

12 AAC is amended by adding a new chapter to read:

Chapter 79. Massage Therapists.

Article

1. Licensing (12 AAC 79.100 – 12 AAC 79.130)
2. License Renewal and Continuing Education (12 AAC 79.200 – 12 AAC 79.220)
3. General Provisions (12 AAC 79.900 – 12 AAC 79.990)

Article 1. Licensing.

Section

100. Application for licensure by examination
110. Application for licensure by credentials
120. Application for transitional license
130. Criminal justice information

12 AAC 79.100. Application for licensure by examination. (a) The board will issue a license by examination to practice massage therapy to an applicant who meets the requirements of AS 08.61.030 and this section.

(b) An applicant for licensure by examination under this section shall submit

(1) a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form;

(B) information on the applicant's physical and mental health related to the grounds for imposition of disciplinary sanctions in AS 08.61.060;

(C) information on any criminal convictions related to the grounds for imposition of disciplinary sanctions in AS 08.61.060;

(D) the applicant's fingerprint information described in 12 AAC 79.130;

(E) the application fee, fingerprint processing fee, and the license fee specified in 12 AAC 02.396;

(2) a certified transcript sent directly to the department from one of the following board-approved massage school accrediting agencies

(A) American Massage Therapy Association;

(B) Associated Bodywork and Massage Professionals;

(C) National Certification Board for Therapeutic Massage and Bodywork;

or

(D) Commission on Massage Therapy Accreditation;

(3) verification of having passed the Board Certification Examination for Therapeutic Massage and Bodywork administered and governed by the Federation of State Massage Therapy Boards; prior to February 1, 2015, the Board will accept verification from National Certification Board for Therapeutic Massage and Bodywork or Federation of State Massage Therapy Boards; on or after February 1, 2015, the Board will accept verification from the Federation of State Massage Therapy Boards only;

(4) verification of satisfactory completion of at least 500 hours of in-class supervised instruction and clinical work from an approved massage school, or verification of satisfactory completion of a board-approved apprenticeship program;

(5) a current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent

organization; and

(6) verification of having completed at least four hours of safety education in bloodborne pathogens and universal precautions within two years preceding the application.

(Eff. ___/___/_____, Register _____)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.090

12 AAC 79.110. Application for licensure by credentials. (a) The board will issue a license by credentials to practice massage therapy to an applicant who meets the requirements of AS 08.61.040 and this section.

(b) An applicant for licensure by credentials under this section shall submit

(1) a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form;

(B) information on the applicant's physical and mental health related to the grounds for imposition of disciplinary sanctions in AS 08.61.060;

(C) information on any criminal convictions related to the grounds for imposition of disciplinary sanctions in AS 08.61.060;

(D) the applicant's fingerprint information described in 12 AAC 79.130;

(E) the application fee, fingerprint processing fee, and the license fee specified in 12 AAC 02.396;

(2) verification that the applicant

(A) holds a current license to practice massage therapy in another jurisdiction or country where licensing requirements are substantially equal to or greater

than the requirements of this state; or

(B) certified by the American Massage Therapy Association or the National Certification Board for Therapeutic Massage and Bodywork or other board-approved credentialing entity; and

(3) current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization. (Eff. ___/___/_____, Register _____)

Authority: AS 08.61.020 AS 08.61.040 AS 08.61.090
AS 08.61.030

12 AAC 79.120. Application for transitional license. (a) The board will issue a license under this section to an applicant who applies for licensure before July 1, 2017, and who meets the requirements of AS 08.61.030(1), (2), (4) – (6), and (9) and this section.

(b) An applicant for licensure under this section shall submit

(1) a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form;

(B) information on the applicant’s physical and mental health related to the grounds for imposition of disciplinary sanctions in AS 08.61.060;

(C) information on any criminal convictions related to the grounds for imposition of disciplinary sanctions in AS 08.61.060;

(D) the applicant’s fingerprint information described in 12 AAC 79.130;

(E) the application fee, fingerprint processing fee, and the license fee

specified in 12 AAC 02.396;

(2) a current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and

(3) verification that the applicant owned, operated, or worked for a massage therapy business and performed the practice of massage therapy before July 1, 2015, by submitting

(A) a copy of the applicant's signed federal tax income tax returns for one of the five years immediately preceding July 1, 2015, listing the person's occupation as massage therapist in this state;

(B) copies of the applicant's signed schedule C federal income tax returns for one of the five years immediately preceding July 1, 2015, demonstrating that the person has reported income from the practice of massage therapy in this state;

(C) a sworn statement from the applicant's employer in this state attesting that the applicant has practiced massage therapy within the five years immediately preceding July 1, 2015, a copy of the business license of the applicant's employer, and a copy of the applicant's Form W-2 or Form 1099-MISC from the same employer;

(D) a copy of the municipal occupational license that was current on the day before July 1, 2015, from a municipality in this state, stating the applicant's occupation as a massage therapist;

(E) documentation that the person has, for at least one year immediately preceding July 1, 2015, been an active member, as a massage therapist, in a national professional massage therapy association that was established before January 1, 2000,

offers professional liability insurance as a benefit of membership, and has an established code of professional ethics; or

(F) other documentation satisfactory to the board. (Eff. ___/___/_____, Register _____)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.090

12 AAC 79.130. Criminal justice information. (a) An applicant for licensure under 12 AAC 79.100, 12 AAC 79.110, or 12 AAC 79.120 shall submit with the application the applicant's fingerprints and other information required by the Department of Public Safety to obtain state and national criminal justice information under AS 12.62 and AS 12.64.

