



Alaska Board of Massage Therapists – December 7 - 2023 Regular Board Meeting
Alaska Division of Corporations, Business and Professional Licensing

Time: December 7, 9:00 AM Alaska

Attendance

Board Members:

Jill Motz, Licensed Massage Therapist
Annetta Atwell, Licensed Massage Therapist
Kelli Shew, Licensed Massage Therapist
Julie Endle, Public Member
Tonia Nelson Not Present

DCBPL State of Alaska Staff:

David Edwards-Smith, Occupational Licensing Examiner
Shane Bannarbie, Program Coordinator 1
Jennifer Summers, Senior Investigator
Kendra Wardlaw, Investigator
Stefanie Davis, Regulation Specialist

1. Roll Call - 9:00 AM

Board Members Present: Annetta Atwell, Julie Endle, Kelli Shew, Jill Motz

2. Review/Approve Agenda 9:02

A motion made by Julie Endle, seconded by Kelli Shew and passed with unanimous roll call vote; it was RESOLVED to APPROVE the agenda as amended.

3. Ethics Review/Disclosure 9:05

Chair Motz requested the board for ethic disclosures for the record. No disclosures were presented.

4. Administrative

- A. Minutes

The Board reviewed the minutes. Julie asked that the minutes to be amended the minutes to reflect a previous discussion of a license increase.

A motion made by Annetta Atwell, seconded by Julie Endle, and passed with unanimous roll call vote; it was RESOLVED to APPROVE the September board meeting Minutes as amended.

B. Correspondence

Light Touch / Hypnotherapy:

Chair Motz referred to the massage therapy statutes and regulations of massage definitions and exceptions to chapter. Chair Motz informed the board that light touch does not apply as a statutory exception to chapter. Kelli Shew and Annetta Atwell made the point that light touch work such as craniosacral work requires a massage therapy license. Hypnotherapy is not a massage therapy modality and does not fall within the scope of practice in massage therapy. Hypnotherapy is not currently a regulated practice in the State of Alaska

Thai Bodywork:

The board has determined previously that Thai bodywork requires a massage therapy license to practice in the State of Alaska.

Unlicensed Practice:

Chair Motz recognized that this correspondence does indicate that the proper steps of investigations have taken place. Chair Motz makes the point that investigations is a complaint driven process.

Instrument Assisted Soft Tissue Mobilization Tools (IASTM)

The board was in agreement that IASTM tools fall within the scope of practice of massage therapy. In accordance with the regulations in code of ethics and standards of practice it is required to be trained in the massage therapy modality that is provided to clients.

Break at 9:26 – On the record at 9:30

5. Public Comment 9:30

Sherri Gust asks the board whether there is a means to pause licensing for someone who is not currently practicing. OLE Edwards-Smith informed Sherri that there is no authority written in statute that enables the pausing of licensing.

Traci Gilmour asks for an update regarding the tracking of massage therapist attendance of board meeting and continued education credits for attending meetings. She also informed the board that she thought it was important for the board to encourage the public to engage with investigations when suspected illegal massage therapy practice is recognized. Traci also made the point it is important to define the type of IASTM training that necessary to meet the Alaska massage therapy regulations of standards of practice and code of ethics.

Public Comment Closed at 9:42

6. FSMTB Annual

Annetta spoke to her written report that was included in the meeting materials. She mentioned that Missouri was the only state that spoke of support of the FSMTB interstate compact (IMPact). She has concerns with the FSMTB pursuing the IMPact despite the minimal support by FSMTB member boards. She feels that the law signed into effect on January 5 2023 called the servicemember civil relief act significantly diminishes any need for the IMPact. Annetta also mentioned that the subject of sex trafficking in the massage therapy profession was another key topic of discussion at the FSMTB annual meeting.

7. Apprenticeship Program – 12 AAC 79.100 9:53

Chair Motz asked that the board consider pursuing a state apprenticeship program through the department of wage and labor. Jill asked for the board to determine a workgroup to develop an apprenticeship program. Kelli did not feel an apprenticeship program for massage therapists is appropriate. Chair Motz pointed out that this is in statute that needs to be addressed. Regulation specialist Stefanie Davis confirmed that apprenticeship programs in regulation reference the Commission of Massage Therapy Accreditation (COMTA) and the Entry level Analysis Project (ELAP). Ms. Davis spoke consulted with Harriet Mills and suggested that the current apprentice model board guidance have more clarity and the title be rewritten.

