

Statutes and Regulations **Massage Therapists**

July 2017



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 61.
MASSAGE THERAPISTS.**

Section

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Sec. 08.61.010. Board established. The Board of Massage Therapists is established in the department. The board consists of five members appointed by the governor as follows:

- (1) four licensed massage therapists who have been engaged in the practice of massage therapy in the state for the three years immediately preceding appointment and who shall remain actively engaged in the practice of massage therapy while serving on the board; not more than one member appointed under this paragraph may have an ownership or partnership interest in a massage school; and
- (2) one public member; the governor may not appoint as a public member
 - (A) a licensed health care provider;
 - (B) an employee of the state; or
 - (C) a current or former member of another occupational licensing board established under AS 08.

Sec. 08.61.020. Duties and powers of board. In addition to the duties specified in AS 08.01, the board shall

- (1) provide for the examination of applicants by the board or through a nationally recognized competency examination approved by the board and issue licenses to applicants the board finds qualified;
- (2) adopt regulations governing
 - (A) licensing of massage therapists; and
 - (B) the practice of massage therapy;
- (3) establish standards of professional competence and ethical conduct for massage therapists;
- (4) establish standards for continuing education for massage therapists; standards adopted by the board under this paragraph must allow for approval of Internet-based continuing education courses;
- (5) make available to the public a list of massage therapists licensed under this chapter;
- (6) determine which states have educational and licensing requirements equivalent to the requirements of this state;
- (7) enforce the provisions of this chapter and adopt and enforce regulations necessary to implement this chapter; and
- (8) approve one or more nationally recognized competency examinations and publish and periodically update the list of approved examinations.

Sec. 08.61.030. Qualifications for license. The board shall issue a license to practice massage therapy to a person who

- (1) applies on a form provided by the department;
- (2) pays the fees established under AS 08.61.090;
- (3) furnishes evidence satisfactory to the board that the person has completed a
 - (A) course of study of at least 500 hours of in-class supervised instruction and clinical work from an approved massage school; or
 - (B) board-approved apprenticeship program;
- (4) is 18 years of age or older;
- (5) has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.16 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;
- (6) has a current cardiopulmonary resuscitation certification;
- (7) has received at least four hours of safety education covering bloodborne pathogens and universal precautions in the two years preceding the application for the license; in this paragraph, "bloodborne pathogens" has the meaning given in AS 18.15.450;
- (8) has successfully completed a nationally recognized competency examination approved by the board; and
- (9) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or who has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely.

Sec. 08.61.040. Licensure by credentials. The board shall issue a license to practice massage therapy to a person who

- (1) is 18 years of age or older;
- (2) applies on a form provided by the department;
- (3) pays the fees established under AS 08.61.090;
- (4) has submitted the person's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;
- (5) is not the subject of an unresolved complaint or disciplinary action before a regulatory authority in this state or another jurisdiction;
- (6) has not had a certificate or license to practice massage therapy revoked, suspended, or voluntarily surrendered in this state or another jurisdiction;
- (7) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely;
- (8) has a current cardiopulmonary resuscitation certification; and
- (9) is currently
 - (A) licensed to practice massage therapy in another state or country that has licensing requirements that are substantially equal to or greater than the requirements of this state; or
 - (B) certified by a certification entity approved by the board.

Sec. 08.61.050. Standards for license renewal. The board shall renew a license issued under this chapter to a licensee who

- (1) pays the required fee;
- (2) meets the continuing education requirements established by the board;
- (3) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or has been convicted of, or pled guilty to or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely;
- (4) has a current cardiopulmonary resuscitation certification; and
- (5) has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

Sec. 08.61.060. Grounds for imposition of disciplinary sanctions. After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter if the board finds that the person

