



Associated Bodywork & Massage Professionals

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February 14, 2017

TO: Labor and Commerce and Finance Committees
House of Representatives, State of Alaska

Speaker of the House Edgmon and Honorable Representatives Kito, Wool, Josephson, Stutes, Birch, Knopp, Sullivan-Leonard, Chenault, Edgmon, Foster, Seaton, Gara, Grenn, Guttentberg, Kawasaki, Ortiz, Pruitt, Thompson, Wilson, and Tilton

Associated Bodywork & Massage Professionals (ABMP) is the largest professional association for massage therapists in the country. We provide professional liability insurance, business resources, professional publications, and legislative and regulatory advocacy for our more than 80,000 members nationwide; including more than 300 massage therapy and bodywork members in Alaska.

We are responding to House Bill 110 regarding amendments to the Massage Practice Act. Across the nation, many states are looking at ways to attack human trafficking. Many times we find this effort runs through the Massage Practice Act and legislation regarding alternative modalities. In our opinion, human trafficking should not be targeted at law abiding massage therapists who have complied with all of the requirements to get a license. We encourage states to address human trafficking through their criminal codes, to increase the penalties for pimps and traffickers, and to get help for those engaged in prostitution. We believe that local authorities should have the ability to inspect all businesses to make sure that those who are supposed to have licenses do so. This shouldn't be limited to the massage therapy community. We do applaud your efforts to address human trafficking. We are opposed, however to a few items in House Bill 110.

With regards to requiring the Board to regulate massage therapy establishments in Sec 08.61.020 we believe that the police and local governments should have the authority to inspect all businesses, not just massage therapy businesses, to ensure that all activity at the business is lawful. Establishment licensing creates an added financial and logistical burden on licensed massage therapists who have gone through every requirement of licensure—from obtaining the appropriate amount of education, going through a background check, confirming they have not committed any crimes of moral turpitude, and passing a licensing examination. These individuals are not the criminal elements that the bill purports to address. Having to pay for an additional license to practice massage therapy is an added burden to massage therapists that nationally, on average, make approximately \$25,000 per year.

Amendments to Section 08.61.030 modify licensure requirements for practicing massage therapists in Alaska. The new requirement would require 625 hours of education in order to obtain licensure. We are in favor of the 625 hour education standard. HB 110 however, does not address what other areas of the massage practice act are affected by this move to 625 hours. We strongly encourage you to consider adding some grandfathering language for all who received or applied for their licenses in advance of the potential effective date of the bill. People who met the requirements in advance of this amendment should be able to continue to practice. No grandfathering would create an additional financial burden on practitioners who have already been practicing legally.

In addition, amendments to Section 08.61.030 to modify the education requirement to 625 hours could also have an effect on those individuals who see licensure through credentialing. Sec 08.061.040(9)(A) provides that massage therapists moving into Alaska can in part obtain a license by being "licensed to practice massage therapy in another state or country that has licensing requirements that are substantially equal to or greater than the requirements of this state." A majority (twenty eight) of regulated states use a 500-hour requirement of education for licensure. In addition, eight states require between 500 and 625 hours, two states require voluntary certification and four other states are unregulated.

We ask that you consider removing Sec. 08.061.040(9)(A) from the statute and allow people to move to Alaska and practice so long as they meet the requirements in their original jurisdiction, are in good standing, and have passed a

criminal background check. Absent moving in this direction, we ask that you establish a capacity for regulators to accept a combination of “substantially equivalent” education and work experience as a means to obtaining licensing in Alaska. This will aid current and future Alaska residents in qualifying to practice.

There is also a typographical error at Sec 08.61.030(7). The bill says two hours of safety education, but the number after two is (Four).

Finally, the requirement that exempt modalities would be required to register as exempt in Sec. 08.61.085 is baffling. It is confusing to require individuals to pay to register to not get a license. It is akin to having a person register and pay to not have a driver's license. If a practice is not regulated, those practitioners should not be required to register and pay an arbitrary fee to not have a license. To require a person to apply, pay fees and submit proof “satisfactory to the board” is subjective and opens the process up to potential abuse targeted at various individuals. Furthermore, the modalities identified in (3) don't cover all bodywork modalities, so the registry would be incomplete.

In most regulated states, bodywork professionals are not required to obtain a license to practice their profession—a position that most of these professionals support. We believe they will also be opposed to having to pay for a registry to not be licensed. We urge you to talk with the national organizations about their positions, and to hear your bodywork constituents. Not all professions need to be licensed. There are a lot of conversations in the regulatory arena about not over-regulating professions. We know there are bad actors that usurp the names of bodywork professions. That said, trying to root out those individuals by requiring licensing of bodywork professionals is not, in our opinion, the way to get at these actors. We strongly advocate for separating massage and bodywork laws from human trafficking laws. Addressing these issues through the criminal code is how to get to these individuals. Strengthen criminal codes, authorize local governments through the criminal or other governmental codes to investigate when they suspect criminal activity.

