

HB

328

<TARGET><BILL>HB 328</BILL><SUBJECT>HB
328</SUBJECT><COMM>SFIN28</COMM></TARGET>

SENATE FINANCE COMMITTEE REPORT

DATE: 4/15/14

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered CS FOR HOUSE BILL NO. 328(L&C)

HB 328-BOARD/LICENSING OF MASSAGE THERAPISTS

"An Act establishing the Board of Massage Therapists; relating to the licensing of massage therapists; and providing for an effective date."

and recommends:

- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
CED	✓			1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
<i>Anna Fairclough</i>	FAIRCLOUGH	✓			
<i>Cliff Bishop</i>	BISHOP	✓			
<i>Michael J. Dunleavy</i>	DUNLEAVY		✓		
<i>Michael J. Orson</i>	ORSON			✓	
<i>Tom Hoffmann</i>	HOFFMANN				
CO-CHAIR: <i>Pete Kelly</i>	Pete Kelly		✓		
CO-CHAIR: <i>Kim Munt</i>	MUNT	✓			

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSHB 328(L&C)
Fiscal Note Number: 1
(H) Publish Date: 4/1/14

Identifier: HB328-DCCED-CBPL-03-03-14
Title: BOARD/LICENSING OF MASSAGE THERAPISTS
Sponsor: NAGEAK
Requester: House Labor & Commerce

Department: Department of Commerce, Community and
Economic Development
Appropriation: Corporations, Business and Professional
Licensing
Allocation: Corporations, Business and Professional
Licensing
OMB Component Number: 2360

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015					
Personal Services							
Travel	18.4		36.8	36.8	36.8	36.8	36.8
Services	51.2		12.9	12.9	12.9	12.9	12.9
Commodities	0.2		0.2	0.2	0.2	0.2	0.2
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	69.8	0.0	49.9	49.9	49.9	49.9	49.9

Fund Source (Operating Only)

1156 Rcpt Svcs	69.8		49.9	49.9	49.9	49.9	49.9
Total	69.8	0.0	49.9	49.9	49.9	49.9	49.9

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues	69.8		49.9	49.9	49.9	49.9	49.9
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **Yes**
If yes, by what date are the regulations to be adopted, amended or repealed? **07/01/15**

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Don Habeger, Director	Phone:	(907)465-2536
Division:	Corporations, Business and Professional Licensing	Date:	03/03/2014 06:00 PM
Approved By:	Jeanne Mungle, Director	Date:	03/04/14
Agency:	Administrative Services		

FISCAL NOTE ANALYSIS6

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHB 328(L&C)

Analysis

HB328 requires licensure of massage therapists. It establishes the scope of practice for licensees, licensure requirements and exemptions, unlawful acts, and transitional language for program implementation. This bill establishes required licensure for individuals engaging in the practice of massage therapy. This will add a new professional licensing program to the 39 existing within the Division of Corporations, Business and Professional Licensing ("division").

The addition of this program requires startup expenses to configure the professional licensing database, develop and implement regulations, purchase supplies, and establish program procedures. Licensing fees for each program are set per AS 08.01.065 so the revenue collected equals the occupation's regulatory costs.

Costs for establishing and maintaining the new license program are based on existing programs of comparable size and consist of the following:

Travel: \$15.4 in first year and \$30.8 in future years for five board members to travel to meetings (two meetings in first year and four meetings annually thereafter); \$3.0 in first year and \$6.0 in future years for a staff member to travel to meetings (two meetings in first year and four meetings annually thereafter).

Services: \$35.2 in the first year for IT to incorporate the new licensing program into the professional licensing database; \$11.9 first year legal support costs for implementing program; \$5.6 on-going legal support services beginning in year two; \$3.2 on-going hearing and mediation services beginning in year two; \$1.1 printing, advertising, mailing costs for public notice of regulations, postage, memberships; \$3.0 for fingerprinting.

Commodities: \$0.2 business supplies.

Licensure fee setting regulations are required and the board must adopt regulations necessary to carry out the board's duties.

In addition to the above costs the program would incur direct expenses for licensing examiners, investigators, regulations specialist, and supervisory management through positive timekeeping. They would also incur indirect expenses for administrative support, such as accounting, payroll, risk management, ADA chargeback, and building leases. Although increased authorization is not needed for these costs, this program's share of the division's total indirect costs will be considered as part of the program's total costs during the biennial review of licensing fees.

Co-Chairmen Kelly and Meyer and Members of the Senate Finance Committee,

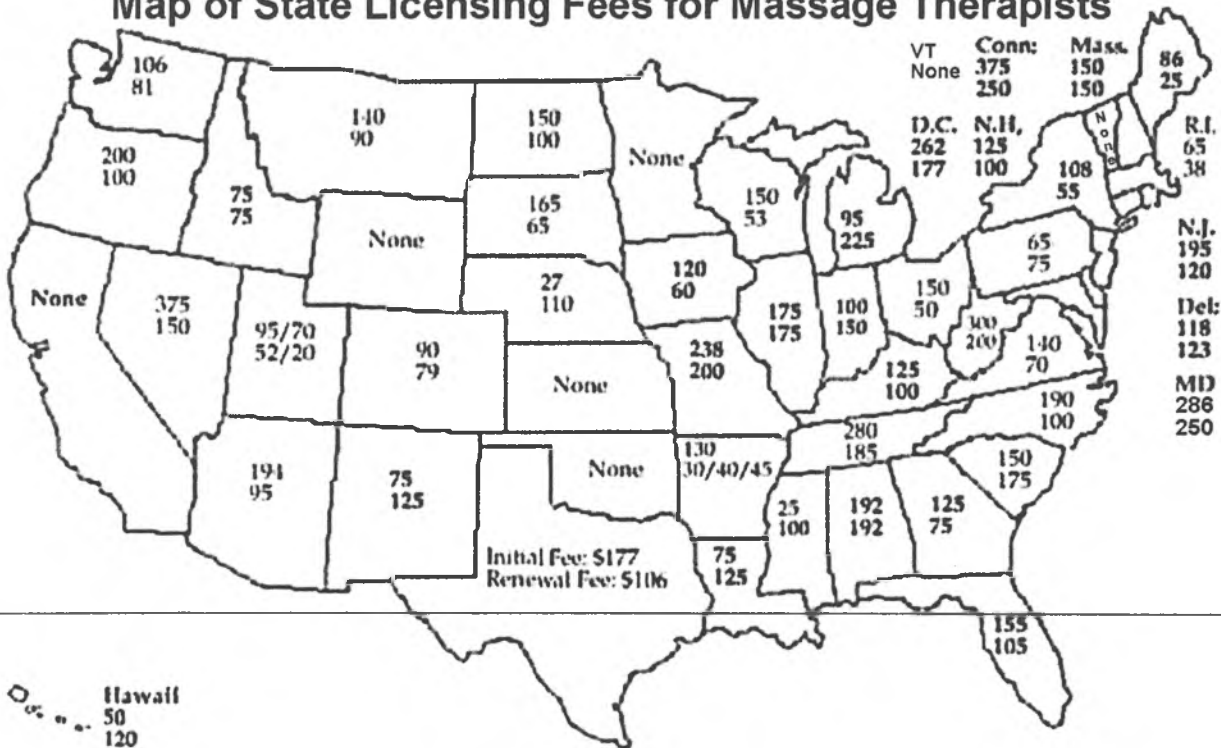
My name is Victoria Dance. I am a massage therapist licensed out-of-state since 1984, when I also became a member of the American Massage Therapy Association. I was Director of Continuing Education at the Desert Institute and Interim Director of Education at Heartwood Institute. I served on the AMTA Council of Schools in 2002/2003. I moved to Alaska almost ten years ago and have been working as a massage therapist at a medical clinic in Juneau for the last 6 years.