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
 - (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing massage therapy services or engaging in massage therapy;
 - (3) advertised massage therapy services in a false or misleading manner;
 - (4) has been convicted of a felony or another crime that affects the licensee's ability to continue to practice competently and safely;
 - (5) intentionally or negligently engaged in, or permitted a person under the licensed massage therapist's supervision to engage in, client care that did not conform to minimum professional standards, whether or not actual injury to the client occurred;
 - (6) failed to comply with a provision of this chapter, a regulation adopted under this chapter, or an order of the board;
 - (7) continued to practice after becoming unfit because of
 - (A) professional incompetence; or
 - (B) addiction or severe dependency on alcohol or another drug that impairs the ability to practice safely;
- or
- (8) engaged in unethical conduct or sexual misconduct in connection with the delivery of massage therapy services to a client.

Sec. 08.61.070. Practice of massage therapy without license prohibited. (a) A person may not practice massage therapy or represent that the person is a massage therapist unless the person holds a valid license under this chapter. In this subsection, a person represents that the person is a massage therapist when the person adopts or uses a title or description of services that incorporates one or more of the following terms or designations: massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist, myotherapy, or another term describing a traditional European or contemporary western massage method, or a derivation of a term that implies a massage technique or method.

- (b) A person who knowingly violates (a) of this section is guilty of a class B misdemeanor.

Sec. 08.61.080. Exceptions to application of chapter. This chapter does not apply to a

- (1) person licensed in the state under a statute outside this chapter who performs massage therapy within the scope of practice for which the person's license was issued;
- (2) person who, while acting in an official capacity as an employee of the United States government, performs massage therapy;
- (3) person who is licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country while the person is temporarily
 - (A) practicing massage therapy in this state in connection with teaching a course related to massage therapy; or
 - (B) consulting with a person licensed under this chapter;
- (4) student enrolled in an approved massage school or course of study who is completing a clinical requirement for graduation under the general supervision of a person licensed under this chapter if the student is clearly identified as a student while performing massage therapy services on members of the public and is not compensated for the massage therapy services;
- (5) person only performing massage therapy on members of the person's family;
- (6) person only performing techniques that do not involve contact with the body of another person;
- (7) person only performing techniques that involve resting the hands on the surface of the body of another person without delivering pressure to or manipulating the person's soft tissues;
- (8) person only performing services such as herbal body wraps, skin exfoliation treatments, or the topical application of products to the skin for beautification purposes when the services do not involve direct manipulation of the soft tissues of the body;
- (9) person only performing massage therapy for the athletic department of an institution maintained by public funds of the state or a political subdivision of the state or only practicing massage therapy for the athletic department of a school or college approved by the board using recognized national professional standards;
- (10) person engaged only in the practice of structural integration for restoring postural balance and functional ease by integrating the body in gravity using a system of fascial manipulation and awareness who has graduated from a program or is a current member of an organization recognized by the International Association of Structural Integrators, including the Rolf Institute of Structural Integration;
- (11) person using only light touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement or to affect the energy systems;
- (12) person performing only the traditional practices of Native American traditional healers;
- (13) person practicing only the manipulation of the soft tissues of the hands, feet, or ears and not holding out to be a massage therapist.

Sec. 08.61.090. Fees. The department shall set fees under AS 08.01.065 for application, license issuance, license renewal, and investigation under this chapter.

Sec. 08.61.100. Definitions. In this chapter,

- (1) "approved massage school" means a massage therapy school or program that
 - (A) has an authorization to operate from the Alaska Commission on Postsecondary Education or a similar entity in another state; or
 - (B) is accredited by a nationally recognized accrediting agency;
- (2) "board" means the Board of Massage Therapists;
- (3) "department" means the Department of Commerce, Community, and Economic Development;
- (4) "massage therapist" means a person licensed under this chapter;
- (5) "practice of massage therapy" means the provision, for compensation, of a service involving the systematic manipulation and treatment of the soft tissues, including the muscular and connective tissues of the human body, to enhance the functions of those tissues and promote relaxation and well-being; in this paragraph, "manipulation and treatment"
 - (A) includes manual techniques applied with the intent to physically affect local soft tissues, such as pressure, friction, stroking, percussion, kneading, vibration, muscular assessment by palpation, range of motion for purposes of demonstrating muscle exertion for muscle flexibility, nonspecific stretching, and application of superficial heat, cold, water, lubricants, or salts;
 - (B) does not include diagnosis, the prescription of drugs or medicines, the practice of physical therapy, attempts to manipulate any articulation of the body or spine, or mobilization of these articulations by use of a thrusting force.

