

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

5
6 MINUTES OF MEETING
7 September 10-11, 2020
8

9 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62
10 Article 6, a scheduled meeting of the Board of Massage Therapists was held via videoconference and at
11 State Office Bldg., 9th Floor, Conference Room B, September 10 - 11, 2020.
12

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

14
15 *On the record at 9:09 a.m.*
16

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

18
19 David Edwards-Smith- Board Chair, Licensed Massage Therapist
20 Traci Gilmour- Vice Chair, Licensed Massage Therapist
21 Jill Motz, Licensed Massage Therapist
22 Kristin Tri, Licensed Massage Therapist
23 Julie Endle, Public Member
24

25 **Division Staff present:**

26
27 Dawn Dulebohn, Licensing Examiner
28 Cynthia Spencer, Records and Licensing Supervisor
29 Sher Zinn, Regulations Specialist
30

31 **Division Staff Joining Telephonically:**

32
33 Carl Jacobs, Investigator III
34 Melissa Dumas, Administrative Officer II
35 Sonia Lipker, Senior Investigator III
36 Greg Francois, Chief Investigator
37 Amber Whaley, Senior Investigator III
38 Michael Bowles, Investigator
39 Marilyn Zimmerman, Paralegal
40 Sara Chambers, Director, Corporations, Business, and Professional Licensing
41

42 **Public Joining Telephonically**

43
44 Lorena Haynes, Federation of State Massage Therapy Boards
45 Christina Hooper, Alaska Massage Therapy Association
46 Laura Embleton, Associated Bodywork & Massage Professionals
47 Nanette Greer, Applicant for Massage Therapist Licensure (in at 9:27 a.m.)
48 Shannon Goolsby, Applicant for Massage Therapist Licensure (in at 9:23 a.m.)
49

50 **Agenda Item 2 Ethics Reporting**

51
52 The board chair opened the floor to any board member that may have an ethics violation or inquiry.
53 None were presented.

54
55 **Agenda Item 3 Review/Approve Agenda**

56
57 The board reviewed the agenda and added items for continuing education credit for board meeting
58 attendance to #7, acceptable content for continuing education to #13, conditions under which non-
59 licensed individuals may work as a massage therapist without compensation (graduated students
60 pending licensure) to #18, and acupressure as an exempt modality to #18.

61
62 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously with a roll call**
63 **vote, it was RESOLVED to APPROVE the agenda as amended.**

64
65 **Agenda Item 4 Task List from Previous Meetings**

66
67 ➤ **Tasks from June 18-19, 2020**

68
69 Chair Edwards-Smith asked OLE Dulebohn to present the task list assigned at the June 18-19, 2020
70 meeting.

- 71
72 1. Prorating Massage Establishment Registration Fees: OLE Dulebohn confirmed that, after
73 consultation with Supervisor Spencer, massage establishments will be able to enjoy
74 prorated fees for renewal under 12 AAC 02.020 & 12 AAC 02.030.
75
76 2. Confirmation of Board Members from Boards and Commissions: OLE Dulebohn reported
77 that the legislature did not confirm new board member Kristin Tri due to the current
78 pandemic. Boards and Commissions will notify Ms. Tri when hearings will resume.
79
80 3. Henrikson Correspondence: Chair Edwards-Smith submitted a reply to Ms. Henrikson via
81 OLE Dulebohn stating that blood clotting is a known condition for persons diagnosed with
82 COVID-19 and will recommend medical clearance prior to booking a massage appointment.
83

84 *Supervisor Spencer joined the meeting at 9:21 a.m.*

- 85
86 4. MER Application Amendment: OLE Dulebohn amended the application to replace
87 "Therapist in Charge" with "Point of Contact" as suggested by the board.
88

89 *Shannon Goolsby and Nanette Greer joined the meeting at 9:23 a.m.*

- 90
91 5. MTLT: OLE Dulebohn has been in contact with Lorena Haynes of FSMTB and the updated
92 MTLT packet is still being created by FSMTB. Once the packet is created, it will be
93 presented to Program Coordinator Kautz for consideration.
94
95 6. Department of Law Referral: OLE Dulebohn submitted a Department of Law referral from
96 the board to Deputy Director Sharon Walsh in August 2020. There has been no word if
97 Ms. Walsh has submitted that referral to the Department of Law and if an attorney has
98 been assigned.
99

100 ➤ **Tasks from March 2, 2020**

- 101 1. Fee Analysis: Chair Edwards-Smith submitted a fee analysis statement agreeing with the
102 division's need to increase initial licensing fees for the board's review.
103
104 2. FAQ Update: OLE Dulebohn updated the FAQ's according to board direction and division
105 assessment. Those changes were posted on the board's website. The board identified
106 several more FAQ's that need to be created and FAQ updates that should be made. OLE
107 Dulebohn informed the board that there had previously been a more detailed
108 Investigations FAQ, but the division had asked it to be removed as investigative details are
109 considered confidential per state law.
110

111 **TASK: Traci Gilmour will send a FAQ typo list to OLE Dulebohn for corrections.**
112

113 **TASK: OLE will add to FAQs a MyLicense information link, a statutes and regulations link, a more
114 informative Investigations complaint link including common complaints, how to file a complaint, and
115 amendments to Code of Ethics regarding advertising of a sexual nature.**
116