I, and several others, many who are massage therapists, oppose HB328 because the bill would require fees much higher than industry standard. I am particularly concerned about part-time therapists who have five clients or less a week and newly graduated massage therapists with student loan debt and new business costs, struggling to start a career with the additional burden of high licensing fees.

The fee will be \$835. Licensing is estimated to be \$550, plus \$225 exam fee and \$60 background check fee.

- Fifty-three percent of fees nationwide are between \$100 and \$150.
- All licensed massage therapists working in Alaska and not licensed in a municipality are paying one of the fees on this map.

Map of State Licensing Fees for Massage Therapists



Fees in Alaska Agencies and Boards with a similar number of licensees have smaller fees.

PROFESSIONS REGULATED BY BOARDS

BOARD	# OF LICENSEES	LICENSE FEE
Midwives	62	\$1,700
Marital & Family Therapy	111	\$840
Marine Pilots	119	varies
Optometry	196	\$450
Psychologists	271	\$625
Chiropractic Examiners	332	\$500
Professional Counselors	557	\$525
Veterinary Examiners	658	\$550
Social Work Examiners	722	\$300
Physical Therapy	1231	\$230
Public Accountancy	1571	\$390
Big Game Commercial Services Board	1660	\$850
Dental Examiners	2361	\$590
Real Estate Appraisers	2492	\$590
Real Estate Commission	2492	\$575
Pharmacy	3595	\$350
Medical Board	5617	\$500
Barbers & Hairdressers	6735	\$220
Architects, Engineers, and Land Surveyors	6778	\$525
Nursing	18,877	\$215

PROFESSIONS REGULATED BY DIVISION

PROFESSIONAL AGENCIES	# OF LICENSEES	LICENSE FEE
Euthanize Domestic Animals	10	\$50
Guardians & Conservators	10	\$909
Pawnbrokers	26	\$1,000
Hearing Aid Dealers	29	\$150
Concert Promoters	45	\$925
Naturopathy	57	\$520
Nursing Home Administrators	63	\$375
Underground Storage Tank Worker	63	\$155
Acupuncturists	121	\$100
Dispensing Opticians	130	\$325
Morticians	168	\$225
Dietitians & Nutritionists	208	\$100
Audiologists & Speech-Language Pathologists	435	\$100
Mechanical Administrators	572	\$300
Collection Agencies	635	\$300
Electrical Administrators	922	\$250
Construction Contractors	8480	\$250
Geologists	685	\$50
Home Inspectors	8480	\$290

There are two agencies with a similar number of licensees to the 600 projected for massage therapy:

- 1) Collection Agencies have 635 members with fees totaling \$300.
- 2) Mechanical Administrators have 572 members with fees also totaling \$300.

However, the Mechanical Administrators are in deficit so they may be raising their fees—or not. We are concerned that the massage licensing fees are high going into licensing and will be higher if fees are adjusted up. What is the likelihood of fees going up?

- 79% of the professional groups in Alaska are in deficit and need to raise their fees.
- Over the past six years, there is a trajectory of increasing staff salaries in other boards.
- Social Work expenditures show almost a 60% increase from FY08/09 biennium to the most recent.
- Initial fees for the Social Worker licensees were adjusted up by 20% this year.
- Architects, Engineers and Land Surveyor's fees were increased by 100%

I also have concerns that the fiscal note makes it difficult to know what the accurate fee is.

- The travel cost, estimated to be \$18,400 the first year and \$36,800 in future years, may not reflect total travel expenditure.
 - The travel estimate does not include out-of-state travel to national meetings such as the Federation of State Massage Therapy Boards' training for new board members and ongoing-regulation issues.
 - Under the Social Work Board, members made three out-of-state trips costing \$11,600 in total.
 - Out-of-state travel costs for massage therapy board members could be a 63% increase over the fiscal note's estimate of travel expenses.
- There is a discrepancy between the Social Work expenditure and the fiscal note.
 - The fiscal note shows future biennia at less than the FY08/09 direct costs.
- Although the figure for Social Work salaries was up to \$70,990 annually, the fiscal note for the HB328 does not include salaries for a massage therapy board.
 - Including salaries of examiners, regulations specialists and investigators will increase the massage licensee's fees further.

The \$550 figure may also be increased because of a possible miscalculation in projected total costs in the fiscal note.

- The Social Work total annual costs were up to \$141,000 while the fiscal note shows as low as \$49,900.
- No costs for investigations have been included.
 - The sponsor statement of another bill (HB187) warns: "If a professional licensing program receives a single complaint and a complex investigation ensues, an enforcement action could exceed \$100,000. Recovering investigation costs of this magnitude during one licensing cycle (two years) causes significant changes in fees, especially in licensing programs with fewer licensees to share the burden of the cost."
 - "Massage" parlor violations involving licensees could very well trigger a complex investigation.

I am concerned that another board is being added at a time when so many established boards and agencies are building up deficits. Those boards could cost the State millions of dollars because they are not revenue neutral.

- Over the past six years, deficits for programs have increased from 41% to 71% until now it is 79%.

I wonder, when I see that the Big Game Board's deficit for FY13 was \$1,041,267, whose money are they using to operate? Will this \$550 I would be asked to pay, go to their operating costs?

Would the Committee consider waiting to pass a massage therapy practice act until after expense and revenue issues in HB328 and regulated programs have been resolved?

~~Petitioners & Victoria Dance~~

2995 David Street #1
Juneau, AK 99801
907-957-4080
4/14/14

The people who have signed below opposed HB328 and SB188 because most therapist will face a 400% increase in their licensing fee, does not adequately protect the public, raise the status of massage therapists, advance the profession or enable third-party insurance billing. Currently, municipalities license massage therapy with more efficiency and less cost than the burden of a state regulation at a time when 70% of boards are in deficit. SB187 will reduce expenses by 50%, but with no ceiling on dues, investigations of massage parlors and sex trafficking will continue to burden the licensee.

	Date	Printed Name	Signature	Address
1	4/3/14	Rebecca Sher ^{L.M.T.}		713 ... Juneau, AK 99801
2	3/31/14	Delcey Stell M.A.		PO BOX 21965 Juneau AK 99802
3	3/31/14	Corinne Buller RMT		PO Box 21161 Juneau 99802
4	3/31/14	Misty Savage ^{L.M.T.}		914 Kenney 99801
5	3/31/14	Aranda Grable ^{Medical Office manager}		11604 2nd st Douglas, AK 99824
6	3-31-14	Sherric Ewing ^{Medical billing mgr.}		PO Box 21017 Juneau AK 99802
7	3-31-14	Evelyn BASS, L.M.T.		1746 2nd St Douglas, AK 99801
8	3-1-14	Sandra Edwarson ^{Massage Client}		3012 Killebrew Dr. Juneau, AK 99801
9	3-31-14	Nancy Hemenway ^{massage client}		5740 W 10th St Juneau, AK 99801
10	3/31/14	Shannen O'Brien ^{massage client}		4111 Abbey Way Juneau, AK 99801
11	3/31/14	Mauraena d'Armand ^{cmty}		2400 Douglas Hwy #11 Juneau, AK 99801
12		Evelyn Bass		PO Box 20244
13	3/31/14	Shari Paul		713 W 12th Juneau AK 99801
14	4/2/14	Catherine Peimann ^{MMO}		641 W Willoughby #201 Juneau AK
15	4/2/14	Kevin Wickelberg ^{N.C.M.T.}		9131 Glacier Hwy Juneau AK 99801
16	4/2/14	Wendy Amason		9238 Emily Way Juneau AK 99801
17	4/2/14	Rebecca Albert M.T.		24125 Glacier Hwy 2205 Tuna St Juneau AK 99801
18	4-2-14	SARAH LOFTUS L.M.T.		1017 Bonnie Dean Juneau, AK 99801
19	4-2-14	Sithida Sukkamom, L.M.T.		PO. Box 33601 Juneau, AK 99803
20	4-2-14	Kimberly Jensen		PO Box 33601 Juneau, AK
21	4/2/14	Leslie Vianna ^{CMSRN, RN}		4891 Steelhead St Juneau AK 99801

Alaska State Legislature
Representative Benjamin P. Nageak

Alaska State Capitol
Room 428
Juneau, Alaska 99801-1182



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Toll Free: 1-888-288-3473

House Bill 328
Sponsor Statement

“An Act establishing a Board of Massage Therapists; relating to the licensing of massage therapists; and providing for an effective date.”

