

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 THE MEETING
7 September 9, 2021
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 C, September 9, 2021
12

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

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15 The meeting of the Board of Massage Therapists was called to order by David Edwards-Smith, Chair at
16 9:06 a.m. Members present were:

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

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

25 **Division Staff present:**

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27 Emily Sullivan, Licensing Examiner
28 Reid Bowman, Records and Licensing Supervisor
29 Cynthia Spencer, Records and Licensing Supervisor
30 Colleen Kautz, Program Coordinator
31 Marilyn Zimmerman, Paralegal
32

33 **Public Joining Telephonically**

34
35 Heather Kazmark, Public
36 Tobias Wright, Applicant for Massage Therapist Licensure
37

38 **Agenda Item 2 Review/Approve Agenda**

39
40 The board reviewed the agenda and added an item to review an application and add an item under
41 correspondence process and removed certain application review discussion items.
42

43 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed with unanimous consent, it**
44 **was RESOLVED to APPROVE the agenda as amended.**
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46 **Agenda Item 3 Ethics Reporting**

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48 The Board reviewed the provided ethics information. There were no ethics violations reported.
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Agenda Item 4 Investigations

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Shauna Muraco, Investigator and Karina Medina, Investigator, and Amber Whaley, Investigator, joined the meeting.

Investigative Report

Investigator Shauna Muraco informed the board there are currently 12 open cases, and since the last report there have been 7 closed cases.

Probation Report

Investigator Karina Medina informed the board that there are eight licensees currently on probation with all of these licensees remaining in compliance with their agreements

In a motion duly made by Julie Endle, seconded by Jill Motz, it was RESOLVED to ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing “subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;” All Division staff to remain during Executive Session.

The Board entered executive session at 9:21 a.m., and returned from executive session at 9:59 a.m.

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

K.B.

In a motion made by Julie Endle, seconded by Kristin Tri, with Jill Motz abstaining, and passed by a majority with a roll call vote, it was RESOLVED to APPROVE the Imposition of Civil Fines for case #2019-001067.

S.F.

In a motion made by Julie Endle, seconded by Kristin Tri, with Jill Motz abstaining, and passed by a majority with a roll call vote, it was RESOLVED to APPROVE the Imposition of Civil Fines for case #2019-001328.

K.H.

In a motion made by Kristin Tri, seconded by Julie Endle, with Jill Motz abstaining, and passed by a majority with a roll call vote, it was RESOLVED to approve the Imposition of Civil Fines for case #2020-000060.

K.T.

In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it was RESOLVED to ACCEPT the voluntary surrender of license for case #2021-000192.

99 B.J.

100

101 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**
102 **call vote, it was RESOLVED to ACCEPT the consent agreement for case #2021-000434.**

103

104 J.H.

105

106 **In a motion made by Julie Endle, seconded by Kristin Tri, with Jill Motz abstaining, and passed**
107 **by a majority with a roll call vote, it was RESOLVED to ACCEPT the voluntary surrender of**
108 **license for case #2019-001329.**

109

110 E.V.

111

112 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**
113 **call vote, it was RESOLVED to accept the voluntary surrender of license for case #2020-000170.**

114

115 Case Review: Precedent and Civil Fines

116

117 Ms. Motz expressed concern about the time and investigative cost associated with two investigative
118 cases that were departures from case precedents, which caused delays Ms. Motz requested information
119 about the delays and what can be done to avoid them in the future. Ms. Whaley explained that the
120 investigative unit will always move forward with what the board recommends the investigative unit
121 needs, even if it is outside of case precedents or the disciplinary matrix. However, in order for the
122 investigative unit to move forward, they need justification written in on the review form.

123

124 Ms. Muraco explained the reason the two cases were delayed is because she and Ms. Motz discussed
125 the justification and corresponded via email, because the the justification was missing from the review
126 form. The board and investigators agreed that moving forward, all recommendations and explanations
127 will be written in detail on the review form.

128

129 Ms. Whaley suggested that the board have an investigative unit refresher at the next board meeting.

130

131 **Agenda Item 5 Board Procedure Review**

132

133 Communication With Licensees Regarding Licensing Matters

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135 Chair Edwards-Smith stated that a licensee contacted him personally, and divulged information that may
136 result in a finding if the person is audited. If this case comes before the board Chair Edwards-Smith
137 stated, he would recuse himself.

138

139 Ms. Motz stated she has experienced the same issues with licensees messaging her via Facebook and
140 text. Ms. Motz explained that when a licensee messages her, or texts her, she will send an email to the
141 licensing examiner and include the message from the licensee in the email.