Break 10:10 - On Record 10:15

Joined by Administrative Law Judge Danika Swanson at 10:16

8. Case Review - Jessiah Kenneth Smith-Shearer, 2022-000877

In a motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was RESOLVED to that the Board of Massage Therapists enter into deliberative session under AS 44.62.310(d) solely to consider a proposed resolution of the following adjudicatory proceeding: In the matter of Jessiah Shearer-Smith, Office of Administrative Hearings Case Number 2022-000877 The parties, their attorneys, all members of the Board's staff, and all members of the public will be excluded from the deliberative session. The OAH administrative law judge overseeing alternative dispute resolution in this case will be invited to remain with the Board during the deliberative session.

Off Record at 10:19 - On Record 11:00

In a motion made by Julie Endle, seconded by Kelli Shew, FAILED with roll call vote, it was NOT RESOLVED to ACCEPT the VOLUNTEER SURRENDER for the license of Jessiah Shearer-Smith case 2022-00087.

Roll Call Vote

Name	Yes	No	Obstain	Not in Attendance
Jill Motz		x		
Kelli Shew			x	
Annetta Atwell		x		
Julie Endle		x		
Tonia Nelson				x

9. Investigations

A. Investigative Report

11 The investigative report of September 8 – November 15 was presented by Investigator Jennifer Summers. The report indicated 9 open cases with 3 closed cases.

B. Executive Session

In a motion made by Julie Endle, seconded by Annetta Atwell, and passed with unanimous roll call vote, it was RESOLVED to enter 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.

Off Record at 11:19 AM - On Record at 11:2 AM

In a motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was RESOLVED to APPROVE the CONSENT AGREEMENT for Janae Brewer, case 2023-000036.

10. Scope of Practice Clarifications

- A. Massage Therapy Practice related to the use of Transcutaneous Electrical Nerve Stimulation (TENS) units.

Chair Motz reviewed the practice of tens units and the statutes of scope of practice. MAS being a hands-on profession, tens units are not within the scope of practice of massage therapy. Kelli agrees that tens units are not within the massage therapy scope of practice.

- B. Stretch Zone – Practitioner Assisted Stretching

Jill makes the point that this is a complaint driven board and there have been no investigative cases related to the massage therapy and practitioner assisted stretching. She asked the board to consider a letter to stretch zone informing of the boards position on scope of practice related to massage therapy and provide licensing application information. Annetta makes the point that it is important to provide information on establishment registration as well. The board discussed the scope of practitioner assisted stretching as a modality related to physical therapy and there were concerns of the minimal training required as a public safety concern.

11. Board Member Succession 11:52

Chair Motz determined that she will continue to serve on the board throughout the legislative audit. The board needs to be thinking about moving forward. The board seat appointed to Tonia Nelson will be open in March. She encouraged the board to consider that her chair position could potentially need to be filled considering she is serving beyond her term expiration.

Lunch 12:00 - On record at 1:03

12. **Regulations Projects**

Regulation Project Review

Ms. Davis presented draft language for the boards pending regulations projects regarding attestation of documentation with licensing renewal, reporting of convictions and the display of license numbers with online massage therapy service advertising. Chair Motz pointed out that the board did not intend on the repeal of the requirement of a massage therapist who is licensed for more than 90 days but less than 12 months are not expected to complete continuing education at all to be renewed. The board agreed that is the regulations project will need to be amended to reflect that a licensee that meets those requirements is not required to complete continued education documentation.

A motion made by Julie Endle, seconded by Anneta Atwell and passed with unanimous roll call vote; it was RESOLVED to APPROVE the draft regulations as amended for the regulations project clarifying license renewal continuing education documentation requirements, disciplinary sanctions and online advertising requirements.

10. Legislative Audit

The board discussed the importance of the appointment of a board liaison to be present at legislative hearing to address questions and concerns from the legislature. The board determined that Chair Motz, having the most historical knowledge of the massage therapy licensing program, was appointed as the legislative liaison for the legislative audit.

1:28 A motion made by Julie Endle seconded by Anneta Atwell to adjourn