House Bill 328 seeks to provide industry and educational standards to promote a code of ethics, public safety, self-regulation, accountability, business development, grievance process and therapy access.

Currently Alaska is one of six states not regulating the massage therapy profession. A professional code of ethics develops a scope of practice including education, contraindications, body system, potential results, and above all safety.

Licensing endorses small business development by allowing a therapist to become a preferred provider and bill insurance directly versus going through chiropractors, physical therapists and physicians.

Creating a standard of practice allows consumers to educate themselves to the standard of care they should expect and helps them find the most appropriate therapy style for their individual care.

This bill encourages greater professional opportunities for therapists. With the massage therapy profession growing at an average rate of 120 therapists each year, now is the time to create clear industry standards for the health and safety of Alaskans.

84% of surveyed massage therapists support state licensure. I support their efforts and I ask you to please join me in support of this vital fundamental legislation.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 2, 2014

SUBJECT: Sectional Summary of CSHB 328(L&C)
(Work Order No. 28-LS1431N)

TO: Representative Benjamin Nageak
Attn: Mary Schlosser

FROM: Hilary Martin 
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill -- the bill itself is the best statement of its contents.

Section 1. Adds the Board of Massage Therapists (board) to the list of professions covered by AS 08.01.

Section 2. Adds massage therapists to the list of professions that must use an appropriate professional designation.

Section 3. Sunsets the board on June 30, 2018.

Section 4. Adds a new chapter, AS 08.61, regulating massage therapists.

08.61.010. Establishes the board, with four licensed massage therapist members and one public member.

08.61.020. Sets out the duties and powers of the board, including adopting regulations, providing for examination of applicants, establishing standards of professional competence, ethical conduct, and continuing education, and approving nationally recognized competency examinations.

08.61.030. Sets out the qualifications for a license, including at least 500 hours of in-class supervised instruction, submitting fingerprints for a criminal justice information and national criminal history record check, having a current cardiopulmonary resuscitation certificate, and attending safety education in bloodborne pathogens.

08.61.040. Sets out the requirements to be licensed by credentials.

08.61.050. Sets the standards for license renewal.

08.61.060. Authorizes the board to impose disciplinary sanctions on a licensee under various circumstances.

08.61.070. Prohibits practice of massage therapy without a license.

08.61.080. Exempts certain persons from the license requirements of the chapter, including students, employees of the United States government, and persons using only certain specified techniques.

08.61.090. Requires the department to set fees for application, license issuance, license renewal, and investigation under the chapter.

08.61.100. Defines terms for the chapter.

Section 5. Adds the board to the list of professions that are subject to having their fingerprints sent to the FBI (by the Department of Public Safety) for a national criminal history check for purposes of evaluating the fitness of the person for licensure.

Section 6. Adds licensing of massage therapists to the list of restrictions on the powers of a home rule municipality.

Section 7. Prevents a home rule and general law municipality from requiring licensure of massage therapists.

Section 8. Applies the provisions of the Administrative Procedure Act to the board.

Section 9. Adds an applicability section that makes the Act applicable, on or after the effective date of the Act, to persons who have not practiced massage therapy in the state, and makes the Act applicable, two years after the effective date of the Act, to persons who have been practicing massage therapy in the state and meet the requirements of AS 08.61.040.

Section 10. Adds transitional language that allows the board to waive the course of study and examination requirements for a person who applies for a license within two years of the effective date of the Act, and who proves that the person owned, operated, or worked for a massage therapy business before the effective date of the Act by submitting various types of documentation.

Section 11. Sets staggered terms for the initial board members.

Section 12. Allows the Department of Commerce, Community, and Economic Development and the board to adopt regulations; states that the regulations may not take effect until the effective date of the Act.

Representative Benjamin Nageak
April 2, 2014
Page 3

Section 13. Gives AS 08.61.010 and 08.61.020, and secs. 11 and 12 of the Act an immediate effective date.

Section 14. Makes the Act effective on July 1, 2015.

HVM:ray
14-147.ray

Alaska State Legislature
Representative Benjamin P. Nageak

Alaska State Capitol
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Juneau, Alaska 99801-1182



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Explanation of Changes to CSHB 328 (L&C)

“An Act establishing a Board of Massage Therapists; relating to the licensing of massage therapists; and providing for an effective date.”

Section 4, page 3, line 30 – Insert “...or board approved apprenticeship program.”

Section 4, page 3, line 24 – Delete board, insert: **department**, same on page 4, line 18. The department recommended change from the board to the **department** for application processing.

Section 4, page 7, line 31 – Delete: awareness and education developed by Ida Rolf; and page 8, lines 1-4 – Insert: “**and awareness who has graduated from a program or is a current member if an organization recognized by the International Association of Structural Integrators, including but not limited to the Rolf Institute of Structural Integration.**” This change tightens exemption language for structural integrators and Rolfers.

Section 4, page 8, lines 3-4 – Delete “including the Feldenkrais method of somatic education, the Trager approach to movement education, and body-mind centering.

Page 8, lines 3 – Insert “**or to affect the energy systems.**”

Page 8, lines 5-8 – Delete all material.

Page 8 lines 5 – insert: **light**. This change combined exemptions (11) and (12) to define a category of exempted practices and not name individual modalities. “person using only light touch words and direction 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.”

Section 4, page 9, line 5 – Insert “**the practice of physical therapy**” in the definition, so that massage therapists do not practice physical therapy.

Section 11: In transition language on page 11, line 3 – Delete: **(3)**

This will now read: “meets the requirements of AS 08.61.030 (1), (2), (4-6), (9) enacted by section 4 of this Act. The intent is to waive the 500hr education for currently practicing therapists to be grandfathered in, if they meet the outlined requirements.

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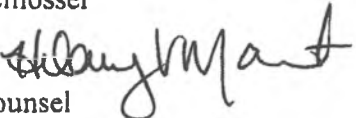
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 3, 2014

SUBJECT: Board of Massage Therapists members
(CSHB 328(L&C); Work Order No. 28-LS1431\C)

TO: Representative Benjamin Nageak
Attn: Mary Schlosser

FROM: Hilary Martin 
Legislative Counsel

You have asked whether the members of the Board of Massage Therapists (board) would be subject to legislative confirmation.

