

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 **MINUTES OF THE MEETING**

7 **March 2, 2020**

8
9
10 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
11 scheduled meeting of the Board of Massage Therapists was held by video conference on
12 March 2, 2020.
13

14 **Agenda Item 1** **Call to Order/Roll Call:**

15
16 *On the record at 9:03 a.m.*

17
18 **Board Members present, constituting a quorum:**

19
20 David Edwards-Smith- Board Chair, Licensed Massage Therapist
21 Traci Gilmour- Vice Chair, Licensed Massage Therapist
22 Jill Motz, Licensed Massage Therapist
23 Julie Endle, Public Member
24

25 **Division Staff present:**

26
27 Dawn Dulebohn, Occupational Licensing Examiner
28 Melissa Dumas, Administrative Officer II
29

30 **Joining Telephonically:**

31
32 Carl Jacobs, Investigator III
33 Sonia Lipker, Senior Investigator III
34

35 **Agenda Item 2** **Ethics Reporting**

36
37 The Board Chair opened the floor to any board member that may have an ethics violation or
38 inquiry. None were presented.
39

40 **Agenda Item 3** **Review/Approve Agenda**

41
42 The board reviewed the agenda and discussed any proposed changes. Board member Jill Motz
43 proposed adding an item to New Business regarding the American Massage Therapy Association
44 (AMTA) and it was approved by Chair Edwards-Smith.
45

46 **In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously, it was**
47 **RESOLVED to APPROVE the agenda as written.**

93 list being created would not be the only schools the board would accept and would only be
94 distributed as a resource by questioning parties.

95
96 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**
97 **call vote, it was RESOLVED to ACCEPT Allied Health Career Institute’s massage therapy**
98 **program as an approved massage therapy school offering remedial qualifying education.**
99

100 The AHCI’s online program must wait to offer courses to applicants until the regulation goes into
101 effect allowing online qualifying education and until a letter of intent to offer remedial coursework,
102 contact person, and direct phone number have been received by the Division.

103
104 **Agenda Item 5** **Division/Financial Update**

105
106 *Melissa Dumas joined the meeting at 9:30 a.m.*

107
108 Melissa Dumas, Administrative Officer II presented the Division/Financial Update to the board.
109 Ms. Dumas began by directing the board to the Division’s proposed fee analysis. Ms. Dumas
110 explained the fee analysis in which Division proposes to raise all fees for initial and renewal license
111 applications as it is projected that the Board of Massage Therapists will have a nearly \$900,000
112 deficit by the end of 2025. Ms. Dumas had previously consulted with Chief Investigator Greg
113 Francois who assured Ms. Dumas that, despite the board’s dedication to cut costs, the investigative
114 costs will not go down and will continue to rise, especially with the implementation of establishment
115 registration. Additionally, with the increased cost of fingerprint processing, Ms. Dumas informed
116 the board that Division is also proposing an increase to the fingerprint processing fee. Ms. Dumas
117 continued that Division’s goal with the proposed fee increase it to get the board to a \$370,000
118 surplus by the end of 2025 which is the estimated equivalent of one year of the board’s expenses and
119 is in-line with Division’s policy. Ms. Dumas stated that the proposed fee increase does not mean
120 that the board would not see a proposal for fee increases in the future, it would only keep the board
121 from going into the extreme deficit estimated to happen by the end of 2025.

122
123 Ms. Gilmour stated that the board has worked with Director Sara Chambers to craft the
124 Professional Fitness procedures, amended regulations to decrease the barrier to licensure formed by
125 outdated education standards, crafted a Disciplinary Matrix to reduce the cost of investigative staff,
126 and have reduced travel for board meetings and conferences in an attempt to keep costs the same
127 for licensees and applicants. Ms. Gilmour asked Ms. Dumas how Division is decreasing its costs as
128 that is the bulk of the board’s expenditures? Ms. Dumas responded that there are multiple
129 investigators, office staff, regulations staff, paralegal staff in addition to the board’s dedicated
130 licensing examiner and investigator. Ms. Dumas continued that the board is not generating much
131 income because they have so few licensees. Ms. Gilmour stated that, should Division raise their fees
132 by 50%, she would like it to be very clear why and who was responsible as the board will take the
133 brunt of the backlash. Chair Edwards-Smith stated that the proposed fee increase is a “no-win
134 scenario” but the numbers Division has presented are very obvious. Chair Edwards-Smith
135 suggested that should the fee increases go into effect, it be a subject on the agenda of the board’s
136 annual Town Hall Meeting.

137
138 Ms. Dumas informed the board that none of the proposed fees for massage establishment
139 registration are accounted in this report as the registration has not been implemented. Ms. Dumas

140 continued that there is no way to estimate the amount of people that will register and the number of
141 hours that will be billed to the board for the establishment inspections. Ms. Motz reminded the
142 board that the collection of fines as a result of disciplinary actions to massage therapists or
143 establishments will not come back to the board to help recoup the cost of Investigations; fines
144 collected go directly to the General Fund.

145
146 Chair Edwards-Smith asked that the board entertain a motion on the Division's proposed fee
147 analysis. Chair Edwards-Smith stated his position is the board should accept the recommended fee
148 increases proposed by Division. Ms. Gilmour asked Ms. Dumas if the board has any control over
149 their costs with Division and Ms. Dumas replied that the board has control over how much goes to
150 Investigations for follow-up. Chair Edwards-Smith stated that it sounded like Division is asking the
151 board to choose cost over safety and he stated that the board is not willing to sacrifice safety. Ms.
152 Dumas stated that the public also sends referrals to Investigations and the board doesn't have
153 discretion in that area.

154
155 Chair Edwards-Smith asked the board if they were ready to vote on the fee analysis; the board
156 replied that they were not ready. Ms. Dumas stated the board did not have to reply to the analysis
157 now and the June 2020 meeting would be fine to address this.

