



USOLMT
MASSAGE THERAPY ISSUE BRIEF
STATE OF ALASKA
10/17/2022

INTRODUCTION

This brief is the culmination of several months of research into issues pertaining to Massage Therapy in the state of Alaska. Research methods included gathering data from Alaska-specific massage therapy groups on social media, speaking to massage therapists in and out of the State of Alaska regarding their experiences, thoroughly reviewing agendas, meeting minutes, and board packets posted publicly on the Alaska State Board of Massage Therapy website, and reviewing all state-wide posted statutes, rules, and regulations regarding massage therapy in the state of Alaska.

No part of this issue brief is intended to be an attack on or to target any individual, group, association or state employee, volunteer, or department. The issue brief is simply an overview of USOLMT's findings, which includes facts and anecdotal evidence from massage therapists in the State of Alaska and our outside observations and opinions. We encourage all readers to take this into account when examining the issue brief.

THE VOICES OF MASSAGE THERAPISTS

USOLMT is concerned that the voices of massage therapists are not being heard and their current professional needs are not being met. From what we can tell, this appears to be due to excessive and stringent regulation and overreach.

Some massage therapists who are licensed within the state said that they felt that their money was wasted, and their time was not respected by the members and staff of the state board, and that they were not treated humanely. Some therapists said that excessive entry level education requirements felt as if they were only in the best interest of Alaska's massage schools, often requiring a return to entry-level education for out of state candidates, even for very experienced massage therapists.

Massage Therapists who applied from out of state said they felt like the board doesn't want out of state candidates to work in Alaska. Many former massage therapists in the state, and those interested in moving into the state have decided not to practice in Alaska. Some felt concerned that there may be corruption at play in the state board but were also concerned that a "target" would be put on their back if they make complaints or reports. Based on our observations, we expect the number of massage therapists to continue to decline in the state of Alaska, unless interventions are taken to smooth the regulatory process, reduce barriers to licensing, and improve communications and compliance within the State Board of Massage Therapy.

Many therapists have been audited by the state board, with long delays typical, and the result is driving massage therapists in Alaska out of the profession. The issue we see with this is that massage therapists go on to practice under "bodywork therapist" or "reiki therapists" or related types of therapy, which are not regulated by the Alaska State Board of Massage Therapy, but, that free massage therapists to practice without board intervention, without calling their work Massage Therapy. While we do not have concrete numbers, we suspect that this is happening frequently within the State of Alaska as a direct



result of excessive fines and harsh disciplinary action. Therapists subject to these fines and disciplinary actions said they felt that the State Massage Board was more concerned with punishing massage therapists who do not understand the regulations, than they were with punishment of sexual offenders in the profession.

The harshest critics of the State Board of Massage Therapy said that the board was inept and operating within a silo or vacuum-like manner, not listening to the concerns of local massage therapists, and far too strict in their disciplinary methods. In fact, when referencing the disciplinary process for inadequate continuing education hours, even serious medical problems, financial issues, or other hardships are not considered adequate to excuse a massage therapist in license renewal from harsh disciplinary action. The board's stance appears to be, according to some local therapists, that if they can't do the necessary continuing education, no matter the reason, that they need to find a new profession. We suspect this is what many therapists will do when faced with disciplinary action by the board. Critics said that lives and livelihoods are being ruined in the state, and therapists are getting hurt by the actions of the state board. A few of them even said that members of the state board engaged in bullying applicants and other massage therapists licensed under their charge.

Many candidates for Massage Therapy licenses in Alaska have experienced long delays in attaining licenses, especially those candidates moving to Alaska from out of state, or those wishing to work temporarily in Alaska during the high season. Therapists said that the process is extensive and expensive, and suggested that the State Board of Massage Therapy create a list of states that are already vetted and approved for license by credentials to speed the process along. Many therapists also said that the state appears to be "hung up" on entry level educational hours, while ignoring years of experience, an abundance of continuing education hours, or even teaching experience which far surpasses entry-level requirements of 625 hours.

The state board does not approve single-modality massage schools. One example of this we heard about was an international candidate who had formal Shiatsu training with more than enough hours but was denied licensure. One local massage therapist asked online "Is this how we want to be, as a massage community in our state? Denying qualified bodyworkers, the ability to practice due to random prejudice on the part of some board members?" and said that by not approving single-modality schools, the board subverts the spirit and legality of the profession. The State Board's response is that they are simply following the law.

Finally, the consensus of all the therapists we spoke to in Alaska seems to be that the board does not look out for Licensed Massage Therapists in the state, with some therapists expressing the sentiment that they feel like they need protection from their own board, and that because of this, they want and need proper representation. They said the board appears to choose topics of discussion that relate to their own personal interests, rather than the needs and concerns of their massage community, that their tone comes off as aggressive, repressive, bullying, confrontational, and threatens the well-being of the community. Most therapists said that they would like to see their industry grow in the state of Alaska, but, that economic growth of massage therapy is being reduced by regulations that cause harm and inhibit the growth of the profession in Alaska, causing hardships for those who work in the profession.