142

143 Ms. Motz stated it was her understanding that questions regarding public information such as the
144 board's website and FAQ's, as massage therapists, not board members, they can answer questions.

145

146 Chair Edwards-Smith stated that was a great way of handling these kinds of situations and would send
147 Ms. Sullivan documentation for the phone call with the licensee.

148 Ms. Sullivan stated that the board is requesting licensees refer to the board's website and reading the
149 FAQ's. Ms. Sullivan explained that she has noticed that many new licensees look to senior massage

150

151 therapists as a resource for information instead of going to the board's website and reading the
152 information provided as well as the FAQ's. As a result of this, misinformation or old information is
153 spread to the licensees causing confusion and a lack of answers to their questions.

154
155 Ms. Motz asked Ms. Sullivan the frequent or most popular questions she gets regarding applications by
156 examination. Ms. Motz also stated that while she agreed that they need to send the licensees to the
157 website, the website and FAQ's could be organized in a way that is easier for licensees to navigate. Ms.
158 Motz suggested the FAQ's be updated to delete old questions, reorganize content, and clarify some
159 answers.

160
161 The board and Ms. Sullivan agreed that one of the biggest issues is getting the licensees to read the
162 information that the board provides.

163
164 The board discussed adding more information to the applications as well as links that direct the
165 applicants to the FAQ's. Ms. Sullivan stated that since the division controls the website and applications,
166 that would be a conversation to have with supervisor Cynthia Spencer, as she would have more insight
167 into what can and cannot be changed or added.

168
169 Ms. Motz asked the board if they were interested in making the FAQ update a project, the board agreed
170 to make a project.

171
172 **TASK: Ms. Motz and OLE Sullivan will coordinate the FAQ update**

173
174 Issues With Application by Credentials

175
176 Chair Edwards-Smith stated he would like to hear from Ms. Sullivan what roadblocks and issues she is
177 having when processing applications by credentials.

178
179 Ms. Sullivan stated one of the most common issues encountered when processing license by credentials
180 applications is the applicants' difficulty in meeting AS 08.61.040(9)(A) "Is currently licensed to practice
181 massage therapy in another state or country that has licensing requirements that are substantially equal
182 to or greater than the requirements of this state". Since less than 10 states are substantially greater
183 than or equal to Alaska's requirements, this makes gaining licensure in Alaska difficult. Ms. Sullivan
184 stated there are many applicants who have been licensed in another state for more than 10 years,
185 however they attended a massage therapy school when most programs were only 500 hours. Since
186 there are few alternative options for meeting the education requirement such as continuing education,
187 or on the job experience this creates a heavy burden for the applicant as the only option to gain
188 licensure in Alaska would be to re-enroll in massage therapy school.

189
190 Chair Edwards-Smith stated he would like to ask regulations specialist Jun Maiquis how much leeway the
191 statute 08.61.040(9)(A) gives the board regarding education requirements.

192
193 Ms. Tri suggested the board look at New York's reciprocity requirements and alternative options as they
194 have greater requirements than Alaska does to get ideas about how to handle reciprocity.

195
196 Ms. Sullivan mentioned issues getting credentials applicants to complete and submit the Transcript
197 Analysis Form. The transcript analysis form is not included as part of the application by credentials form.
198 Since the Transcript Analysis is helpful to the board when reviewing applications, and the board has
199 requested to see the transcript analysis forms for credentials applications as well as it confusing for the
200 applicant that is not included in the application. This has created possible delays in applications
201

202 processing times, and confusion. Ms. Sullivan suggests adding the Transcript Analysis Form to the
203 application by credentials that is available on the board of massage therapists website.

204
205 Ms. Motz suggested the board creates a possible regulations project provide a path to licensure for
206 people who have graduated from a massage therapy school in conjunction with continuing education
207 and possibly experience.

208
209 **Agenda Item 6 COVID-19 – Board Guidance Review**

210
211 Chair Edwards-Smith provided the board with current COVID-19 and evolving pandemic information and
212 encouraged the board members to read the information to stay as up to date on these issues as they
213 can. Chair Edwards-Smith stated that the currently posted board guidance requiring universal masking is
214 still in effect and has not changed.

215
216 **Agenda Item 7 Application Review**

217 S.R.

218
219 A review was held for Sung Rhim’s application. Ms. Sullivan informed the board they denied Seung
220 Rhim’s application by credentials during the June 14-15, 2021 board meeting, citing statute AS
221 08.61.040(9), as the board could not verify that the massage therapy school the applicant attended was
222 approved through the State of New York, New Jersey, or a national body. A document showing proof of
223 the school being approved through the state of New Jersey was included in their June 14-15 application
224 packet but was missed in the application review. Due to the document showing proof of accreditation,
225 the applicant meets all of the requirements for licensure by credentials (AS 08.61.040 & 12 AAC 79.110).
226 As a result of this, the board decided to rescind their previous motion made in the June 15, 2021 board
227 meeting.