158
159 **TASK: Board Members will come to the June 2020 meeting with prepared statements**
160 **and research regarding fee analysis. OLE Dulebohn will put the fee analysis item in the**
161 **June 2020 agenda for board discussion.**

162
163 Ms. Dumas went over the finances of the board for 1st & 2nd Quarter of FY2020 which ran from
164 July 1, 2019 until January 8, 2020.

165
166 **FY 2020 1st & 2nd Quarter- Schedule of Revenues and Expenditures**

167

| MAS | 2020 |
|--|------------------|
| | |
| Licensing Revenue | \$322,265 |
| Direct Expenditures | 82,066 |
| Indirect Expense | 46,004 |
| TOTAL EXPENSES | \$128,070 |
| Annual Surplus (Deficit) | 194,195 |
| Beginning Cumulative Surplus | \$8,652 |
| Ending Cumulative Surplus | \$202,847 |

168
169 The Division website has Quarterly Reports for all boards.

170
171 *Investigators Karina Medina and Carl Jacobs and Senior Investigator Sonia Lipker joined the meeting at 9:50 a.m.*
172 *Melissa Dumas left the board meeting at 9:55 a.m.*

219 OLE Dulebohn expanded that there is not a specific referral in the Division’s Policy and Procedures
220 for just a consent agreement but that had since been rectified by Senior Investigator Lipker by email.

221
222 OLE Dulebohn presented the board with an example of a consent agreement drafted for another
223 individual as a result of a Fitness to Practice interview for the board’s reference. OLE Dulebohn
224 stated there has been no contact from the applicant. regarding the application or consent agreement
225 status. OLE Dulebohn asked if the investigators needed the board to break down the continuing
226 education requirements of the consent agreement and Mr. Jacobs replied that the interpretation of
227 Investigations is that if multiple topics are listed, as long as the applicant completes at least one (1)
228 hour of that topic as part of their total hours required, it will be accepted by the board. Chair
229 Edwards-Smith agreed with Mr. Jacobs assessment of the continuing education hours and stated
230 that he does not feel it needs to be broken down further.

231
232 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed with a majority**
233 **vote not including Jill Motz, it was RESOLVED to AMEND the motion for Han Mee Kim**
234 **on September 18, 2019 to include statutory reference AS 08.61.030 and regulation reference 12**
235 **AAC 79.910.**

236
237 Investigator Jacobs asked the board to reiterate their motion from the September 2019 meeting for
238 his reference. Chair Edwards-Smith asked Mr. Jacobs that he not wait for a referral from OLE
239 Dulebohn to start working on the consent agreement for this matter.

240
241 Investigations/Inspections

242
243 Ms. Motz sent correspondence to Director Sara Chambers regarding inspections conducted by
244 Investigations. Ms. Chambers replied by recommending that the board work with Division’s
245 investigative team to prioritize circumstances, condition, and frequency of investigations of the
246 program.” Ms. Chambers discouraged the board setting a quota of investigations (inspections)
247 because any illicit activity after the quota was reached would not being investigated would fail to
248 protect the public. Ms. Chambers further advised that “excellent communication between the board
249 and our division investigators will help each party improve its understanding of the goals and
250 resources required to fulfill our partnership”.

251
252 Ms. Motz asked the board to reconsider if they really want Investigations to only be complaint
253 driven. Investigator Jacobs suggested that there may be a terminology interpretation issue so he
254 clarified that “Investigation(s)” should be used to refer to the department or agency or the act of
255 researching application compliance issues or criminal history. Inspection is the act of going out and
256 looking at a facility for compliance. The board has requested only complaint driven inspections at
257 this time. Mr. Jacobs believes that the board may be interested in limiting the amount of inspections
258 should the policy of the board change away from complaint driven inspections.

259
260 Ms. Motz stated she believes that the board telling Investigations that inspections should only be
261 complaint driven is tying the hands of their department. Ms. Motz continued that recently she had
262 become aware of a thread on social media about an establishment of ill repute and when she
263 questioned Investigations as to what could be done they replied that nothing can be done because
264 no one had submitted a complaint. Ms. Motz stated that patrons of illicit businesses are not likely to
265 submit a complaint as they are breaking the law by frequenting such a business. Ms. Motz made a

266 reference to the Board of Barbers and Hairdressers having a maximum amount of inspections they
267 are allowed to carry out. Ms. Gilmour asked Mr. Jacobs if it was true that anyone can make a
268 complaint to Investigations if they see something against statutes and regulations? Mr. Jacobs
269 replied that, as a matter of policy, Division does not accept 3rd party complaints. Mr. Jacobs went on
270 to expand on Ms. Motz's earlier example of an illicit establishment and that there was no concrete
271 evidence that the establishment was doing anything illegal as no one in the thread witnessed
272 anything illegal in the establishment. Mr. Jacobs went on to state that complaints need to have an
273 injured party or allegations of a direct violation. Mr. Jacobs informed the board that vague
274 references on social media is not deemed enough to begin an investigation. Mr. Jacobs continued
275 that, additionally, the board has a policy against inspections that are not complaint driven. Chair
276 Edwards-Smith asked the investigative staff to clarify what would happen if a business posted
277 something online that was a clear violation of the Code of Ethics, Standards of Practice, or Standard
278 Operating Procedures. Investigator Lipker answered that if there is a complaint and investigative
279 staff can verify the source that shows that a massage business is advertising online something that
280 goes against statutes and regulations, Investigations can open a complaint and an inspection can be
281 included.

282

283 Ms. Motz rehashed the idea of giving Investigations the ability to conduct random inspections as a
284 compliance check. Ms. Motz stated in order to be fiscally responsible, the board can state a
285 maximum amount allowed in a fiscal year but that giving this leeway would allow the investigative
286 staff to carry out regional inspections without being micromanaged by the board. Ms. Motz
287 continued that this idea was derived from the power the Board of Barbers and Hairdressers has in
288 this area, while keeping the board's primary Investigations budget with the policy of complaint
289 driven inspections.