GRASSROOTS ACTION

It looks like there has been one past grassroots movement started in the state of Alaska in 2019. The movement was titled the Bodyworker's Action Coalition of Alaska. Notes from one local meeting were posted publicly with discussions centered around issues with the State Board of Massage Therapy.

USOLMT circulated a petition this year and launched an investigation into statewide issues when one of our members reported problems with getting licensed as an out of state candidate. The purpose of the petition was to ask the board to allow for experience and continuing education units to be considered for licensing of massage therapists in Alaska, regarding out of state transfers and seasonal workers from other states. The petition was signed by 239 massage therapists, closed in September of 2022, and sent to the Licensing Examiner of the Division of Professional Occupations, the State Board of Massage Therapy, and the Alaska State Ombudsman. We followed up the petition with a three month investigation of issues massage therapists were experiencing in the state, and a further look into the laws and regulations of the State of Alaska as they pertain to massage therapy and professional licensing.

AMERICAN MASSAGE THERAPY ASSOCIATION – ALASKA CHAPTER

One former member of the AMTA in the state of Alaska stated that they were disappointed with their support to licensed massage therapists in Alaska, and that they were never notified or found any information that the AMTA was interested in the concerns of Alaska massage therapists, and because of this, it was unlikely they would sign up with them in the future.

Currently, it appears that AMTA believes that there may be good reasons to get new legislation passed in Alaska, but there has been no action for quite some time. The previous AMTA Chapter in Alaska disbanded some time ago. Currently there are only two-chapter members. When asked about the chapter website being up to date, we were told that current chapter members are unable to log into the website to update any information at this time and that they are unable to take any action with only two-chapter members. While therapists in Alaska seem passionate about changes needed in their state, there is a lack of volunteers willing to commit to taking action to resolve these statewide issues.

ALASKA STATE BOARD OF MASSAGE THERAPY

Most of the issues that we have heard about involve the State Board of Massage Therapy, though it is our understanding that these issues mainly revolve around state laws imposed by lawmakers, which are being enforced by the State Board of Massage Therapy. None of the following information is meant to be a personal attack on members or former members of the state board in Alaska, and we are sensitive to the fact that the board has experienced a significant reduction in staffing levels over the last two years – however – the issues below are causing significant distress among massage therapists in the state, and, in our opinion, need to be resolved as soon as possible.

BOARD SERVICE

Currently, there are two state board member vacancies in Alaska. The term of service, as written into law in the state, is four years. A review of board meeting minutes from June 2021 reveals original board members asking if they could change regulations to allow for 8 years of service to the state board. They were told that they do not have the authority to allow regulation change on that issue, but, that board



members can continue to serve at the Governor's pleasure until they are replaced, and that they could only bring in former board members to assist new board members in learning their duties on the board.

Two former board members appear to be serving on the board well past the end of their terms, with one of them voted recently to chair the board in 2022, although the members' term is over. Further investigation reveals that these two board members are staying on the state board to train new incoming board members and they continue to perform board member duties.

COSTS ASSOCIATED WITH LICENSING

A review of licensing fees and fines as well as board meeting minutes reveals that the Governor of Alaska increased massage therapy license fees in 2021. Out of state candidates can expect to pay up to \$1,000.00 in associated fees with obtaining state licensure. Also, therapists disciplined in the state of Alaska are subject to harsh penalties as well as exorbitant fees due to the state to continue their licensure. In many cases, these high fees present a hardship to hopeful Alaska state transfers who are currently licensed massage therapists in other states and to those therapists who are being disciplined in the state. The result is a reduction in the number of massage therapists available to support economic growth and fulfill open job opportunities in Alaska.

Note the following Statutes:

12 AAC 02.396. BOARD OF MASSAGE THERAPISTS. The following fees are established for massage therapists: (1) nonrefundable application fee for initial license, \$200; (2) massage therapy license fee for all or part of the initial biennial licensing period, \$290; (3) massage therapy biennial license renewal fee, \$290; (4) nonrefundable fingerprint processing fee, \$60; (5) nonrefundable massage therapy establishment registration fee, \$300; (6) fee for each investigation of an unregistered massage therapy establishment, \$2,000; (7) massage therapy establishment biennial registration renewal fee, \$300; (8) massage therapy establishment change of location fee, \$65. Authority: AS 08.01.010 AS 08.61.020 AS 08.61.090 AS 08.01.065

12 AAC 02.320. STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD. The following fees are established for physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants: (1) application fee for initial license, \$150; (2) license fee for physical or occupational therapist for all or part of the initial biennial license period, \$200; (3) biennial license renewal fee for physical or occupational therapist, \$200; (4) temporary permit fee, \$65; (5) limited permit fee, \$65; (6) license fee for physical or occupational therapy assistant for all or part of the initial biennial license period, \$130; (7) biennial license renewal fee for physical or occupational therapy assistant, \$130.

When comparing the costs associated with obtaining a license to practice massage therapy in the State of Alaska to other similar occupations, we found that fees are much greater to obtain a massage license than they are to obtain other occupational licenses.



The table below is a comparison of the fees for Massage Therapists, who spend a much shorter time in entry level education and make a markedly less salary than their medical counterparts versus the fees for Physical Therapists in the state of Alaska.