The registry is a unique attempt to legislate prostitution and human trafficking through the massage practice act. The board does not have police power to arrest or press charges against an individual engaging in human trafficking. The best a board can do is to issue cease and desist orders for the unlicensed practice of law. Criminal entities will disregard a cease and desist order. If they are engaged in criminal activity a cease and desist order will not deter them.

We strongly encourage the Alaska legislature to remove Sec. 08.61.085, reconsider raising the education requirement for licensure to 625 without reasonable grandfathering and consideration of endorsement candidates and have a deeper conversation about the merits of registering unregulated individuals. Thank you for your consideration. If you have any questions or comments, please contact me at laura@abmp.com or 303 679-7645. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Laura B. Embleton". The signature is fluid and elegant, with a large initial 'L' and 'E'.

Laura B. Embleton, Government Relations Director

From: [Siene Allen](#)
To: [Rep. Sam Kito](#)
Subject: House Bill 110 Public Comment
Date: Wednesday, February 15, 2017 3:58:36 AM

2017 February 14

Dear House Committee Members:

My name is Siene Allen. I graduated from the Florida School of Massage in 2009, passed my boards and became licensed in FL that same year; have been a certified member of the NCBTMB since 2009; and am currently practicing massage therapy in Kodiak with licenses held in MT and AK. My specialty is in orthopedic massage therapy with an emphasis on myofascial balancing.

I write you today because I am concerned that the exemptions proposed in House Bill No. 110 (Sec. 3 AS 08.61.085.) with regards to the practice of structural integration fall outside the legal definition of “practice of massage therapy”. Practitioners that specifically “manipulate soft tissues, to enhance the functions of those tissues and promote relaxation and well-being” are defined by House Bill 328 (Sec. 08.61.100.) as massage therapists.

The International Association of Structural Integrators [IASI] defines their practice this way: Structural Integration is a type of bodywork that focuses on the connective tissue, or fascia, of the body. Fascia surrounds muscles, groups of muscles, blood vessels, organs, and nerves, binding some structures together while permitting others to slide smoothly over each other . . . Structural Integration works to lengthen, stretch, and soften this tissue to restore postural balance, ease of movement, and a feeling of being more at home in your own body (IASI, n.d.).

According to their own words, they are practicing massage under House Bill 328 (Sec. 08.61.100.). As such, they should have to follow the same licensure requirements as the rest of us. As a massage therapist who focuses primarily on the myofascial system in my own work, I find it difficult to see how they could qualify for an exemption.

The massage therapy profession is similar to that of a medical provider in that there are many modalities/specialties. A neurologist is not privileged to deliver babies, but their professional license is the same. Structural integration is a specialty massage modality that focuses on how the fascia effects the body as an interconnected system; it is not its own profession no matter how much money is put into lobbying.

Most certification boards (including the NCBTMB, ARCB and IASI) require a renewal every 2-4 years to maintain certification. A 10-year exemption seems excessive by these standards; monitoring changes in status of exempt individuals would likely require a fair amount of administrative work. At the very minimum, anyone who is allowed exemption under the law should be required to reapply for exemption on the same 2-year cycle that massage therapists in the State are required to follow.

I support massage therapy licensure as it establishes scope of practice, provides legal means to enforce professional standards and safeguard the public, and helps prevent illegal activity such as prostitution and human trafficking. Professional licensure also supports the acceptance of and reimbursement for massage therapy services when offered within integrated health care systems as a way to increase value, expand wellness services, and provide better outcomes for patients while managing rising costs. If specialty modalities like structural integration, rolfing, craniosacral therapy, reflexology, etc. want to be included in the integrated health care system it stands to reason that a single professional license for massage therapy and bodywork would be the most logical approach towards recognition and appropriate regulation.

I honestly believe that massage therapy and other complementary services are going to play a

significant role in helping to promote the health and wellness of Alaskans as we continue to reform health care. The comprehensive paper The Value and Efficacy of Massage Therapy in Integrated Health Care (AMTA, 2014) made this statement: “Including massage therapy as part of an integrated care model can help ensure that patients get the appropriate care to manage both the causes and symptoms of poor health, with the goal of improving outcomes” (p. 9). With House Bill 110 (Sec. 3 AS 08.61.085.) before you, your decisions today will have an impact on what the future of health care looks like moving forward for those of us who practice massage and bodywork. I hope that you consider my arguments regarding the need for structural integrators to apply for a massage license like the rest of us, and limit other license exemptions to 2 years.

Thank your for your consideration,

Siene Allen

References

American Massage Therapy Association. (2014). The value and efficacy of massage therapy in integrated health care. Retrieved from

https://www.amtamassage.org/uploads/cms/documents/aca_book_final.pdf.

Craniosacral Therapy Alliance. (n.d.) Retrieved from

<http://www.cstalliance.com/Curriculum/Certification.html>

International Association of Structural Integrators [IASI]. (n.d.) New to structural integration?