290

291 *Senior Investigator Lipker left the meeting at 10:29 a.m.*

292 *Chair Edwards-Smith called for a short break at 10:35 a.m.*

293 *Back on the record at 10:40 a.m.*

294 *Investigator Jacobs in attendance.*

295

296 Ms. Motz stated that there was no resolution to her request that the board consider an inspection
297 range and she feels that is not due diligence by the board. Ms. Gilmour stated she would like to
298 revisit this conversation in the June 2020 meeting.

299

300 **TASK: OLE Dulebohn will put an agenda item in the June 2020 meeting regarding**
301 **an allotment of inspections for compliance matters.**

302

303 **Agenda Item 7 Establishment Standards of Operations**
304 **(Compliance Inspection Checklist)**

305

306 Chair Edwards-Smith revisited the conversation from the January 2020 meeting with Investigations
307 regarding the Standards of Operation (SOO) guideline in regulations and its relation to the
308 Compliance Inspection Checklist. Chair Edwards-Smith stated that Investigators Lipker and Jacobs
309 had pointed out that some of the items in the SOO were not feasible for investigative staff to
310 inspect such as building and fire code safety standards, equipment maintenance, garbage removal,
311 linen storage and sanitation. Chair Edwards-Smith created a simplified checklist to coincide with the
312 SOO to aid the investigative staff in their inspections of massage establishments. Chair Edwards-

313 Smith stated that most questionable items can be solved, not by making a policy for each business to
314 follow, but by asking to see their policy. Chair Edwards-Smith stated that mandating a business
315 have a written policy for these items will ensure that there is a plan in place and will assist
316 investigative staff in something concrete they can utilize during inspections.

317
318 Investigator Jacobs stated that state fire and building codes are dependent on where their business is
319 located (e.g. in a home, standalone building, or mall) and may be exempt from certain aspects of the
320 fire code. Inv. Jacobs continued that there are also local fire codes that change jurisdiction to
321 jurisdiction. Investigator Jacobs stated that he can speak for Chief Investigator Francois when he
322 said “without significant training, investigative staff will not be capable/effective in ensuring
323 compliance with all state and local building and fire codes.” Inv. Jacobs stated that the board may
324 want to revisit whether having building and fire codes on a checklist would require a dedication of
325 time and staff training. Chair Edwards-Smith agreed with Investigator Jacobs that he could not find
326 a “cut and dry” way for the investigative staff to include this item in their inspection and would
327 question whether it needs to be included in the list.

328
329 *Pavel Hernandez joined the meeting at 10:49 a.m.*

330
331 Investigator Jacobs stated he understood the Chair’s earlier statement on items #4, 6, and 7 in the
332 SOO, there would not be a board policy and that the investigator’s mission would be to verify that
333 the establishment has a written policy. Ms. Gilmour stated that nowhere in the SOO is there a
334 requirement for the establishment owner to keep a record of maintenance on premises. Ms.
335 Gilmour stated that Investigations is capable of ascertaining maintenance of equipment without the
336 board requiring a policy from business owners. Chair Edwards-Smith disagreed and stated that
337 investigative staff will not be trained on equipment maintenance and sanitation standards so
338 requiring a written policy from businesses would streamline the inspection. Ms. Gilmour stated that
339 she feels the Chair is complicating the matter and disagrees with his suggestion.

340
341 Ms. Motz asked the board to review the division approved inspection checklist. Chair Edwards-
342 Smith stated with the checklist he created based on the Division’s checklist, Investigations would
343 have a checklist that aligns with the SOO. Ms. Motz asked why the board couldn’t just require
344 proof and why it had to be a written policy? Ms. Motz stated that the “actual requirement of a
345 document is a level of bureaucracy that will drive businesses and therapists crazy”. Ms. Motz
346 continued that the board’s intention is to give the investigators tools and not to impede the actual,
347 legitimate business of therapists. Ms. Gilmour agreed that there should be evidence but not
348 necessarily documentation in a document. Ms. Gilmour restated that she believes a checklist would
349 be a better way to ascertain proof.

350
351 Investigator Jacobs suggested the board, should they continue with the requirement of proof of
352 certain items on the SOO, that a sample document be drafted for reference for the registrants. Ms.
353 Endle asked the board whether sanitation is required in a massage therapist’s education and OLE
354 Dulebohn informed the board that owners required to register their massage establishment are not
355 massage therapists or any other health care provider reflected on the exception list, and therefore
356 may not be trained in sanitation or massage equipment maintenance. OLE Dulebohn also reminded
357 the board that the establishment regulation goes into effect on March 25, 2020 and the Division will
358 be creating the application form for the establishment registration. Ms. Dulebohn continued that if
359 the board wanted to give input on the content of the application, this was the last meeting to be able

360 to do so. OLE Dulebohn reminded the board that the Standards of Operation have already been
361 written and added to the regulation so the self-inspection form included in the application form and
362 the inspection checklist needs to match up with this document.

363
364 The board discussed with Investigator Jacobs what needs to be included in the inspection checklist
365 for Investigations and the self-inspection checklist for the application form.

366
367 **TASK: Ms. Gilmour will send her notes of the board's changes to the Investigation's**
368 **Inspection Checklist and the Self-Inspection Checklist to be included in the application**
369 **form to Chair Edwards-Smith. Chair Edwards-Smith will craft the documents and send**
370 **them to OLE Dulebohn to distribute to Division and Investigations.**

371
372 Agenda Item 8 New Business

373
374 Investigator Jacobs requested that the board reorganize the items to review in this section so that
375 CPR Compliance could be heard first as that is the last topic that requires his attendance in this
376 meeting. Chair Edwards-Smith acquiesced to Mr. Jacobs request.

377
378 Ms. Gilmour interjected that the board would like to wish Investigator Jacobs a "Happy Birthday".
379 The board proceeded to sing "Happy Birthday" to Investigator Jacobs.