Massage Fees	Physical Therapy Fees
Initial License \$200.00	Initial License \$150.00
License Fee \$290.00	License Fee \$200.00
Renewal Fee (2 years) \$290.00	Renewal Fee (2 years) \$200.00
Fingerprint Fee \$60.00	Temporary Permit Fee \$65.00
Establishment Registration Fee \$300.00	Assistant License Fee \$130.00
Unregistered Investigation of Estab. \$2000.00	Assistant Renewal Fee \$130.00
Establishment Renewal Fee (2 years) \$300.00	Does not state fingerprinting required
Establishment Change of Location Fee \$65.00	Does not appear to license establishments

*Establishment licensing fees do not apply to licensed massage therapists who own a business.

LICENSING DELAYS

We have seen many complaints about long delays in the licensing, renewal, and out of state licensing process in the state. While it appears the State Board is short staffed, this doesn't change the fact that the issues with long delays are negatively affecting the state's massage therapy workforce and the state's employers.

Many therapists said they spent between four and ten months to obtain or to simply renew their massage licenses, and even though the backlog is due to the state's short-staffing issues, the board of massage denies application extensions. According to regulations, applications become "stale" at six months and must be resubmitted, which requires more time and money on the part of the massage therapist. Some therapists said they believed the board was delaying approvals until this time. Others said that the length of time for the board to receive the necessary background check had increased, and that was causing significant licensing delays.

In the June 2022 meeting, the board stated that it is rare that any problems come back on background checks, and they can approve licenses prior to receiving them. These approvals would be contingent on the return of an approved background check. Earlier approvals should speed the process along, but, we noted that board's statements in this meeting conflicted with the board's earlier position statement on SB157, in which the board strongly opposed the initiative, stating that complete state and federal background checks were necessary prior to approval of licensure, as it was a trend that approximately 70% of applicants had criminal convictions in background checks. *(See board position statements on Alaska State Board Website)*

Also note that in a memo from the Division Director in 2019, it was stated that the board should review the license application process with the goal of substantially reducing the time required to review applications and issue licenses, and prioritize changes to statutes and regulations that streamline, modernize, and reduce barriers to employment of qualified individuals.



OUT-OF-STATE APPLICATIONS

From what we can tell, many therapists who have attempted to move or work temporarily in Alaska from other states have had issues with unclear state requirements. In addition to the high costs to get licensed when moving from out of state and experienced massage therapists with many years of experience, including some with teaching experience unable to obtain licensure due to lack of entry level education hours, there is also no temporary license option to work in the state during high season.

A peek into the professional licensing laws and regulations in Alaska revealed that any board under the Division of Professional Occupations has the option to write into regulation and grant a Courtesy License, but the state board of massage therapy does allow this as a pathway to licensure. It is unclear whether the board will adopt the Federal Massage Therapy Compact or any sort of Reciprocity in the future, but they do have expedited licensure for military, according to their state statutes. Note that in a memo from the division director in 2019, she asks “Join a licensure compact? Adopt reciprocity with other states? Put it on the table.”

Also note:

Sec. 08.01.062. Courtesy licenses. (a) A board established under this title and the Department of Commerce, Community, and Economic Development, with respect to an occupation that it regulates under this title, may by regulation establish criteria for issuing a temporary courtesy license to nonresidents who enter the state so that, on a temporary basis, they may practice the occupation regulated by the board or the department. (b) The regulations adopted under (a) of this section may include limitations relating to the (1) duration of the license’s validity; (2) scope of practice allowed under the license; and (3) other matters considered important by the board or the department.

The length of time it’s taken to approve an application for out of state transfer has been anywhere from 10-14 months recently. Alaska not only regulates the number of entry level educational hours, but also the categories in which those hours were obtained. In some cases, even though out of state transfers have the correct number of entry level education hours, those hours may be in the wrong categories, requiring the applicant to take more entry level education to obtain licensing.

FINGERPRINTING

Fingerprinting is required in the state of Alaska and required for renewal of all massage therapy licenses. Complaints involving fingerprinting included applicant’s fingerprints being rejected, but the applicants not being notified about those rejections for several months, delaying the license approval process.

ENTRY-LEVEL EDUCATION REQUIREMENTS

Entry-level education requirements seem to be one of the most discussed issues in massage therapy in the state of Alaska. Most states require less than 625 hours of entry level education for massage therapists, though, our recent board meeting attendance revealed that members of the state board believe that 625 hours is the new standard in the nation. We’re not saying that it shouldn’t be, but 625 hours is not the national standard.



