need to come back to the board or out for further public comment, they will go to the lieutenant governor's office for filing.

Chairman Unser acknowledged the board still has work to do on the apprenticeship regulations and that they may be working on shop regulation. Mr. Maiquis discussed the regulations process flowchart, from initiating a project in an open meeting to final certification by the Lieutenant Governor's office.

Assistant Attorney General Todd Araujo discussed with board members whether or not the board is empowered under its statutory language to fully construct an apprenticeship program and/or to approve an already constructed apprenticeship program. Board members discussed the legislative history of the statutory language as intending the board to develop regulations to create an apprenticeship program; however, Mr. Araujo indicated other statutes in other professional licensing programs with clear direction for the creation of an apprenticeship program. Board members agreed the apprenticeship issue will require more work.

Mr. Araujo about licensing of shops, and Mr. Araujo noted that there is no mention of shop licensing anywhere in the current massage therapists statutes and that would seem to require a legislative change.

He will look at both issues and advise the board further. The board discussed making the required statutory changes for the apprenticeship program as well as shop licensing.

The Board recessed at 1:57 p.m..
The Board went back on record at 2:00 p.m.

AGENDA ITEM - INVESTIGATIVE OVERVIEW

Chief Investigator Angela Birt and Senior Investigator Ed Riefle introduced themselves to board members. Chief Birt reviewed the investigative process and discussed the flow of an investigation and how complaints are received, managed and resolved. Chief Birt discussed board review of cases, and noted the importance of board members collectively deciding a range of censure or discipline to assess for various types of violations. Board members may need a work session to work on a list of potential violations.

Senior Investigator Ed Riefle further discussed reasons why applications are referred to investigations and how the violations are review by investigations with the board's statutes as well as the necessary guidance from the board.

Chief Birt discussed the process of administrative subpoena and polling the board for issuance of a subpoena, with each board member receiving the same basic fact pattern but no names, and stressed the importance of no ex parte communication. Similarly, the issuance of a cease and desist order for unlicensed practice was reviewed with board members, as well as the imposition of civil fines without censure or discipline.

The Board recessed at 3:03 p.m..

The Board went back on record at 3:18 p.m.

AGENDA ITEM - REGULATIONS DISCUSSION

Board members discussed modification to the previously drafted apprenticeship regulations:

12 AAC 79.220. Apprenticeship program approval. (a) Under AS 08.61.030, the board may approve an apprenticeship program conducted by an instructor who

- (1) submits a complete, notarized registration form provided by the department;
- (2) submits the program approval fee specified in 12 AAC 02.396;
- (3) currently holds a massage therapist license in this state;
- (4) is actively practicing massage therapy in this state;
- (5) has received 1,250 hours of massage therapy education, which may be a combination of

(A) continuing education credits, with at least 30 hours completed in Instructor Development and/or Adult Learner Education; and

(B) submits an official school transcript evidencing completion of a course of at least 500 hours of in class supervised instruction and clinical work from a massage therapy school or program that has authorization to operate under the Alaska Commission on Postsecondary Education or another similar entity from another state, or is accredited by a nationally recognized agency

No motion was made to adopt the discussed change and board members discussed the need for statutory change to empower the board to develop an apprenticeship program as well as to issue of shop licenses. Board members will continue the discussion during a work day at their next meeting, to be scheduled in November.

Board member Ron Gibbs would like to discuss the issue of exemptions, if statutory change is being discussed, and it was added

The issue of exemptions was briefly discussed by the board and added to the list of discussion items for the next meeting along with the fingerprinting issue

Chairman Unser indicated her intention to invite attendees who have exemptions to the meeting.

AGENDA ITEM - GENERAL CORRESPONDENCE

A letter addressing insurance issues was reviewed by the board, and the board noted that they have no jurisdiction in that area. The writer will be referred to the Division of Insurance.

A second letter was reviewed by the board and the board will be talking about the issues at the next meeting

AGENDA ITEM - ADMINISTRATIVE BUSINESS

Next Meeting Date(s): November 5-6, 2015 - Anchorage

December 3, 2015 by Teleconference if needed

Task List: Review exemptions in other States
Be prepared with proposed language for apprenticeship, massage establishments,
fingerprinting and discussion on exemptions with invited guests

The Board adjourned at 4:14 PM

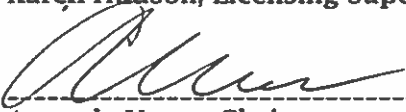
Respectfully Submitted:



Karen Hudson, Licensing Supervisor

11/5/2015

Date



Amanda Unser, Chair

11/05/2015

Date