**CHAPTER 79.
MASSAGE THERAPISTS.**

Article

- 1. Licensing (12 AAC 79.100 – 12 AAC 79.130)**
- 2. License Renewal and Continuing Education (12 AAC 79.200 – 12 AAC 79.220)**
- 3. General Provisions (12 AAC 79.900 – 12 AAC 79.990)**

**ARTICLE 1.
LICENSING.**

Section

- 100. Application for licensure by examination**
- 110. Application for licensure by credentials**
- 120. Application for transitional license**
- 130. Criminal justice information**

12 AAC 79.100. APPLICATION FOR LICENSURE BY EXAMINATION. (a) The board will issue a license by examination to practice massage therapy to an applicant who meets the requirements of AS 08.61.030 and this section.

(b) An applicant for licensure by examination under this section must submit

- (1) a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
 - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
 - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
- (2) verification of massage therapy education; verification must consist of
 - (A) an official school transcript evidencing completion of a course of study of at least 500 hours of in-class supervised instruction and clinical work from a massage therapy school or program that
 - (i) has authorization to operate from the Alaska Commission on Postsecondary Education under AS 14.48 or from a similar agency of another state; or
 - (ii) is accredited by a nationally recognized accrediting agency; or
 - (B) satisfactory evidence of completion of a board-approved apprenticeship program;
- (3) verification of having passed
 - (A) the Massage and Bodywork Licensing Examination administered by the Federation of State Massage Therapy Boards; or
 - (B) the National Certification Examination for Therapeutic Massage or the National Certification Examination for Therapeutic Massage and Bodywork, each administered by the National Certification Board for Therapeutic Massage and Bodywork, if the applicant took the examination before February 1, 2015;
 - (4) a current certification in cardiopulmonary resuscitation from the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
 - (5) verification of having completed at least four hours of safety education in bloodborne pathogens and universal precautions in the two years preceding the application.

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.090

12 AAC 79.110. APPLICATION FOR LICENSURE BY CREDENTIALS. (a) The board will issue a license by credentials to practice massage therapy to an applicant who meets the requirements of AS 08.61.040 and this section.

(b) An applicant for licensure by credentials under this section must submit

- (1) a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
 - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
 - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
- (2) verification that the applicant
 - (A) holds a current license to practice massage therapy in another state, jurisdiction, or country where licensing requirements are substantially equal to or greater than the requirements of this state; or
 - (B) certified by the American Massage Therapy Association, the National Certification Board for Therapeutic Massage and Bodywork, or other board-approved credentialing entity; and
- (3) current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

Authority: AS 08.61.020 AS 08.61.040 AS 08.61.090
AS 08.61.030

12 AAC 79.120. APPLICATION FOR TRANSITIONAL LICENSE. (a) The board will issue a license under this section to an applicant who applies for licensure before July 1, 2017, and who meets the requirements of AS 08.61.030(1), (2), (4) – (6), and (9) and this section.

