

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 March 01, 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 B, March 01, 2021
12

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

14
15 The meeting of the Board of Massage Therapists was called to order by David Edwards-Smith, Chair at
16 9:04 a.m. Members present were:
17

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

19
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:**

26
27 Emily Sullivan, Licensing Examiner
28 Cynthia Spencer, Records and Licensing Supervisor
29 Melissa Dumas, Administration Officer
30 Collen Kautz, Program Coordinator
31

32 **Public Joining Telephonically**

33
34 Traci Gilmour, Public
35 Laura Embleton, Associated Bodywork & Massage Professionals
36 Nanette Greer, Applicant for Massage Therapist Licensure
37 Dawn Dulebohn, Public
38

39 **Agenda Item 2 Review/Approve Agenda**

40
41 The board reviewed the agenda and added items for a discussion on why the board members are no
42 longer receive the DPS and FBI background information to agenda item 12, application review will be
43 moved from agenda item 12, subsection c, to item 12 subsection a.
44

45 The board discussed changing the meetings adjourn time to 5:00pm, to ensure they have enough time
46 to discuss all agenda items. The board decided extending the meeting was not necessary.
47

48 **In a motion made by Julie Endle, seconded by Jill Motz, and passed with unanimous consent, it**
49 **was RESOLVED to APPROVE the agenda as amended.**

50 **Agenda Item 3 Ethics Reporting**

51
52 The Board reviewed the provided ethics information. There were no ethics violations reported.

53
54 The board briefly discussed departing board member Traci Gilmour and the need to fill the vice chair
55 seat. Julie Endle nominated Jill Motz, Kristin Tri seconded, and passed unanimously with a roll call vote it
56 was resolved to appoint Ms. Motz as the vice chair.

57
58 **Agenda Item 5 Board Chair Meeting Review**

59
60 Chair David Edwards-Smith reported that in the last board chair meeting, Director Sara Chambers would
61 like to get input from boards regarding board training and transitions. Chair David Edwards-Smith asked
62 the board to start thinking about what they wish they had known, where was there a deficit in training,
63 what was helpful, and what they would like to see in future board training.

64
65 Chair Edwards-Smith stated that he would like bullet pointed historical summaries of what of the board
66 has done, as well as the corresponding meeting minutes.

67
68 *Recess The board recessed at 9:24a.m. for a break; reconvened at 9:31a.m. Emily Sullivan*
69 *conducted a roll call vote – all board members present.*

70
71 **Agenda Item 4 Division & Financial Update**

72
73 Chair Edwards-Smith welcomed Melissa Dumas, Administrative Officer, to present the Division/Financial
74 Update to the board. Ms. Dumas informed the board during the January 25-26, 2021 board meeting the
75 1st and 2nd quarter budget reports had been presented to the board, and the 3rd quarter report is not
76 available.

77
78 Since there were no budget reports or financial updates, the board and Ms. Dumas moved on to discuss
79 legislative bills.

80
81 Ms. Dumas reported that the SB 241, which put a hold on any/all fee increases expired; Governor
82 Dunleavy is seeking an extension of this bill.

83
84 Ms. Dumas explained that HB 15 will expedite licensure for military families and is currently sitting in
85 labors and commerce. Ms. Dumas suggested that the board keep their eye on this bill to track updates.

86
87 Ms. Dumas reported that SB 15 addressing open meetings act penalty; seeking to establish a civil
88 penalty for violations of the open meeting act. Ms. Dumas stated the Division is concerned about this
89 bill, as it could make it more difficult to find new board members. Chair Edwards-Smith stated the bill
90 does not give clarity on the authority and implementation of how it is determined if someone has
91 violated the open meetings act; what is the due process. Chair Edwards-Smith stated that at this time it
92 is the responsibility of the public office commission to determine. Chair Edwards-Smith informed the
93 board that SB 15 also extends to the local councils and small boards.

94
95 Ms. Endle stated she is concerned about SB 15 as the statutes/regulations reflect that there is a
96 \$5,000.00 fee for violating the open meetings act; per 39.52.410-460 a board may impose a fine of up to
97 \$5,000 for each violation of the ethics act, in addition, a board member may be required to pay up to
98 twice a financial benefit received in violation of the ethics.

99 **Task: Chair Edwards-Smith will continue to communicate with Director Chambers on the**
100 **board's thoughts and concerns regarding HB 15.**

101
102 Ms. Dumas informed the board that SB 68 is currently with the Senate Finance Committee which seeks
103 to recoup some of the lost revenue due to not being able to increase fees for the past year. Ms. Dumas
104 explained, since the Massage Therapists program did not have a deficit in revenue for fiscal year 2020,
105 this bill does not directly affect the board. If the division seeks a supplemental bill for next fiscal year, the
106 massage therapists' program may be included.