Under Article III, sec. 26, Constitution of the State of Alaska:

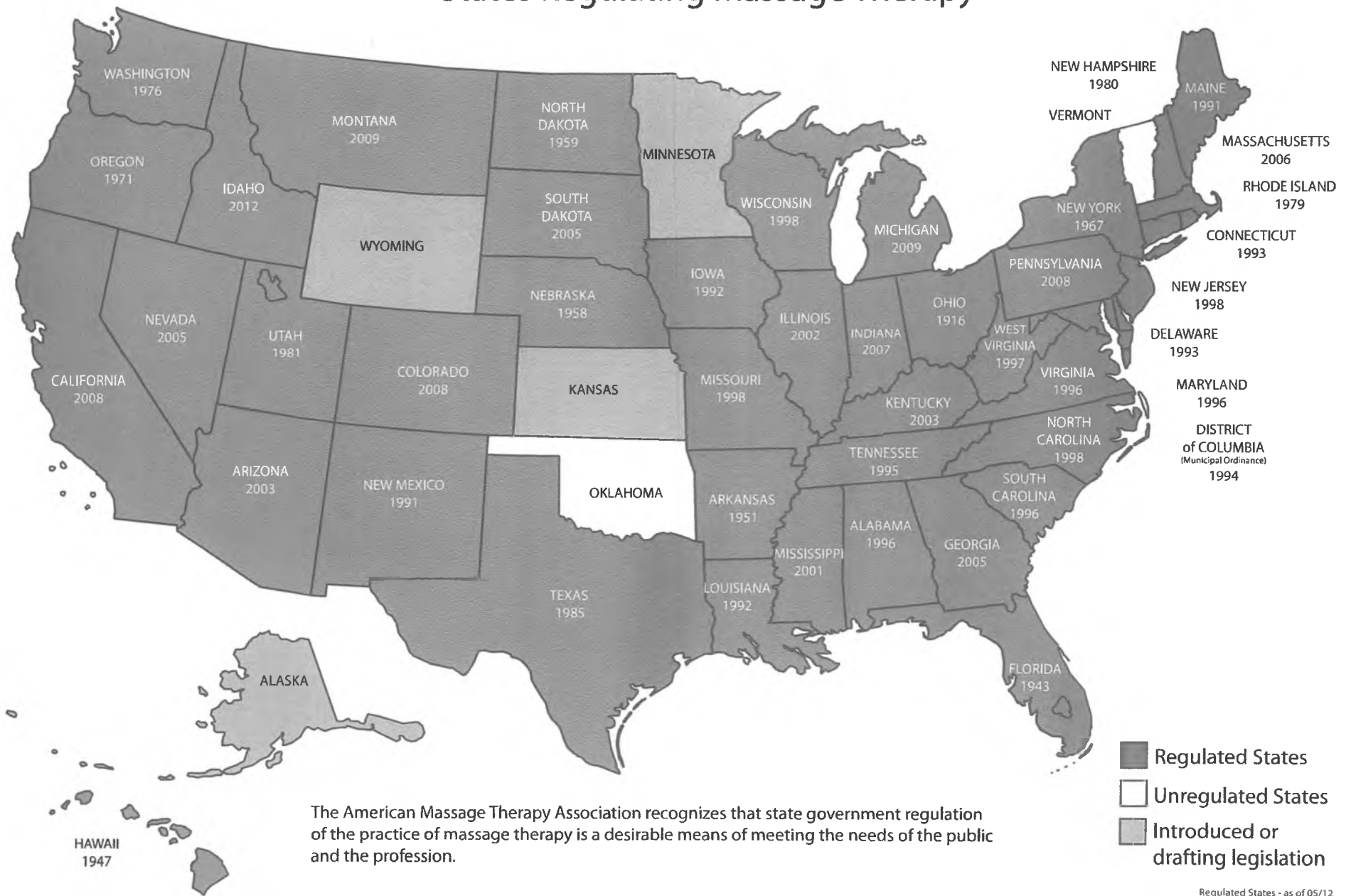
Boards and Commissions. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

In my opinion, the board is a regulatory or quasi-judicial board under the constitution. The board is required to adopt regulations and generally regulate the profession of massage therapy. The board therefore falls within art. III, sec. 26, and the members of the board would be subject to confirmation by the legislature, even though the bill does not specifically state that the board members would be subject to confirmation.

If I may be of further assistance, please advise.

HVM:lem
14-174.lem

States Regulating Massage Therapy



The American Massage Therapy Association recognizes that state government regulation of the practice of massage therapy is a desirable means of meeting the needs of the public and the profession.

- Regulated States
- Unregulated States
- Introduced or drafting legislation

2014 Licensing Legislation Fact Sheet

Alaska Massage Therapist Licensure Coalition

Impact of state licensure

Industry Standards

Creates minimum competency standards

Provides competency standards through education, training and examination requirements
Assures eligibility requirements are met to practice

Allows consumers to understand the industry and select the most appropriate massage therapy professional for their needs

Brings the benefit of open access to the selection process.

Public Safety

Assures only properly educated and trained massage therapists are licensed to practice on the public

Enables the state to discipline massage therapists who violate the practicing act

Enhances public safety by enforcing disciplinary actions against non-compliant practitioners

Establishes a consistent standard of practice enforceable by a professional code of ethics

Establishes formal grievance process for consumers to help prevent unethical/non-compliant therapists from continuing to practice

Professional Development

- Broader professional opportunities for therapists
- Allows massage therapists a voice in fair wages and rights
- Allows massage therapists to govern their own profession
- A developed scope of practice unique to the massage therapy profession

Background

Alaska is one of only six states that does not regulate the massage therapy profession in any manner.

AMTA-AK Board Supports Passage of State Licensure Legislation

2012 AMTA – Alaska Chapter Coalition formed

2012-13 coalition accomplishments:

- 5 coalition meetings held gathering feedback
- Draft bill widely circulated for comments
- Membership survey indicated significant support

Promotes Business Development

- In other states, many massage therapists are small business owners – but not in Alaska.
- In Alaska, since massage therapists do not have state licenses, they are unable to bill insurance as preferred providers.
- In states with licensing requirements, massage therapists are able to become preferred providers with insurance companies, allowing them to be successful small business owners.
- State licensure of Alaska's massage therapists would promote small business development across the state.

Amanda Unser
alaskaamta@gmail.com

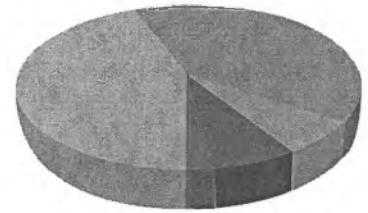


amta
american massage therapy association

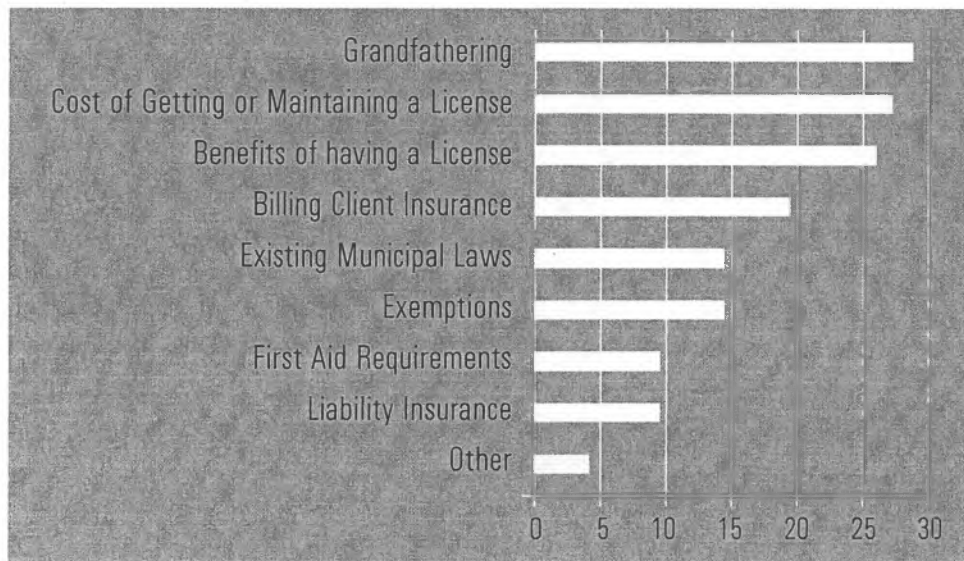
Survey Results

Do you support the statewide licensing of massage therapists?