- 117 3. State Educational Archives: Chair Edwards-Smith disclosed that with the state
118 implementation of MTL, FSMTB will be exploring a database for all state educational
119 resources. OLE Dulebohn has been working with FSMTB to create a spreadsheet with
120 historical education and licensing requirements by state. OLE Dulebohn anticipates this
121 resource being complete within 6 months.
122
123 4. Accepted State School Approvals/National Accreditation: OLE Dulebohn believes that this
124 will be included in the spreadsheet she and Ms. Haynes have been working on.
125
126 5. New Regulations Cheat Sheet: OLE Dulebohn has created an updated cheat sheet to
127 reflect regulations changed that went into effect in March 2020.
128

129 **TASK: OLE will place the updated regulations cheat sheet in the OnBoard Resources folder and on
130 the board's website.**
131

132 *Melissa Dumas and Sonia Lipker joined the meeting at 9:53 a.m.*
133

- 134 6. Non-Discrimination Statute: Chair Edwards-Smith relayed that AS 21.36.090 was included
135 in the board's annual report as suggested legislation to be brought forth by division. The
136 chair asked if the board wanted to pursue this task and if so, what the course of action
137 may be. Ms. Motz reminded the board that 12 professions are not included in this statute
138 that should be included. Ms. Motz believes this should be an issue that is addressed by
139 division and adopted by reference. OLE Dulebohn updated the board that a request for
140 referral was sent to LAW and that the board had agreed to await a reply from LAW and
141 division before contacting the other professional programs that were left out of statute.
142

143 The board designated Ms. Motz to contact Director Chambers regarding this matter and
144 Supervisor Spencer agreed on this course of action.
145

146 **TASK: Ms. Motz will contact Director Chambers directly regarding AS 21.36.090.**
147

148 *Recess The board recessed at 9:57a.m. for a break; reconvened at 10:03a.m.*
149

150 *All board members present.*

151 *Greg Francois, Carl Jacobs, Amber Whaley, Shannon Goolsby, Melissa Dumas, Lorena Haynes, Nanette*
152 *Greer, Laura Embleton, Christine Hooper, Cynthia Spencer, and Sonia Lipker joined the meeting.*

153

154 **Agenda Item 5 Division/Financial Update**

155

156 Chair Edwards-Smith welcomed Melissa Dumas, Administrative Officer, to present the Division/Financial
157 Update to the board. As there was no 4th Quarter numbers available at the time of the meeting, Ms.
158 Dumas presented the division's fee analysis for board consideration.

159

160 *Investigators Bowles and Medina joined the meeting at 10:05 and 10:13 a.m., respectively.*

161

162 Ms. Dumas presented the fee schedule and division's proposed increases for the Board of Massage
163 Therapists. Ms. Dumas reported the Division is projecting a \$412,000 deficit for 2026 if fees are not
164 increased; the Division proposed increasing application fee to \$250, initial licensure fee to \$450, renewal
165 licensure fee to \$450, and fingerprint processing fee to \$75.00. Ms. Dumas stated that, with these
166 changes, the board would have a \$239,000 surplus in 2026 which is less than half of one year's
167 expenditures.

168

169 Ms. Gilmour stated that the board has been diligently cutting costs and that most of the expenditures
170 that are causing the fee increases are beyond the board's control. Ms. Gilmour reminded the division
171 that they have decreased their costs significantly and that she does not want to burden the licensees
172 with any increased fees. Ms. Gilmour also asked division what they could do to amend the statute
173 stating that all recouped fines go directly to the General Fund without first covering the costs that were
174 incurred by the board for investigations, court fees, attorney's fees, and staff time.

175

176 OLE Dulebohn conveyed to Ms. Dumas the board's wish to not burden existing massage therapists as
177 much as possible and instead to put the bulk of increased fees on initial applications. Ms. Dumas stated
178 that the board did not see enough new applications to cover the finances that needed to be obtained to
179 keep the board out of debt, but they could increase the non-refundable application fee a bit more.

180

181 **TASK: OLE will add a FAQ to for fees/cost increases and that division sets those fees and not the**
182 **board.**

183

184 Ms. Motz stated for the record that she believes that the divisions financial assessment of future deficits
185 may be incorrect based on the unusual legal fees accrued in FY2018. Ms. Motz continued that the legal
186 fees that year were unusually high based on some very expensive appeals and investigative costs, and
187 she does not believe that will re-occur as the board has taken action by revamping regulations. Ms.
188 Dumas stated that she has taken the 2018 year into consideration and that is why she is not suggesting a
189 larger increase. Ms. Dumas also stated that establishment registration may not be able to cover their
190 own costs and therefore the costs will spill over to be carried by massage therapists. Ms. Dumas
191 reminded the board that in order to cover the cost of establishment investigation and inspection, the
192 board should be charging all establishments a registration fee and not making so many exemptions.

193

194 Ms. Motz stated that she believes division needs to make a better effort to notify the public that
195 massage establishment registration is in effect. OLE Dulebohn informed the board that a keyword
196 search was done in business licensing database to pinpoint massage, spa, lodges, hotels, AirBnb, and
197 other establishments that may house massage therapists. They were notified by e-mail and postal mail.
198 The division could brainstorm how to do another e-mail campaign to reach the masses. Ms. Spencer
199 confirmed that approximately half the licensees from Barbers and Hairdressers received that notice due
200 to their business license.