107
108 Chair Edwards-Smith asked Ms. Dumas to address the program's fees. Ms. Dumas stated she had spoken
109 with Director Chambers, and suggested the board write a letter supporting a fee increase would be very
110 helpful.

111
112 **Task: Ms. Motz will work with Director Chambers to produce a letter of support from the**
113 **board for SB 68.**

114
115 Ms. Dumas stated that SB 86 is currently with the senate, labor, and commerce; this bill seeks to create
116 a path for individuals who currently hold licenses in other state(s) to get a temporary one-year license in
117 the State of Alaska while they wait for permanent licensure.

118
119 Chair Edwards-Smith stated he listened to the hearing regarding SB 86 conducted by senate and
120 commerce, sponsored by representative Mia Costello and seeks to amend SB 56. Chair Edwards-Smith
121 gave a brief overview of the bill, discussing his questions and concerns. It was noted that the bill shifts
122 the authority to the division, rather than the boards to expedite licenses. Chair Edwards-Smith was
123 concerned about maintaining the integrity of the program and public safety, if the bill passed. If the
124 board has any questions or concerns about the bill, Director Chambers will be the point of contact.

125
126 Ms. Motz stated the board had conversations about a similar concept to this bill and was concerned that
127 removing temporary licenses is difficult and costly. She stated she was also concerned that a yearlong
128 temporary license may be too long, as the process to obtain a permanent license does not usually take
129 that long.

130
131 Ms. Tri stated she agreed with Ms. Motz concerns that removing a temporary license is difficult, may
132 impact public safety, and obtaining a permanent license is not typically a yearlong wait.

133
134 Chair Edwards-Smith would like clarity on what level of complete application is required to then
135 expedite while waiting for the rest of the documentation, and will this process circumvent public safety.

136
137 Ms. Motz stated she believes it should be taken into consideration that this bill seems geared towards
138 essential frontline workers for the public health emergency and questioned if massage therapists would
139 fall under that.

140
141 Ms. Motz asked Ms. Dumas if this bill is only for the military, or all members of the public. Ms. Dumas
142 clarified that SB 86 is for universal temporary licensure, not specific to the military.

143
144 Ms. Endle and Ms. Motz discussed how important it is that a background check is conducted before a
145 license is issued; if a temporary license has been issued to someone who may have been involved in a
146 human trafficking situation, a year is plenty of time for them to be trafficked and then moved. Ms. Motz
147 stated she does not think SB 86 is a good idea for the board.

148 Chair Edwards-Smith stated if SB 86 were to move forward, what would the balance look like for this
149 board when it comes to expediting licensure and what situation would or could arise in the massage
150 therapy profession that would warrant an expedition of licensure.

151
152 Ms. Motz would like clarification on who has authority over the licensee and who handles problems
153 when a temporary license is issued without the board having the opportunity to look at the background
154 check.

155
156 Chair Edwards-Smith stated he would also like clarification on situations where a temporary license was
157 issued by the division and there was activity which resulted in an investigative process, and
158 consequently the revoking of that license; If the board was not given the opportunity to determine the
159 fit to practice, who is responsible.

160
161 Ms. Motz asked OLE Sullivan for a status update on the SB 30 letter of support, as she needs to follow up
162 with Senator Begich after he receives it.

163
164 OLE Sullivan stated she would check on the status of the letter and follow up with Ms. Motz.

165
166 Ms. Endle requested that a timeline is created and updated for tasks and requests, as it will help with
167 communication.

168
169 **Task: OLE Sullivan will create and update a timeline of events/landmarks for tasks and**
170 **requests.**

171
172 **Task: Chair Edwards-Smith will speak with Director Chambers about questions and concerns**
173 **regarding SB 86.**

174
175 **Task: OLE will add call in phone number to agendas for the board meetings going forward.**

176
177 **Agenda Item 6 Distance Accreditation Programs Discussion**

178
179 Ms. Motz stated she believes the board should accept the distance accreditation programs that have
180 already been accepted and the board should accept programs that are accredited by the Department of
181 Education or the Council for higher education accreditation.

182
183 Chair Edwards-Smith agreed with Ms. Motz and stated that the Department of Education and the
184 Council for Higher Education Accreditation are the industry standard and have extensive criteria for
185 accreditation programs.