380
381 CPR Compliance

382
383 OLE Dulebohn presented an email and Investigative Memo from Paralegal Marilyn Zimmerman
384 regarding licensees who renewed their massage therapist license by attesting that they had a current
385 CPR certification in accordance AS 08.61.050, to receive their license but failed to submit proof of a
386 current CPR certification when requested, despite an extended date to submit documentation by
387 October 30, 2019. Ms. Zimmerman conveyed that imposing a disciplinary action would be in the
388 board's purview citing AS 08.61.060(1)(6). As there is no historical precedence for this action by the
389 Board of Massage Therapists, Ms. Zimmerman referenced a few options for the board's
390 consideration taken from the board's Disciplinary Matrix and Continuing Education Disciplinary
391 Matrix.

392
393 The board discussed the option of an imposition of civil fine in the amount of \$250 in accordance
394 with the board's Disciplinary Matrix and the alternative of a consent agreement with a \$100,
395 reprimand, and mandatory audits for two license renewal periods per the board's Continuing
396 Education Disciplinary Matrix. Ms. Motz stated that none of the fines recouped go to the board
397 and instead go directly to the General Fund. Investigator Jacobs reminded the board that the
398 adoption of civil fines by the board was specifically for cases not involving patient care or well-being
399 and that the paperwork involved in civil fines was less labor intensive and less costly to the board.

400
401 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**
402 **call vote, it was RESOLVED to ADOPT disciplinary action for CPR non-compliance in that**
403 **an imposition of civil fine in the amount of \$250 will be assessed as per the board's**
404 **disciplinary matrix and AS 08.61.060.**

405

406 Chair Edwards-Smith reiterated for the record that no fines levied by the board come back to the
407 board and instead go directly to the General Fund.

408
409 *Investigator Jacobs left the meeting at 11:33 a.m.*

410
411 Senate Bill (SB) 157/House Bill (HB) 216

412
413 Chair Edwards-Smith stated that it was in the board’s best interest to develop a position on this bill
414 due to the provision for universal, temporary licensure. Chair Edwards-Smith presented a draft
415 position statement for the board’s review and feedback. Ms. Motz brought to the board’s attention
416 the part of the bill that would allow for temporary licensure for 180 days and then allows for a
417 renewal of 180 days which would, in theory, allow for someone convicted of heinous crimes to have
418 the ability to practice for a year. Ms. Motz stated the board should object to any issuance of a
419 temporary license as it compromises public safety.

420
421 Suggested amendments to the letter include:

- 422 • Change the line in the letter referencing a “full federal background check” to “state and
423 federal” as the board receives both of those from the Department of Public Safety.
- 424 • Board also must wait for proper conformation of education according to statute.
- 425 • Add “human and sex trafficking” to bullet #2

426
427 OLE Dulebohn suggested the board provide constructive ideas of a temporary license they would
428 accept and gave examples such as a 30-day courtesy license as long as the person is supervised by
429 someone licensed in the profession. Chair Edwards-Smith suggested that massage therapist be
430 exempt from SB 157 due to its uniqueness. Vice Chair Gilmour supported a 30-day temporary
431 license despite the fact that she has historically resisted the notion due to the attraction criminals
432 have to massage therapy as a cover for their illicit activities. Chair Edwards-Smith asked if the board
433 could charge a fee to cover the cost of processing courtesy licenses and OLE Dulebohn replied that
434 in other programs, she did see a fee accompany a courtesy license. OLE Dulebohn also stated that
435 there could be a limit of how many a person could apply for (e.g. two (2) in a calendar year) and a
436 courtesy license could be an alternative for those individuals that want to come to Alaska to work
437 for a specific event or limited time frame. Ms. Gilmour stated she would like to see a courtesy
438 license requirement be the person applying for a courtesy license would still have to be licensed in
439 another state in accordance with Alaska’s statute for licensure. Ms. Motz asked if the board or the
440 staff would approve the courtesy licenses and OLE Dulebohn replied that she had seen staff issue
441 courtesy licenses in the past as there is no education to review and approve. Chair Edwards-Smith
442 thinks that temporary licenses for 30 days are a good idea for the board to look into more deeply.
443 Ms. Motz suggested a different time allotment for courtesy licenses to cover the three (3) month
444 average it takes to process initial applications. Chair Edwards-Smith brought the board back to task
445 by reminding them that their letter regarding SB 157 should just have their concerns and some
446 constructive suggestions.

447
448
449
450
451

452 House Bill (HB) 225/ Senate Bill (SB) 165

453

454 Chair Edwards-Smith directed the board to the draft position statement for HB 225/SB 165 for the
455 board's review and feedback. The Chair stated that this statement supports HB 225 as it would
456 protect victims of human and sex trafficking and increases penalties for all forms of trafficking.

457

458 Suggested amendments to the letter include:

459 • An invitation to contact the Board of Massage Therapists for any consultation on this topic
460 as the board has extensive knowledge and experience in this area.

461 • Change the word "diminished" to "diminishes" in bullet #1.

462

463 Vice Chair Gilmour supported this statement and believes it conveys the board's intention.

464

465 House Bill (HB) 169

466

467 Chair Edwards-Smith directed the board to the draft position statement for HB 169 for the board's
468 review and feedback. The Chair stated that this statement opposes HB 169 as it would "have a
469 negative impact on licensees, weaken applicant review with criminal records, decrease competency
470 requirements of apprentice applicants and weaken a municipalities ability to address the concerns of
471 their citizens."

472

473 Suggested amendments to the letter include:

474 • Remove the "a" before "municipalities" and make "municipalities" into a possessive.

475 • Amend the section on apprentice programs since the board has not established an
476 apprentice program; they have established industry standards for a program.