228
229 After reviewing and discussing Seung Rhim’s application the board stated they acknowledge there is
230 serious inconsistency in this application.

231
232 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call**
233 **vote, it was RESOLVED to APPROVE the application by credentials for Seung Rhim per 12 AAC**
234 **79.110.**

235
236 T.W.

237
238 The board reviewed and discussed the application by exam and corrected Transcript Analysis Form for
239 Tobias Wright and found they met the requirements per 12 AAC 79.100.

240 **In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll**
241 **call vote, it was RESOLVED to APPROVE the application by exam for Tobias Wright per 12 AAC**
242 **79.100.**

243
244 *Recess The Board recessed at 11:42 p.m. for lunch; reconvened at 1:15 pm. Emily Sullivan*
245 *conducted a roll call vote – all board members present.*

246
247 **Agenda Item 9 Public Comment**

248
249 There were no other attendees for public comment, so the board moved on to the next agenda item.

250

251 **Agenda Item 10** **FSMTB Annual Meeting – Charlotte, NC**

252
253 Chair Edwards-Smith informed the board that the FSMTB annual meeting for 2021 has been canceled
254 due to COVID-19 but will offer an online meeting option.

255
256 **Agenda Item 13** **Administrative Business**

257
258 Review/Approve June 2021 Meeting Minutes

259
260 The board reviewed the June 14-15, 2021 meeting minutes and did not have any edits.

261
262 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**
263 **call vote, it was RESOLVED to approve the June 14-15, 2021 meeting minutes as written.**

264
265 Previous Meeting Task List

266 Ms. Sullivan informed the board that she will email a compiled task list from the June 14-15, 2021 and
267 September 9, 2021 meeting and email it to the board.

268
269 *Regulations Specialist Jun Maiquis and RLS Cynthia Spencer joined the meeting.*

270
271 **Agenda Item 11** **Review of 625 Transcript Analysis Form**

272
273 The board and Mr. Maiquis discussed the ongoing problems with the licensure by credentials process
274 and what alternative options the board may have or can create to accept continuing education or work
275 experience if a credentials applicant does not meet the 625-education requirement.

276
277 Mr. Maiquis suggested the board create a regulations project to specifically outline their requirements,
278 what the board will and won't accept as alternative education, and to which applicant it applies.

279
280 Mr. Maiquis also suggested cleaning up and removing old statutes and regulations that are no longer
281 current.

282
283 Chair Edwards-Smith stated he would like to see a subcommittee for this regulations project to make
284 sure there is movement, and updates for the December 2-3, 2021 meeting.

285
286 Ms. Sullivan noted that while it does state that the Transcript Analysis Form is required in the
287 application by examination and information we send to applicants, there is not regulatory authority to
288 enforce it. Ms. Sullivan suggested adding the Transcript Analysis Form as a requirement for a complete
289 application for applications by examination as well as applications by credentials.

290
291 Chair Edwards-Smith and Mr. Maiquis agreed to add this to the massage therapists' regulations projects.

292
293 Chair Edwards-Smith and Ms. Motz volunteered to be on the subcommittee for the applications by
294 credentials regulations project. A date and time will be set for the subcommittee meeting via email
295 correspondence.

296
297 Ms. Endle asked for clarification on whether the month, day, and year need to be reflected on the
298 continuing education certificates, or if the only month and year will be acceptable. The board discussed
299 that the way the statutes and regulations are currently written, there is no requirement to specify the
300

301 date of the month that the continuing education course was completed. The board agreed to add the
302 day of the month on continuing education certificates as a requirement to the regulations project.

303
304 Ms. Sullivan will email the board a list of regulation considerations.

305
306 Massage Establishment Regulation Review

307
308 Ms. Motz stated she would like to know if civil fines which are generated from investigations, go to the
309 general fund or the massage therapists program. Ms. Spencer stated that the money from the civil fines
310 goes back to the general fund.

311
312 The board discussed the lack of current massage establishments being registered. The goal of the
313 massage establishment registration is to hold the business owner responsible, rather than just the
314 massage therapist. It was estimated that 100 massage establishments must register, but there are
315 currently only 7 registered. Ms. Sullivan stated there is a lack of information about the massage
316 establishment regulation, and confusion around the subject. The board discussed possibly sending out
317 investigators to start enforcing the regulation.

318
319 *Chief Investigator Greg Francois joined the meeting.*

320
321 Chair Edwards-Smith asked Chief Francois, how does the investigative unit handles suspicions, and what
322 is the investigative process if an establishment is not registered but should be.

