



Notice of Proposed Changes to Fees for Professions Regulated by the Board of Massage Therapists

Proposed Regulations - FAQ

October 2019

1. Why are new fees being proposed?

Effective July 1, 2019, under House Bill 110, Chapter 10 SLA 2018, the legislature gave the Board of Massage Therapists authority to regulate massage therapy establishments. The Board has proposed regulations for massage therapy establishments that will include a fee for the registration. The changes in this project is a companion to the proposed regulations under 12 AAC 79.

2. What is the proposed fee?

The proposed fee is \$300 for the registration of a massage therapy establishment.

12 AAC 02.396. Board of Massage Therapists.

12 AAC 02.396 is amended by adding a new paragraph to read:

- (5) nonrefundable massage therapy establishment registration fee, \$300;
- (6) fee for each investigation of an unregistered massage therapy establishment, \$2000.

3. Will there be a renewal fee?

At this time it is proposed to be an initial registration fee. The Board will in the near future consider a renewal fee to ensure the fees received equal the costs for maintaining the registration program.

Under the proposed regulations, a massage therapy establishment that has a change of ownership or a physical move, will be required to submit a new registration form, inspection form, and the fee.

4. How are the estimated costs determined?

AS 08.01.065 requires *all costs* of regulating the profession to be borne by its licensees. The proposed fees are based on known and anticipated costs.

5. What do licensing fees pay for?

The agency must create, publish, and manage licensing application forms and fees, which entail adherence to the state's recordkeeping, security, payment, and refund policies and procedures.

- Requirement of licensees to meet professional fitness standards, which are evaluated by the license examiner and referred to the agency's investigative unit if necessary for further review.
- Enforcement of disciplinary sanctions available to the agency if a licensee violates the state licensing statutes or regulations or an individual practices the profession without a license. Because state law requires all costs of a licensing program to be borne by the licensees of that program (AS 08.01.065), any investigative, attorney, or appeal expenses of the state will be recovered in the licensing fee.

6. Who will be required to pay the registration fee?

Owners of a massage therapy establishment must register with the Board unless exempted as noted below.

If the proposed regulations are adopted by the board, massage therapy establishments that are owned by certain health care professionals with professional licenses issued by the division will be exempt from the massage therapy establishment registration. Meaning that owners who do not hold a professional license in one of the professions listed below will be required to be registered by submitting the registration form, self-inspection, and fee.

Massage therapy establishment owners with a current Alaska professional license that may be exempt from massage therapy establishment registration include:

- (1) acupuncturist
- (2) chiropractor
- (3) naturopath
- (4) massage therapist
- (5) physician, osteopath, paramedic, or physician assistant
- (6) direct-entry midwife
- (7) advanced practice registered nurse
- (8) physical or occupational therapist

7. Who will be required to pay the \$2000 investigation fee?

The \$2000 investigation fee is for unregistered massage therapy establishments that should be registered, but are not. If a complaint has been filed or an inspection results in an investigation of an unregistered massage therapy establishment, the establishment will be charged the fee to pay for the investigation costs.

This fee will not be charged to a registered massage therapy establishment or one that is exempt under the proposed regulations as noted in #6, that may be investigated.

8. When will the new fees be effective?

After the public comment deadline, comments received are compiled and given to the Department Deputy Commissioner for consideration. Department Deputy Commissioner may adopt the regulation as written/publicly noticed, may amend and adopt them, or choose to take no action, or may withdraw the proposed regulations in part or in its whole. After Department action, the adopted regulations goes to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the Lt. Governor for filing. Regulation takes effect on the 30th day after they have been filed by the Lt. Governor.

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