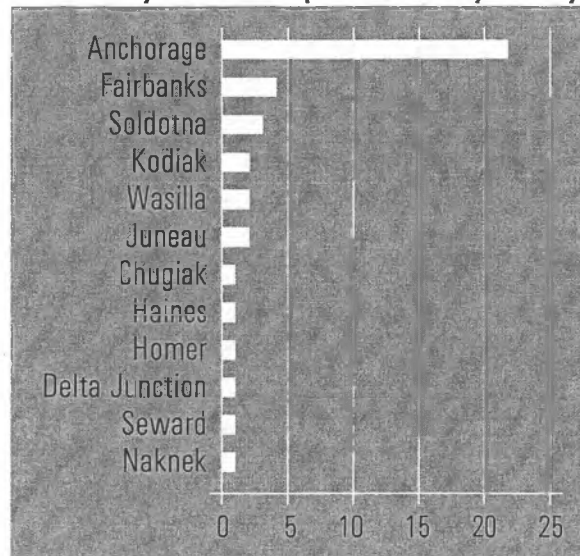
Definitely, licensing is sorely needed.	19	44%
Only if it is done right.	17	40%
Maybe/Undecided	3	7%
Skeptical, leaning towards no.	3	7%
Other	1	2%
Grand Total	43	



Decision Factors



Survey Participation by City



Doniece Gott

From: Scott and Traci <stgilmour@gci.net>
Sent: Wednesday, April 16, 2014 8:17 AM
To: Doniece Gott; Matthew Gruening; Marta Lastufka; Allison Holtkamp
Subject: Letter of support/testimony for HB328

Good morning,

I have been forward your names by Chris Clark of Rep. Munoz' office as contacts regarding HB328 and my hope of encouraging passage out of Senate Finance.

Please let me know if there are other staff or legislators I can contact to send my support to as well.

My name is Traci Gilmour.

I support HB328 and encourage passage of this bill. I know we are down to the wire with session. In the interest of expediency, I urge Senate Finance to pass this bill out of committee. Below is my letter of support and testimony

My name is Traci Gilmour and I support HB328.

I understand the possibility of higher than hoped for fees to start the Licensing program in Alaska and I accept that possibility.

I have been practicing for almost 20 years in Juneau, Alaska and hold a license from the State of Washington. I keep my license current by abiding by their continuing education requirements yearly. I attended and graduated from an 800 hour course in Seattle.

I believe the risks of not being licensed and fully educated outweigh the costs that will be incurred. I also believe there is much to be gained in our great state by our clients and the public by being licensed. I have heard from many of my long term clients that they are in favor of the licensing and are surprised there is no regulating body in the state of Alaska. I also hold a State business license, own my own business and pay city sales tax.

This bill is supported by a great number of massage therapists, the AK Chiropractic Board, doctors and clients around the state, I hope you hear those voices as well as mine.

Those of us that it will affect understand and accept the fees, requirements for continuing education and costs to our businesses and are going into this endeavor with eyes wide open. The licensing fees will not force me to increase my massage fees and are not seen as an undue burden.

I urge you to move this bill through committee and onto the Senate Floor.

Thank you

Traci K Gilmour, LMP

TLC Massage Therapy


AMTA Member since 1994, #38373

WA License #MA00007638, Exp. 8/16/14

Doniece Gott

From: Sen. Pete Kelly
Sent: Wednesday, April 16, 2014 9:07 AM
To: Senate Finance Committee
Subject: FW: House Bill 328 Board/Licensing of Massage Therapists

Public testimony



Joe Byrnes

Staff for Senator Pete Kelly
907-456-3709



From: Cheri Zepp [<mailto:cherizepp@hotmail.com>]
Sent: Wednesday, April 16, 2014 08:25
To: Sen. Anna Fairclough; Sen. Kevin Meyer; Sen. Pete Kelly; Sen. Donny Olson; Sen. Click Bishop; Sen. Mike Dunleavy; Sen. Lyman Hoffman
Subject: House Bill 328 Board/Licensing of Massage Therapists

Good Morning Senators,

I support House Bill 328. Board/Licensing of Massage Therapists.

I want to express to you that I, personally, fully understand the implications of fees and requirements of education that will be imposed. I graduated from massage school in Texas, where I received my license after taking the state exam and I kept my license current for 7 years. I paid \$250.00 per year (not biennial) to the State of Texas, and this fee did not hurt my business at all. I decided to let my Texas license lapse because I was not considered licensed in my home state, and the constant denials from insurance companies increased year after year -- all the same reason - I am not considered licensed, because we do not have a law here in Alaska that requires a license to operate. Even though I attended massage training and graduated with honors.

I have paid yearly fees, attended continuing education classes and am current with information pertaining to my trade. I do not feel impending fees, nor, the requirement of education will be a burden on my pocketbook. I also am a member of the Associated Bodywork and Massage Professionals. That membership allows me liability insurance or medical malpractice worth millions.

I currently provide employment for 5-6 therapists at my studio, Chez Sante' Massage Therapy. They are contracted to work at my studio, and I require them to obtain a business license to operate in the State of Alaska. They are also required to obtain liability insurance, and are encouraged to take continuing education. This is not the case for everyone. There are some people who are currently working "on the side"

without a State of Alaska Business license, and no background checks, or fingerprinting. Whoever is receiving massages from these people have no idea what their training is.

My first priority is my clients -- their safety is number one, and so I believe once this becomes required in our state we can weed out the sex offenders who are currently slipping through cracks. Currently, anyone can hang a shingle out that allows them to be a "massage therapist" and I'm certain that there are already sex offenders working on innocent people. I question why any professional massage therapist would not want a law that helps to protect their clients.

I know that you are extremely busy at the this time, but just in case I am available for questions, if necessary.

Thank you,

Cheri Zepp
Chez Sante' Massage Therapy
(907) 723-5054

House Bill 328, Senate Bill 188

"An Act establishing a Board of Massage Therapists; relating to the licensing of massage therapists; and providing for an effective date."

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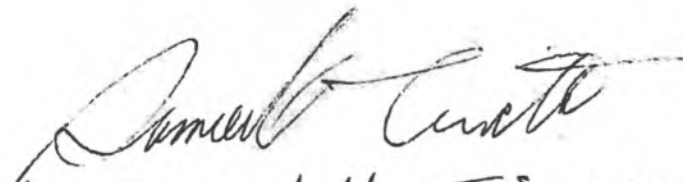
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Samuel H. Trivette
7870 Glacier Hwy.
Juneau

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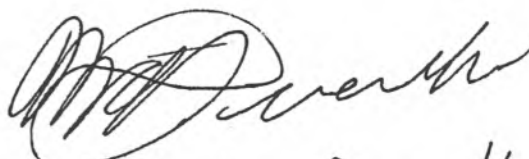
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Mary Ann Dierckman
P.O. Box 21013
Duke Bay AK
99521

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Michael Pere

Michael Pere

Juneau, AK

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Aiman Dndang
6523 North Douglas Hwy
Juneau, AK 99801