Therapists who attend massage school in the following 15 states are eligible for transfer into the state of Alaska, meeting the 625-hour educational requirement (if their education is in the proper categories):

Alabama	Arizona	Connecticut	Indiana
Massachusetts	Michigan	Mississippi	Nebraska
New Hampshire	New Mexico	New York	North Dakota
Ohio	Oregon	Rhode Island	TOTAL: 15 STATES

Therapists who attend massage school in the following 35 states are ineligible to obtain licensure and excluded from working as Massage Therapists in the State of Alaska:

Arkansas	California	Colorado
Delaware	Florida	Georgia
Hawaii	Idaho	Illinois
Iowa	Kansas (Not licensed)	Kentucky
Louisiana	Maine	Maryland
Minnesota (Not Licensed)	Missouri	Montana
Nevada	New Jersey	North Carolina
Oklahoma	Pennsylvania	South Carolina
South Dakota	Tennessee	Texas
Utah	Vermont (Not Licensed)	Virginia
Washington	West Virginia	Wisconsin
Wyoming	District of Columbia (D.C.)	TOTAL: 35 STATES

There appears to be a major issue with experienced massage therapists being asked to go back to entry level massage school to obtain missing hours needed to meet the 625-hour requirement in Alaska. Most very experienced massage therapists attended 500-hour programs. If an out of state transfer has already moved to Alaska, then applied for licensure and need to return to school, they have their choice of only two brick and mortar massage schools, both located in Anchorage. This can mean that an applicant residing outside of Anchorage can expect plenty of travel to and from Anchorage, which may even require transportation via airplane to obtain those hours, depending on where one is located.

Therapists with many years of experience in massage therapy, hundreds of hours of continuing education, and even teaching experience are being asked to return to entry level schools to make up hours. These candidates are asking what they are going to learn, and how it serves the public to return them to entry level schools, and why continuing education credits don't count as education toward this requirement. Other arguments against the requirement include that graduates of Alaska massage therapy programs can go to work right away, with very little hands-on experience, little experience with body types, contraindications, and ethical situations they may encounter in their career, yet with all the years of an experienced massage therapist, they are unable to obtain licensure in the state. Additionally, single-modality schools are not approved as entry level education, regardless of if the hourly requirement is met, therefore excluding many practitioners from working in Alaska, including international candidates. This leads many high-quality and experienced massage therapists to give up the possibility of working in the State of Alaska. We've concluded that Alaska is much more exclusive in its requirements than most other states in the USA.



UNACCEPTABLE CONTINUING EDUCATION

We were advised that some therapists believe that the list of non-approved continuing education should be updated for the state of Alaska. At this time, the following modalities are not approved for continuing education credits when renewing your state license in Alaska:

Diagnoses of Clinical Conditions	Physically Invasive Modalities	Thrust Oriented Procedures
Yoga/Pilates Instructor	Physical Therapy	Personal Training
Weight Training	Cosmetology	Hypnosis Diagnosis
Medical / Surgical Procedures	Prescribing	Aesthetics
Electrical Stimulation	Ultrasound	Counseling
Psychic / Clairvoyance	Astrology	Telepathy
Religious Practices	Dry Needling	Acupuncture
Breaking / Removing Tissue	Cannabis Oil	CBD Oil
Energy Work (Non-Touch)	Aura Techniques	Crystal healing
Qi Gong / Tai Chi	Fire Cupping (No Fire)	Breast Massage*
Erroneous Titles of Modalities	Articles / Content with no Exam	Animal Massage

**See Unacceptable Continuing Education List from the State Board of Massage Therapy for more explanation on Breast Massage Exclusions*

While we agree with most of these restrictions, which are out of the scope of practice for massage therapists generally, there are a couple restricted classes that we think should be changed.

CBD Oil

It appears that some businesses are offering CBD services in the State of Alaska on their treatment menus, even though CBD oil is not on the list of acceptable continuing education. Further investigation shows that massage therapists are allowed to use CBD in their services, yet CE in this area is unacceptable. We would suggest an update to make CBD Oil CE acceptable, due to popular usage of the product.

Animal Massage

There are massage therapists who specialize in animal massage therapy. The most widely know type is Equine massage, which has proven to be highly beneficial to horses, and in turn, therapeutic for the practitioner in reducing stress levels and inducing a relaxation response. We would also suggest an update to make animal massage CE acceptable, due to its therapeutic effects.

TERAPIST STATUS (ACTIVE/INACTIVE)

At this time, the State Board of Alaska's status categories for massage therapists licensed under the board read "Active", "Lapsed", "Probation", "Revoked", or "Surrender".

There is no "Inactive" status for licensees in Alaska, which results in inactive massage therapists' licenses being classified as "Lapsed". When reapplying for licensure after a license is lapsed, the therapist is subject to additional fines and penalties if they wish to return to active status. The massage community seems to agree that having an "Inactive" status would assist those who may not be able to work for a specific period due to injury, temporary disability, or other related issue.



COMMUNICATION

Communication appears to be another major issue concerning the massage therapy community in the State of Alaska. Lack of guidance and communication from the state board appears to have contributed to animosity and several issues massage therapists in Alaska are experiencing. This has led to a lot of frustration aimed at the State Board and its Members.

COMMUNICATION REGARDING CE REQUIREMENTS AND DISCIPLINARY ACTION

For continuing education requirements, the board has repeatedly told massage therapists to refer to the Continuing Education Disciplinary Matrix, however, this document is not separately published on the State Board's website. It can be found in a review of the meeting minutes from June 2020, when the board adopted the matrix and made it retroactive to March 2020. This document remains the foundation upon which board members discipline massage therapists regarding Continuing Education.