477

478 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
479 **roll call vote, it was RESOLVED to APPROVE the board position statements for SB 157,**
480 **HB 225, and HB 169A as amended for distribution.**

481

482 **TASK: Chair Edwards-Smith will rewrite position statements as amended by the**
483 **board and send them to OLE Dulebohn for distribution to Director Chambers.**

484

485 Agenda Item 4 Task List from Previous Meetings (continued)

486

487 Fingerprint Information from January 2020 Meeting

488

489 Ms. Endle wrote a statement regarding fingerprint cards for the 2021 renewal that will be distributed
490 to the public via newsletter or similar method for the board's review and feedback. Suggested
491 amendments to the statement include:

492 • The "the to" should be removed from the sentence "Due to the to legislation change..."

493 • Change "...licensees who holds a State of Alaska Massage License" to "a licensee who
494 holds"

495 • Add an "s" to "Board of Massage Therapist"

542 Agenda Item 11 Audit and Application Review

543

544 Continuing Education Audit

545

546 Chair Edwards-Smith directed the board to a batch of continuing education (CE) audits for the
547 board's review. The Chair reminded the board to use only initials in the discussion of the audits and
548 applications prior to the motion on the board's decision. Vice Chair Gilmour asked why Chair
549 Edwards-Smith did not cast a vote for the continuing education audits they were reviewing? Chair
550 Edwards-Smith replied that he "missed the deadline." Ms. Gilmour asked, "how that is happening
551 and how are you going to remedy it." Chair Edwards-Smith replied there are some "fixes in the
552 process" and Ms. Gilmour stated that this issue "should not be taking up our time in a meeting."
553

554 OLE Dulebohn reminded the board that any licensee that failed the audit would then be referred to
555 Paralegal Zimmerman for follow-up based on the board's decision and recommendations.

556

557 P.B.

558

559 The board reviewed the application for P.B. and noted that there was no documentation for the
560 instructor that taught the courses or a signature of the instructor (there is a typed name in the
561 signature line). Ms. Endle asked if the regulation specifically noted that the signature had to be
562 handwritten. Ms. Gilmour stated that an electronic signature would be fine but the one for the
563 instructor is typed.
564

565 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a**
566 **roll call vote, it was RESOLVED to FAIL the continuing education audit for Peggy**
567 **Brisbane per 12 AAC 02.960(e)(5) due to lack of signature on 16 hour continuing education**
568 **certificate. Content is approved.**

569

570 C.B.

571

572 Ms. Motz began the discussion of the CE certificates submitted for C.B. and stated that the
573 certificates submitted from the National Academy of Sports Medicine (NASM) "do not have
574 anything to do with massage therapy." Chair Edwards-Smith reminded the board that it is the
575 responsibility of the licensee to make sure their CE provider is approved and the NASM is not
576 approved for continuing education by the Board of Massage Therapists. Chair Edwards-Smith
577 stated that only two (2) of the hours C.B. submitted and those are the hours for CPR. Ms. Motz
578 stated NASM is an organization specific to personal trainers.
579

580 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a**
581 **roll call vote, it was RESOLVED to FAIL the continuing education audit for Corrinne**
582 **Bullick per 12 AAC 79.210(e) due to the certificates submitted from NASM are not an**
583 **approved CE provider. Only the 2 hours for the CPR certificate are approved.**

584

585 A.C.

586

587 Chair Edwards-Smith directed the board to the continuing education audit for A.C. Ms. Gilmour
588 stated that the board should fail A.C. audit due to eight (8) of the 16 hours of the certificates she
Page | 13

589 submitted are after September 30, 2019 and are out of range per 12 AAC 79.210(a)(2). OLE
590 Dulebohn reminded the board that the class completed after September 30, 2019 would be
591 evaluated by Paralegal Zimmerman for remedial CE credit. Chair Edwards-Smith referenced the
592 continuing education disciplinary matrix and stated that people completing courses outside of the
593 date range would be subject to a fine and disciplinary action on their record.
594

595 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed with a majority**
596 **vote with Jill Motz abstaining, it was RESOLVED to FAIL the continuing education audit**
597 **for Angelique Conrad per 12 AAC 79.210(a)(2) due to the 8 hours of the certificates she**
598 **submitted were completed after September 30, 2019. Content is approved for remedial CE**
599 **credit.**

600
601 S.E.

602
603 Chair Edwards-Smith directed the board to review the CE audit for S.E. who submitted only 14 of
604 the required 16 hours and some were not offered by an approved provider. The board had
605 discussed whether the six (6) hours of courses on addiction were applicable to massage therapy and
606 whether Montana Nursing Association (MNA) and Alaska Commission for Behavioral Health were
607 approved providers. Ms. Motz pointed out that MNA and Alaska Commission for Behavioral
608 Health are not institutes of higher learning or a local, state, or national professional organization that
609 serves the massage therapy profession. Ms. Gilmour argued the validity of the coursework and felt
610 it could be applicable to massage therapy. OLE Dulebohn quoted 12 AAC 79.210(e) as a reference
611 regarding who was approved to provide massage continuing education. Ms. Motz reiterated that the
612 course content would be approved if it was offered by an approved provider but it is not.
613

614 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**
615 **call vote, it was RESOLVED to FAIL the continuing education audit for Susan Endsley per**
616 **12 AAC 79.210(e) due to six (6) hours of the certificates she submitted being obtained**
617 **through an unapproved provider for a total deficit of eight (8) hours.**

618
619 J.G.

620
621 Chair Edwards-Smith directed the board to review the CE audit for J.G. who submitted her renewal
622 application on July 15, 2019 and completed the continuing education on September 26, 2019. Chair
623 Edwards-Smith pointed out that this is not only against the compliance statement that J.G. indicated
624 on her renewal application but also that the content is not acceptable since it is meridian and
625 acupuncture related.
626

627 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
628 **roll call vote, it was RESOLVED to FAIL the continuing education audit for Joanne Gates**
629 **per 12 AAC 79.210 and 12 AAC 02.960(e) for completion after the date renewal application**
630 **was submitted and content not pertaining to the practice of massage therapy.**

631
632 C.G.

633
634 Chair Edwards-Smith directed the board to review the CE audit for C.G. who submitted 13 of the
635 required 16 hours of continuing education certificates.