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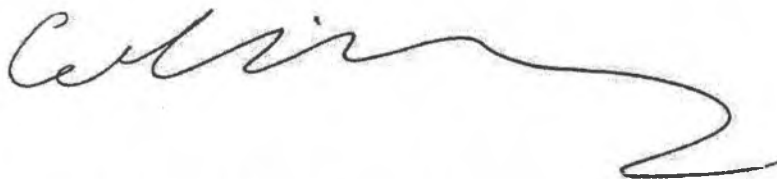
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3175 Pioneer Ave
Tuneau, AK 99801

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Amanda S. Webb-Thomas

A S Webb-Thomas

AK Voter ID 8059095

Handack

March 9, 2014

9040 Ninnis Dr

Juneau AK 99801

907-209-3108

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Rena Gayhart
PO Box 22237
Juneau, Alaska
99802

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Kathleen Wajze 3/9/14

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Marian A. Knock
321 3rd Street
Anchorage - AK - 99501

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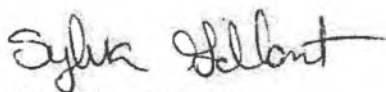
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PO Box 20812
Juneau AK 99802

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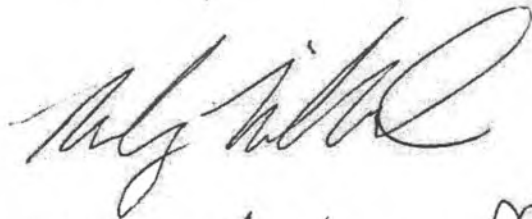
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Melody Millard



17200 Andreanoff Dr.
Juneau AK 99821

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Gretchen Bishop
10238 Heron Way
Juneau AK 99801



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2526 Scott Drive
Juneau, AK 99801

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Juneau, AK
99801

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9131 Glacier Hwy
Juneau, AK
99801

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Juneau, AK 99803

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5545 N. Douglas
Juneau AK 99801

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Lynn Abbott Andrews
9644 Stikine St.
Juneau, AK 99801

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Juneau, AK 99801

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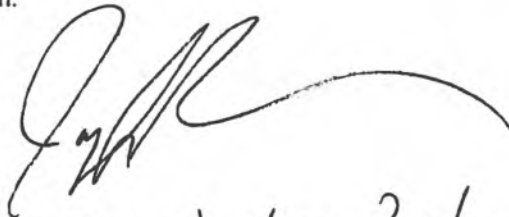
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9951 Stephen Richards dr. #52A
Juneau, AK 99801

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Kathleen Reid POB 35162 Juneau AK 99803

House Bill 328, Senate Bill 188

"An Act establishing a Board of Massage Therapists; relating to the licensing of massage therapists; and providing for an effective date."

House Bill 328 and Senate Bill 188 seek to provide industry and educational standards to promote a code of ethics, public safety, self-regulation, accountability, business development, grievance process and therapy access.

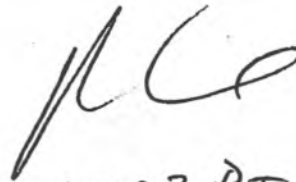
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16307 PT Lena Loop
Juneau, AK 99801

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Tami Malloy - 8523 Forest Lane - Juneau, AK 99801
TAMI MALLOY

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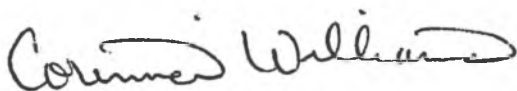
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Corinna Williams
10200 Mendenhall Lp Rd
Juneau, AK 99801

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Linda Williams - 789-2301
9029 Rosedale
Juneau, Alaska 99801

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Barbara Hyde
PO Box 34577
Juneau, AK 99803
3/4/14

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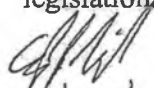
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Bill Williams AVE
ANCHORAGE, AK 99504

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4305 Hayes St. Unit A
Anchorage, AK 99503

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*Jacqueline Ward
PO Box 91110
Anchorage AK 99509*

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Ashley R. Cunningham
12946 Norak Pl.
Anchorage, Ak 99516

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Amanda Unser
8071 ROVENNA ST

Anchorage AK 99518

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Megan M.S. Detzels
3655 Burl Ct
Anchorage, AK 99504

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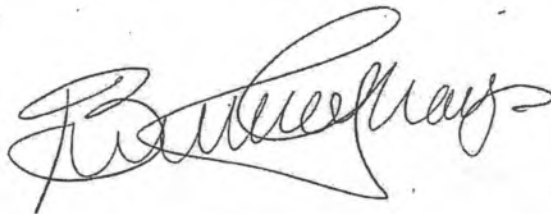
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Jamie Bursell
Jamie Bursell
18095 Pt Stephens Rd
Juneau AK 99801

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JASON CLIFTON

 02/28/14

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Sandy Sheridan
1746 2nd St.
Apt. B
Douglas, AK 99824
Sandy Sheridan

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John J. [unclear]
John H. [unclear]
165 Tracy Ave
Juneau AK 99801

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Ann Gifford
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4350 Glacier Hwy.
Juneau, AK 99801

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NORMA FLEER *WJ Speck*
3151 Pioneer Ave
Juneau, AK 99801

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COLLEEN K. KAUTZ

2737 JOHN STREET

JUNEAU, AK 99801

(907) 723-2669

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T. Campbell 7/26/14

Terri Campbell
437 W. 11th St

Juneau, AK 99801

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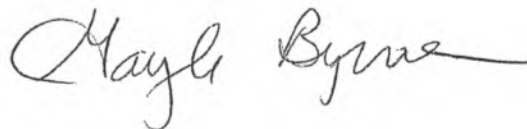
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Coyle Byrne
6745 Marguerite
Juneau AK 99801



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Teresa B. Cramer
Teresa B. Cramer
801 Dixon St.
Juneau, AK 99801

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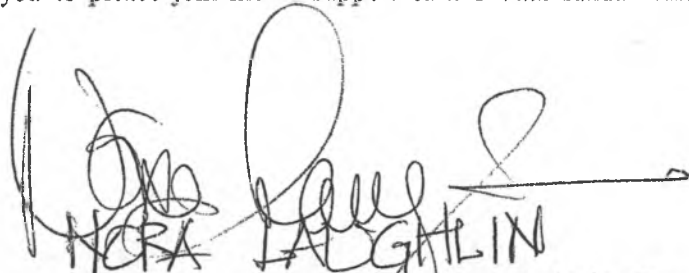
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NORA LALGATLIN
P.O. Box 20921, JUNEAU 99802
2300 Old Lawson Cr. Rd B-2
Douglas 99824

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This legislation is in response to 84% of surveyed massage therapists supporting state licensure. I support their efforts and I ask you to please join me in support of this vital fundamental legislation.

Lisa E Ward
LISA E. WARD
9349 TURN ST,
JUNEAU, AK.
99801

House Bill 328, Senate Bill 188

"An Act establishing a Board of Massage Therapists; relating to the licensing of massage therapists; and providing for an effective date."