The CE Disciplinary Matrix is as follows: (See Next Page)



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Continuing Education Disciplinary Matrix

Adopted by the Board of Massage Therapists on March 8, 2018
Updated March 2, 2020

	REMEDIAL REQUIREMENT	MANDATORY AUDIT REQUIREMENT	REPRIMAND	FINE	IMPOSITION OF CIVIL FINE USED IN SOME CASES	LETTER OF ADVISEMENT APPROVED IN SOME CASES**
Continuing Education (CE)	Yes. Licensee must make up the deficient CE hours.	Yes	Yes	\$50 for each deficient hour.	No	Yes.
Cardiopulmonary Resuscitation (CPR) Certificate	Yes. Licensee must attain the CPR certificate.	No.	No.	No.	Yes. \$250 Civil Fine	No.

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This matrix will be used in relation to any infraction that includes continuing education or CPR regarding audits, renewal, or reinstatement of licensure.

Continuing Education

For licensees who fail their audit or to meet the continuing education requirements for reinstatement of licensure, there are two options:

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- 1) **Licensee can voluntarily surrender their license.** Should they choose to come back:
 - Licensee must wait a minimum of a year but not more than 3 years
 - Licensee would have to satisfy the audit by entering into a consent agreement including continuing education for each year they didn't have a license.
 - Licensee would not have to reapply unless they cannot meet the requirements of the audit.
- 2) **Consent Agreement-** Would include:
 - Completion of Remedial Continuing Education- any deficient from the audit would need to be satisfied.
 - Fine- amount to be determined by the Board. Could be a set amount (for violation of the inaccurate statement on their application) with the option to suspend for completion of the CE **OR** a dollar amount for each hour not completed.
 - Reprimand- will go on the licensee's record.
 - Mandatory Audit Participation- for two licensing periods.

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At the Board's discretion, a letter of advisement may be issued for licensees that fail to complete up to 1 hour of continuing education.

Cardiopulmonary Resuscitation (CPR) Certificate

Non- Compliance with CPR requirement will result in an imposition of civil fine in the amount of \$250.

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Disciplinary Matrix and Fine Schedule

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Ms. Endle asked the board for clarification regarding the Disciplinary Matrix and Fine Schedule that was adopted in the board's September 19-20, 2019 meeting. Ms. Endle asked the difference between "engaged in deceit, fraud or intentional misrepresentation in the course of providing

Massage therapists who are disciplined because they have not met the continuing education requirements of the state are subject to Disciplinary Action by the board including:

- Mandatory Audit of Compliance for 2 Renewal Periods
- Reprimand by the State Board
- A Signed Consent Agreement to Continue Licensing
- Reported to the National Practitioner Databank <https://www.npdb.hrsa.gov/>



Therapists under audit said there was a lack of guidance on how to proceed with their license renewals if they were under audit.

COMMUNICATION WITH BOARD STAFF

Many therapists said that the lack of communication from the board staff is disheartening. They said that at one time, there was a staff member on the board who was good about returning phone calls and emails from licensees and processing applications, however, after the staff member left, there was no one filling that position, meaning that no one was replying to any inquiries. Even recently, comments have been made that therapists are not receiving returned calls or emails from the board staff. In fact, USOLMT emailed the Licensing Examiner in June of 2022 to clarify information on our website and has not received any response, but we did receive a prompt response on the petition we sent. The lack of and inconsistent communication from the state board staff has forced massage therapists to find out about new procedures and regulations via social media. Not everyone licensed in the state of Alaska has reliable internet service or participates in social media.

HOW TO PREPARE FOR AND ATTEND BOARD MEETINGS

Many massage therapists said that there was a lack of information on how to prepare for and attend state board meetings. They are unaware of the rules of public comment, that chat features are not allowed to be used during virtual meetings, or how to prepare public comment. The rules of engagement with the state board have not been read or explained during the two meetings USOLMT has attended in 2022. We were told that we have three minutes to speak during public comment, but, cut off before the allotted time was over during public comment in June 2022, unable to present our full comment to the board. Other massage therapists said that the board is not taking public comments on a regular basis.

Massage Therapists have been told that they can e-mail the State Board for full recordings of any board meetings, however, we've encountered several massage therapists who have received no response from the board staff when asking for these recordings. Board Meeting minutes are also posted behind schedule to the State Board Website, with at least two meetings having no minutes posted for 2022 as of this writing. There are also several meetings where Board Packets have not been posted on the website. All these documents are part of public record and should be posted in a timely manner on the state board's website and readily available to the public upon request.

In addition to these complaints, local critics of the Board said that they were implying, imposing, and threatening investigations of massage therapists without informing their massage community, especially when new regulations were being adopted.

LACK OF COMMUNICATION REGARDING DISCIPLINARY ACTIONS

Disciplinary Actions are published by the Department of Professional Licensure on a quarterly basis in Alaska. These reports show disciplinary actions performed by all state boards. It looks as though six disciplinary actions have been taken by the State Board of Massage Therapy in 2022, thus far.