201

202 *Director Sara Chambers joined the meeting at 10:33 a.m.*

Agenda Item 6 Investigative Case Review and Probation Reports

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Investigator Medina began with the Probation Report from May 27, 2020, to August 27, 2020. Ms. Medina stated there are nine active licensees on probation and they are in compliance. There are currently no questions from the board.

Melissa Dumas and Inv. Medina left the board meeting at 10:35 a.m.

Investigator Jacobs began the Investigative Case Review for the period of June 12, 2020, through August 31, 2020. Inv. Jacobs stated that Division currently has 27 cases open and closed six. Inv. Jacobs disclosed that there is one matter that Investigations has to present to the board at this time and would suggest that the board enter into Executive Session if they would like to review the case file.

Inv. Jacobs also wanted to report on the board task assigned in the June 2020 meeting regarding complaint-driven inspections. Mr. Jacobs stated that Investigations has only received between 3-5 complaints at this time. There has been no influx related to massage establishments or unlicensed practices. Inv. Jacobs also disclosed that due to restrictions imposed due to COVID-19, investigative staff have not been completing onsite inspections. Chair Edwards-Smith asked Inv. Jacobs if the cases that were still pending from November-December 2019 were due to an inability to inspect due to COVID-19, and Inv. Jacobs replied that that was not necessarily the case and that Investigations was working to finalize the older cases as time permits.

Chair Edwards-Smith asked if Investigation has found that there have been any complaints as to the ease in which to file a complaint with Investigations. Inv. Jacobs replied that he was not aware of any dissatisfaction on the part of the public but any concerns on the matter should be addressed to a senior investigator or Chief Francois.

Chair Edwards-Smith asked the board if they felt an executive session was needed or if a motion to accept the consent agreement was prepared. OLE Dulebohn also reminded the board that they needed to review the invalidated exam results that were provided by FSMTB, and if they wished to discuss the content, it would need to be in executive session as it involved a current licensee. Supervisor Spencer also advised the board that she had a presentation to make to the board during executive session that did not involve a licensee or applicant. Chair Edwards-Smith stated that he was not aware that Ms. Spencer was presenting anything in executive session today and agreed to go into executive session only to discuss the FSMTB correspondence.

Consent Agreement

H.K.

The board reviewed the case file presented by Investigations. Chair Edwards-Smith asked if there was a motion for the consent agreement for H.K.

In a motion made by Traci Gilmour, seconded by Julie Endle, and passed with a roll call vote of “yes” with the exception of a no vote by Jill Motz, it was RESOLVED to APPROVE the consent agreement for Han Mee Kim, Case # 2020-000525.

Before the board headed into executive session, Investigator Jacobs informed the board that this would be his last meeting of the Board of Massage Therapists as he will be replaced by Inv. Michael Bowles. Inv. Bowles introduced himself to the board and stated his prior work experience.

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

257
258 The Board entered executive session at 10:48 a.m., and returned from executive session at 11:28 a.m.
259 *All board members present.*

260
261 *Sher Zinn, Inv. Bowles, Christine Hooper, Laura Embleton, Lorena Haynes, and Nanette Greer were*
262 *present.*

263
264 **Agenda Item 7 Regulations Projects**

265
266 **Update from June Meeting**

267
268 Ms. Zinn informed the board that none of the regulations projects from the June meeting have gone out
269 for public comment due to SB 241’s restrictions and the board’s instruction that they want all the
270 regulations projects to go out for public comment in one batch as to save money. Ms. Zinn proposed a
271 few changes for the board’s review and approval:

- 272
273 1. Amend 12 AAC 79.930(c) to remove “business” to make the timeframe 30 days instead of 30
274 business days.
275 2. To amend 12 AAC 79.930(d)(2) to remove the change of location fee.

276
277 **In a motion made by Kristin Tri, seconded by Julie Endle, and passed unanimously with a roll call vote,**
278 **it was RESOLVED to AMEND the regulations projects set to go out to public comment to remove the**
279 **word “business” from 12 AAC 79.930 (c) and remove a change of location fee for massage**
280 **establishments from 12 AAC 79.930 (d)(2).**

281
282 Chair Edwards-Smith asked Ms. Zinn if she had a time frame in mind to submit these regulations for
283 public comment. Ms. Zinn replied that it would be dependent on SB 241 and whether session is
284 reconvened prior to the December meeting. Chair Edwards-Smith asked Ms. Zinn to hold off sending
285 any regulations projects for public comment until after the board’s December 2020 meeting in case
286 there are any additional regulations projects stemming from their December meeting.

287
288 **Continuing Education Credit for Board Meeting Attendance**

289 Ms. Endle proposed the board amend 12 AAC 79.210 that pertains to continuing education for board
290 meeting attendance from 1 to 3 credit hours. Ms. Endle states this will increase awareness for licensees,
291 require that licensees are attending the bulk of a (normally) two-day meeting, and offset costs of
292 continuing education.

293
294 Ms. Tri suggested a media campaign to remind licensees that they can obtain CE credit for board
295 meeting attendance via social media or mass e-mailing.