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Kari ~~the~~ Monagle

Kari Monagle

PO Box 32203

Juneau, AK 99803

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Karen M Smith
Karen M. Smith
PO Box 20062
Juneau AK 99802

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Robert Ceson

3004 Blueberry Hills Rd.

Juneau, AK 99801

723-0806

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Peggy Bray

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900 Hermit St. #9

Tuneau, AK. 99801

907-789-0937

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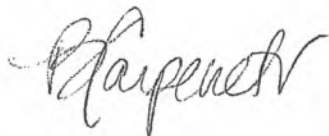
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Branca Carpeneti Feb. 25, 2014

634 Seward St. Juneau, AK 99801

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Louie Higgins

2-25-14

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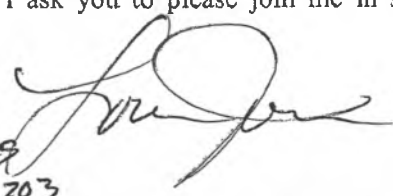
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P.O. Box 240703
Douglas, AK 99824

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LAUREN RAE JONES
3281 DOUGLAS HWY
JUNEAU, AK 99801

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Laura Gregovich

POB 210725

Auke Bay, AK 99821

House Bill 328, Senate Bill 188
Sponsor Statement

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Mary Ann Dierckman

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A Webb-Thomas AK Voter ID 8059095

March 9, 2014

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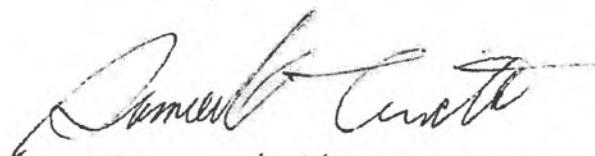


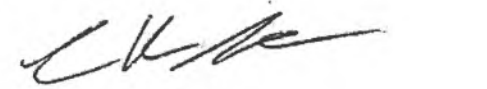
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JASON CLIFTON

Jeff Mandragon

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Branca Carpeneti
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634 Seward St. Juneau, AK 99801

Lauri Higgins 2-25-14

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Lauren Jones
Lauren Jones
P.O. Box 240203
Douglas, AK 99824

Lauren Rae Jones
Lauren Rae Jones
3281 Douglas Hwy
Juneau, AK 99801

From: [Rep. Benjamin Nageak](#)
To: [Mary Schlosser](#)
Subject: FW: HB328
Date: Monday, March 10, 2014 1:50:08 PM

From: Cheri Zepp [mailto:cherizepp@hotmail.com]
Sent: Friday, March 07, 2014 9:42 AM
To: Rep. Benjamin Nageak
Subject: HB328

Good morning Representative Nageak,

I have not yet had the pleasure to meet you, but I have been working with your amazing staff – Mary Schlosser. I would like to offer my support for House Bill 328.

Thank you for meeting with several members of the coalition several weeks ago, and hearing what we had to say about why it is so important to have licensure for massage therapists in the State of Alaska. We want to thank you again for sponsoring this bill, and we appreciate your time and your staff's time on this bill.

I want to express to you that I, personally, fully understand the implications of fees and requirements of education that will be imposed. I graduated from massage school in Texas, where I received my license after taking the state exam and I kept my license current for 7 years. I paid \$250.00 per year (not biennial) to the State of Texas, and this fee did not hurt my business at all. I decided to let my Texas license lapse because I was not considered licensed in my home state, and the constant denials from insurance companies increased year after year -- all the same reason - I am not considered licensed, because we do not have a law here in Alaska that requires a license to operate. Even though I attend massage training and graduated with honors.

I have paid yearly fees, attended continuing education classes and am current with information pertaining to my trade. I do not feel impending fees, nor, the requirement of education will be a burden on my pocketbook. I also am a member of the Associated Bodywork and Massage Professionals. That membership allows me Liability Insurance or Medical Malpractice worth millions should I hurt someone in the course of my work.

I currently provide employment for 5-6 therapists at my studio, Chez Sante' Massage Therapy. They are contracted to work at my studio, and I require them to obtain a business license to operate in the State of Alaska. They are also required to obtain liability insurance, and are encouraged to take continuing education.

My first priority is my clients -- their safety is number one, and so I believe once this becomes required in our state we can weed out the sex offenders who are currently slipping through cracks. Currently, anyone can hang a shingle out that allows them to be a "massage therapist" and I'm certain that there are already sex offenders working on innocent people. I question why any professional massage therapist would not want a law that helps to protect their clients.

I feel that the bill in its current state is satisfactory and needs no further amendments, and I am very comfortable with the language.

Thank you again Representative Nageak.

Sincerely,

Cheri Zepp
Chez Sante' Massage Therapy
(907) 723-5054

My name is Patricia Collins. I have been a full time massage therapist in Juneau for 11 years. I have a business license, liability insurance and pay appropriate sales tax. I do not see HB 328 increasing the fees that I charge to my clientele. The costs associated with the continuing education are costs I already gladly pay. The additional cost of state professional licensure, I consider minor. HB 328 brings us into closer aligned with the massage regulations that other states currently have. It may provide therapists with the ability to directly bill health insurance for services. It will also assist in providing the public with some assurance that their massage therapist has basic training in safe and sanitary practices. I support the passing of HB 328 with three amendments.

The first amendment I suggest is in **Section 08.61.030 (3), Qualifications for licensure**. Currently the bill states education must come from a board approved "school". I believe the words "**or board approved apprenticeship program**" should be added after the word school. The US Secretary of Education considers massage therapy a vocational trade. Board approved apprenticeship is a common route of education for vocational trades. Even though there are hundreds of massage schools in the country, COMTA, the federally recognized accrediting agency for massage therapy, has only 61 accredited programs in 27 states. All massage therapists hope that the education that we receive will be respected in the future or in other states but at this point there are no guarantees. Both Hawaii and Florida have board approved apprenticeship in their state legislation. Our state has many communities that will never be large enough to support a massage school. If our legislation does not include board approved apprenticeship future therapists will have no choice other than relocation for 6 months to a year of their life in order to receive training. This will be an option for some but it will not be an option for others. The lack of apprenticeship will limit who will be able to enter the field in the future.

The other amendments I suggest are related to safety of the public. It is important that persons performing massage and / or bodywork have basic knowledge of safe and sanitary practices. There are some who say that this bill is to regulate massage and the exempt modalities are a different field which they categorize as bodywork. For many reasons I feel this is split is illogical for our state. Exempt modalities are taught in the same massage schools as non-exempt modalities and therapists mix modalities considering all of them as part of their massage practice. The public, in general, will not consider the different modalities as separate & will assume they all have some kind of oversight. Our state does not have a large enough population of massage therapists and bodyworkers to successfully support two different boards. I believe that with two simple amendments we will be able to give the board that is created by this bill needed oversight of modalities that pose the greatest risk to our public.

Section 08.61.080 (10) - This section exempts Rolfing and structural integration. The Rolf Institute is a well known bodywork school with very high standards. In order to advertise Rolfing you must be a student or graduate of the Rolf Institute. A person who is educated in principals that were developed by Ida Rolf but has not gone to the Rolf

Institute is considered to practice structural integration. Unfortunately, there is no federal oversight as to who teaches, what is taught, who performs or what is performed under the umbrella term "structural integration". The way this bill is currently written there will be no state oversight of structural integration. I believe we should remove item (10) or rewrite it to apply to students and graduates of the Rolf Institute only.

Section 08.61.080 (12) - This section lists a broad range of modalities that may be classified as energy work and Asian bodywork. Some of these modalities do not use pressure applied to the body but some do. Item (7) in this same Section (08.61.080) already exempts persons performing techniques that do not pressure or manipulate soft tissue in the human body. To specifically list non-force modalities in item (12) is a redundancy. I am further concerned about this exemption because there are weekend workshops and short term programs in the listed modalities that are open to anyone in the public to take. There is no federal oversight regarding who teaches, what is taught, who takes the classes or what overall safety and sanitation knowledge a practitioner has. With the current wording of the bill there will not be any state oversight of potentially harmful bodywork modalities. I recommend removing item (12) from the proposed bill. Non-invasive modalities will remain exempt under item (7). Modalities that involve pressure or manipulation of body tissue will have oversight.

I thank everyone for the time that they spend on this piece of legislation and the development of the Alaska State Massage & Bodywork Board.

