

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520 465.5400 Fax
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Jun Maiquis
Department of Commerce, Community & Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

A handwritten signature in black ink, appearing to be "S. Meriwether".

DATE: June 5, 2017

RE: Filed Permanent Regulations: Board of Massage Therapists

Board of Massage Therapists update to regulations re: continuing education
requiremenbts and crimes involving moral turpitude (12 AAC 79.210; 12 AAC 79.910;
12 AAC 79.990(a))

| | |
|------------------------|-------------------|
| Attorney General File: | JU2017200221 |
| Regulation Filed: | 6/5/2017 |
| Effective Date: | 7/5/2017 |
| Print: | 223, October 2017 |

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO REGULATIONS
OF THE BOARD OF MASSAGE THERAPISTS

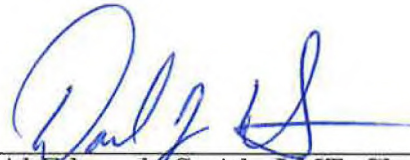
The attached two pages of regulations, dealing with continuing education requirements, crimes involving moral turpitude, and definitions, are hereby certified to be a correct copy of the regulation changes that the Board of Massage Therapists adopted at its May 10, 2017 teleconference meeting, under the authority of AS 08.61.020, AS 08.61.030, and AS 08.61.050 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Massage Therapists paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

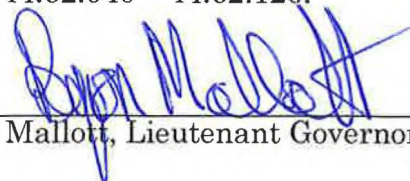
DATE: 5-11-17
Soldotna, Alaska



David Edwards-Smith, LMT, Chair
Board of Massage Therapists

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on June 5, 2017 at 1025A .m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: July 5, 2017.

Register: 223, October 2017

Chapter 79. Massage Therapists.

12 AAC 79.210(c) is amended to read:

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

12 AAC 79.210(d)(2) is amended to read:

(2) regionally or nationally accredited institution of higher education; a course, seminar, workshop, or other program through that institution must be approved by the board as directly related to the skills and knowledge required for the practice of massage therapy, and includes a bloodborne pathogens and universal and standard precautions course under (c) of this section; or

12 AAC 79.210 is amended by adding new subsections to read:

(g) An applicant for renewal under (a) of this section may receive one continuing education credit for attending at least 80 percent of a regularly scheduled board meeting once every biennial licensing period.

(h) An applicant for renewal under (a) of this section who has been licensed more than 90 days but less than 12 months of the concluding biennial license period ~~shall not be~~ required to submit proof of completion of continuing education. (Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.910 is amended by adding new paragraphs to read:

- (13) murder;
- (14) human trafficking;
- (15) criminal sexual conduct;
- (16) incest;
- (17) robbery;
- (18) extortion;
- (19) forgery;
- ~~2~~(20) criminal homicide;
- (20)
- ~~2~~(21) theft;
- (21)
- ~~2~~(22) endangering the welfare of a child;
- (22)
- ~~2~~(23) endangering the welfare of a vulnerable adult;
- (23)
- ~~2~~(24) reckless endangerment. (Eff. 1/17/2016, Register 217; am 7/5/2017,

Register 223)

Authority: AS 08.61.020 AS 08.61.030

12 AAC 79.990(a)(2) is amended to read:

(2) "universal **and standard** precautions" means the infectious control precautions that are recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, to be used to prevent the transmission of bloodborne germs such as human immunodeficiency virus and hepatitis B virus.

(Eff. 1/17/2016, Register 217; am 7/5/2017, Register 223.)

Authority: AS 08.61.020

MEMORANDUM

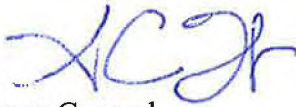
State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: June 5, 2017

File No.: JU2017200221

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Board of Massage Therapists update
to regulations re: continuing education
requirements and crimes involving
moral turpitude (12 AAC 79.210;
12 AAC 79.910; 12 AAC 79.990(a))

We have reviewed the attached regulations from the Board of Marine Pilots against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated June 1, 2017 from the Regulations Attorney. The regulations update requirements involving continuing education and crimes involving moral turpitude.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The April 5, 2017 public notice and the May 11, 2017 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations. In the list of new crimes of moral turpitude added to 12 AAC 79.910, we note that the deletion of "criminal homicide" is not substantive. Rather, the deletion eliminates redundancy because 12 AAC 79.910(1) and (13) already identify "homicide" and "murder" as crimes involving moral turpitude. We have received confirmation from the department staff that the deletion is technical.

SCW

cc w/enc: (via email)

David Edwards-Smith, LMT, Chair
Board of Massage Therapists
(by e-mail through Jun Maiquis)

Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

Janey Hovenden, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Sara Chambers, Operations Manager
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Dawn Hannasch
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General
Commercial and Fair Business Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: June 1, 2017

FILE NO.: JU2017200221

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SPP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Board of Massage Therapists
update to regulations re:
continuing education
requirements and crimes
involving moral turpitude
(12 AAC 79.210; 12 AAC
79.910; 12 AAC 79.990(a))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

**NOTICE OF PROPOSED CHANGES RELATING TO CONTINUING EDUCATION
REQUIREMENTS, MORAL TURPITUDE, AND DEFINITIONS IN THE REGULATIONS OF
THE BOARD OF MASSAGE THERAPISTS**

BRIEF DESCRIPTION: The Board of Massage Therapists proposes to update regulations regarding continuing education requirements for renewal, crimes involving moral turpitude, and definitions.