296
297 **In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll call vote, it**
298 **was RESOLVED to AMEND 12 AAC 79.210(h) to change 1 hour to 3 hours for attending at least 75%**
299 **instead of 80% of a regularly scheduled board meeting.**

300
301 **TASK: Julie Endle will complete regulations questionnaire for 12 AAC 79.210(h).**

302 Distance Education Accrediting Commission

303

304 The board discussed the possibility of adding the Distance Education Accrediting Commission to 12 AAC
305 79.100. After discussion with Ms. Zinn, the board decided that they will not name any specific online
306 distance monitoring programs by name to regulation. Ms. Zinn suggested instead that the board put
307 their criteria for approving the online distance monitoring program into regulation and keep a running
308 list of those approved programs in their FAQ's.

309

310 **TASK: OLE to create FAQ for approved Online Distance Monitoring Programs approved by the board.**

311

312 **TASK: Board members to complete research on criteria for online distance monitoring programs for**
313 **online schools to be made into a regulations project on or before the December 2020 meeting.**

314

315 *Recess The Board recessed at 11:58a.m. for lunch; reconvened at 1:15p.m*

316

317 *Board members present: Jill Motz, David Edwards-Smith, Julie Endle, Traci Gilmour*
318 *Nanette Greer, Anetta Atwell, and Laura Embleton were also present.*

319

320 **Agenda Item 10 Public Comment**

321

322 The board prepared to hear public comment. OLE Dulebohn gave statement about what Public
323 Comment consists of and Laura Embleton, National Government Relations Director for ABMP and
324 Nanette Greer voiced that they would like to speak during Public Comment.

325

326 Ms. Embleton stated that she would like to address division's desire to increase fees. Alaska is the most
327 expensive state to obtain licensure and she wanted to offer ABMP's assistance to keep costs down
328 without having to raise fees.

329

330 **TASK: OLE will send Ms. Embleton's contact information to Melissa Dumas.**

331

332 Ms. Greer stated that she has applied to become a massage therapist in Alaska but she is concerned
333 with inconsistencies in determination of her licensure and she would like information about online
334 courses. Ms. Greer stated that a classmate of hers was granted a license but she was not. Ms. Greer
335 would not give the classmate's name. Ms. Greer summarized the board's decision to approve her
336 application pending additional hours. Ms. Greer requested the board to state their approved online
337 programs and requested the board address her concerns during this meeting.

338

339 **TASK: Chair Edwards-Smith will develop a response to Ms. Greer and forward it to the OLE for**
340 **distribution.**

341

342 Chair Edwards-Smith closed public comment

343

344 **Agenda Item 8 Review Tabled Applications**

345

346 Chair Edwards-Smith asked for a motion to go into executive session to discuss agenda items 8 (Tabled
347 Applications) and 11 (Tabled Continuing Education Audits)

348

349 **In a motion duly made by Julie Endle, seconded by Jill Motz, it was RESOLVED to ENTER into Executive**
350 **Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for**
351 **the purpose of discussing "matters which by law, municipal charter, or ordinance are required to be**
352 **confidential". All division staff to remain during Executive Session.**

353 *The board entered executive session at 1:28 p.m., and returned from executive session at 2:04 p.m. All*
354 *board members present.*

355
356 *Marilyn Zimmerman, Greg Francois, Corinne Bullick joined the meeting*

357
358 **Agenda Item 12 Continuing Education & CPR Consent Agreements**

359
360 Ms. Corinne Bullick has, at the recommendation of Paralegal Zimmerman, requested that she be
361 allowed to address the board regarding her continuing education audit. Also, at the recommendation of
362 Ms. Zimmerman, Ms. Bullick would like the conversation to be held in executive session. Chair Edwards-
363 Smith asked for a motion to go into executive session for the sole purpose of hearing from Ms. Bullick.
364 The chair stated that any other subjects that would be discussed will be heard out of executive session
365 and on the record.

366
367 **In a motion duly made by Julie Endle, seconded by Jill Motz, it was RESOLVED to ENTER into Executive**
368 **Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for**
369 **the purpose of discussing “matters which by law, municipal charter, or ordinance are required to be**
370 **confidential”. All division staff to remain during Executive Session.**

371
372 *The board entered executive session at 2:07 p.m., and returned from executive session at 3:05 p.m. All*
373 *board members present.*

374
375 *Laura Embleton, Nanette Greer, Sara Chambers, Sonia Lipker, Marilyn Zimmerman joined the meeting.*

376
377 The board made the following motions regarding the files they had reviewed in executive session:

378
379 C.B.

380
381 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call**
382 **vote, it was RESOLVED to DENY request for reconsideration for Corinne Bullick per 12 AAC 79.210 as**
383 **the NASM is not an approved sponsor and to ACCEPT the 14 hours of remedial continuing education**
384 **outlined in Table 3.**

385
386 S.E.

387
388 Supervisor Spencer requested the board make their motions in the affirmative and then vote to approve
389 or deny the content of the motion. Vice Chair Gilmour stated that she is not happy with being told how
390 to vote and would like to have a future conversation with the division on this topic.

391
392 OLE Dulebohn asked for clarification from Paralegal Zimmerman on the language that she has required
393 the board to include in their motion to “deny request for reconsideration” as the board has, in fact,
394 reconsidered and has still decided to deny the request? Ms. Zimmerman said that the board has to
395 state that they are denying the request for reconsideration.

