



**Notice of Proposed Changes Relating to
Continuing Education, Regulating Massage Therapy Establishments,
Defining “In-class Supervised Instruction”**

Proposed Regulations - FAQ

October 2019

12 AAC 79.100-

In-class Supervised Instruction

1. What are the new regulations being proposed?

The proposed change is a new subsection defining in-class supervised instruction under the education requirements to allow for online or distance courses for a portion of the total hours of education required to qualify for licensure. Online or distance education will not be allowed for the practical application hours described under 12 AAC 79.140(b)(6), which may not exceed 20% of the 625 hours required, or 125 hours.

The new regulations will require the online or distance education be completed through a board-approved online distance education monitoring program.

2. Why are the new regulations being proposed?

The Board of Massage Therapy has determined the need for better access to massage therapy education, particularly in rural communities. The board's reasons for the changes include more affordable education, and easier access via distance education.

3. Are there any negative aspects of the proposed changes?

There may be a potential of a drop in enrollment in brick and mortar schools.

12 AAC 79.110(b)(2)(B)-

Board-approved Credentialing Entities

1. What are the new regulations being proposed?

The board is updating this section to remove the entities currently listed in this section. The entities listed do not certify individual massage therapists' education. Therefore, the board will approve entities individually that have shown that their certification process is substantially equal to or greater than the requirements implemented by the board.

2. What positive or negative consequences will this regulation have on licensees or new applicants?

This regulation does not affect current licensees. The regulation will clarify that if an applicant is applying by credentials, they must show proof of a current license in another state, or they have been certified by a board-approved entity that ensures the applicant has met the required educational experience and passed a valid examination.

12 AAC 79.200-

License Renewal and Lapsed Licenses

1. What are the changes being proposed?

In 12 AAC 79.200(b)(4), the proposed changes will allow for the renewal applicant to certify on the renewal form they have current CPR certification. If they are then audited for continuing education, they will be required to provide proof of CPR certification by providing a copy of the card. The change to (b)(5) will clarify that the continuing education must be completed during the license renewal period before the renewal period in which the licensee is applying for.

There is also a new subsection being proposed that outlines the requirements for reinstatement of lapsed licenses. The regulation will allow a massage therapist to renew up to less than three years after their license has lapsed. If the licensee does not renew in that time period and wants to reinstate their license, the licensee will be required to apply for a new license.

2. Why are the changes being proposed?

The new regulations are being proposed to:

- streamline the renewal process by allowing the licensee to renew online by not having to submit the copy of their CPR card at renewal;
- assist the licensee in understanding what is required to reinstate a lapsed license.

12 AAC 79.210-

Continuing Education for License Renewal

1. What are the changes being proposed?

This section is being updated to clarify when the continuing education for renewal must be completed, and adding two hours of continuing education in ethics to the requirements. The two hours of ethics continuing education will not be in addition to the current total of 16 hours of continuing education, but will be included in the total 16 hours.

2. Why are the changes being proposed?

The board feels it is necessary to include at least two hours of ethics continuing education to meet the national standards of the massage therapy profession. This will assist in protecting the interests of all stakeholders in the massage therapy profession by keeping up with current educational standards.

12 AAC 79.900-

Code of Ethics and Standards of Practice

1. What are the changes being proposed?

The board is updating the Code of Ethics and Standards of Practice, under #4 of the standards of practice, which will clarify the requirements for display of the license in the place of business and require a massage therapist to have legal identification on their person while practicing off site. This change also implements standards of operation for all massage therapy establishments.

2. Why are the changes being proposed?

The board is implementing HB110 which went into effect July 1, 2019. The bill authorizes the board to regulate massage therapy establishments. In making the regulations for massage therapy establishments, the board is also outlining the standards of operations that the establishment must adhere to.

12 AAC 79.930-

Regulation of Massage Therapy Establishments

1. What are the changes being proposed?

This is a new section outlining the requirements for a massage therapy establishment.

- Section (a) refers to the requirements for registration, and include a self-inspection form, and certification of adhering to the standards of operations for massage therapy establishments;
- Section (b) refers to exemption of establishment registration if the majority owner has a current Alaska professional license listed in this section;
- Section (c) refers to the requirement of notifying the department when the owner of the establishment has changed, or a change of location. If there is a change of owner or physical location, a new registration must be submitted to the department by the new owner;
- Section (d) defines “massage therapy establishment”;

- Section (e) requires the department to keep a registry of all establishments registered with the board.

2. Why are the changes being proposed?

The board is implementing HB110 which went into effect July 1, 2019. The new statute authorizes the board to regulate massage therapy establishments. The legislature and the board understand there is a high potential of human and sex trafficking in the massage therapy industry. The board feels it is necessary to ensure massage therapy establishments adhere to certain national professional standards. Implementing the registration process, self-inspection, and Establishment Standards of Operation, will benefit the massage therapy profession and legitimate massage businesses. The regulation of establishments will assist law enforcement in identifying illicit massage establishments that negatively impact legitimate businesses, as well as the board investigator while investigating a complaint.

3. Who will be required to register?

All massage establishment businesses that do not have a majority owner having a current Alaska professional license on the list below, will be required to register the business.

Majority owners who have the following professional licenses issued by the State of Alaska are exempt from registration:

- (1) acupuncturist under AS 08.06;
- (2) chiropractor under AS 08.20;
- (3) naturopath under AS 08.45;
- (4) massage therapist under AS 08.61;
- (5) physician, osteopath, paramedic, or physician assistant, under AS 08.64;
- (6) direct-entry midwife under AS 08.65;
- (7) advanced practice registered nurse under AS 08.68; or
- (8) physical or occupational therapist under AS 08.84.

4. What will the cost be for registering the establishment?

The cost is unknown at this time, but it will be based on staff time for processing of the information received, and random inspections.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.