The Board of Massage Therapists (Board) proposes to adopt regulation changes in Title 12, Chapter 79, of the Alaska Administrative Code including the following:

1. **12 AAC 79.210. Continuing education requirements**, is proposed to be changed to amend the continuing education requirements for renewal of a massage therapy license.
2. **12 AAC 79.910. “Moral turpitude” defined**, is proposed to be changed to further define a crime involving moral turpitude.
3. **12 AAC 79.990, Definitions**, is proposed to include the words “and standard” to “universal precautions”.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/185277>, and using the comment link. **The comments must be received not later than 5:00 p.m. on May 8, 2017.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than May 1, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MAS-0417.pdf>.

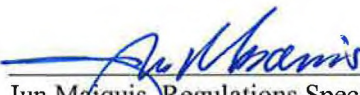
After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.61.020; AS 08.61.030; AS 08.61.050

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.61.020; AS 08.61.030; AS 08.61.050

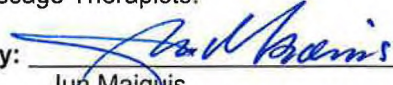
Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 4/4/17


Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Massage Therapists – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Continuing education requirements, moral turpitude, and definitions.
3. **Citation of regulation:** 12 AAC 79.210, 12 AAC 79.910, 12 AAC 79.990.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None known.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2017 or in subsequent years.
9. **The name of the contact person for the regulation:**
Dawn Hannasch, Licensing Examiner
Board of Massage Therapists
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-3811
E-mail: dawn.hannasch@alaska.gov
10. **The origin of the proposed action:** Board of Massage Therapists.
11. **Date:** 4/4/17 **Prepared by:** 
Jun Maiquis
Regulations Specialist
(907) 465-2537

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 79.210, 12 AAC 79.910, and 12 AAC 79.990, dealing with continuing education requirements, crimes involving moral turpitude, and definitions, has been given by being:

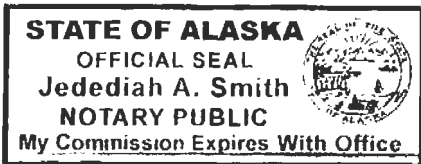
1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 5/12/17
Juneau, Alaska

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 12 day of May, 2017.



Notary Public in and for the
State of Alaska

My commission expires: with office

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

)
) **SS.**
)

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

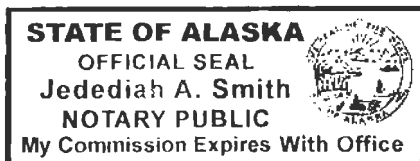
In compliance with AS 44.62.215, the Board of Massage Therapists has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Massage Therapists regulations on dealing with continuing education requirements, crimes involving moral turpitude, and definitions.

DATE: 5/12/17
Juneau, Alaska

Juneau, Alaska


Jun Maiquis, Regulations S

SUBSCRIBED AND SWORN TO before me this 12 day of May, 2017.



Les Smith

Notary Public in and for the
State of Alaska

My commission expires: with officer

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AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

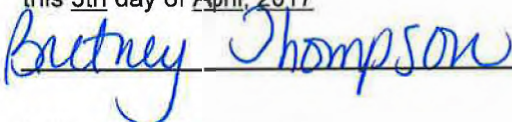
April 05, 2017

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed



Subscribed and sworn to before me
this 5th day of April, 2017



Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019
Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES RELATING TO CONTINUING EDUCATION REQUIREMENTS, MORAL TURPITUDE, AND DEFINITIONS IN THE REGULATIONS OF THE BOARD OF MASSAGE THERAPISTS

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2. **12 AAC 79.910. "Moral turpitude" defined**, is proposed to be changed to further define a crime involving moral turpitude.
3. **12 AAC 79.990. Definitions**, is proposed to include the words "and standard" to "universal precautions".

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A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MAS-0417.pdf>.

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Statutory Authority: AS 08.61.020; AS 08.61.030; AS 08.61.050
Statutes Being Implemented, Interpreted, or Made Specific:
AS 08.61.020; AS 08.61.030; AS 08.61.050

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 4/4/17

/s/
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

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Published: April 5, 2017

FIRST JUDICIAL DISTRICT

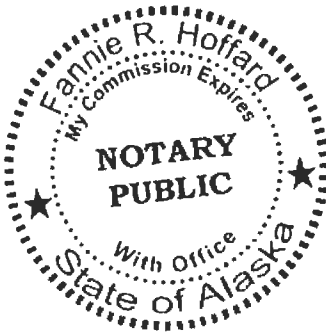
AFFIDAVIT OF BOARD ACTION

I, Dawn Hannasch, Licensing Examiner for the Board of Massage Therapists, being duly sworn, state the following:

The attached motion dealing with continuing education requirements, crimes involving moral turpitude, and definitions was passed by the Board of Massage Therapists during its May 10, 2017 teleconference meeting.


Dawn Hannasch, Licensing Examiner

SUBSCRIBED AND SWORN TO before me this 10th day of May, 2017.



Leah
Notary Public in and for the
State of Alaska
My commission expires: with my office

95 **Agenda item 5** **Review regulations as written:**

96

97

98 **In a motion duly made by Traci Gilmour and seconded by Ron Gibbs with a roll call vote, it**
99 **was:**

100

101 **Resolved to adopted 12 AAC 79.210, 12 AAC 79.910 and 12 AAC 79.990 as public noticed.**

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103

104

105 **Jill Motz-Yea**

106 **David Edwards-Smith-Yea**

107 **Ron Gibbs-Yea**

108 **Traci Gilmour-Yea**

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110

111

112