636
 637 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
 638 **roll call vote, it was RESOLVED to FAIL the continuing education audit for Claire**
 639 **Giordano per 12 AAC 79.210(a)(2) for only submitting 13 hours for a total deficit of three (3)**
 640 **hours.**

641
 642 S.H.

643
 644 Ms. Motz began the conversation for the CE audit for S.H. specifically for the course content of
 645 “Your Colon and You”. Ms. Gilmour maintained that colon courses are not related to the practice
 646 of massage.

647
 648 **In a motion made by Jill Motz, seconded by Julie Endle, and passed with a majority vote**
 649 **with the exception of Traci Gilmour, it was RESOLVED to APPROVE the continuing**
 650 **education audit for Shannon Hansen.**

651
 652 Tabled Application

653
 654 S.R.

655
 656 Chair Edwards-Smith directed the board to review the application for S.R. S.R. applied for licensure
 657 by Credentials per AS 08.61.040 and applicant by Credentials must “currently have a license to
 658 practice massage therapy in another state or country that has licensing requirements that are
 659 substantially equal to or greater than the requirements of this state.” A license search completed by
 660 Ms. Endle on January 28, 2020 revealed that S.R.’s license in New York is inactive and therefore is
 661 not in compliance with Alaska statute for application by Credentials.

662
 663 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**
 664 **a roll call vote, it was RESOLVED to DENY the application for licensure for Seung Rhim**
 665 **per AS 08.61.040.**

666
 667 **Agenda Item 12** **Administrative Business**

668
 669 Administrative Statistics

670
 671 November 30, 2019 – February 28, 2020

| ITEM | AMOUNT | COST/ REVENUE |
|------------------------------------|--------|-------------------------|
| Initial Applications Received | 29 | |
| Applications Reviewed by the board | 28 | |
| Licenses Issued | 21 | 21 X \$550.00= \$11,550 |
| Applications Denied | 0 | |
| Applications in Process | 74 | |

| | | |
|---|-----|--|
| Total Number Lapsed Licenses | 394 | |
| Phone Calls Received | 255 | |
| E-mails Sent | 988 | |
| # of New/Amended Regulations Approved by the board | 12 | |
| # of Licensees Audited for 2017-2019 renewal period | 119 | |
| # of Licensees Who Submitted Audit Paperwork | 85 | |
| # of Licensees Who Have Cleared Audit as of 2/28/2020 | 19 | |

672
673 Chair Edwards-Smith suggested adding trends in license applications and renewals in future
674 Administrative Statistics presentations. OLE Dulebohn replied that she will edit the format to allow
675 for previous data for future presentations. Vice Chair Gilmour commented on the lapsed license
676 column and eluded that there are therapists that may still be working despite their licenses being
677 lapsed. Ms. Motz reviewed the last license list and wanted to know what to do about it to which Ms.
678 Gilmour replied that Investigations should be contacted to report an unlicensed practice. Ms. Endle
679 commented that it is wrong that the board does not recoup any of the fines issued as the board is
680 fronting the costs and not receiving any of the money back. Ms. Gilmour replied that it is not likely
681 that the legislature will pass any amendment as currently all fines go to the General Fund.

682
683 Meeting Calendar Review

684
685 The board reviewed the meeting calendar for the remainder of the 2020 meeting dates.
686
687 OLE Dulebohn asked the board to suggest possible dates for meeting dates for 2021 so she may
688 reserve the rooms in advance. The meeting dates for 2021 are as follows:

- 689
690 March 1-2 with alternate of March 4-5 Video Conference
691 June 14-15 with alternate of June 17-18- Video Conference
692 September 9-10- In Person with Town Hall- Anchorage
693 December 2-3- Video Conference

694
695 Previous Meeting Minutes

696
697 The board reviewed the meeting minutes from December 2-3, 2019. There were no amendments to
698 these meeting minutes.

699
700 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**
701 **a roll call vote, it was RESOLVED to APPROVE meeting minutes for December 2-3, 2019.**

702
703 **TASK: OLE Dulebohn will mail the signature page from the December 2-3, 2019**
704 **meeting minutes to the Chair for signature and return.**

705
706 **Agenda Item 8** **New Business (continued)**

707
708 **FSMTB REACH**

709
710 The Federation of State Massage Therapy Boards (FSMTB) launched a new member service called
711 Regulatory Education and Competence Hub (REACH) which is an “online education center that
712 offers continuing education courses that support required learning to sustain therapist competence
713 and desired professional development. REACH was developed as a way to provide additional
714 educational resources to massage and bodywork therapy professionals and assist state massage
715 boards.”

716
717 The board revisited the implementation of MTLTLD which was postponed by division due to state IT
718 restraints and cost in 2018. Chair Edwards-Smith asks for a motion to ask division to revisit the
719 implementation of MTLTLD.

720
721 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
722 **roll call vote, it was RESOLVED to REQUEST Division re-evaluate the implementation of**
723 **MTLD from the Federation of State Massage Therapy Boards (FSMTB).**

724
725 **TASK: OLE Dulebohn will re-submit all the supporting MTLTLD documents as**
726 **provided by FSMTB to Program Coordinator Kautz.**

727
728 **AMTA Update**

729
730 Ms. Motz informed the board that the Alaska Chapter of American Massage Therapy Association
731 (AMTA) is holding their annual state meeting and have invited her to come and give an update on
732 behalf of the Board of Massage Therapists. Ms. Motz elaborated that AMTA is looking for
733 accomplishments in the last year and what the board is currently working on. OLE Dulebohn
734 reported that this is the same capacity that Chair Edwards-Smith performed in 2019 and 2018.