396
397 *Recess The Board recessed at 3:14 p.m. for a break; reconvened at 3:21 p.m. All board*
398 *members present.*

399
400 *Cynthia Spencer, Sara Chambers, Nanette Greer, Rob Carter, and Laura Embleton were also present.*

401
402 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call vote, it**
403 **was RESOLVED to DENY request for reconsideration for Susan Endsley per 12 AAC 79.210 as Central**

404 Peninsula Hospital is not an approved sponsor and to DENY the 6 hours of continuing education credit
405 completed on May 4, 2019.

406
407 J.C.

408
409 In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call
410 vote, it was RESOLVED to APPROVE consent agreement for Joyce Cornell which includes 16 remedial
411 continuing education hours, \$800 fine, and 2 mandatory audits.

412
413 S.K.

414
415 In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll call vote, it
416 was RESOLVED to APPROVE consent agreement for Sarah King which includes \$700 fine and 2
417 mandatory audits.

418
419 L.T.

420
421 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
422 was RESOLVED to APPROVE consent agreement for Lukas Tucker.

423
424 A.C.

425
426 In a motion made by Kristin Tri, seconded by Julie Endle, and passed with a majority roll call vote that
427 did not include Jill Motz, who abstained, it was RESOLVED to APPROVE consent agreement for
428 Angelique Conrad.

429
430 A.W.

431
432 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
433 was RESOLVED to APPROVE consent agreement for Amber Wedman.

434
435 J.G.

436
437 In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call vote, it
438 was RESOLVED to DENY request for reconsideration for Joanne Gates per 12 AAC 79.210 as
439 acupuncture continuing education is an unapproved course and DENY the acupuncture content.

440
441 W.H.

442
443 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
444 was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Wendy Hansen-Newby.

445
446 T.H.

447
448 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
449 was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Tahnee Hoy.

450
451 N.K.

452
453 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
454 was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Nicole Keane.

455 H.R.

456

457 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**
458 **was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Heather Rasmussen.**

459

460 K.P.

461

462 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**
463 **was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Karen Pierce.**

464

465 H.W.

466

467 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**
468 **was RESOLVED to ACCEPT the imposition of civil fine pertaining to CPR for Holly Wood.**

469

470 **Agenda Item 14 CBD Regulations Update**

471

472 OLE Dulebohn introduced Rob Carter of the Department of Natural Resources who was invited to attend
473 to update the board on Alaska's CBD regulations that went into effect on April 4, 2020. Mr. Carter
474 stated the timeline of events since he last presented to the board in March 2018 and that people will
475 need to register to produce, process, and market industrial hemp and industrial hemp products (CBD).
476 Mr. Carter explained the difference between recreational cannabis and industrial hemp and its relation
477 to CBD. Mr. Carter went over 11 AAC 40 with the board taking and answering questions from board and
478 staff. The board interpreted 11 AAC 40 with the help of Mr. Carter to deduce that massage therapists
479 that are charging money above what a basic service would cost because of its inclusion of a CBD product
480 are required to register with the Department of Natural Resources. The board also deduced that any
481 massage therapist selling CBD products must also register with the Department of Natural Resources.
482 Director Chambers stated that she would be working with Mr. Carter to formulate a blanket statement
483 for all applicable boards and would appreciate the board's patience in developing policies at this time.

484

485 Mr. Carter concluded his presentation with a PowerPoint. The board thanked Mr. Carter for his time
486 and all the knowledge that he imparted.

487

488 *Ms. Greer left the meeting at 4:00 p.m.*

489

490 **Agenda Item 15 Recess or Adjourn Until Following Day**

491

492 Chair Edwards-Smith briefly reviewed the items that were pushed from Day 1 to Day 2. The chair
493 reminded the board to review all the applications scheduled for Day 2 tonight so they can discuss prior
494 to making motions on the files tomorrow.

495

496 *Recess The Board recessed at 4:39 p.m. until September 11, 2020 at 9:00 a.m.*

497 **Agenda Item 16 September 11, 2020 Call to Order/Roll Call**

498

499 *On the record at 9:00 a.m.*

500

501 **Board Members present, constituting a quorum:**

502

503 David Edwards-Smith- Board Chair, Licensed Massage Therapist

504 Traci Gilmour- Vice Chair, Licensed Massage Therapist

505 Jill Motz, Licensed Massage Therapist
506 Kristin Tri, Licensed Massage Therapist
507 Julie Endle, Public Member

508
509 **Division Staff present:**

510
511 Dawn Dulebohn, Licensing Examiner
512 Cynthia Spencer, Records and Licensing Supervisor

513
514 **Public Joining Telephonically**

515
516 Nanette Greer, Applicant for Massage Therapist Licensure (in at 11:21 a.m.)
517 Patricia Nickel-Zimmerman, Alaska Commission on Post-Secondary Education
518 Laura Embleton, Associated Bodywork & Massage Professionals

519
520 **Agenda Item 17 Review Agenda**

521
522 The board reviewed the agenda and proposed changes to include from yesterday the fee analysis, all of
523 agenda item 13 (New Business), all of agenda item 8 (Review Tabled Applications), and all of agenda
524 item 11 (Tabled Continuing Education).