Retrieved from [http://www.theiasi.net/what-is-structural-](http://www.theiasi.net/what-is-structural-integration-) integration-

Sincerely,

Siene Allen, LMT, IMAPT

siene.allen@gmail.com

From: [Deb McCusker](#)
To: [Rep. Sam Kito](#)
Cc: representative.Louise.Statutes@alleged.gov
Subject: Massage exemption
Date: Tuesday, February 14, 2017 3:58:09 PM

Dear Committee Members,

My name is Deborah McCusker. I have been practicing massage in Kodiak, AK for 20 years. I have some comments concerning exemption for Rolfers and Structural Integrationists from the massage therapy law.

It is difficult to separate Rolfing, Structural Integration, and Massage Therapy. According to the definition in the Alaska Massage laws they appear to be related. Rolfing and Structural Integration being one of many modalities of Massage Therapy.

Many massage therapists go on to study and practice Structural Integration but they will still use massage techniques in their practice. Other massage therapists integrate techniques that may also be used by Structural Integration and Rolfing practitioners. My own deep tissue massage training at the San Francisco School of Massage was taught by certified advance Rolfers.

I think all types of body work should be included in the Alaska massage laws. Any exemptions should have an application process.

Respectfully,
Deborah McCusker

[Sent from Yahoo Mail on Android](#)

Support for HB110A

My name is Traci Gilmour. I am a Licensed Massage Therapist in Juneau, Alaska and currently hold a seat on the Alaska State Board of Massage.

The State Board of Massage has worked since the Massage Licensing Statute passed in April, 2014 to create regulations, Standards of Practice and approve over 1000 applicants to licensing and study statutes for loopholes and changes that may be needed.

This work has resulted in the Bill before the legislature. We are asking for a few changes that will strengthen the law.

An increase in required hours for students graduating from Massage School will provide future massage therapists with a more complete education to better serve patients and clients. The board has been researching and working with other states and organizations. The board recognizes the trend is moving toward 600-700 education hours for a requirement for licensing. As of 2015 there were 19 of 45 states requiring 600+ hours of education and more moving in that direction.

We have identified a need for reduced Bloodborne Pathogens CE requirements for the fact that there are few, if any, 4 hour classes available to therapists for renewal.

We are asking for the ability to create regulations governing Massage Therapy Establishments. State Investigations and the FBI in 2015 identified 29 illicit establishments in Anchorage alone and up to 130 throughout the state. The Municipality of Anchorage set forth to create their own Massage Establishment Licensing recognizing the statute didn't go far enough to reduce illegal massage parlors, citing a concern for Sex and Human Trafficking. The Board took up this task to ensure it had widespread reach.

Sex and Human Trafficking are pervasive in our state and society. Unfortunately, massage therapy is a haven for illicit activity. Fighting to protect our industry from people who seek to take advantage of others in the underground world of Human Trafficking will continue to be a focus for the State Board of Massage. The FBI notes that establishments can be entered for investigation, but the front desk staff and managers do not have to bear responsibility for what happens behind closed doors. In fact, according to the FBI, some of these establishments keep women on premises 24/7. They are forced to sleep, eat and work in seclusion. The Massage Therapy Establishment portion of the bill recognizes the need to add teeth to the statute and regulations would require establishments have a manager and lead therapist registered with the state that are held accountable for what happens onsite.

In regard to the concern for Sex and Human Trafficking, the Board has identified areas of law that may become a loophole for avoiding licensure. We request that bodyworkers falling under the exemption language register with the state and receive a 10 year exemption, specifically those that lay hands on the body. This would be a simple form filed with Professional Licensing.

None of these changes in the law negatively affect current licensees or applicants coming up for renewal in July. All three schools in the state of Alaska are 750+ hour schools.

We are committed to ensuring and providing a healthy, safe environment for therapists and their clients practicing and receiving Massage Therapy and bodywork. Thank you for your time and consideration.

Please see the attached PDF copies of the current Statute and Regulations and Code of Ethics and Standards of Practice.

Alaska Board of Massage Therapists

Code of Ethics and Standards of Practice

June 2015



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

**ALASKA BOARD OF MASSAGE THERAPISTS CODE OF ETHICS
AND STANDARDS OF PRACTICE
JUNE 2015**

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 must adhere to the Alaska Board of Massage Therapists Code of Ethics and Standards of Practice:

CODE OF ETHICS

- 1) I will represent my qualifications honestly including education, certifications and professional affiliations and accurately inform clients, health care professionals and the public of the scope and limitations of my discipline. I will provide only those services I am qualified to perform.
- 2) I will provide treatment only where there is a reasonable expectation that it will be advantageous to the client and will acknowledge the limitations of and contraindications for massage therapy and refer clients to appropriate health care professionals when indicated.
- 3) I will not discriminate against clients and/or healthcare professionals.
- 4) I will abide by the Federal guidelines of the Health Insurance Privacy and Portability Act (HIPPA).
- 5) I will respect the client's right to refuse, modify or terminate treatment at will regardless of prior consent given.
- 6) I will exercise my right to refuse to treat any person or part of the body for just and reasonable cause.
- 7) I will respect the client's autonomy by providing draping and treatment in a way that ensures the safety, comfort and privacy of the client.
- 8) I will not, in any circumstance, initiate or engage in sexual conduct, activities, or sexualizing behavior involving a client, even if the client attempts to sexualize the relationship.
- 9) I will refuse any gifts or benefits that are intended to influence a referral, decision or treatment or those that are purely for personal gain and I will avoid any interest, activity or influence which may conflict with my obligation as a massage therapist to act in the best interest of my client or the profession.
- 10) I will refrain from practicing under the influence of alcohol, drugs or any illegal substances, with the exception of a prescribed dosage of prescription medication which does not impair my ability to practice safely.
- 11) I will report in accordance to AS 41.17.070 (a)(1) any suspected child abuse or neglect.

STANDARDS OF PRACTICE

- 1) Obey all applicable local, state and federal laws when pertaining to massage therapy.
- 2) Maintain a record of daily clientele including name and date of service and adequate progress notes when applicable.
- 3) Provide a setting that is safe and meets all applicable legal requirements for health, safety, sanitation, hygiene, universal and standard precautions, in accordance with local, state and federal regulatory bodies including guidelines set by the Centers for Disease Control and Prevention (CDC), the National Institute of Health (NIH), and the Occupational Safety and Health Administration (OSHA).
- 4) Therapists shall prominently display the State of Alaska massage license in his or her place of business. Therapists will make available proof of licensure while practicing off site.
- 5) Therapists shall display or discuss a schedule of fees in advance of the session that is clearly understood by the client.

Statutes and Regulations **Massage Therapists**

July 2016

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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MASSAGE THERAPISTS.

Section

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- 20. Duties and powers of board**
- 30. Qualifications for license**
- 40. Licensure by credentials**
- 50. Standards for license renewal**
- 60. Grounds for imposition of disciplinary sanctions**
- 70. Practice of massage therapy without license prohibited**
- 80. Exceptions to application of chapter**
- 90. Fees**
- 100. Definitions**

Sec. 08.61.010. Board established. The Board of Massage Therapists is established in the department. The board consists of five members appointed by the governor as follows:

(1) four licensed massage therapists who have been engaged in the practice of massage therapy in the state for the three years immediately preceding appointment and who shall remain actively engaged in the practice of massage therapy while serving on the board; not more than one member appointed under this paragraph may have an ownership or partnership interest in a massage school; and

(2) one public member; the governor may not appoint as a public member

(A) a licensed health care provider;

(B) an employee of the state; or

(C) a current or former member of another occupational licensing board established under AS 08.

Sec. 08.61.020. Duties and powers of board. In addition to the duties specified in AS 08.01, the board shall

(1) provide for the examination of applicants by the board or through a nationally recognized competency examination approved by the board and issue licenses to applicants the board finds qualified;

(2) adopt regulations governing

(A) licensing of massage therapists; and

(B) the practice of massage therapy;

(3) establish standards of professional competence and ethical conduct for massage therapists;

(4) establish standards for continuing education for massage therapists; standards adopted by the board under this paragraph must allow for approval of Internet-based continuing education courses;

(5) make available to the public a list of massage therapists licensed under this chapter;

(6) determine which states have educational and licensing requirements equivalent to the requirements of this state;

(7) enforce the provisions of this chapter and adopt and enforce regulations necessary to implement this chapter; and

(8) approve one or more nationally recognized competency examinations and publish and periodically update the list of approved examinations.

Sec. 08.61.030. Qualifications for license. The board shall issue a license to practice massage therapy to a person who

(1) applies on a form provided by the department;

(2) pays the fees established under AS 08.61.090;

(3) furnishes evidence satisfactory to the board that the person has completed a

(A) course of study of at least 500 hours of in-class supervised instruction and clinical work from an approved massage school; or

(B) board-approved apprenticeship program;

(4) is 18 years of age or older;

(5) has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.16 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

(6) has a current cardiopulmonary resuscitation certification;

(7) has received at least four hours of safety education covering bloodborne pathogens and universal precautions in the two years preceding the application for the license; in this paragraph, "bloodborne pathogens" has the meaning given in AS 18.15.450;

(8) has successfully completed a nationally recognized competency examination approved by the board; and

(9) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or who has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely.

