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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor
465.4081 

DATE: April 26, 2023

RE: Filed Permanent Regulations: Board of Massage Therapists

Department of Commerce, Community and Economic Development and the Board of Massage Therapists regulations re: massage school education and continuing education requirements (12 AAC 79)

| | |
|------------------------|----------------|
| Attorney General File: | 2022200563 |
| Regulation Filed: | 4/26/2023 |
| Effective Date: | 5/26/2023 |
| Print: | 246, July 2023 |

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist
Alison Osborne, Regulations Specialist
Stefanie Davis - Occupational License Examiner



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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April 24, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: 2022200563 - Department of Commerce,
Community, and Economic Development;
Board of Massage Therapists; amendment to
12 AAC 79; massage school education and
continuing education requirements

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Massage Therapists against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The Board of Massage Therapists adopted the regulations after the close of the public comment period. The regulations amend 12 AAC 79 to update massage school education and massage therapy license continuing education requirements.

Both the November 24, 2022 public notice and the January 19, 2023 order certifying changes to the regulations state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

To: The Honorable Nancy Dahlstrom
Our file: 2022200563

April 24, 2023
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In accordance with AS 44.62.125 we have made a number of technical corrections to the regulations; the corrections are incorporated into the attached copy of the regulations. Although the adoption order refers to four pages of regulations, after edits were completed, the number of pages decreased to three.

Further, in accordance with discussions with the board chair and agency staff, we have deferred our review of former 12 AAC 79.140(b), pending additional board work on that provision. Material originally assigned to 12 AAC 79.140(c) is now assigned to 12 AAC 79.140(b).

Sincerely,

TREG R. TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2023.04.24
14:39:58 -08'00'

RCP:ehp

CC w/enclosure: Jun Maiquis, Regulations Specialist 2
Department of Commerce, Community and Economic Development

Harriet D Milks, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF MASSAGE THERAPISTS

The attached ~~four~~^{three} pages of regulations, dealing with massage school education requirements and continuing education requirements, are certified to be a correct copy of the regulation changes that the Board of Massage Therapists adopted at its January 19, 2023 meeting, under the authority of AS 08.61.020, AS 08.61.030, AS 08.61.050, and AS 08.61.100, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Massage Therapists paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: January 19th, 2023

DocuSigned by:

Jill Motz

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Jill Motz, LMT, Chair
Board of Massage Therapists

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on April 26, 2023 at 3:46 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for 
Nancy Dahlstrom, Lieutenant Governor

Effective: May 26, 2023

Register: 246, July 2023

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2022.



Nancy Dahlstrom
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**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Chapter 79. Massage Therapists.

12 AAC 79.100(d) is amended to read:

(d) To meet the educational requirements of this section and **12 AAC 79.140** [12 AAC 79.140(b)], online distance education courses

(1) must be completed through a board-approved online distance education monitoring program;

(2) must meet the requirements of (b)(2)(B) of this section; and

(3) may not include the practical application hours described in **12 AAC 79.140(a)(2)** [12 AAC 79.140(b)(6)]. (Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am 3/25/2020, Register 233; am 5 / 26 / 2023, Register 246)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.090

12 AAC 79.140 is repealed and readopted to read:

12 AAC 79.140. Massage school education requirements. (a) An applicant for a massage therapy license must show

(1) successful completion of not less than 625 hours of in-class supervised instruction and clinical work from an approved massage school; and

(2) that the practical application portion of the approved massage school curriculum is not more than 20 percent of the total hours of the massage therapy program.

(b) In this section,

(1) “in-class supervised instruction” means education received either in a physical classroom or through online distance education.

(2) “practical application” means a hands-on application of various clinical modalities dedicated to the practice of massage therapy. (Eff. 4/17/2019, Register 230; am

5 / 26 / 2023, Register 246)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.100

12 AAC 79.210 is repealed and readopted to read:

12 AAC 79.210. Continuing education requirements. (a) Each biennial licensing period, an applicant for renewal of a massage therapy license must document completion of

(1) not less than 16 continuing education credits completed between the beginning of the concluding licensing period and the time of application, two of which must be in ethics; and

(2) a cardiopulmonary resuscitation course as required under 12 AAC 79.200.

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

(c) Continuing education must be completed through

(1) an approved massage school;

(2) a 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; or

(3) a 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; or

(D) the National Certification Board for Therapeutic Massage and Bodywork.

(d) 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.

(e) An applicant for renewal may receive three continuing education credits for attending at least 75 percent of a regularly scheduled board meeting once every biennial licensing period.

(f) An applicant for renewal who has been licensed more than 90 days but less than 12 months of the concluding biennial license period is not required to submit continuing education records.

(g) 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. (Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223; am 4/17/2019, Register 230; am 3/25/2020, Register 233; am 6/6/2021, Register 238; am 5 / 26 / 2023, Register 246)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

[EDITOR'S NOTE: AS OF REGISTER 228 (JANUARY 2019), THE REGULATIONS ATTORNEY MADE A TECHNICAL CORRECTION UNDER AS 44.62.125(b)(6), TO 12 AAC 79.210(i) (FORMERLY 12 AAC 79.210(h)).]