525
526 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a roll call**
527 **vote, it was RESOLVED to AMEND the agenda as stated.**

528
529 **Agenda Item 5 Division/Financial Update**

530
531 As requested by the division, the board discussed the fee increases proposed by division yesterday. The
532 board made the following motion regarding fee increases to massage therapists in Alaska:

533
534 *Supervisor Spencer joined the meeting at 9:21 a.m.*

535
536 **In a motion made by Traci Gilmour, seconded by Kristin Tri, and passed unanimously with a roll call**
537 **vote, it was RESOLVED to APPROVE division to review the following increase of fees:**
538 **\$350 application processing fee**
539 **\$400 license fee**
540 **\$100 fingerprint processing fee**

541
542 Chair Edwards-Smith stated that the board has previously voted to decrease fees twice from division.
543 The Chair stated that, since the board is facing a deficit, the board has no choice but to accept the reality
544 of fee increases in their future. Ms. Motz confirmed with OLE Dulebohn that the bulk of staff time
545 would fall on processing initial applications and not renewal applications. OLE Dulebohn reminded the
546 board that all fees are the purview of division.

547
548 **Agenda Item 8 Review Tabled Applications (continued)**

549
550 The board rendered the following motions on applicants M.C. and S.P.:

551
552 M.C.

553
554 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**
555 **was RESOLVED to DENY the application for Mi Sun Cho per AS 08.61.040(9)(a).**

556 S.P.

557

558 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
559 was RESOLVED to APPROVE the reinstatement application for Sheena Pitts PENDING the acceptance
560 of a consent agreement as her submitted continuing education has approved content but was out of
561 correct date range per 12 AAC 79.210.

562

563 Agenda Item 11 Tabled Continuing Education Audits (continued)

564

565 In a motion duly made by Julie Endle, seconded by Jill Motz, it was RESOLVED to ENTER into Executive
566 Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for
567 the purpose of discussing “matters which by law, municipal charter, or ordinance are required to be
568 confidential.” All Division staff to remain during Executive Session.

569

570 *The Board entered executive session at 9:29 a.m., and returned from executive session at 10:01 a.m. All*
571 *board members present.*

572 *Laura Embleton and Patricia Nickel-Zimmerman joined the meeting.*

573

574 The board made the following motions regarding the files they reviewed in executive session:

575

576 M.C.

577 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
578 was RESOLVED to APPROVE the audit for Maria Cardoza PENDING the acceptance of a consent
579 agreement as her submitted continuing education has approved content but was out of correct date
580 range and she is deficient two continuing education hours per 12 AAC 79.210.

581

582 K.D.

583

584 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
585 was RESOLVED to FAIL the audit for Krystal Dube per 12 AAC 79.210 as the none of her sponsoring
586 organizations are approved by the board.

587

588 Jo. H.

589

590 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
591 was RESOLVED to APPROVE the audit for Jonathan Hayden PENDING an instructor’s signature on
592 continuing education certificate.

593

594 Je. H.

595

596 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
597 was RESOLVED to APPROVE the audit for Jennifer Hoffman PENDING the acceptance of a consent
598 agreement as her submitted continuing education content is unapproved and she is deficient 16
599 continuing education hours per 12 AAC 79.210.

600

601 W.K.

602

603 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
604 was RESOLVED to APPROVE the audit for Wendy Keller PENDING the acceptance of a consent
605 agreement as the board approves the 4 hours completed on May 6, 2019 but the courses taken on or

606 after September 23, 2019 due to submission after renewal application are out of range but content is
607 approved for remedial continuing education.

608
609 E.K.

610
611 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
612 was RESOLVED to APPROVE the audit for Elizabeth Kendall PENDING the acceptance of a consent
613 agreement as the magazine articles submitted for 4 credit hours are unapproved by the board.

614
615 H.N.

616
617 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
618 was RESOLVED to APPROVE the audit for Hannah Nusbaum PENDING an instructor's signature on
619 continuing education certificate.

620
621 B.P.

622 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
623 was RESOLVED to APPROVE the audit for Bonnie Paddock.

624
625 C.R.

626
627 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
628 was RESOLVED to APPROVE the audit for Catherine Reynolds PENDING an instructor's signature on
629 continuing education certificate.

630
631 T.S.

632
633 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
634 was RESOLVED to APPROVE the audit for Terin Simington.

635
636 C.S.

637
638 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
639 was RESOLVED to APPROVE the audit for Caitlyn Sparks PENDING an instructor's signature on
640 continuing education certificate.

641
642 J.V.

643
644 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
645 was RESOLVED to APPROVE the audit for Jennifer Vey PENDING the acceptance of a consent
646 agreement for 10 deficient hours as Reiki is unacceptable content and Advanced Anatomy and
647 Physiology is approved content but out of range as it was submitted after renewal application.

648
649 L.W.

650
651 In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it
652 was RESOLVED to APPROVE the audit for Lorinda Wahrer PENDING the acceptance of a consent
653 agreement for 6.5 deficient hours as Ayurvedic Holistic and magazine articles are unacceptable
654 content and Maintaining Sexual Ethics Part 3 & 4 are approved content but out of range per 12 AAC
655 79.210.