735
736 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with**
737 **a roll call vote, it was RESOLVED to APPROVE that Jill Motz attend the AMTA annual**
738 **state meeting as a representative of the Board of Massage Therapists.**

739
740 **FSTMB Annual Conference**

741
742 Ms. Motz informed the board that the Federation of State Massage Therapy Boards (FSMTB)
743 annual conference is in October 2020 and the board has not elected its delegate for that meeting.
744 Ms. Gilmour, who attended the conference in 2019, informed the board that the FSTMB conference
745 will be held in Chicago in 2020. Ms. Motz last attended the conference in 2017, Chair Edwards-
746 Smith attended in 2016 and 2019, and Ms. Gilmour attended in 2020. The board discussed whether
747 it was beneficial to send a public member as the delegate or as a secondary attendee. Ms. Gilmour
748 commented some states send their entire boards at the cost of their licensees. OLE Dulebohn
749 informed the board there was not a draft agenda available for the conference which is helpful when
750 requesting permission for travel from Division.

752 OLE Dulebohn stated that the chance that the delegate will be approved by Division is fairly good
753 since their travel is 100% paid for by FSMTB. Ms. Dulebohn continued that the secondary person
754 is the individual that needs to have a good case made for attendance and that is where having at least
755 a draft agenda will be helpful. Chair Edwards-Smith reminded the board that their new licensed
756 board member has not been appointed by the Governor's office yet and that they may also have a
757 good case for attending. Ms. Endle stated she appreciates the support and would love to attend the
758 conference but feels like it may be more advantageous for the licensed massage therapists to attend
759 instead of her.

760

761 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**
762 **roll call vote, it was RESOLVED to APPROVE that Jill Motz attend the FSMTB Annual**
763 **Conference on October 15-17, 2020 as the board's delegate. Travel request will not be**
764 **submitted until secondary person is named and agenda is available.**

765

766 *Chair Edwards-Smith called for a short break at 2:30 p.m.*

767 *Back on the record at 2:44 p.m.*

768

769 **Agenda Item 13 Old Business**

770

771 **Review of Updated FAQ's**

772

773 The board reviewed the updated FAQ's from their website. The Chair complimented the format
774 that Publications Specialist Hannah Hamberg had implemented with the drop-down menu on their
775 webpage and stated it is very "user friendly". OLE Dulebohn stated Ms. Hamberg went to great
776 lengths to reorganize the FAQ's for a better flow.

777

778 Ms. Endle addressed the board on a matter of clarification on FAQ #5. Ms. Endle stated that there
779 was not an "or" between the option of application by Credentials and Examination. Additionally,
780 the numbering on those two items needs to be corrected from "3" to "2".

781

782 Ms. Motz commented that she was very pleased with FAQ #8 and out it outlined the application
783 process. Ms. Motz stated that she believes that board members should reference the FAQ's more
784 and use it as a resource when licensees have questions.

785

786 Ms. Motz added that the date of "2018" should be included with "December 6-7" on FAQ #34.

787

788 Ms. Gilmour requested that there be a blurb about receiving continuing education credit for board
789 meeting attendance to FAQ #30.

790

791 **TASK: OLE Dulebohn will contact Publications Specialist Hamberg regarding the**
792 **board recommended changes to their FAQ #5, #35, and #30.**

793

794 **Application by Credentials- Curriculum Breakdown**

795

796 Ms. Gilmour began this conversation with the board due to confusion surrounding AS 08.61.040(9)
797 as it relates to licensure by credentials "currently licensed to practice massage therapy in another
798 state or country that has licensing requirements that are substantially equal to or greater than the

799 requirements of this state” and the recent implementation of 12 AAC 79.140 for applications by
800 examination and the evaluation of their transcripts to determine that minimum education
801 requirements have been met.

802
803 OLE Dulebohn stated the different types of applications and the previous issue of not being able to
804 get other states to verify education and examination completion when they apply by credentials. Ms.
805 Dulebohn went on to state that it has been impossible to verify what the requirements had been for
806 other states when the applicant was licensed there, if the applicant had been grandfathered in and
807 did not have their education verified. Ms. Dulebohn reminded the board that an applicant by
808 credentials is not required to have a transcript submitted as it is not required in statute but to verify
809 education, Ms. Dulebohn revised the Alaska license verification form to include a place for other
810 states to verify educational hours and exam completion. Unfortunately, Alaska cannot require other
811 states to comply with our requests for information and many states have a form letter that they send
812 and are not willing to provide anything more. Ms. Dulebohn continued that, if education
813 information cannot be verified by the state, the burden of proof falls to the applicant and they in
814 turn need to shoulder the cost and loss of time to have those transcripts and exam results sent
815 directly to the State of Alaska. Ms. Dulebohn continued that if a transcript is submitted with an
816 application by Credentials, it is only there to verify that that applicant has obtained the minimum
817 number of hours for the statute and not to be examined for content per 12 AAC 79.140. Ms.
818 Dulebohn continued that should an applicant show by license verification form or transcript hours
819 that they have not met the minimum 625 hours required by statute, that is when the transcript
820 should be evaluated for content as part of the board review for educational deficits.

821
822 **TASK: Chair Edwards-Smith will contact FSMTB regarding their list of educational**
823 **hour requirements for all 50 states and also ask them to update their information on Alaska.**
824 **He will also speak with them about the historical education requirements for all 50 states as**
825 **a resource.**

826
827 Ms. Gilmour stated that AS 08.61.040 does not say that the board cannot evaluate transcripts for
828 content with an application by credentials. Ms. Dulebohn stated there is nothing in statute about the
829 board’s regulation regarding minimum education requirements. Ms. Dulebohn continued that the
830 purpose for the creation of 12 AAC 79.140 was to allow a pathway to licensure for those that were
831 deficit hours and applied by examination but was not intended for those who has the required
832 number of hours and applied by credentials and was meant as a pathway and not a barrier to
833 licensure. Chair Edwards-Smith directed the board to page 270 of the board packet and stated that
834 the board needed an hour requirement per state. Ms. Dulebohn reminded the board that FSMTB
835 has already created a document with the current hours per state but that doesn’t tell the board how
836 many hours a person was required to have when they were licensed. Ms. Dulebohn previously
837 contacted FSMTB to create a document with historical knowledge of all state’s hour requirements
838 by year but it will be a big project and hasn’t been completed yet. Ms. Dulebohn asked the board to
839 consider a cut-off of hour requirements to be licensed in Alaska should they not have a 625- hour
840 education.

