

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: June 26, 2024

RE: Filed Permanent Regulations: Board of Massage Therapists

Board of Massage Therapists regulations re: Continuing Education; Sanctions;
Advertising (12 AAC 79.200 - .950)

Attorney General File:	2023200592
Regulation Filed:	6/26/2024
Effective Date:	7/26/2024
Print:	251, October 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Sylvan Robb, Division Director
Stefanie Davis, Regulations Specialist



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

June 25, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *12 AAC 79.200 - .950: Board of Massage Therapists - Continuing Ed;
Sanctions; Advertising*
Our file: 2023200592

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Massage Therapists against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Massage Therapists after the close of the public comment period.

The regulations amend 12 AAC 79 to update education requirements for license renewal, establish grounds for when the board may take disciplinary action against a licensee, and set standards for Internet advertisements.

Both the February 21, 2024 public notice and the June 10, 2024 order certifying the changes to regulations state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Digitally signed by
Rebecca C. Polizzotto
Date: 2024.06.25
15:19:07 -08'00'
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/bws

CC w/enclosure: Stefanie Davis, Regulations Specialist
Department of Commerce, Community and Economic Development

Harriet Milks, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

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

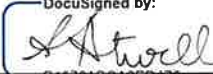
The attached three pages of regulations, dealing with clarification to license renewal continuing education requirements, grounds for disciplinary sanctions against licensees, and Internet advertising requirements, are certified to be a correct copy of the regulation changes that the Board of Massage Therapists adopted at its June 10, 2024 meeting, under the authority of AS 08.61.020, AS 08.61.030, AS 08.61.040, AS 08.61.050, AS 08.61.060, and AS 08.61.070, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Massage Therapists paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.


DATE: June, 10 2024

DocuSigned by:

Annetta Atwell, Licensed Massage Therapist, Chair
Alaska Board of Massage Therapists

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on June 26, 2024 at 3:05 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for 
Nancy Dahlstrom, Lieutenant Governor

Effective: July 26, 2024

Register: 251, October 2024

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

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

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



Nancy Dahlstrom

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

12 AAC 79.200(b) is amended to read:

(b) An applicant for renewal of a massage therapy license **shall** [MUST] meet the requirements **set out under** [OF] AS 08.61.050 [AND THIS SECTION] **and** [. A MASSAGE THERAPIST APPLYING FOR LICENSE RENEWAL] submit

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

(2) beginning October 1, 2017, and at least once every six years thereafter, the applicant's fingerprint information described in 12 AAC 79.130 and the fingerprint processing fee specified in 12 AAC 02.396;

(3) the license renewal fee specified in 12 AAC 02.396; **and**

(4) **attestation** [DOCUMENTATION] **that the applicant**

(A) holds a [OF] current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, **or** American Safety and Health Institute [, OR AN EQUIVALENT ORGANIZATION]; and

(B) has [(5) DOCUMENTATION THAT THE MASSAGE THERAPIST] satisfied the continuing education requirements **set out under** [IN] 12 AAC 79.210.

(Eff. 5/28/2016, Register 218; am 4/17/2019, Register 230; am 3/25/2020, Register 233; am 12/13/2023, Register 248; am 7 / 26 / 2024, Register 251)

Authority: AS 08.61.020 AS 08.61.050

The introductory language of 12 AAC 79.210(a) is amended to read:

(a) Each biennial licensing period, an applicant for renewal of a massage therapy license **shall complete** [MUST DOCUMENT COMPLETION OF]

• • •

12 AAC 79.210(f) is amended to read:

(f) An applicant for renewal who has been licensed more than 90 days but less than 12 months of the concluding biennial license period is not required to submit **an attestation of having satisfied** continuing education **requirements, as required under 12 AAC 79.200(b)** [RECORDS].

(Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223; am 4/17/2019, Register 230; am 3/25/2020, Register 233; am 6/6/2021, Register 238; am 5/26/2023, Register 246; am 7 / 26 / 2024, Register 251)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79 is amended by adding new sections to read:

12 AAC 79.905. Disciplinary sanctions. The following acts constitute grounds for disciplinary sanctions against a licensee:

(1) failure by the licensee to

(A) cooperate with an official investigation by the board or an agent of the board;

(B) report to the board a disciplinary action taken against the licensee by another licensing jurisdiction, health care entity, or law enforcement agency within 30 days after the date of the action;

(2) disciplinary action taken against the licensee by another licensing authority;

(3) conviction of a crime that affects the licensee's ability to practice competently or safely. (Eff. 7 / 26 / 2024, Register 251)

Authority: AS 08.61.020 AS 08.61.040 AS 08.61.060

12 AAC 79.950. Internet advertising requirements. (a) A licensed massage therapist or registered massage therapy establishment shall display the licensee's license number or massage therapy establishment's registration number on each Internet advertisement.

(b) For purposes of this section, "Internet advertisement" means a message in an Internet medium that offers or solicits a person to utilize the services of the advertising massage therapist or massage therapy establishment. (Eff. 7 / 26 / 2024, Register 251)

Authority: AS 08.61.020 AS 08.61.060 AS 08.61.070