Disciplinary actions by the State Board can include the following:

- Signed Consent Agreement
- Accusation



- Formal Hearing
- Fines
- Mandatory Audit
- Assigned CE Courses

Therapists should be cautious when signing consent agreements presented to them by the State Board. In a written consent agreement, therapists are asked to waive their rights. If the board rejects the signed consent agreement, it will be void and an accusation against a massage therapist may still be filed. There have been a disturbing number of massage therapists sanctioned by the board since its inception.

Consent Agreement Language Massage Therapists should be aware of may include:

- As an Alaska-licensed massage therapist it is your responsibility to be continually aware of all laws and regulations pertaining to the practice of massage therapy in Alaska.
- The Board expects each Alaska-licensed massage therapist to be aware of all laws and regulations pertaining to the practice of massage therapy in Alaska.
- Consent agreements provide for the compromise and settlement of all issues which could be raised by an accusation leading to a formal hearing to impose disciplinary sanctions against the licensee.
- Signers of consent agreements have the right to consult with an attorney and the right to an administrative hearing on the facts in the consent agreement, decision, and order of their case.
- Licensees who sign consent agreements are voluntarily and knowingly giving up their right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against, and to appeal the board's decision to superior court.
- Consent agreements are subject to board approval. If the board rejects the consent agreement, it will be void and an accusation may be filed.
- If the consent agreement is rejected, it will not constitute a waiver of the licensee's right to a hearing on matters alleged in an accusation. The board may decide the matter after a hearing, and its consideration of the consent agreement alone shall not be grounds for claiming the board is biased against the licensee, cannot fairly decide the case, or has received ex-parte communication.
- If imposed a civil fine along with a consent agreement, nonpayment of the fine will constitute a violation of the agreement.
- Licensees are expected to comply with mandatory audits and must be proven in advance of renewal processing. Signers of consent agreements with audits agree that they understand they will receive no additional notice with the renewal application.
- Singers of consent agreements agree to obey all laws pertaining to their license and practice, and any such violation which occurs during the consent agreement is in effect will constitute a violation of the agreement and may result in immediate suspension of the license without further action by the board.
- Consent agreements are public record of the Board and the State of Alaska.
- The state may provide a copy of the agreement, decision, and order to any person, professional licensing board, federal, state, or local government agency or other entity making relevant inquiry.



- The disciplinary action taken by the board will be reported to the National Practitioner Databank (NPDB), U.S. Department of Health and Human Services and any other entity as may be required by law.

Surrender of licensure appears to be the only way to cease disciplinary action by the Board and the State of Alaska. Sanctions have a long-term effect on practicing massage therapists and any other career they may choose to enter, as these sanctions are matters of public record.

The fine for deficient Continuing Education credits is \$50.00 per CEU. USOLMT has seen fines as high as \$800.00, payable to the board within 90 days in consent agreements for insufficient CEUs. Reprimands may impact a licensee's ability to obtain liability insurance coverage, and reports to the National Practitioner Data Bank may prevent a licensee from working in other states.

The result of these penalties is that there are a number of massage therapists practicing without licenses in the state of Alaska under the terms bodyworker or other related, non-regulated occupation.

INVESTIGATIONS – PROSTITUTION & SEX-TRAFFICKING

It sounds as if before the establishment of the board of massage therapy in Alaska, there was a large problem with prostitution and sex-trafficking related crimes in the state. Upon establishment of the board, it appears that these types of crimes performed under the guise of massage therapy have been reduced, however, we found that the board ceased random investigations into establishments for misconduct and that the board is prohibited from investigating business that are allegedly performing sex work under the guise of massage therapy.

Upon examination of the Polaris Report Card on Human Trafficking in the State of Alaska, we found that the State's grade is Zero. According to Polaris, as of 2019, Alaska did not have a trafficking-specific criminal record relief statute. They said it was troubling as Alaska had 50 total potential victims reported to the National Human Trafficking Hotline between January 2015 and June 2018. The report card stated that survivors in Alaska were without assistance if they were arrested or convicted of a crime while they were being trafficked, and that it was strongly suggested that Alaska examine the recommendations and categories imposed in the state report card and enact legislation that would help survivors with criminal records in the state.

Alaska Native Justice provides more information: [Human Trafficking Victims and Survivors | Alaska Native Justice Center \(anjc.org\)](#)

Also see [Sex Trafficking in Alaska](#)

LEGAL ISSUES ON THE STATE BOARD

There is no attorney present at the state board meetings. Paralegals provide legal advice to the state board in Alaska. **The difference between a paralegal and an attorney is that a paralegal does not have a license to practice law.** A paralegal serves in a supporting role to attorneys, generally providing research, document preparation, records management, and recording formal statements useful to a case.

The CE Disciplinary Matrix, for example, was created by four massage therapists and a paralegal, with no attorney present or approving the document, as far as we can tell.



We also found that public information presented at board meetings, although somewhat redacted, was not redacted as well as it should have been and displayed personal information such as home addresses, email address, and personal phone numbers during the June 2022 State Board Meeting. It is unclear who is responsible for redacting these documents.