- (b) An applicant for licensure under this section must submit
- (1) a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
 - (C) the applicant’s fingerprint information described in 12 AAC 79.130; and
 - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
 - (2) a current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
 - (3) verification that the applicant owned, operated, or worked for a massage therapy business and performed the practice of massage therapy before July 1, 2015, by submitting
 - (A) a copy of the applicant’s signed federal tax income tax returns for one of the five years immediately preceding July 1, 2015, listing the person’s occupation as massage therapist in this state;
 - (B) copies of the applicant’s signed schedule C federal income tax returns for one of the five years immediately preceding July 1, 2015, demonstrating that the person has reported income from the practice of massage therapy in this state;
 - (C) a sworn statement from the applicant’s employer in this state attesting that the applicant has practiced massage therapy within the five years immediately preceding July 1, 2015, a copy of the business license of the applicant’s employer, and a copy of the applicant’s Form W-2 or Form 1099-MISC from the same employer;
 - (D) a copy of the municipal occupational license that was current on the day before July 1, 2015, from a municipality in this state, stating the applicant’s occupation as a massage therapist;
 - (E) documentation that the person has, for at least one year immediately preceding July 1, 2015, been an active member, as a massage therapist, in a national professional massage therapy association that was established before January 1, 2000, offers professional liability insurance as a benefit of membership, and has an established code of professional ethics; or
 - (F) other documentation satisfactory to the board.

Authority: AS 08.61.020 AS 08.61.090 Sec. 10, ch. 114, SLA 2014
AS 08.61.030

12 AAC 79.130. CRIMINAL JUSTICE INFORMATION. (a) An applicant for licensure under 12 AAC 79.100, 12 AAC 79.110, or 12 AAC 79.120 must submit with the application the applicant's fingerprints and other information required by the Department of Public Safety to obtain state and national criminal justice information under AS 12.62 and AS 12.64.

(b) The board will submit the fingerprints received under this section to the Department of Public Safety and request the Department of Public Safety to

- (1) submit the fingerprints to the Federal Bureau of Investigation for a report on national criminal justice information;
- (2) perform a check for state criminal justice information; and
- (3) report to the board the results of the criminal justice information checks under (1) and (2) of this subsection.

(c) The request under (b) of this section for a criminal justice information report does not delay consideration of the applicant's license application. If criminal justice information that raises questions about an applicant's qualifications for licensure is received after a license has been issued to the applicant, the department and the board will take action under AS 08.61 and AS 44.62 as appropriate.

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.040

ARTICLE 2. LICENSE RENEWAL AND CONTINUING EDUCATION.

Section

- 200. License renewal**
- 210. Continuing education requirements**
- 220. Audit and documentation**

12 AAC 79.200. LICENSE RENEWAL. (a) A massage therapy license must be renewed biennially on or before September 30 of odd-numbered years. A renewal reminder document will be mailed to each currently licensed massage therapist at least 30 days before the renewal date. Failure to receive a renewal notice does not

relieve a licensee from the responsibility of renewing a license on time.

(b) An applicant for renewal of a massage therapy license must meet the requirements of AS 08.61.050 and this section. A massage therapist applying for license renewal must submit

- (1) a completed renewal application on a form provided by the department;
- (2) the applicant's fingerprint information described in 12 AAC 79.130;
- (3) the fingerprint processing fee and the license renewal fee specified in 12 AAC 02.396;
- (4) a current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
- (5) documentation that the massage therapist satisfied the continuing education requirements in 12 AAC 79.210.

Authority: AS 08.61.020 AS 08.61.050

12 AAC 79.210. CONTINUING EDUCATION REQUIREMENTS. (a) An applicant for renewal of a massage therapy license,

(1) for a biennial licensing period that begins on or after July 1, 2015, must document at least six continuing education credits, all of which may be met through Internet-based continuing education courses;

(2) for a biennial licensing period that begins on or after July 1, 2017, must document at least 16 continuing education credits, all of which may be met through Internet-based continuing education courses.

(b) An applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of hands-on cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

(c) An applicant for renewal under (a)(2) of this section may receive four hours of continuing education credit for completion of a bloodborne pathogens and universal and standard precautions course once every six years.