656 A.W.

657

658 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**
659 **was RESOLVED to APPROVE the audit for Andrea Wilt-Duncan PENDING the acceptance of a consent**
660 **agreement for 8 deficient hours as 4 hour course of Taxes for LMT's has no sponsor per 12 AAC**
661 **79.210.**

662

663 D.N.

664

665 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**
666 **was RESOLVED to APPROVE the audit for Darlene Naluai PENDING the acceptance of a consent**
667 **agreement for a 1.5 hour deficit as Advanced Deep Tissue is approved for content but out of range**
668 **and magazine article is unapproved content 12 AAC 79.210.**

669

670 **TASK: OLE will contact ABMP to ask that a notice be attached to their magazine articles that they will**
671 **not be accepted for licensing continuing education credit without proof on the certificate that an**
672 **exam relating to the course has been passed.**

673

674 **TASK: OLE will ask the division to present the financial fingerprint breakdown at the December 2020**
675 **meeting.**

676

677 **TASK: OLE will include in the December 2020 agenda an item pertaining to continuing education**
678 **providers and content as requested by Vice Chair Gilmour.**

679

680 *Recess The Board recessed at 10:16 a.m. for a break; reconvened at 10:26 a.m. All board*
681 *members present.*

682 *Cynthia Spencer, Patricia Nickel-Zimmerman, and Laura Embleton were also present.*

683

684 OLE Dulebohn informed the board that Ms. Embleton acknowledges the board's request regarding the
685 magazine article provided by ABMP and will forward that request on to the individual in charge of
686 continuing education. OLE Dulebohn expanded the conversation to state that the board has yet to see a
687 CE certificate for a magazine article that shows proof that an exam has been passed so the board has
688 stayed true to its mission and its Unacceptable Continuing Education list.

689

690 **Agenda Item 13 New Business**

691

692 **Summary of Board Chair Weekly Meeting**

693

694 Chair Edwards-Smith gave an update to the board about who attends the weekly chair meeting and
695 what they discuss. The chair stated that the workgroup was currently working on the task of revamping
696 Mandate 15 into board guidance. Chair Edwards-Smith relays that there has been no contact tracing
697 data available showing that massage therapists are spreading COVID-19 through contact with clients.

698

699 **Summary of Complimentary Medicine Work Group**

700

701 Chair Edwards-Smith presents the purpose of the Complimentary Medicine Work Group (CMWG). He
702 discloses that it is comprised of the boards of massage, chiropractors, and physical and occupational
703 therapists. Chair Edwards-Smith states that the CMWG has met 3 times and that he and Ms. Motz were
704 in attendance.

705 *Ms. Gilmour stepped away from the meeting at 10:33 a.m. and returned at 10:48 a.m.*

706

707 Due to the board's regulation requiring compliance with CDC guidance, Chair Edwards-Smith stated that
708 their recommended guidance would look very similar to the current Mandate 15, Appendix 01. The
709 board discussed changed to the amount of time to disinfect between clients, the requirement of
710 massage therapists to wear surgical masks, travel and contact with travelers, therapist requirements to
711 adhere to the same standards for travel and contact that the public follows, mask maintenance and
712 replacement, and the removal of a designated bin for client's personal effects.

713

714 OLE Dulebohn confirms with the board that the COVID sheet for patients be kept in their file in
715 accordance with HIPAA requirements for record retention.

716

717 **TASK: Ms. Motz will send a "clean" copy of the board's Mandate 15 guidance to OLE for distribution**
718 **to the rest of the board.**

719

720 **Agenda Item 18 Old Business**

721

722 **Approval of Online Distance Monitoring Programs**

723

724 The board discussed the research on Blackboard and Moodle. Chair Edwards-Smith asked for a motion
725 to approve these two online distance monitoring programs.

726

727 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call vote, it**
728 **was RESOLVED to APPROVE Blackboard and Moodle to be online distance monitoring programs for**
729 **online education per 12 AAC 79.100 and must also meet approved school requirements.**

730

731 **Research on Milady**

732

733 Ms. Motz presented her research on Milady for board review. The board agreed that Milady, in context
734 as a textbook in a classroom, does not need board approval. Mindtap, through Milady, is an enhanced
735 digital textbook and not an online distance monitoring program. Ms. Motz stated that Mindtap's
736 website describes itself as "online homework platform."

737

738 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**
739 **was RESOLVED to DENY Milady to be an online distance monitoring program for online education per**
740 **12 AAC 79.100.**

741

742 **Agenda Item 19 Administrative Business**

743

744 **Administrative Statistics**

745

746 OLE Dulebohn created the administrative statistics with historical information as requested by the board
747 and has included information for all of 2019 and 2020 through September 9, 2020, for the board's
748 review. OLE Dulebohn noted that the board has received six applications for establishment registration
749 with two registrations being issued. The board discussed registration for massage establishments and
750 improvements to the verbiage and distribution of notices.

751

752 **TASK: Division to cast a wider net for establishment registration notifications.**

753

754 **Meeting Calendar Review**

755 The board reviewed the meeting calendar for the remainder of 2020 and the dates set for 2021. The
756 board discussed changing their December 2020 meeting to an in-person meeting. The board was
757 advised by division that it was not realistic to meet in person in December. OLE Dulebohn reviewed the
758 meeting dates set for 2021 are March 1 & 2, June 14 &15, September 9 & 10, and December 2 & 3. Ms.
759 Motz suggested forgoing a December in person for a March in person and request the board address the
760 legislature in March in Juneau.