Sec. 08.61.040. Licensure by credentials. The board shall issue a license to practice massage therapy to a person who

- (1) is 18 years of age or older;
- (2) applies on a form provided by the department;
- (3) pays the fees established under AS 08.61.090;
- (4) has submitted the person's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;
- (5) is not the subject of an unresolved complaint or disciplinary action before a regulatory authority in this state or another jurisdiction;
- (6) has not had a certificate or license to practice massage therapy revoked, suspended, or voluntarily surrendered in this state or another jurisdiction;
- (7) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely;
- (8) has a current cardiopulmonary resuscitation certification; and
- (9) is currently
 - (A) licensed to practice massage therapy in another state or country that has licensing requirements that are substantially equal to or greater than the requirements of this state; or
 - (B) certified by a certification entity approved by the board.

Sec. 08.61.050. Standards for license renewal. The board shall renew a license issued under this chapter to a licensee who

- (1) pays the required fee;
- (2) meets the continuing education requirements established by the board;
- (3) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or has been convicted of, or pled guilty to or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely;
- (4) has a current cardiopulmonary resuscitation certification; and
- (5) has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

Sec. 08.61.060. Grounds for imposition of disciplinary sanctions. After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter if the board finds that the person

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
 - (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing massage therapy services or engaging in massage therapy;
 - (3) advertised massage therapy services in a false or misleading manner;
 - (4) has been convicted of a felony or another crime that affects the licensee's ability to continue to practice competently and safely;
 - (5) intentionally or negligently engaged in, or permitted a person under the licensed massage therapist's supervision to engage in, client care that did not conform to minimum professional standards, whether or not actual injury to the client occurred;
 - (6) failed to comply with a provision of this chapter, a regulation adopted under this chapter, or an order of the board;
 - (7) continued to practice after becoming unfit because of
 - (A) professional incompetence; or
 - (B) addiction or severe dependency on alcohol or another drug that impairs the ability to practice safely;
- or
- (8) engaged in unethical conduct or sexual misconduct in connection with the delivery of massage therapy services to a client.

Sec. 08.61.070. Practice of massage therapy without license prohibited. (a) A person may not practice massage therapy or represent that the person is a massage therapist unless the person holds a valid license under this chapter. In this subsection, a person represents that the person is a massage therapist when the person adopts or uses a title or description of services that incorporates one or more of the following terms or designations: massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist, myotherapy, or another term describing a traditional European or contemporary western massage method, or a derivation of a term that implies a massage technique or method.

- (b) A person who knowingly violates (a) of this section is guilty of a class B misdemeanor.

Sec. 08.61.080. Exceptions to application of chapter. This chapter does not apply to a

- (1) person licensed in the state under a statute outside this chapter who performs massage therapy within the scope of practice for which the person's license was issued;
- (2) person who, while acting in an official capacity as an employee of the United States government, performs massage therapy;
- (3) person who is licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country while the person is temporarily
 - (A) practicing massage therapy in this state in connection with teaching a course related to massage therapy; or
 - (B) consulting with a person licensed under this chapter;
- (4) student enrolled in an approved massage school or course of study who is completing a clinical requirement for graduation under the general supervision of a person licensed under this chapter if the student is clearly identified as a student while performing massage therapy services on members of the public and is not compensated for the massage therapy services;
- (5) person only performing massage therapy on members of the person's family;
- (6) person only performing techniques that do not involve contact with the body of another person;
- (7) person only performing techniques that involve resting the hands on the surface of the body of another person without delivering pressure to or manipulating the person's soft tissues;
- (8) person only performing services such as herbal body wraps, skin exfoliation treatments, or the topical application of products to the skin for beautification purposes when the services do not involve direct manipulation of the soft tissues of the body;
- (9) person only performing massage therapy for the athletic department of an institution maintained by public funds of the state or a political subdivision of the state or only practicing massage therapy for the athletic department of a school or college approved by the board using recognized national professional standards;
- (10) person engaged only in the practice of structural integration for restoring postural balance and functional ease by integrating the body in gravity using a system of fascial manipulation and awareness who has graduated from a program or is a current member of an organization recognized by the International Association of Structural Integrators, including the Rolf Institute of Structural Integration;
- (11) person using only light touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement or to affect the energy systems;
- (12) person performing only the traditional practices of Native American traditional healers;
- (13) person practicing only the manipulation of the soft tissues of the hands, feet, or ears and not holding out to be a massage therapist.

Sec. 08.61.090. Fees. The department shall set fees under AS 08.01.065 for application, license issuance, license renewal, and investigation under this chapter.

Sec. 08.61.100. Definitions. In this chapter,

- (1) "approved massage school" means a massage therapy school or program that
 - (A) has an authorization to operate from the Alaska Commission on Postsecondary Education or a similar entity in another state; or
 - (B) is accredited by a nationally recognized accrediting agency;
- (2) "board" means the Board of Massage Therapists;
- (3) "department" means the Department of Commerce, Community, and Economic Development;
- (4) "massage therapist" means a person licensed under this chapter;
- (5) "practice of massage therapy" means the provision, for compensation, of a service involving the systematic manipulation and treatment of the soft tissues, including the muscular and connective tissues of the human body, to enhance the functions of those tissues and promote relaxation and well-being; in this paragraph, "manipulation and treatment"
 - (A) includes manual techniques applied with the intent to physically affect local soft tissues, such as pressure, friction, stroking, percussion, kneading, vibration, muscular assessment by palpation, range of motion for purposes of demonstrating muscle exertion for muscle flexibility, nonspecific stretching, and application of superficial heat, cold, water, lubricants, or salts;
 - (B) does not include diagnosis, the prescription of drugs or medicines, the practice of physical therapy, attempts to manipulate any articulation of the body or spine, or mobilization of these articulations by use of a thrusting force.