(b) The board shall submit the fingerprints received under this section to the Department of Public Safety and request the Department of Public Safety to

(1) submit the fingerprints to the Federal Bureau of Investigation for a report on national criminal justice information;

(2) perform a check for state criminal justice information; and

(3) report to the board the results of the criminal justice information checks under (1) and (2) of this subsection.

(c) The request under (b) of this section for a criminal justice information report shall not delay consideration of the applicant's license application. If criminal justice information that raises questions about an applicant's qualifications for licensure is received after a license has been issued to the applicant, the department and the board will take action under AS 08.61 and AS 44.62 as appropriate. (Eff. ___/___/_____, Register _____)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.040

Article 2. License Renewal and Continuing Education.

Section

200. License renewal

210. Continuing education requirements

220. Audit and documentation

12 AAC 79.200. License renewal. (a) A massage therapy license must be renewed biennially on or before September 30 of odd-numbered years. A renewal reminder document will be mailed to each currently licensed massage therapist at least 30 days before the renewal date. Failure to receive a renewal notice does not relieve a licensee from the responsibility of renewing a license on time.

(b) An applicant for renewal of a massage therapy license must meet the requirements of AS 08.61.050 and this section. A massage therapist applying for license renewal shall submit

- (1) a completed renewal application on a form provided by the department;
- (2) the applicant's fingerprint information described in 12 AAC 79.130;
- (3) the fingerprint processing fee and the license renewal fee specified in

12 AAC 02.396;

(4) a current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and

- (5) the continuing education requirements in 12 AAC 79.210. (Eff.

___/___/_____, Register _____)

Authority: AS 08.61.020 AS 08.61.050

12 AAC 79.210. Continuing education requirements. (a) An applicant for renewal of a massage therapy license,

(1) for a biennial licensing period that begins on or after July 1, 2015, must document at least 12 continuing education credits; up to twelve continuing education credits required under this subsection may be obtained through online education;

(2) for a biennial licensing period that begins on or after July 1, 2017, must document at least 24 continuing education credits.

(b) An applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of hands-on cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

(c) An applicant for renewal under (a)(2) of this section may receive four hours of continuing education credit for completion of a blood borne pathogens course once every six years.

(d) All continuing education must be completed by a board-approved provider.

(e) For the purposes of this section,

(1) one "contact hour" equals a minimum of 50 minutes of classroom instruction between instructor and participant;

(2) one academic semester credit equals 15 contact hours; and

(3) one academic quarter credit equals 10 contact hours.

(f) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make the records available to the board upon request under 12 AAC 79.220. Records must be retained for four years from the date the contact

hours were obtained. (Eff. ___/___/_____, Register _____)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.220. Audit and documentation. A licensee must comply with all applicable requirements of 12 AAC 02.960 and 12 AAC 02.965. If selected for an audit of continued competency activities, the licensee must cooperate with the department and must submit all requested verifications of continued competency activities claimed by the licensee.

(Eff. ___/___/_____, Register _____)

Authority: AS 08.61.020 AS 08.61.050

Article 3. General Provisions.

Section

900. Code of ethics and standards of practice

910. "Moral turpitude" defined

990. Definitions

12 AAC 79.900. Code of ethics and standards of practice. *The Alaska Board of Massage Therapists Code of Ethics and Standards of Practice, dated June 2015,* is adopted by reference as the code of ethics for massage therapists in the state. In order to maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, massage therapists licensed in this state must adhere to the code of ethics. (Eff. ___/___/_____,

Register _____)

Authority: AS 08.61.020

Editor's note: A copy of the *Alaska Board of Massage Therapists Code of Ethics and Standards of Practice*, adopted by reference in 12 AAC 79.900, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Massage Therapists, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; phone (907) 465-3811; website at <http://commerce.state.ak.us/dnn/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>.

12 AAC 79.910. "Moral turpitude" defined. In AS 08.61.030, a crime involving moral turpitude includes

- (1) homicide;
- (2) manslaughter;
- (3) assault;
- (4) stalking;
- (5) kidnapping;
- (6) sexual assault;
- (7) sexual abuse of a minor;
- (8) unlawful exploitation of a minor, including possession or distribution of child pornography;
- (9) indecent exposure;
- (10) unlawful distribution or possession for distribution of a controlled substance;
- (11) prostitution;
- (12) sex trafficking. (Eff. ___/___/_____, Register _____)

Authority: AS 08.61.020 AS 08.61.030

12 AAC 79.990 Definitions. In this chapter, unless the context requires otherwise,

(1) "board" means the Board of Massage Therapists;

(2) "criminal history record information" has the meaning given in

AS 12.62.900;

(3) "department" means the Department of Commerce, Community, and
Economic Development;

(4) "licensee" means a massage therapist licensed under AS 08.61. (Eff.

___/___/_____, Register _____)

Authority: AS 08.61.020