(d) Continuing education must be completed through a

- (1) board-approved massage therapy or bodywork therapy school or training program;
- (2) regionally or nationally accredited institution of higher education; a course, seminar, workshop, or other program through that institution must be approved by the board as directly related to the skills and knowledge required for the practice of massage therapy, and includes a bloodborne pathogens and universal and standard precautions course under (c) of this section; or

(3) local, state, or national professional organization that serves the massage therapy profession, including

- (A) Associated Bodywork and Massage Professionals;
- (B) the American Massage Therapy Association;
- (C) the Federation of State Massage Therapy Boards; and
- (D) the National Certification Board for Therapeutic Massage and Bodywork.

(e) For the purposes of this section,

(1) one continuing education credit equals one hour of classroom instruction between instructor and participant;

(2) one academic semester credit equals 15 contact hours; and

(3) one academic quarter credit equals 10 contact hours.

(f) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make the records available to the board upon request under 12 AAC 79.220. Records must be retained for four years from the date the contact hours were obtained.

(g) An applicant for renewal under (a) of this section may receive one continuing education credit for attending at least 80 percent of a regularly scheduled board meeting once every biennial licensing period.

(h) An applicant for renewal under (a) of this section who has been licensed more than 90 days but less than 12 months of the concluding biennial license period is not required to submit proof of completion of continuing education.

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.220. AUDIT AND DOCUMENTATION. A licensee shall comply with all applicable requirements of 12 AAC 02.960 and 12 AAC 02.965. If selected for an audit of continuing education activities, the licensee shall cooperate with the department and shall submit all requested verifications of continuing education activities claimed by the licensee.

Authority: AS 08.61.020 AS 08.61.050

**ARTICLE 3.
GENERAL PROVISIONS.**

Section

- 900. Code of ethics and standards of practice**
- 910. "Moral turpitude" defined**
- 990. Definitions**

12 AAC 79.900. CODE OF ETHICS AND STANDARDS OF PRACTICE. The *Alaska Board of Massage Therapists Code of Ethics and Standards of Practice*, dated June 2015, is adopted by reference as the code of ethics for massage therapists in the state. In order to maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, massage therapists licensed in this state shall adhere to the code of ethics.

Authority: AS 08.61.020

Editor's note: A copy of the *Alaska Board of Massage Therapists Code of Ethics and Standards of Practice*, adopted by reference in 12 AAC 79.900, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Massage Therapists, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; phone (907) 465-3811; website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>.

12 AAC 79.910. "MORAL TURPITUDE" DEFINED. Under AS 08.61.030, a crime involving moral turpitude includes

- (1) homicide;
- (2) manslaughter;
- (3) assault;
- (4) stalking;
- (5) kidnapping;
- (6) sexual assault;
- (7) sexual abuse of a minor;
- (8) unlawful exploitation of a minor, including possession or distribution of child pornography;
- (9) indecent exposure;
- (10) unlawful distribution or possession for distribution of a controlled substance;
- (11) prostitution;
- (12) sex trafficking;
- (13) murder;
- (14) human trafficking;
- (15) criminal sexual conduct;
- (16) incest;
- (17) robbery;
- (18) extortion;
- (19) forgery;
- (20) theft;
- (21) endangering the welfare of a child;
- (22) endangering the welfare of a vulnerable adult;
- (23) reckless endangerment.

Authority: AS 08.61.020 AS 08.61.030

12 AAC 79.990. DEFINITIONS. (a) In AS 08.61 and this chapter,
(1) "criminal justice information" has the meaning given in AS 12.62.900;
(2) "universal and standard precautions" means the infectious control precautions that are recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, to be used to prevent the transmission of bloodborne germs such as human immunodeficiency virus and hepatitis B virus.

(b) In this chapter, unless the context requires otherwise,

- (1) "board" means the Board of Massage Therapists;
- (2) "department" means the Department of Commerce, Community, and Economic Development;
- (3) "licensee" means a massage therapist licensed under AS 08.61.

Authority: AS 08.61.020