

Kevin Meyer
Lieutenant Governor
State Capitol
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Anchorage, Alaska 99501
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor *AS*
465.4081

DATE: February 24, 2020

RE: Filed Permanent Regulations: Board of Massage Therapists

Board of Massage Therapists regulations re: educational and continuing education requirements, ethics, standards, and massage therapy establishments (12 AAC 79.100; 12 AAC 79.110(b); 12 AAC 79.200; 12 AAC 79.210(a); 12 AAC 79.900; 12 AAC 79.930)

Attorney General File:	2018201001
Regulation Filed:	2/24/2020
Effective Date:	3/25/2020
Print:	233, April 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Sher Zinn, Regulations Specialist

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


The attached five pages of regulations, dealing with the educational requirements defining "in-class supervised instruction", the continuing education requirements, the Code of Ethics and Standards of Practice, and massage therapy establishments to implement amendments to AS 08.61 enacted under Chapter 10, SLA 2018 (HB 110), is certified to be a correct copy of the regulation changes that the Board of Massage Therapy adopted at its December 2, 2019 meeting, under the authority of AS 08.61.020; AS 08.61.030; AS 08.61.040; AS 08.61.050; AS 08.61.090, 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.

It is estimated that this action will not require an increased appropriation.

On the record, in considering public comments, the Board of Massage Therapy 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: 12/03/2019



David Edwards-Smith, Chair

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on Febr. 24th, ~~2019~~²⁰²⁰ at 2:23 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Kevin Meyer, Lieutenant Governor

Effective: March 25, 2020

Register: 233, April 2020

Chapter 79. Board of Massage Therapy. ² Therapists.

12 AAC 79.100 is amended by adding new subsections to read:

(c) In this section, “in-class supervised instruction” means education received either in a physical classroom or through online distance education.

(d) To meet the educational requirements of this section and 12 AAC 79.140(b), online distance education courses

(1) must be completed through a board-approved online distance education monitoring program;

(2) must meet the requirements of (b)(2)(B) of this section; and

(3) may not include the practical application hours described in

12 AAC 79.140(b)(6). (Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am

3 / 25 / 2020, Register 233)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.090

12 AAC 79.110(b)(2)(B) is amended to read:

(B) is certified by a [THE AMERICAN MASSAGE THERAPY

ASSOCIATION, THE NATIONAL CERTIFICATION BOARD FOR THERAPEUTIC

MASSAGE AND BODYWORK, OR OTHER] board-approved credentialing entity; and

(Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am 3 / 25 / 2020, Register 233)

Authority: AS 08.61.020 AS 08.61.040 AS 08.61.090

AS 08.61.030

12 AAC 79.200(b)(4) is amended to read:

(4) **documentation of** [A] current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and

12 AAC 79.200(b)(5) is amended to read:

(5) documentation that the massage therapist satisfied the continuing education requirements in 12 AAC 79.210, **during the concluding licensing period.**

12 AAC 79.200 is amended by adding new subsections to read:

(c) The board will reinstate a massage therapy license that has lapsed less than three years if the applicant meets the requirements of (b)(1), (2), and (3) of this section and submits

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

(2) proof satisfactory to the board of completion of all continuing education required by 12 AAC 79.210, during the concluding licensing period.

(d) A massage therapy license that has lapsed three years or more may not be reinstated.
(Eff. 5/28/2016, Register 218; am 4/17/2019, Register 230; am 3/25/2020, Register 233)

Authority: AS 08.61.020 AS 08.61.050

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

(2) for a biennial licensing period that begins on or after July 1, 2017, must document **completion of** at least 16 continuing education credits **during the concluding licensing period**, all of which may be met through Internet-based continuing education courses; [.]

12 AAC 79.210(a) is amended by adding a new paragraph to read:

must document that (3) for every other biennial licensing period that begins on or after October 1, 2019, a minimum of two of the 16 continuing education credits required under Paragraph (2) of this subsection are ~~must be~~ in ethics.

(Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223; am 4/17/2019, Register 230; am 3 / 25 / 2020, Register 233)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.900 is amended to read:

12 AAC 79.900. Code of ethics, [AND] standards of practice, and establishment standards of operation. The *Alaska Board of Massage Therapists Code of Ethics, [AND] Standards of Practice, and Establishment Standards of Operation*, dated **September 2019** [DECEMBER 2018], 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 shall adhere to the code of ethics. (Eff. 1/17/2016, Register 217; am 5/1/2019, Register 230; am 3 / 25 / 2020, Register 233)

Authority: AS 08.61.020

*CC Publisher: Please update the editor's note that follows 12 AAC 79.900:
(1) insert "Editor's note:", boldface, at the start of the note; (2) update the
title of the referenced document to match the changes to the title in
12 AAC 79.900.)))*

12 AAC 79.930. Regulation of massage therapy establishments. (a) A massage therapy establishment, unless exempted under (b) of this section, must register with the board by submitting

(1) a completed application form provided by the department;

(2) a notarized, completed self-inspection report form provided by the department, including certification of compliance with the Establishment Standards of Operation *(((lowercase)))* *(adopted by reference)* established by the board in 12 AAC 79.900; and

(3) the fee required under 12 AAC 02.396.

(b) *An owner of* *≡ Caf* a massage therapy establishment is exempt from complying with (a) and (c) of this section if the majority owner of the massage therapy establishment business is a currently licensed

(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, *(mobile intensive care)* 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.

(c) The owner *(or)* and manager of a massage therapy establishment shall notify the

department in writing by submitting the requirements of (a) of this section for a new registration not later than ⁽³⁰⁾ ~~thirty~~ business days following any change in ownership or physical location of the massage therapy establishment.

^{(c) In} ~~(d)~~ Under this section, ^{means} "massage therapy establishment" ~~is defined as~~ a fixed or mobile place of business that

(1) is owned by ^a ~~one or more~~ natural persons, ^{or} partnership, limited partnership, corporation, company, limited liability company, or other entity;

(2) engages in, conducts, or permits massage or massage therapy to be conducted for any form of compensation, or uses the word "massage" in any solicitation or advertisement.

^(d) ~~(e)~~ The department ^{will} ~~shall~~ maintain a registry of all massage therapy establishments registered with the board. (Eff. 3 / 25 / 2020, Register 233)

Authority: AS 08.61.020

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: February 14, 2020

File No.: 2018201001

Thru: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Tel. No.: 465-3600

From: Steven C Weaver *SCW*
Senior Assistant Attorney General
Legislation and Regulations Section

Re: Board of Massage Therapists
regulations re: educational and
continuing education requirements,
ethics standards, and massage therapy
establishments (12 AAC 79.100;
12 AAC 79.110(b); 12 AAC 79.200;
12 AAC 79.210(a); 12 AAC 79.900;
12 AAC 79.930)

The Department of Law has reviewed the attached regulations of the Board of Massage Therapists against the statutory standards of the Administrative Procedure Act. Based upon our review, 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 regulations were adopted by the Board of Massage Therapists after the close of the public comment period. The regulations update education and continuing education requirements, update ethics standards, and--to implement amendments to AS 08.61.020, that were enacted under sec. 2, ch. 10, SLA 2018, and that took effect July 1, 2019--adopt procedures and requirements for licensure of massage therapy establishments.

We note that these regulations are related to a companion regulations project establishing fees for massage therapy establishments regulated by the Board of Massage Therapists (Department of Law file number 2019104243). We ask that the fee project be filed on the same date as this project so that the regulations in each project share the same effective date (i.e., 30 days after the date of filing).

The October 24, 2019 public notice and the December 3, 2019 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.

SCW

cc w/enc: David Edwards-Smith, Chair
Board of Massage Therapists
(by e-mail through Sher Zinn)

Amy Demboski, Assistant Commissioner and Regulations Contact
Department of Commerce, Community, and Economic Development

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

Sher Zinn, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

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

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF MASSAGE THERAPY

BRIEF DESCRIPTION: The Board of Massage Therapy is proposing to update the regulations of the educational requirements defining “in-class supervised instruction”, the continuing education requirements, the Code of Ethics and Standards of Practice, and massage therapy establishments to implement amendments to AS 08.61 enacted under Chapter 10, SLA 2018 (HB 110).