STATUTES AND REGULATION

The consensus we have observed through our research and listening to the experiences of massage therapists in Alaska is that the State of Alaska has gone overboard on regulations for the teaching and practice of massage therapy. There appears to be conflict between centralized regulations which govern all professional licenses and the current regulation which governs massage therapy. Many therapists are frustrated with the bureaucracy of the licensing and renewal process and believe that licensure has become too restrictive for quality massage therapists to continue to comply.

It was mentioned that the state of Alaska requires massage therapists to state every address at which they practice. For those who do onsite mobile massage, the cost is \$60.00 for every address listing, and a \$2,000.00 fine if they don't report the location and have it preapproved. One massage therapist quit after 22 years due to this regulation, stating there was no way she could give and pay for all the addresses where she performed mobile massage therapy.

OPEN MEETINGS ACT

The state of Alaska has an open meetings act. The act states that all meetings, including teleconferencing, of an Alaska governmental body of a public entity are open to the public, unless exempt by statute.

In June of 2022, a link was posted in the Massage Board's agenda, however, when we and a group of other massage therapists used the posted link to attend the meeting, we received the error message "Meeting ID Not Valid". USOLMT had to call the state board to get the proper link for the meeting. We did receive it and were able to join the meeting and make public comment. There was no way to call into the meeting by phone.

In September of 2022, USOLMT received messages that some massage therapists were attempting to join the board meeting prior to the public comment, which was at 1pm, but were unable to join the meeting. Therapists received access and were admitted after the board's scheduled executive session.

Several therapists attempted to get videos of the last two board meetings, however, were met with no response from the staff of the State Board of Massage Therapy and have not received any copy of the meetings thus far. Also, the posted board meeting minutes are not up to date on the website currently.

We found that if the Board violates the open meeting act, there is a high fee involved, and could affect board members personally. This may stop people from applying for board member positions in the state. The open meetings act statute states that it is the responsibility of the administration and governing body to assure that the provisions of the act are enforced. Any individual may contest an action administratively through local channels that they think was done in violation of the act and within 180 days file a court action if the issue is not remedied locally. (AS 44.62.310(F))



MESSAGE SCHOOLS

When speaking to former massage school owners in Alaska, we found that new regulations and fees brought forth since the board's inception put schools out of business, as schools that were previously NCBTMB approved had to then be approved by the post-Secondary board of Education in Alaska.

The rules of Alaska state that only one board member may have ownership or partnership in a massage therapy school. It is unclear whether any state board members have ownership or partnership in either of the state's two massage schools currently.

With only two massage schools in the state, both located in Anchorage, some therapists said travel to the schools for those living outside the Anchorage area can be difficult. It sounds as though the board may have approved two online massage therapy programs for making up hours, however, after asking one board member directly, and writing to the licensing examiner several months ago, USOLMT still has not received a response as to which two schools these are or verification if there are or are not, in fact any distance programs approved. It was stated in the board's 2021 annual report that the board adopted acceptance of two distance accreditation bodies – The Distance Education Accreditation Commission and the 195 Council on Higher Education Accreditation are approved by the board as accrediting bodies for massage therapy distance education.

EMPLOYMENT DISCRIMINATION IN ALASKA

It was recently mentioned that some employers in the state of Alaska are advertising their job positions stating, "females only". This is not only discriminatory, but also illegal in the State of Alaska.

POLITICAL CLIMATE IN ALASKA

When the State Board of Massage Therapy was established, the political climate in Alaska was different than the current climate. The current Governor of the State of Alaska was the only one to vote no on the state's professional massage licensing bill of the house and senate. The Governor appoints all State Board of Massage Therapy members. Additionally, the delays in licensing are being experienced throughout all professional licensing boards, not just the Massage Therapy board. There appears to be a highly competitive climate in Alaska affecting all state citizens.

MESSAGE THERAPIST INVOLVEMENT

While it appears that many massage therapists are passionate and frustrated with issues regarding the licensing and politics of massage therapy in Alaska, the challenge is getting massage therapists involved to assist in the process of positive change.

SHORTAGE OF MASSAGE THERAPISTS

There is a shortage of massage therapists in the state of Alaska. The pandemic partly contributed to the shortage of massage therapists across the nation, as many retired early, and many took pause about entering the field, as massage therapy is a high-contact position. Alaska took a hit from the pandemic. Some employers did not offer air purifiers, high-quality masks, or seemed to care about the safety of their workers. Some doctors were trying to bully massage therapists into working without PPE. Some therapists got Covid-19 multiple times, which, according to CDC, makes one more susceptible to Long Covid. Others dropped out of the field due to complications of Long Covid.



Many employers in Alaska note job openings they have been unable to fill since the pandemic. Some note that all the good massage therapists are already working, and the others are unable to get licensed. Some employers hire temporary workers from out of state for the high season in Alaska and have been unable to fully staff due to out-of-state license restrictions.