186
187 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call**
188 **vote, it was RESOLVED to APPROVE the Distance Education Accreditation Commission and the**
189 **Council on Higher Education Accreditation as accrediting bodies for massage therapy distance**
190 **education programs.**

191
192 *Recess The board recessed at 10:37a.m. for a break; reconvened at 10:47a.m. Emily Sullivan*
193 *conducted a roll call vote – all board members present.*

194 **Agenda Item 11 CEU Courses by Health Care Providers Related to Massage Therapy**

195
196 The board discussed making CE courses that are substantially applicable to the definition of the scope of
197 practice of massage therapy available to licensees.

198 Chair Edwards-Smith presented a form he created to help with the CE audit process, reduce costs, and
199 improve access. Chair Edwards-Smith stated the licensee is given a chance to show a CE course they had
200 completed is substantially applicable to massage therapy and approved by a nationally recognized
201 certification body or professional licensing program. Chair Edwards-Smith suggested the licensee also
202 provide a letter of explanation to accompany the CE form.

203
204 Ms. Motz thought the form Chair Edwards-Smith created would be helpful to the board and licensees.
205 Ms. Motz suggested the form be interactive/fillable.

206
207 Ms. Endle stated she was in favor of the form as well and suggested adding a link to the unacceptable CE
208 list to the form to make this information more accessible to licensees.

209
210 Chair Edwards-Smith ask OLE Sullivan to work with him to create the form.

211
212 *Recess The board recessed at 11:20a.m. for a break; reconvened at 11:27a.m. Emily Sullivan*
213 *conducted a roll call vote – all board members present.*

214
215 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**
216 **call vote, it was RESOLVED to APPROVE licensed parallel professions within the scope of**
217 **practice for massage therapy, as approved by the board. A written explanation of the**
218 **applicability to the practice of massage therapy as per 08.61.100 is required upon renewal.**

219
220 **Task: Add provided CE audit verbiage to the 2021-2023 application and be involved in the**
221 **creation and publication of the renewal application.**

222
223 *Recess The Board recessed at 11:52 p.m. for lunch; reconvened at 1:16 pm. Emily Sullivan*
224 *conducted a roll call vote – all board members present.*

225
226 **Agenda Item 8 Public Comment**

227
228 Ms. Gilmour, licensed massager therapist and former board member read a prepared thank you
229 statement to the board expressing her gratitude and feelings of accomplishment during her term. Ms.
230 Gilmour thanked Director Chambers for her guidance and patience. Ms. Gilmour also thanked Ms. Endle
231 for her patience, knowledge, contributions, and friendship. Ms. Gilmour encouraged Ms. Endle to not
232 stop asking question and stated she felt Ms. Endle’s continued curiosity and respect for the profession is
233 inspiring. Ms. Gilmour complimented chair Edwards-Smith on his growth, leadership, and dedication.
234 Ms. Gilmour thanked Ms. Motz for help in understanding distance education and apprenticeships and
235 keeping on top continuing education and institutions offering the board their services. Ms. Gilmour
236 thanked Ms. Tri and stated that she expects Ms. Tri to find her voice and be a great contributor to the
237 board. Ms. Gilmour encouraged the board to teach each new board and staff member on who they are,
238 what they do, and that they are experts in their field. Ms. Gilmour also stated that there have been a lot
239 of changes, confusion, and frustration in the board’s journey, but the board has had amazing guides
240 within the investigative unit and licensees.

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

242
243 **Agenda Item 12 Administrative Business**

244
245 Ms. Motz asked Records and Licensing supervisor Cynthia Spencer to explain why the background
246 reports are no longer being included in the application packet the board reviews.

247 Ms. Spencer explained she was advised my Senior Investigator Amber Whaley to not include the
248 background reports as they may unintentionally prejudice a board member's review of the application.
249 Ms. Spencer stated that if an application is sent to the investigative unit, that is when the board would
250 get detailed information and review the investigative report.

251
252 Chair Edwards-Smith explained that historically, the decision was made to include background reports
253 because while an applicant may not have been convicted, there may be alarming information that puts
254 the board at pause for a fitness to practice review.

255
256 Ms. Motz stated she believes the board should be able to see if an applicant has been arrested for
257 prostitution twelve times, but never convicted. Ms. Motz went on to state that the board should be able
258 to pause and ask questions about it, as human trafficking is a problem in the massage therapy industry;
259 if the board will no longer see background reports, she would like to see the statute for it, and an
260 interpretation from law.

261
262 Ms. Spencer agreed to go back to including the background checks in the application review packets.

263
264 Ms. Endle requested that the voting history of tabled application by made accessible to the board
265 members; having the opportunity to see how you or other board members voted in the past is helpful to
266 see if the right decision was made to table to application.