- Patricia Collins
mistymountainmassage@gmail.com



amta
american **massage therapy** association®

500 davis street, suite 900 | evanston, il 60201-4695 | phone 847.864.0123 | toll free 877.905.2700 | fax 847.864.1178

email: info@amtamassage.org | web: www.amtamassage.org

August 25th, 2011

To Whom It May Concern,

On behalf of the American Massage Therapy Association (AMTA), we want to express our support for licensure of the massage therapy profession in the State of Alaska. AMTA is a professional membership association representing more than 56,000 massage therapists nationally, including more than 300 massage therapists in Alaska. Our association has represented the massage therapy profession since 1943.

AMTA works for fair, consistent and effective licensing both to ensure the right to practice of massage therapists and to protect the public. AMTA believes in balanced regulation that provides for minimal standards of practice to ensure professionalism and provide public confidence in massage therapy.

Currently, 43 states and the District of Columbia provide for the regulation of massage therapy and most provide a Practice Act that requires licensure to practice. With growing number of states turning to licensure, we see that it works for the profession and public.

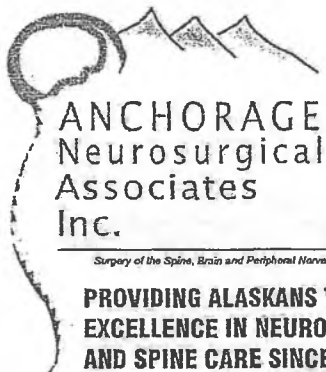
For more information on the reasons to support licensure of the massage therapy profession, please see the attached information sheet.

Massage therapy licensing embodies the principles and values AMTA upholds, and it includes content and practice standards we believe must be part of massage licensing in all states. Only by enacting this type of law, and by requiring licensure for massage therapists, can we ensure practitioners have met minimum competency standards, established through formal education, training and examination requirements.

Thank you for your time. If we can provide any additional information or be of any assistance, please feel free to contact us.

Respectfully,

Chris A. Studebaker
Director, Government & Industry Relations



LOUIS L. KRALICK, M.D.
DIPLOMATE OF THE AMERICAN BOARD OF NEUROLOGICAL SURGERY
FELLOW OF AMERICAN COLLEGE OF SURGEONS
TIMOTHY I. COHEN, M.D.
DIPLOMATE OF THE AMERICAN BOARD OF NEUROLOGICAL SURGERY
ESTRADA J. BERNARD, JR, M.D.
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FELLOW OF AMERICAN COLLEGE OF SURGEONS
MARSHALL TOLBERT, M.D.
ENDOVASCULAR NEUROSURGERY
CANDACE HICKEL, MPAS, PA-C
DARCIE CRAVENS, MPAS, PA-C

March 5, 2012

To Whom It May Concern,

I am writing this letter in support of licensure of massage therapists in Alaska. As a referring practitioner, I feel that it is safer for my patients to be evaluated by a properly trained massage therapist who is held to a specified standard of training. Massage therapists play an integral role in the evaluation and management of disease. Licensure will help to ensure that basic entry-level education and examination standards are met. The majority of other states have already taken this approach to ensure the safety of their patients, massage therapists, and medical community.

I strongly support the stance to create a licensure requirement for massage therapy in Alaska. If you have any questions in regards to this letter feel free to contact me.

Sincerely,

Darcie Cravens
Darcie K. Cravens, PA-C
DKC/jh

Timothy I. Cohen M.D.
Timothy I. Cohen, M.D.



CLINIC OF
CHIROPRACTIC HEALTH

JAMES F. HESTON, D.C.

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HOMER, ALASKA 99603
(907) 235-7146
FAX (907) 235-7186
EMAIL: CHIRO@XYZ.NET

February 27, 2014

To Whom It May Concern;

I am writing this letter in support of HB 328 and SB 188, thereby establishing a regulatory board for the profession of Massage Therapy. As a Chiropractor, I have worked along side many Massage Therapists who have enhanced the care provided, aiding in the advancement of the patients' healing process. Standards and regulations for this profession need to be established and monitored.

The Chiropractic and Massage Therapy professions have been working together for many years and it is past time for Massage Therapists to be self-regulated. The passing of these bills will be a positive step for this profession to regulate itself through licensure, and establishing and promoting a high professional standard of ethical and moral conduct. This board will help protect the health, welfare, and safety of the public through regulatory standard establishment, enforcement, and continuing education requirements for re-licensure. More and more, third party payers for health services are requiring that Massage Therapists have some certificate of competency before considering reimbursement for services rendered. This board and the licenses it will issue will fill this void for many of those Therapists who do not currently hold any certification or license. The requirement of continuing education will help keep licensees knowledgeable in technique and on track with moral concerns.

It is well established that Massage Therapy can greatly aid in the healing process of injury to the human body. The profession of Massage Therapy can only move forward and gain support through regulation and the establishment of conduct and moral guidelines.

Sincerely,

James F. Heston, D.C.
Chairman of the Board of Chiropractic Examiners



Associated Bodywork & Massage Professionals

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February 7, 2014

To: Alaska State Legislators

From: Jean Robinson, Government Relations Director

Re: Massage Therapy Practice Act – Support of Draft Bill 12-9-13

I am pleased to provide this letter of support on behalf of Associated Bodywork & Massage Professionals (ABMP). ABMP is the largest national professional association for massage therapists with more than 82,000 members nationwide, including more than 250 members in Alaska. We provide professional liability insurance, business resources, professional publications, and legislative and regulatory advocacy for our members.

We have been engaged in the development of a draft bill in Alaska since 2007. Our priorities for the bill have included protecting current practitioners right to practice without having to obtain additional education or pass an exam, reasonable entry-level requirements for licensure that are and consistent with the rest of the country, and incorporating best practices from lessons learned from the forty-four states and three territories that currently regulate the profession.

I am delighted to report that we have come a long way. ABMP supports the Work Draft of the bill dated 12-9/13 (with a few very minor edits). We now comfortably ask for your support as well. Thank you for your attention to this matter. I would be happy to answer any questions and can be reached at jean@abmp.com or 800-458-2267 extension 645.



ALASKA NATIVE MEDICAL CENTER



4315 Diplomacy Drive
Cardiology Department
Anchorage, AK 99508
February 12, 2012

To Whom It May Concern,

I am writing in support of the effort to establish a licensing board for massage therapy in the state of Alaska. It has been my experience that massage therapy offers great benefits complementary to the allopathic medical approach. It is in the best interest of patients and massage therapists alike that the public has confidence in their training and that professional standards are enumerated and obeyed. The establishment of a Board of Massage Therapists and licensure requirement is a crucial first step. Feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Schnellbaecher, MD".

Matt Schnellbaecher, MD
Cardiology Director

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amta
american **massage therapy** association*

Alaska Chapter

The Alaska Massage Therapy Association – Alaska Chapter (AK-AMTA), supports licensure of massage therapists in Alaska. Currently there are only six states (including Alaska) that do not have a comprehensive statewide licensure requirement for massage therapists. Licensure of Alaska's massage therapists enhances public safety, and promotes small business development.

Massage therapists in Alaska are only regulated at a local level, and only in Anchorage, Fairbanks, Palmer and Valdez. Statewide licensure provides the public with the knowledge that their massage therapist has been properly trained, and is current with their continuing education. Licensure also provides a way to discipline individuals that claim to be massage therapists, but are not properly trained or licensed.

Licensure will also provide massage therapists with the ability to bill insurance directly, allowing small, independent massage therapy practices to grow.

During 2013, a coalition of massage therapists coordinated several meetings, and conducted a survey of massage therapists in Alaska. The survey showed overwhelming support among massage therapist for licensure in the state.

Nindy Jurik
President AMTA-AK