841
842 Board Compilation of State Authorizing and National Accrediting Entities

843
844 OLE Dulebohn had included this item at the board’s request and per AS 08.61.020(6). This item
845 has been on many previous agendas without resolution.

846
847 The board reviewed the information compiled by former board member, Ron Gibbs. Ms.
848 Dulebohn reminded the board that, currently, the only out-of-state program approval agency the
849 board stated they would accept is California Massage Therapy Council (CAMTC). Ms. Dulebohn
850 directed the board to review the list and identify any ACPE or COMTA equivalents from the list to
851 allow for a resource when reviewing future applications per AS 08.61.020.

852
853 **TASK: Chair Edwards-Smith will develop a resource list for out-of-state educational**
854 **approvals and national accreditations for the board to use as a resource by the June 18-19,**
855 **2020 meeting.**

856
857 Newsletter vs. List-Serve

858
859 OLE Dulebohn informed the board about the List-Serve option as directed by Division. OLE
860 Dulebohn went on to inform the board that Director Chambers has made it clear that the board
861 should be using the List-Serve. Board members Gilmour and Motz stated that they were told that
862 the List-Serve was not technology that was being used anymore and that they have never received
863 information by this platform. Ms. Gilmour continued that there were complaints from licensees in
864 the past that they had signed up for List-Serve and yet were not receiving any information. OLE
865 Dulebohn stated that she will do more research on the List-Serve and take the board's feedback into
866 consideration.

867
868 The board reviewed the mock up newsletter that Chair Edwards-Smith had created. The board
869 expressed that they wanted this newsletter to go out by e-mail ASAP. OLE Dulebohn informed the
870 board that the newsletter would have to be approved by Division before distribution.

871
872 **TASK: Chair Edwards-Smith will add the fingerprint information as provided by Ms.**
873 **Endle regarding fingerprinting to the newsletter and send it to OLE Dulebohn to submit to**
874 **Division for approval.**

875
876 Signed Regulations

877
878 OLE Dulebohn informed the board members that all the regulations they had proposed regarding
879 online qualifying education, credentialing entities for applications by Credentials, documentation of
880 CPR certification for renewals, continuing education for renewals, duration of lapsed licenses,
881 adding an Establishment Standard of Operation, and adding requirements for Establishment
882 Registration and fees had been accepted and signed by the Lt. Governor. They will go into effect on
883 March 25, 2020.

884
885 **TASK: OLE Dulebohn will create a “cheatsheet” for new regulations that are**
886 **effective March 25, 2020 and add it to the OnBoard Resources folder for the board’s**
887 **reference.**

888
889 Agenda Item 14 Establishment Registration Form

890
891 Self-Inspection Checklist

892

893 The board reviewed the draft of the Self- Inspection/Investigations establishment check-list
894 included in the board packet. Ms. Motz confirmed that the public has been informed of the
895 establishment regulation with OLE Dulebohn. Ms. Dulebohn stated that the regulations notice
896 went out as part of the regulation’s public comment period. Ms. Motz also asked if there would be
897 an informational campaign other than the public comment period from the regulation’s notice to
898 help reach salons, spas, and other businesses that employ massage therapists. The board asked if
899 there would be another notice to go out and Ms. Dulebohn stated that she would consult the
900 Regulations Specialist on the subject and asked board if they would like to take a brief break?

901

902 *Chair Edwards-Smith called for a short break at 3:33 p.m.*

903 *Back on the record at 3:40 p.m.*

904

905 Ms. Dulebohn reported to the board that she had consulted Regulation’s Specialist Sher Zinn and
906 Ms. Zinn confirmed that there had not been another notification regarding the massage
907 establishment registration since the notice for public comment went out to the public. Ms. Zinn
908 informed Ms. Dulebohn that the licensing examiner could send out such a notice as an e-mail to
909 save costs to the board and that she had the mailing addresses available. Ms. Dulebohn stated that
910 she would include the national massage organizations and ACPE approved massage schools in
911 Alaska as well.

912

913 **TASK: OLE Dulebohn will send a mass e-mail to notify the public of the massage**
914 **establishment registration effective date and who the registration pertains to.**

915

916 Ms. Motz asked to be reminded who would be included in this establishment registration. After
917 reviewing the regulations, it was recalled that any establishment that houses or employs a massage
918 therapist and is not on the exempt healthcare professionals list would be included. The board
919 reviewed the regulation and found that the definition of massage therapy establishment listed
920 “massage therapy establishment mean a fixed or mobile place of business that engages in, conducts,
921 or permits massage or massage therapy to be conducted for any form of compensation, or uses the
922 word massage in any solicitation or advertisement.”

923

924 **Agenda Item 13 Old Business (continued)**

925

926 Ms. Motz asked if there had ever been a resolution to the non-discrimination statute (AS 21.36.090)
927 that did not include massage and several other professions from a previous meeting? OLE
928 Dulebohn replied that the last she had heard, Division stated they would look into it and the letter
929 drafted by the board to other professions was not sent out. Ms. Motz asked that OLE Dulebohn
930 research the status of this item.

931

932 **TASK: OLE Dulebohn will research the status of AS 21.36.090 for non-discrimination**
933 **of health care professions from Division and past meeting minutes.**

934

935 **Agenda Item 15 Adjourn**

936

937 At this time, the board concluded all scheduled board business.

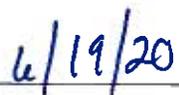
938

939 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously, it was
940 RESOLVED to ADJOURN.

941
942 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended
943 at 3:52 p.m.

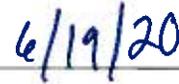
944
945
946 Respectfully Submitted,

947 
948 _____
949 Dawn Dulebohn, Licensing Examiner



Date

951 
952 _____
953 David Edwards-Smith, Board Chair



Date