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

1. **12 AAC 79.100. Application for licensure by examination**, is proposed to be changed by adding new sections regarding “in-class supervised instruction”.
2. **12 AAC 79.110. Application for licensure by credentials**, is proposed to be changed to remove certain organizations and allow the board to approve a credentialing entity for massage therapist certification.
3. **12 AAC 79.200. License renewal**, is proposed to amend the renewal requirements, clarify when continuing education must be obtained, and add requirements for reinstatement of a lapsed license.
4. **12 AAC 79.210. Continuing education requirements**, is proposed to be amended to clarify the continuing education requirements, and add continuing education in ethics.
5. **12 AAC 79.900. Code of ethics and standards of practice**, is proposed to update the code of ethics and standards of practice, adopted by reference.
6. **12 AAC 79.930. Regulation of massage therapy establishments**, is a new section outlining regulation of massage therapy establishments.

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 Sher Zinn, 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/195853>, and using the comment link. **The comments must be received not later than 4:30 p.m. on November 25, 2019.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, not later than November 19, 2019, 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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MAS-1019.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 regulations may be different from that of the proposed regulations. **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 08.61.040; AS 08.61.050; AS 08.61.090.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.61.020; AS 08.61.030; AS 08.61.040; AS 08.61.050; AS 08.61.090.

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

DATE: 10/24/19


Sher Zinn, 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 Therapy – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Educational requirements for in-class supervised instruction, continuing education, the Code of Ethics and Standards of Practice, and regulation of Massage Therapy Establishments.
3. **Citation of regulation:** 12 AAC 79.100; 12 AAC 79.110; 12 AAC 79.200; 12 AAC 79.210; 12 AAC 79.900; 12 AAC 79.930.
4. **Department of Law file number:** #2018201001
5. **Reason for the proposed action:** Update and clarification of current regulations and to implement statutory changes.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: Cost of registration for a massage therapy establishment to be determined by the Department.
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 2020 or in subsequent years.
9. **The name of the contact person for the regulation:**

Dawn Dulebohn, Licensing Examiner
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-3811
E-mail: dawn.dulebohn@alaska.gov

10. The origin of the proposed action: Board of Massage Therapy.

11. Date: 10/24/19

Prepared by: 
Sher Zinn
Regulations Specialist

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

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

I, Sher Zinn, 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 79.100, 12 AAC 79.110, 12 AAC 79.200, 12 AA 79.210, 12 AAC 79.900, and 12 AAC 79.930, dealing with educational requirements, continuing education, massage therapy establishment registration, and the Code of Ethics and Standards of Practice, has been given by being

1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
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);

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 1/13/2020

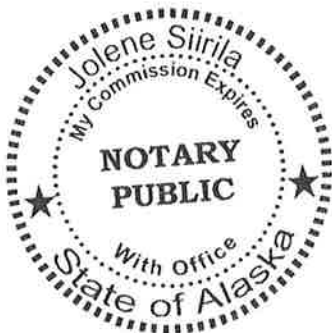



Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau Alaska on

1/13/2020.

(date)





Notary Public in and for the State of Alaska
My commission expires w/office

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

In compliance with AS 44.62.215, the Department of Commerce, Community, and Economic Development 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 Therapy regulations on dealing with educational requirements, continuing education, massage therapy establishment registration, and the Code of Ethics and Standards of Practice.

Date: 1/13/2020

Sher Zinn
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau Alaska on
1/13/2020
(date)



Jolene Siirila
Notary Public in and for the State of Alaska
My commission expires: w/ office

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
Attention To: ATTN TO: JUN MAIQUIS
PO BOX 110806, JUNEAU, AK 99811

RECEIVED
JUNEAU
OCT 28 2019

Order #: W0012129

Cost: \$552.82

CBPL

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily 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 afore-said 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

10/24/2019

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 24th day of October 2019.

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

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF MASSAGE THERAPY

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

1. **12 AAC 79.100. Application for licensure by examination.** is proposed to be changed by adding new subsections regarding "in-class supervised instruction".
2. **12 AAC 79.110. Application for licensure by credentials.** is proposed to be changed to remove certain organizations and allow the board to approve a credentialing entity for massage therapist certification.
3. **12 AAC 79.200. License renewal.** is proposed to amend the renewal requirements, clarify when continuing education must be obtained, and add requirements for reinstatement of a lapsed license.
4. **12 AAC 79.210. Continuing education requirements.** is proposed to be amended to clarify the continuing education requirements, and add continuing education in ethics.
5. **12 AAC 79.900. Code of ethics, standards of practice, and establishment standards of operation.** is proposed to update the code of ethics and standards of practice, adopted by reference.
6. **12 AAC 79.930. Regulation of massage therapy establishments.** is a new section outlining regulation of massage therapy establishments.