761

762 **TASK: OLE will request that the board’s March and September 2021 meetings be held in person in**
763 **Juneau and Anchorage, respectively.**

764

765 Review and Approve Past Meeting Minutes

766

767 Chair Edwards-Smith directed the board to review and approve the meeting minutes from June 18-19,
768 2020. Chair states that he prefers the meeting minutes being in Administrative Business. Chair
769 compliments OLE Dulebohn on “phenomenal job” creating the meeting minutes. Chair states that the
770 minutes are just as the board directed and really appreciates the time and attention to detail
771 demonstrated by the OLE.

772

773 **In a motion made by Traci Gilmour, seconded by Julie Endle, and passed unanimously with a roll call**
774 **vote, it was RESOLVED to APPROVE the minutes from June 18-19, 2020 as written.**

775

776 Document Signing

777

778 OLE Dulebohn discussed with Chair Edwards-Smith a batch of signature pages for minutes, consent
779 agreements, and investigations that would be e-mailed to him for digital signature and return by the end
780 of the business day.

781

782 Correspondence

783

784 The board reviewed correspondence from Conrad, Irwin, Neill, and Nickell-Zimmerman. Chair Edwards-
785 Smith directed the board to review the correspondence and replies sent by OLE Dulebohn. Ms. Motz
786 noted that some of the correspondence is to request the board allow “un-used” continuing education to
787 carry onto the next licensing period but doesn’t feel like that would fall in line with the goal of the
788 board.

789

790 Conrad

791

792 The board stated that OLE Dulebohn’s reply was adequate and in keeping with the board’s historical
793 decisions.

794

795 Irwin

796

797 The board appreciates unique situations but felt that OLE Dulebohn’s reply was above and beyond and
798 in keeping with the board’s historical decisions on this matter.

799

800 Neill

801

802 The board stated that OLE Dulebohn’s reply was adequate and in keeping with the board’s historical
803 decisions.

804 Nickel-Zimmerman

805

806 The board already addressed Milady in agenda item #18 and decided that in person school text books,
807 either online or in hand, were not the purview of the board.

808

809 The board would like to thank all the people that submitted correspondence. The board appreciated
810 the time and effort it takes to engage and try to make a difference in the process. Ms. Motz wants to
811 ensure that everyone knows their letters were listened to and considered by the board.

812

813 **TASK: OLE will add Ms. Conrad's correspondence to the December 2020 meeting in the agenda item**
814 **pertaining to continuing education review and content as requested by Vice Chair Gilmour.**

815

816 Agenda Item 18 Old Business

817

818 Ms. Motz addressed the board with some concerns over AS 08.61.080 regarding applicants practicing
819 massage between the time they graduate and the time they are licensed and acupuncture.

820 Ms. Motz stated acupuncture is a massage modality and anyone who practices it should be licensed as a
821 massage therapist in Alaska. Ms. Gilmour disagreed and stated that acupuncture is energy work and
822 does not need to be included in scope.

823

824 Ms. Motz expanded that Investigations has contacted her regarding a potential case regarding an
825 acupuncture practitioner who stated they did not need a massage license and Investigations had case
826 precedent that the board exempts acupuncture as a massage modality under AS 08.61.080 (13). Ms.
827 Gilmour stated that she believed acupuncture is mostly pertaining under AS 08.61.080(11). OLE
828 Dulebohn stated that the board may want to delay this conversation to the December meeting to allow
829 for more research and the involvement of Investigations.

830

831 **TASK: OLE will include an agenda item in the December 2020 meeting to discuss acupuncture. An**
832 **invitation should be extended to Investigations and the Chair of the Board of Acupuncture.**

833

834 Ms. Motz stated that there is a provision in AS 08.61.080(4) for students to practice massage without
835 compensation but she feels that people who have applied for licensure and are awaiting the board
836 decision should also be allowed to practice massage without compensation. OLE Dulebohn stated that
837 the statute says that it must be a student and someone who is graduated is no longer a student.
838 Additionally, OLE Dulebohn relayed that tips would be considered a form of compensation.

839

840 **TASK: Board research for a regulations project to allow work without compensation for those who**
841 **are in the application process due on or before the December 2020 meeting.**

842

843 Supervisor Spencer suggested to the board that they create a new license type to allow for a student
844 permit similarly to what the Board of Barbers and Hairdressers has available. This license type would
845 allow graduated students to work in a licensed establishment, under supervision, while they are waiting
846 for licensure.

847

848 Agenda Item 20 Adjourn

849

850 At this time, the board concluded all scheduled board business. OLE Dulebohn asked the board to be
851 back online for the virtual Town Hall at 1:55 p.m.

852

853 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**
854 **was RESOLVED to ADJOURN.**

855 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended at
856 12:04 p.m.

857
858
859

Respectfully submitted:

860

Emily Sullivan, OLE on behalf of;

861

Dawn Dulebohn, Licensing Examiner

862

863

Approved:

864

865

_____/s/_____

866

David Edwards-Smith, Chairperson

867

Board of Massage Therapists

868

869

Date: 01/25/2021

870