SUGGESTIONS AND RECOMMENDATIONS FOR IMPROVEMENTS IN ALASKA

- State Board Staff and Members should communicate with massage therapists from a human-to-human perspective with professionalism and empathy - working to reduce the feeling of therapists being bullied or harassed.
- Increase Transparency by the State Board of Massage Therapy
- Improve communications and compliance within the State Board of Massage Therapy
- Improvement in attitudes of the board members in a way that offers support to massage therapists and understands the issues they are facing
- Adopt some form of regulation regarding mobile massage therapy practice to reduce fees associated with reporting every address where therapists practice
- Smooth the regulatory process
- Reduce barriers to licensing
- Increase investigation and punishment of sexual offenders in the profession
- Reduce fines and disciplinary actions related to missing CE upon renewal and consider issues related to being unable to get the required CE on a case-by-case basis
- Reduce licensing delay
- Ease regulations and fees for candidates moving into the state of Alaska, considering CE and years of experience
- Create a list of pre-vetted states approved for licensing by credentials to speed process
- Approve single-modality schools for international-transfers who qualify for licensing, having completed the number of hours required
- Assemble a coalition to represent and advocate for the interests of massage therapists in the State of Alaska
- Improve the number of AMTA chapter volunteers in the state, get access to the state chapter's website, and work with therapists of Alaska to update regulation that promotes ease of practice
- Promote a volunteer campaign in the State of Alaska to get more massage therapists involved in the process of advocacy, activism, legislation, state board meetings and working on other concerns they feel passionate about in their state
- Fill the two board vacancies as soon as possible, limit board training by previous members to 90 days or less, and allow the new board members to take over responsibilities without oversight by previous members
- Bring licensing fees in-line with physical therapy fees
- Reduce the time from application to a decision on licensing to 90 days or less
- Consider Options for out of state transfers:
 - Option 1 – Adopt the Massage Therapy Compact or Reciprocity
 - Option 2 – Issue Courtesy Licenses for Out of State Temporary Workers, regardless of educational hours



- Option 3 – Consider portfolio review process which considers initial education plus CE and experience of applicants
- Improve communications to applicants in a timely manner (30 days or less) when there is an issue regarding obtaining their license
- Add additional massage therapy schools – In addition to Anchorage, add schools in Juneau, Fairbanks, Wasilla, Soldotna, Homer, Kodiak, etc. which are more accessible to all Alaskan residents
- Update and clarify the list of unacceptable continuing education and re-publish
- Create an INACTIVE status for massage therapists who wish to pause their practice, using this in lieu of LAPSED.
- Publish the CE Disciplinary Matrix on the State Board Website as a separate document, along with all reasons why a massage therapist may be disciplined by the state board, and what types of disciplinary actions the board performs, as well as any fines associated with such disciplinary actions and explanations of each disciplinary action and the result of each action
- Publish a separate document entitled “HOW TO PREPARE FOR A STATE BOARD MEETING & PUBLIC COMMENT” stating the rules surrounding public comment and communication with board members and etiquette at board meetings
- Cease reporting massage therapists to the National Practitioner Databank for violations of CE requirements, and limit this reporting to serious violations of the practice act, statutes, and regulations
- Employ the services of the Attorney General at all state board meetings rather than paralegals
- Improve redaction of documents being shown at state board meetings to be sure that all personal information is redacted
- Ensure Open Meetings Act is followed by posting all board packets, meeting agendas, meeting links to participate and phone numbers to call into meetings, as well as meeting recordings (voice or video) links, and typed meeting minutes within 30 days of each board meeting
- Disclose any online schools which are approved by the board to make up Entry-Level education requirements
- Write into regulation that no one with ownership or partial ownership in a massage school in the state of Alaska can participate in board service considering the entry-level requirements are perceived to be biased towards the benefit of schools in Alaska
- Send notice to all employers in the state of Alaska regarding the Equal Employment Opportunity Commission’s rules on discrimination, and report any employers asking for “female only” therapists or other protected classes and orientations
- When voting for lawmakers, vote for candidates that support massage therapy, its expansion, and the benefits it provides and educate lawmakers on the profession’s benefits.
- Consider the creation of apprentice programs in massage therapy employer locations that meet state board requirements for approval to bring more therapists into the profession in Alaska
- Promote massage therapy as a viable career path in Alaska to the public, and the benefits of massage therapy as a career – use local ads via google and social media, increase visibility at local events and consider public speaking to educate the public both online and in person
- Consider state-wide commercials or radio spots advertising massage therapy as a viable career path in Alaska to expand the number of people interested in massage therapy



- Form an employer's council in the State of Alaska to discuss issues they are coming up against in the state and solutions, peer-to-peer support rather than competition, and consider collectively lobbying the state to reduce barriers to employment via changes in laws and regulations

CONCLUSION

While associations can certainly assist in providing clarity on statutes, rules, and regulations and with the process of change and improvement in all states, local massage therapists must reach out to their state legislators and their state board to voice their concerns. There must be movement within the state to create the changes that therapists want to see, openness by the legislature, assistance with lobbying in the state, and willingness by the State Board to address issues within their control.

It is our hope that through this research and our investigation into issues in the State of Alaska concerning Massage Therapy, that steps will be taken to correct problems, to re-instill confidence in the State Board of Massage Therapy, and to change laws and regulation that harms massage therapists and the practice of massage therapy in the state.