**CHAPTER 79.
MASSAGE THERAPISTS.**

Article

- 1. Licensing (12 AAC 79.100 – 12 AAC 79.130)**
- 2. License Renewal and Continuing Education (12 AAC 79.200 – 12 AAC 79.220)**
- 3. General Provisions (12 AAC 79.900 – 12 AAC 79.990)**

**ARTICLE 1.
LICENSING.**

Section

- 100. Application for licensure by examination**
- 110. Application for licensure by credentials**
- 120. Application for transitional license**
- 130. Criminal justice information**

12 AAC 79.100. APPLICATION FOR LICENSURE BY EXAMINATION. (a) The board will issue a license by examination to practice massage therapy to an applicant who meets the requirements of AS 08.61.030 and this section.

- (b) An applicant for licensure by examination under this section must submit
- (1) a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
 - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
 - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
 - (2) verification of massage therapy education; verification must consist of
 - (A) an official school transcript evidencing completion of a course of study of at least 500 hours of in-class supervised instruction and clinical work from a massage therapy school or program that
 - (i) has authorization to operate from the Alaska Commission on Postsecondary Education under AS 14.48 or from a similar agency of another state; or
 - (ii) is accredited by a nationally recognized accrediting agency; or
 - (B) satisfactory evidence of completion of a board-approved apprenticeship program;
 - (3) verification of having passed
 - (A) the Massage and Bodywork Licensing Examination administered by the Federation of State Massage Therapy Boards; or
 - (B) the National Certification Examination for Therapeutic Massage or the National Certification Examination for Therapeutic Massage and Bodywork, each administered by the National Certification Board for Therapeutic Massage and Bodywork, if the applicant took the examination before February 1, 2015;
 - (4) a current certification in cardiopulmonary resuscitation from the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
 - (5) verification of having completed at least four hours of safety education in bloodborne pathogens and universal precautions in the two years preceding the application.

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.090

12 AAC 79.110. APPLICATION FOR LICENSURE BY CREDENTIALS. (a) The board will issue a license by credentials to practice massage therapy to an applicant who meets the requirements of AS 08.61.040 and this section.

- (b) An applicant for licensure by credentials under this section must submit
- (1) a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
 - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
 - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
 - (2) verification that the applicant
 - (A) holds a current license to practice massage therapy in another state, jurisdiction, or country where licensing requirements are substantially equal to or greater than the requirements of this state; or
 - (B) certified by the American Massage Therapy Association, the National Certification Board for Therapeutic Massage and Bodywork, or other board-approved credentialing entity; and
 - (3) current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

Authority: AS 08.61.020
AS 08.61.030

AS 08.61.040

AS 08.61.090

12 AAC 79.120. APPLICATION FOR TRANSITIONAL LICENSE. (a) The board will issue a license under this section to an applicant who applies for licensure before July 1, 2017, and who meets the requirements of AS 08.61.030(1), (2), (4) – (6), and (9) and this section.

(b) An applicant for licensure under this section must submit

- (1) a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
 - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
 - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
- (2) a current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
- (3) verification that the applicant owned, operated, or worked for a massage therapy business and performed the practice of massage therapy before July 1, 2015, by submitting
 - (A) a copy of the applicant's signed federal tax income tax returns for one of the five years immediately preceding July 1, 2015, listing the person's occupation as massage therapist in this state;
 - (B) copies of the applicant's signed schedule C federal income tax returns for one of the five years immediately preceding July 1, 2015, demonstrating that the person has reported income from the practice of massage therapy in this state;
 - (C) a sworn statement from the applicant's employer in this state attesting that the applicant has practiced massage therapy within the five years immediately preceding July 1, 2015, a copy of the business license of the applicant's employer, and a copy of the applicant's Form W-2 or Form 1099-MISC from the same employer;
 - (D) a copy of the municipal occupational license that was current on the day before July 1, 2015, from a municipality in this state, stating the applicant's occupation as a massage therapist;
 - (E) documentation that the person has, for at least one year immediately preceding July 1, 2015, been an active member, as a massage therapist, in a national professional massage therapy association that was established before January 1, 2000, offers professional liability insurance as a benefit of membership, and has an established code of professional ethics; or
 - (F) other documentation satisfactory to the board.