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 Sher Zinn, 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/195853>, and using the comment link. **The comments must be received not later than 4:30 p.m. on November 25, 2019.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, not later than November 19, 2019, 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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MAS-1019.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 regulations may be different from that of the proposed regulations. **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 08.61.040; AS 08.61.050; AS 08.61.090.
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.61.020; AS 08.61.030; AS 08.61.040; AS 08.61.050; AS 08.61.090.

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

DATE: 10/24/19
By: /s/ Sher Zinn, 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 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.

Published: October 24, 2019

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF BOARD ACTION

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

The attached motion dealing with educational requirements defining “in-class supervised instruction”, the continuing education requirements, the Code of Ethics and Standards of Practice, and massage therapy establishments, was passed by the Board of Massage Therapy during its December 2, 2019 meeting.

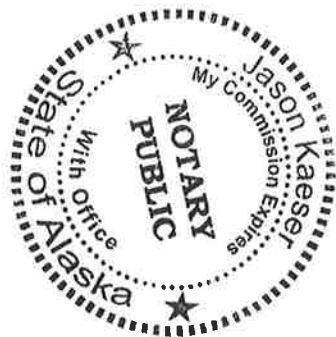
Date: 1/29/2020


Dawn Dulebohn, Licensing Examiner

Subscribed and sworn to before me at STATE OF ALASKA on _____

01/29/2020

(date)



Notary Public in and for the
State of Alaska

My commission expires: WCH OFFICE

- Change the deadline to notify division of establishment change in ownership or physical location from 10 business days to 30 days.
- Amend 12 AAC 79.100(d)(2) by putting the word “must” before “meet”.
- Insert reference of 12 AAC 79.900 before semi-colon in 12 AAC 79.930(2).
- Amend 12 AAC 79.210 (2)(3) to read “every other biennial licensing period beginning on or after October 1, 2019”. The ethics requirement would begin the 2019 licensing period and be included in the CE audit in 2021.

In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was **RESOLVED** to **ADOPT** the regulations that closed public comment on November 29, 2019 as amended.

TASK: OLE Dulebohn will submit Board Certifying Order and Examiner Affidavit to Ms. Zinn.

Regulations Specialist Zinn left the meeting at 3:32 p.m

Agenda Item 6 **Old Business(continued)**

Travel Summary from FSMTB Annual Meeting

Vice Chair Gilmour, who was elected to attend the Federation of State Massage Therapy Board (FSMTB) Annual Conference, gives the board a presentation on her experience. Ms. Gilmour states that she was very impressed with the conference. Ms. Gilmour imparts to the board that one of the best takeaways is the networking opportunities given to the delegates. The way that FSMTB structures the event allows multiple opportunities for state delegates to speak with other approximately 40 other districts on topics such as regulation, investigations, policies, education requirements, licensing, and human trafficking issues. Ms. Gilmour also shares with the board the information that she received on “exam mills” in Mississippi where students do not learn about massage therapy and only cram for the MBLEx from stolen test questions. These mills are related to human trafficking and when they are discovered by law enforcement, they begged the investigators not to do anything for fear of what the repercussions may be from their “handlers”. Ms. Gilmour imparts information about deregulations tactics which are attempting to get boards disbanded. She cautions that the board should make sure they are aware of any bills that are being introduced that could impact the board so they can be prepared to lobby the legislature.

Ms. Gilmour inquired about the pros and cons of the Alaska Board joining the Federation of Associations of Regulatory Boards (FARB) while at FSMTB since Debra Persinger, the Executive Director of FSMTB, is on the FARB board. Ms. Persinger believes it is necessary for the Alaska Board to join FARB but Ms. Gilmour is still against the board paying for that membership and maintains that the state should pay for it.

Speaking of deregulation, Ms. Motz reminds the board of the agenda item for tomorrow regarding HB0169 and how it is important that the board formulate a position statement to ensure their voice is heard. Chair Edwards-Smith believes that the opinion letter written to Anchorage Daily News is also a warning sign of a tide of deregulation and how it is a warning to boards to be more aware of