267
268 **Task: OLE will provide board members with how they have previously voted on tabled**
269 **applications.**

270
271 Correspondence

272
273 The board discussed the fingerprint requirement for the 2021-2023 renewal period. Ms. Motz explained
274 that since there were applicants that have not gotten their fingerprints done since 2016; the once every
275 six years fingerprint requirement means they must get their fingerprints done by 2022, during this
276 renewal cycle.

277
278 The board discussed Ms. Cunningham's email, asking if time spent assistant teaching can go towards the
279 education requirements for licensure and concluded that assisting teaching is not equivalent attending a
280 school, so it cannot count towards the 625-hour education requirement.

281
282 The board discussed Ms. Dale's email requesting the board's definition of kinesiology. The board agreed
283 that they accept the general definition of kinesiology as the study of body movement, mechanics, and
284 posture.

285
286 The board discussed Ms. Fountain's email requesting COVID-19 protocol guidance regarding traveling
287 clients and whether the client needs to be tested before getting a massage. Ms. Motz stated that the
288 COVID-19 Alaska travels webpage still says to test before traveling to Alaska, or get tested once you
289 have arrived, and socially distance until your results are received. Ms. Motz also stated that the second
290 test 5 – 14 days after arrival is strongly recommended, but not mandatory. The board stated that it is
291 ultimately up to the licensee to follow the CDC guidelines and decide what is right for them and what
292 their exposure risk is.

293
294 The board discussed Ms. Place's email asking if she is required to have a license to practice reiki,
295 craniosacral, visceral, lymphatic and biosynchronistics. The board determined that while reiki does not
296 require a massage therapist license, craniosacral, visceral, and lymphatic bodywork fall under the

297 definition of the scope of practice for massage therapists. The board determined, based on the
298 information from Ms. Place, she will need a massage therapist license. Ms. Place also asked if the
299 establishment she is working at needs to be registered, if so, does the responsibility of registering on her
300 or the shop's owner? The board discussed that if the owner of the business currently holds a massage
301 therapist license, they are exempt from registering their establishment; however, if the licensee is an
302 employee of a shop that is owned by someone who does not hold a massage therapist license, they are
303 responsible for registering the establishment. Ms. Motz suggested updating the MAS establishment
304 registration FAQ to give the licensees more clear and concise information.

305
306 **Task: Ms. Motz will update the FAQ on MAS establishment registration information.**

307
308 The board discussed Ms. Branche's email asking how long a massage therapist must keep their chart
309 records from the date of the last visit. The board stated that the board of massage therapists does not
310 set that requirement, the licensee should refer to the HIPPA requirements.

311
312 **Agenda Item 10 Investigations**

313
314 *Sonia Lipker, Investigator and Christina Bond, Investigator, joined the meeting.*

315
316 **Investigative Report**

317
318 Investigator Sonia Lipker informed the board there are currently 17 open cases, and since the last report
319 there have been 22 closed cases. Chair Edwards-Smith asked Investigator Lipker if most the cases are a
320 result of a complaint driven process. Ms. Lipker informed the board that the investigative units receives
321 complaints from the public or through licensing regarding application matter.

322
323 **Probation Report**

324
325 Investigator Christina Bond informed the board that as of February 25, 2021 when the report was
326 created, there are nine licensees currently on probation with all of these licensees remaining in
327 compliance with their agreements

328
329 **In a motion duly made by Julie Endle, seconded by Jill Motz, it was RESOLVED to ENTER into**
330 **Executive Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to**
331 **Privacy Provisions, for the purpose of discussing "matters involving consideration of**
332 **government records that by law are not subject to public disclosure." All Division staff to**
333 **remain during Executive Session.**

334
335 *The Board entered executive session at 2:06 p.m., and returned from executive session at 2:17 p.m.*
336 *OLE Sullivan conducted a roll call vote – all board members present.*

337
338 The board made the following motions regarding the cases they reviewed in executive session:

339
340 **M.C.**

341
342 **In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll**
343 **call vote, it was RESOLVED to accept the consent agreement for case #2020-001030 for Maria**
344 **Cardoza.**

345 K.D.

346

347 **In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll**
348 **call vote, it was RESOLVED to accept the surrender of license for case #2020-001031 for Krystle**
349 **Dube.**

350

351 B.S.

352

353 **In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll**
354 **call vote, it was RESOLVED to accept the consent agreement for case #2019-001101 for Betty**
355 **Scott.**

356

357 **Agenda Item 12 Administrative Business**

358

359 Review/approve January 2021 Meeting Minutes

360

361 The board explained that the acupuncture discussion in the January 2021 meeting's purpose was to
362 provide guidance to an investigative matter. The board wished to state on the record that acupuncture is
363 recognized by board to be relevant to the definition of massage therapy, rather than amend any
364 regulations.