Authority: AS 08.61.020
AS 08.61.030

AS 08.61.090

Sec. 10, ch. 114, SLA 2014

12 AAC 79.130. CRIMINAL JUSTICE INFORMATION. (a) An applicant for licensure under 12 AAC 79.100, 12 AAC 79.110, or 12 AAC 79.120 must submit with the application the applicant's fingerprints and other information required by the Department of Public Safety to obtain state and national criminal justice information under AS 12.62 and AS 12.64.

(b) The board will submit the fingerprints received under this section to the Department of Public Safety and request the Department of Public Safety to

- (1) submit the fingerprints to the Federal Bureau of Investigation for a report on national criminal justice information;
- (2) perform a check for state criminal justice information; and
- (3) report to the board the results of the criminal justice information checks under (1) and (2) of this subsection.

(c) The request under (b) of this section for a criminal justice information report does not delay consideration of the applicant's license application. If criminal justice information that raises questions about an applicant's qualifications for licensure is received after a license has been issued to the applicant, the department and the board will take action under AS 08.61 and AS 44.62 as appropriate.

Authority: AS 08.61.020

AS 08.61.030

AS 08.61.040

ARTICLE 2. LICENSE RENEWAL AND CONTINUING EDUCATION.

Section

200. License renewal

210. Continuing education requirements

220. Audit and documentation

12 AAC 79.200. LICENSE RENEWAL. (a) A massage therapy license must be renewed biennially on or before September 30 of odd-numbered years. A renewal reminder document will be mailed to each currently licensed massage therapist at least 30 days before the renewal date. Failure to receive a renewal notice does not

relieve a licensee from the responsibility of renewing a license on time.

(b) An applicant for renewal of a massage therapy license must meet the requirements of AS 08.61.050 and this section. A massage therapist applying for license renewal must submit

- (1) a completed renewal application on a form provided by the department;
- (2) the applicant's fingerprint information described in 12 AAC 79.130;
- (3) the fingerprint processing fee and the license renewal fee specified in 12 AAC 02.396;
- (4) a current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
- (5) documentation that the massage therapist satisfied the continuing education requirements in 12 AAC 79.210.

Authority: AS 08.61.020 AS 08.61.050

12 AAC 79.210. CONTINUING EDUCATION REQUIREMENTS. (a) An applicant for renewal of a massage therapy license,

(1) for a biennial licensing period that begins on or after July 1, 2015, must document at least six continuing education credits, all of which may be met through Internet-based continuing education courses;

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

(b) An applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of hands-on cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

(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 precautions course once every six years.

(d) Continuing education must be completed through a

(1) board-approved massage therapy or bodywork therapy school or training program;

(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 precautions course under (c) of this section; or

(3) local, state, or national professional organization that serves the massage therapy profession, including

(A) Associated Bodywork and Massage Professionals;

(B) the American Massage Therapy Association;

(C) the Federation of State Massage Therapy Boards; and

(D) the National Certification Board for Therapeutic Massage and Bodywork.

(e) For the purposes of this section,

(1) one continuing education credit equals one hour of classroom instruction between instructor and participant;

(2) one academic semester credit equals 15 contact hours; and

(3) one academic quarter credit equals 10 contact hours.

(f) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make the records available to the board upon request under 12 AAC 79.220. Records must be retained for four years from the date the contact hours were obtained.

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.220. AUDIT AND DOCUMENTATION. A licensee shall comply with all applicable requirements of 12 AAC 02.960 and 12 AAC 02.965. If selected for an audit of continuing education activities, the licensee shall cooperate with the department and shall submit all requested verifications of continuing education activities claimed by the licensee.

Authority: AS 08.61.020 AS 08.61.050

ARTICLE 3. GENERAL PROVISIONS.

Section

900. Code of ethics and standards of practice

910. "Moral turpitude" defined

990. Definitions

12 AAC 79.900. CODE OF ETHICS AND STANDARDS OF PRACTICE. The *Alaska Board of Massage Therapists Code of Ethics and Standards of Practice*, dated June 2015, 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.

Authority: AS 08.61.020

Editor's note: A copy of the *Alaska Board of Massage Therapists Code of Ethics and Standards of Practice*, adopted by reference in 12 AAC 79.900, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Massage Therapists, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; phone (907) 465-3811; website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>.

12 AAC 79.910. "MORAL TURPITUDE" DEFINED. Under AS 08.61.030, a crime involving moral turpitude includes

- (1) homicide;
- (2) manslaughter;
- (3) assault;
- (4) stalking;
- (5) kidnapping;
- (6) sexual assault;
- (7) sexual abuse of a minor;
- (8) unlawful exploitation of a minor, including possession or distribution of child pornography;
- (9) indecent exposure;
- (10) unlawful distribution or possession for distribution of a controlled substance;
- (11) prostitution;
- (12) sex trafficking.

Authority: AS 08.61.020 AS 08.61.030

12 AAC 79.990. DEFINITIONS. (a) In AS 08.61 and this chapter,

(1) "criminal justice information" has the meaning given in AS 12.62.900;

(2) "universal 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.

