

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
FROM THE BOARD OF MASSAGE THERAPISTS**

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|--------------------|---|------------------------|
| In the Matter of |) | |
| |) | |
| RATTANA CHINGDUANG |) | OAH No. 18-0025-MAS |
| |) | Agency No. 2018-000035 |
| _____ |) | |

DECISION

I. Introduction

Rattana Chingduang applied for a license to practice massage therapy in Alaska. The Board of Massage Therapists concluded that Hamilton College, the massage school Ms. Chingduang attended, is not accredited. The board denied Ms. Chingduang’s application. Ms. Chingduang requested a hearing.

This decision concludes that because Ms. Chingduang has not shown that she meets the requirements for licensure, her application should be denied.

II. Facts

Rattana Chingduang is a massage therapist in California. She is also a single mother supporting a son.¹ She completed a 500-hour massage therapy course at Hamilton College, graduating in March 2016.² She completed a 300-hour course through Americana College before applying for licensure in California, more than ten years ago. She has also taken other courses to keep her professional skills up, including a 30-hour training in Thai massage therapy in May 2017.³

In July 2017, Ms. Chingduang applied to the Board for a license to practice as a massage therapist in Alaska. She submitted the required verifications, and staff found that Ms. Chingduang’s application was complete.⁴ Various board members and staff researched Hamilton College, but were unable to verify that Hamilton College was nationally accredited or approved by the California Massage Therapy Council.⁵

The Board usually verifies the accreditation status of an applicant’s school by checking the applicant’s transcript. If the transcript does not show the accreditation status, then the Board

¹ Testimony of Chingduang.
² Administrative Record at 3, 11.
³ Testimony of Chingduang, Administrative Record at 38 - 39.
⁴ Record at 21.
⁵ Record at 27, 32, 34.

calls the school.⁶ Ms. Dulebohn testified that she was involved in the investigation of Ms. Chingduang’s application for licensure, and that Ms. Chingduang’s transcript did not mention an accrediting agency. Board member Jill Motz reviewed Ms. Chingduang’s application and noted that Hamilton College was in “application received” status rather than approved status with the California Massage Therapy Council.⁷ At the board’s November 2017 meeting, Chair David Edwards-Smith reported to the board that he researched Hamilton College by attempting to call the school several times, but had been unable to reach anyone who could answer questions.⁸ The board concluded that Hamilton College was not an accredited school, then voted to deny Ms. Chingduang’s license application.⁹

At the hearing, Ms. Dulebohn testified that she called Hamilton College the week before the hearing to inquire about accreditation status, and was told that Hamilton College was not accredited by a national accreditation agency or by California. At the hearing, the director also offered evidence that Hamilton College applied for approval of its 500-hour massage therapist program from the California Massage Therapy Council, but that the council proposed to deny the application effective August 30, 2017.¹⁰

The hearing in this matter was held on February 15, 2018. Ms. Chingduang represented herself. Assistant Attorney General Chris Peloso represented the Director of the Board of Massage Therapy. Occupational Licensing Examiner Dawn Dulebohn testified.

III. Discussion

In order to qualify for a massage therapist license in Alaska, a person must furnish evidence that the person has completed a course of study of at least 500 hours from an approved massage school, or a board approved apprenticeship program.¹¹ An “approved massage school” is one that has an authorization to operate from the Alaska Commission on Postsecondary Education or a similar entity in another state, or is accredited by a nationally recognized accrediting agency.¹² Because this case involves the initial denial of a license application and Ms. Chingduang is the party requesting the hearing, Ms. Chingduang has the burden of proof.¹³

⁶ Testimony of Dulebohn.

⁷ Record at 27.

⁸ Record at 32.

⁹ Record at 32.

¹⁰ Director’s Ex. 2.

¹¹ AS 08.61.030(3).

¹² AS 08.61.100(1).

¹³ AS 44.62.460(e)(2); 2 AAC 64.290(e).

Ms. Chingduang has demonstrated that she has considerable training as a massage therapist, including a 500-hour certificate from Hamilton College. However, the evidence presented by the division indicates that Hamilton College is not an approved massage school for purposes of the Alaska licensing statutes, as it has not been approved by the California Massage Therapy Council or accredited by a nationally recognized accrediting agency.

Ms. Chingduang did not argue that Hamilton College is or ever was nationally accredited. She did not present any evidence that the 500-hour course of studies she took at Hamilton College was ever approved by the California Massage Therapy Council. Because Ms. Chingduang has not shown that she completed a 500-hour program from an approved massage school or completed a board approved apprenticeship program as required under AS 08.61.030(3), Ms. Chingduang has not supplied the division with evidence that she qualifies for licensure in Alaska.

The director did not take issue with any of the information Ms. Chingduang supplied on her application, and did not question her ability as a massage therapist. It did not dispute that she had completed more than 500 hours of training. Ms. Dulebohn specifically testified that the only thing blocking approval of Ms. Chingduang's application was the lack of accreditation (or approval) of Hamilton College. However, the board does not have discretion to issue a license to an individual who does not meet the statutory licensing criteria, not even a person with considerable education and experience as a massage therapist such as Ms. Chingduang. Without evidence that Ms. Chingduang meets the statutory criteria, the board cannot issue Ms. Chingduang a license to practice massage therapy.

IV. Conclusion

Ms. Chingduang has not demonstrated that she is eligible to receive a license to practice as a massage therapist in Alaska. Accordingly, the December 13, 2017 denial of her license application should stand.

DATED: February 16, 2018.

Signed

Kathryn L. Kurtz

Administrative Law Judge

Adoption

The Board of Massage Therapists adopts this decision as final under the authority of AS 44.64.060(e)(1). Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of distribution of this decision.

DATED this 9th day of March, 2018.

By: Signed
Signature
David Edwards-Smith
Name
Chair, Board of Massage Therapists
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]