323
324 Chief Francois explained that if the investigators conduct an inspection of a location and determine that
325 the owner is in violation of the regulations, the investigator will record that as an inspection, open a
326 case, and gather information. From there, the case will be processed in the same way regular
327 investigative cases are processed. The investigative unit will be able to do inspections within a year;
328 however, they are still in the process of training the investigator for the massage therapist board. When
329 they start conducting inspections again, the investigator will tell the board that with the board's
330 permission, they are going to inspect three locations in Homer.

331
332 Chief Francois stated he will work with the senior investigator and update the board when the
333 investigative unit will be ready to conduct inspections.

334
335 Ms. Endle asked Chief Francois how the investigative unit picks which massage establishments they will
336 inspect. Chief Francois stated the establishments will be selected randomly; however, if the board has
337 received a complaint or report from the public, the investigative unit can inspect the specific location.

338
339 Ms. Motz expressed that the consensus has been that if you know an establishment that may be in
340 violation of our statutes and regulations, you cannot file a complaint unless you have had firsthand
341 information or experience. Ms. Motz asked Chief Francois for advice or guidance for the board when
342 they are in these types of situations. Chief Francois suggested the board encourage licensees to go to
343 the investigative unit's website and file a complaint in writing, as well as contacting the local police. If
344 the investigative unit receives information that does not directly violate a statute or regulation, they will
345 pass the information to local law enforcement in the area of the state. If the individuals are unlicensed,
346 local law enforcement has to take the lead, as the only authority the Division's investigators have is a
347 temporary cease and desist order. If the individuals are licensed, the board can or will take license
348 action.

349
350 The board and Chief Francois discussed utilizing the human trafficking task force as a tool to help
351 combat human trafficking and prostitution in the massage therapy industry. Chief Francois stated that
352

353 the human trafficking task force is starting to reconvene, however they are still working on getting more
354 people to the meetings and is unsure of when the next meeting will take place. Ms. Motz asked Chief
355 Francois if the massage therapy board has a role within the human trafficking task force, and if they
356 should have one of the board members attend the meetings.

357

358 Chief Francois stated that at the next meeting, the investigative unit will tell the task force that they
359 represent the Alaska Board of Massage Therapists and ask if they would like one of the board members
360 to join the task force as a licensed massage therapist.

361

362 Ms. Motz asked Chief Francois as a massage therapist, and not a board member, they can talk to local
363 law enforcement about concerning establishments. Chief Francois stated that a board member has the
364 right to talk to law enforcement about anything as a private citizen, however they cannot represent they
365 board unless the board officially agrees.

366

367 Correspondence

368

369 The board discussed an email written to the board from an applicant requesting reconsideration of her
370 application. The board concluded since this application has been closed, they cannot take new
371 documentation into consideration. The board agreed to have the licensing examiner and RLS Spencer
372 draft a letter to the applicant stating the applicant has the option to complete and submit 77 hours of
373 remedial education per the board's previous determination or withdraw her application and request a
374 refund for any applicable license fee.

375

376 Ms. Sullivan stated she had received a question from a licensee regarding acceptable continuing
377 education. This licensee has not completed continuing education for the 2021-2023 renewal period but
378 has created a 16-hour continuing education course that meets all of Alaska's standards, and is approved
379 through NCBTMB. The licensee would like to know if she can take her course and use that to fulfill her
380 continuing education requirements. The board consensus was to communicate the purpose of
381 continuing education is to expand your knowledge on the massage therapy industry, rather than enroll
382 in a course that you have created.

383

384 Ms. Sullivan asked Ms. Spencer if the division could add links to questions on the application by
385 examination and application by credentials directly the applicant to the FAQs. Ms. Spencer stated that
386 they cannot add links the way the board specified, but they can add links directly applicants to the
387 website. Ms. Spencer suggested adding a section to the application informing applicants that the FAQs
388 may cover the Transcript Analysis Form, exam requirements etc., in a bullet list format.

389

390 Chair Edwards Smith stated he would also like to emphasize the application be read thoroughly by the
391 applicants.

392

392 Agenda Item 20 Adjourn

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

395

396 **In a motion made by Jill Motz, seconded by Julie Endle, and passed with unanimous consent, it**
397 **was RESOLVED to ADJOURN.**

398

399 Hearing no further business, Chair David Edwards-Smith adjourned the meeting and the record ended at
400 4:05 p.m.

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Respectfully submitted:

Reid Bowman
Records and Licensing Supervisor

Approved:
Digitally signed by:

Jill Motz

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Jill Motz, Chairperson
Board of Massage Therapists

Date: 5/7/2022