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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Amy Demboski
Department of Commerce, Community, and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: May 7, 2021

RE: Filed Permanent Regulations: Board of Massage Therapists

Board of Massage Therapists regulations re: licensure, continuing education, and massage therapy establishments (12 AAC 79.110; 12 AAC 79.210; 12 AAC 79.920 - 12 AAC 79.940)

Attorney General File:	2021200045
Regulation Filed:	5/7/2021
Effective Date:	6/6/2021
Print:	238, July 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

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


The attached four pages of regulations, dealing with licensure by credentials, continuing education requirements, application requirements, massage therapy establishments, and unregistered massage therapy establishment investigation, are hereby certified to be a correct copy of the regulation changes that the Board of Massage Therapists adopted at its March 15, 2021 teleconference meeting, under the authority of AS 08.01.065, AS 08.01.100, AS 08.61.020, AS 08.61.030, AS 08.61.040, AS 08.61.050, and 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.

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: 3-15-21
Soldotna, Alaska



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

April Simpson for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on May 7, 2021 at 11:57 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for 

Kevin Meyer, Lieutenant Governor

Effective: June 6, 2021

Register: 238, July 2021

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K. Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 79. Massage Therapists.

12 AAC 79.110 is amended by adding a new subsection to read:

Before approving an applicant for licensure by credentials, the board may

(c) ~~The board will, in its discretion, require additional documentation to substantiate the education claimed by the applicant prior to approving an applicant for licensure by credentials.~~

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

6 / 6 / 2021, Register 238)

Authority: AS 08.61.020 AS 08.61.040 AS 08.61.090
AS 08.61.030

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

(4) must document completion of a cardiopulmonary resuscitation course as required by 12 AAC 79.200(b)(4).

12 AAC 79.210(h) is amended to read:

(h) An applicant for renewal under (a) of this section may receive three [ONE] continuing education credits [CREDIT] for attending at least 75 [80] percent of a regularly scheduled board meeting once every biennial licensing period.

(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; am 6 / 6 / 2021, Register 238)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.920(c) is amended to read:

(c) An applicant whose license application has been approved pending receipt of the license fee or additional requirements must submit the license fee or documentation

satisfactory to the board that the additional requirements have been met to the department within six months after being notified that the license application was approved. An applicant who does not submit the license fee or additional requirements required documentation to the department within six months after being notified that the license application was approved must reapply for licensure.

(Eff. 4/17/2019, Register 230; am 6 / 6 / 2021, Register 238)

Authority: AS 08.61.020

repeated and readopted
12 AAC 79.930 is ~~amended~~ to read:

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 adopted by reference in 12 AAC 79.900; ~~[AND]~~

(3) the fee required under 12 AAC 02.396; and

(4) documentation of a current business license in this state.

{ "boldface and underlining unnecessary" }

(b) 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 manager of a massage therapy establishment shall notify the department in writing by submitting the items required under requirements of (a) of this section for a new registration not later than 30 [BUSINESS] days following any change in ownership [OR PHYSICAL LOCATION] of the massage therapy establishment.

(d) The owner or manager of a massage therapy establishment shall notify the department in writing not later than 30 days following a change in physical location by submitting

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

(2) a completed self-inspection report form described under (a)(2) of this section. and

(3) the fee required under 12 AAC 02.396.

(e) A massage therapy establishment required to be registered under this section must renew the registration on or before September 30 of every odd-numbered year by submitting

(1) a complete registration renewal form; and

(2) the registration renewal fee required under 12 AAC 02.396.

(f) A massage therapy establishment owner must notify the department in writing not later than 15 days after the establishment ceases operations.

(g) The department will maintain a registry of all massage therapy establishments registered with the board.

to add fee and underlining unnecessary

(h) ~~(e)~~ In this section, "massage therapy establishment" means a fixed or mobile place of business that

(1) ~~is~~ is owned by a natural person, 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.

(Eff. 3/25/2020, Register 233; am 6 / 6 / 2021, Register 238)

Authority: AS 08.01.100 AS 08.61.020

12 AAC 79 is amended by adding a new section to read:

the massage therapy establishment is
12 AAC 79.940. Unregistered massage therapy establishment investigation. Unless exempt from registration under 12 AAC 79.930(b), if an inspection or complaint of an unregistered massage therapy establishment results in an investigation, the unregistered massage therapy establishment owner shall pay the investigation fee required by 12 AAC 02.396 to the department for each investigation. (Eff. 6 / 6 / 2021, Register 238)

Authority: AS 08.01.065 AS 08.61.020