(b) In this chapter, unless the context requires otherwise,

- (1) "board" means the Board of Massage Therapists;
- (2) "department" means the Department of Commerce, Community, and Economic Development;
- (3) "licensee" means a massage therapist licensed under AS 08.61.

Authority: AS 08.61.020

Crystal Koeneman

From: Athenia Large <athenialarge@gmail.com>
Sent: Monday, February 13, 2017 11:44 AM
To: Sen. Pete Kelly; Sen. Peter Micciche; Rep. Sam Kito; Rep. Colleen Sullivan-Leonard; Rep. Chris Birch; Rep. Gary Knopp; Rep. Bryce Edgmon; Rep. Chris Tuck; Louise.Stutes@akleg.gov
Subject: Alaska Massage Board new regulations regarding SI practitioners

Hello and thank you for taking the time to read this.

I believe I have an important voice in this area. I graduated from Massage School in 2010 and became licensed (and still hold my license) in Oregon. I graduated from Structural Integration school in 2013 (KMI) and have maintained my professional board licensure (IASI) since then.

I have also become licensed as a MT in Alaska. I have been working in Alaska full time since 2010 doing both Structural Integration and Massage Therapy. I kept my OR license current because I felt licensure was important, and I was very happy that we have taken steps to license touch in Alaska.

So I feel I should voice my opinion, since I am one of the people who agrees with what the massage board is trying to do.

I believe until SI gets itself organized to have it own regulatory and licensing board, that it would protect every Alaskan to have SI practitioners be required to register for an exemption in order to avoid having to become licensed as a massage therapist. The benefit is they are helping to police for Structural Integration for us. I specifically agree that in order to get the exemption you would have to show you have CURRENT membership in IASI. I know now the MT board is writing the regulations to allow membership to both RISI and IASI to qualify for exemption but I believe that even making it just IASI would be better. RISI membership is only for graduates of one school of SI, IASI is the umbrella organization that does board certification for all qualified schools of SI (including RISI). This could go a long way towards encouraging SI practitioners to become and stay IASI certified, which would help the future of our profession.

As it stands, Structural Integration is taught in many massage schools as a modality. Further, regular massage therapists are allowed and encouraged to take continuing education from Structural Integrators and learn techniques of Structural Integration. This creates a very fuzzy and grey middle area. Many MTs do not understand how SI is different. Most people looking for massage/SI don't understand the difference. I don't want to think that practitioners are thinking they can take a class in massage school or do some CE about SI and then claim they do SI and decide to exempt themselves from the \$600 fee for a MT license. This weakens the SI profession as a whole and also dilutes the understanding of what exactly makes us different.

Even within the SI profession it is difficult to say what really constitutes an "SI session" and many SI practitioners do things very differently then they were taught in school. Until SI can clearly state how we are different from massage, and why the difference matters to the average individual, I don't think it is fair for the profession to say that we are vastly different from massage and don't have to be held to the same standards. Also, it is VERY expensive to become licensed in Alaska for Massage Therapy (it cost \$600 in Alaska vs. \$150 in Oregon). I think that having a small fee for exemption could help offset the huge burden MT's here are paying. Legislation and licensing help us get more respect from others in the medical field as well as more compensation from insurance carriers (hopefully) and this will help both MT's and SI's in the future. I think both MT's and SI's should help bear the cost of this. Also, I have noted that most SI practitioners

charge MUCH more for a session than MT's do, so again some of the burden of the cost of licensure should fall to those charging more (sometimes double) to their clients.

In the absence of SI having a regulatory board and licensing in AK, to protect consumers and to prevent prostitution and other unsavory elements, I believe we should welcome the mandatory regulations proposed by the MT board, so that we can rest assured that all those claiming to be SI practitioners in AK have graduated from a good SI school and are professional enough to keep current on their membership in a professional organization, and every practitioner in Alaska that touches a body to help it heal has been vetted and found competent and safe by a regulatory board.

The MT board **IS NOT TRYING TO TAKE AWAY OUR EXEMPTION**, and I resent all the chatter implying that this is the beginning of the end for SI after our hard won battle to get the exemption. The MT board is working with SI, and giving us respect in our desire to push our profession further. They just believe that until that happens we should still register through them. I think this is a very fair compromise. I also think we will lose this respect they are giving us if we fight over every little thing instead of focusing our attention (and money) on furthering our own licensing (and education) goals.

I also think that us fighting them when they are trying to work with us will only hurt us in the future. If we fight them on this, it will hurt our relationship with them and they may try to take away the exemption entirely. I think maintaining the exemption is VERY IMPORTANT if we SI's really do intend to develop our own licensing board in Alaska. Many other states have fought the same fight and lost and are not considered exempt from state licensing for MT. I feel like we should be grateful we get the exemption and happy to have the MT board working with us and policing for us to make sure that people claiming to be SI practitioners actually (and EXCLUSIVELY) do structural integration.

Respectfully,

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