365

366 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll call vote, it**
367 **was RESOLVED to rescind the motion made during the January 2021 meeting requesting a regulation**
368 **change to 12 AAC adding acupuncture to the definition of massage therapy.**

369

370 The board discussed that the currently posted COVID-19 guidance letter discussed during the January
371 2021 meeting is not the correct version. Ms. Spencer suggested to avoid additional delays, the board
372 could discuss the draft on the record, send OLE Sullivan the final version, and then read the finalized
373 version into the record.

374

375 **In a motion made by Julie Endle, seconded by Kristin Tri, and passed unanimously with a poll of the**
376 **board, it was RESOLVED approve the January 2021 meeting minutes with the amendment of the**
377 **acupuncture discussion.**

378

379 Application Review

380

381 The board briefly discussed application reviews during board meetings and stated that they felt rushed
382 due to time constraints when reviewing initial application for licensure due to their transcript/training
383 analysis review. The board requested staff no longer present initial applications for review during board
384 meetings; the board stated they preferred to review these types of applications via OnBoard and would
385 only like to review applications that had been tabled via OnBoard during meetings.

386

387 *Recess The board recessed at 2:55p.m. for a break; reconvened at 3:00p.m. Emily Sullivan*
388 *conducted a roll call vote – all board members present.*

389

390 A.D.

391

392 The board reviewed and discussed the application by exam for A.D. and found they met the
393 requirements per 12 AAC 79.100.

394 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**
395 **call vote, it was RESOLVED to APPROVE the application by exam for Amanda DeHart per 12**
396 **AAC 79.100.**

397
398 K.B.

399
400 The board reviewed and discussed the application by exam for K.B. and found they met the
401 requirements per 12 AAC 79.100.

402
403 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call**
404 **vote, it was RESOLVED to APPROVE the application by exam for Katelyn Boyter per 12 AAC**
405 **79.100.**

406
407 K.W.

408
409 The board reviewed and discussed the application by exam for K.W. and decided they would like more
410 time to review the application. The board requested that this application be submitted during the next
411 application upload to OnBoard, with Julie Endle as the transcript reviewing board member.

412
413 **In a motion made by Jill Motz, seconded by Julie Endle, and passed unanimously with a roll**
414 **call vote, it was RESOLVED to TABLE the application by exam for Kimberly Wallace for review**
415 **via OnBoard.**

416
417 V.H.

418
419 The board reviewed and discussed the application by credentials for V.H. and found they met the
420 requirements per 12 AAC 79.100.

421
422 **In a motion made by Jill Motz, seconded by Kristin Tri, and passed unanimously with a roll call**
423 **vote, it was RESOLVED to APPROVE the application by credentials for Veronica Harber per 12**
424 **AAC 79.100.**

425
426 N.G.

427
428 The board reviewed and discussed the application by exam for N.G. and found they met the
429 requirements per 12 AAC 79.100.

430
431 **In a motion made by Julie Endle, seconded by Kristin Tri, and passed unanimously with a roll**
432 **call vote, it was RESOLVED to APPROVE the application by exam for Nanette Greer per 12 AAC**
433 **79.100.**

434
435 Ms. Spencer asked the board for guidance regarding an application that had been reviewed September
436 2019 and tabled for additional training. Ms. Spencer stated written notification reflected the applicant
437 had 6 months to complete required additional training, a second reminder was mailed August 2020; the
438 August 2020 email correspondence also reflected documentation was required to be sent to this office
439 no later than February 27, 2021. Ms. Spencer asked the board if this application would be considered stale in
440 accordance with 12 AAC 79.920.

441
442 The board briefly discussed and determined that the application would be considered stale, and the
443 requirements 12 79.920 would need to be met. Ms. Spencer thanked the board.

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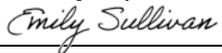
Agenda Item 20 Adjourn

The board and OLE Sullivan reviewed the tasks made during the March 1, 2021 and January 25-26, 2021 board meetings. OLE Sullivan will compile tasks from March 1, 2021 meeting and email the list to the board.

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

Hearing no further business, Chair David Edwards-Smith adjourned the meeting and the record ended at 3:42 p.m.

Respectfully submitted:

DocuSigned by:


Emily Sullivan, Licensing Examiner

Approved:

DocuSigned by:


David Edwards-Smith, Chairperson
Board of Massage Therapists

Date: 6/23/2021