

State of Alaska
Massage Therapists
Board Packet



December 5 2024



Alaska Board of Massage Therapists - December 5 - Regular Board Meeting

Alaska Division of Corporations, Business and Professional Licensing
<https://us02web.zoom.us/j/81080513221?pwd=nqJrjomqmCFPPH2NQ3US8aGNbz1itS.1>
2024-12-05 15:00 - 16:00 AKST

Table of Contents

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1. Roll Call 9:00 - 9:05..... | 3 |
| Zoom Meeting December 5 (Regular Board Meeting at 9:00am): https://us02web.zoom.us/j/81080513221?pwd=nqJrjomqmCFPPH2NQ3US8aGNbz1itS.1 Meeting ID: 810 8051 3221 Passcode: 387287 | |
| cover page.pdf..... | 3 |
| 2. Review/Approve Agenda..... | 4 |
| MAS - Agenda December 5 2024.pdf..... | 4 |
| 3. Ethics Review/Disclosure..... | 5 |
| EthicsInsert.pdf..... | 5 |
| Ethics - Review Disclosure.pdf..... | 25 |
| 4. Public Comment..... | 26 |
| The is no public comment currently scheduled | |
| Public Comment (1).pdf..... | 26 |
| 5. Administrative Business..... | 27 |
| Administive Business.pdf..... | 27 |
| A. Previous Minutes - September 2024..... | 28 |
| MAS - September 2024 - Minutes - DRAFT.pdf..... | 28 |
| B. Correspondence..... | 37 |
| Massage school question .pdf..... | 37 |
| C. Division Financial Quarterly Report..... | 38 |
| MAS FY24 QTR4.pdf..... | 38 |
| D. FSMTB 2024 Annual Report..... | 42 |
| Discussion of signature requirements on documentation. | |
| FSMTB-2024-Annual-Report_final.pdf..... | 42 |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 6. Investigations..... | 55 |
| Investigations Cover.pdf..... | 55 |
| A. Investigative Report | |
| B. Executive Session | |
| C. License Surrender Review | |
| Please see executive session meeting set up to see action items. | |
| 7. License Renewal Regulation Review – 12 AAC 79.200(d)..... | 56 |
| The board discusses the current regulation of renewal eligibility of lapsed licenses as the regulation is compared to that of parallel professions. | |
| Regulation Review.pdf..... | 56 |
| MAS - 12 AAC 79.200(d).pdf..... | 57 |
| PT-OTStatutes.pdf..... | 58 |
| ChiropracticStatutes.pdf..... | 85 |
| 8. Massage Therapy Continued Education Acceptable List Review..... | 110 |
| Massage Therapy Continued Education Acceptable List Review.pdf..... | 110 |
| MAS_Unaccept.CElist.2018.08.pdf..... | 111 |
| NCBTMB - Approved-Course Content.pdf..... | 112 |
| NCBTMB CE-Course-Categories-10.24.pdf..... | 113 |
| 9. Apprenticeship Program Board Draft Review..... | 114 |
| The board continues the discussion of clarify the current regulation that defines a board accepted apprenticeship program. | |
| Apprenticeship Program Board Draft Review.pdf..... | 114 |
| MAS Apprenticeship - 12.AAC 79.100(c).pdf..... | 115 |
| MAS - Apprenticeship Draft.pdf..... | 116 |
| 10. Program Approval of Online Massage Therapy Education Accreditation Agencies..... | 120 |
| The board discussed approved accreditation agencies of distance education massage therapy courses. Examples of accreditation agencies include the following: Distance Education Accreditation Commission, Council for Higher Education Accreditation, Accreditation of High Standard Quality Education 12.AAC.79.100 (c)(d)(1)(2) | |
| Program Approval of Online Massage Therapy Education Accreditation Agencies.pdf..... | 120 |
| MAS - Online Course Regs.pdf..... | 121 |
| 11. 20% Clinical Practical Application..... | 122 |
| The board discusses the regulation that requires that the transcripts of approved education must not include over twenty percent of subject matter in clinical practical application. 12 AAC 79.140. (2) | |
| 20 percent Clinical Practical Application.pdf..... | 122 |
| MAS _ Practical Application Regs.pdf..... | 123 |



:
Alaska Board of Massage Therapists – December 5, 2024 – Regular Meeting
Alaska Division of Corporations, Business and Professional Licensing

Time: December 5, 2024, 9:00 AM Alaska

Zoom Meeting, December, 9:00am.

<https://us02web.zoom.us/j/81080513221?pwd=nqJrjomqmCFPPH2NQ3US8aGNbz1itS.1>

Meeting ID: 810 8051 3221, Passcode: 387287

1. Roll Call 9:00 AM

2. Review/Approve Agenda 9:05 AM

3. Ethics Review/Disclosure 9:10 AM

4. Public Comment 9:30 AM

5. Administrative Business

- Division Financial Quarterly Report
- Correspondence Review
- Review of September Meeting Minutes

6. Investigations 11:00 AM

- Investigative Report
- License Surrender Review

7. License Renewal Regulation Review – 12 AAC 79.200(d)

Regulation review of illegible reinstatement of a lapsed of more than three years.

8. Massage Therapy Continued Education Acceptable List Review

Review of the current unacceptable continued education list

9. Apprentice Program Review

10. Program Approval of Online Massage Therapy Accreditation Agencies

12.AAC.79.100 (c)(d)(1)(2)

11. 20% Practical Application Definition 12 AAC 79.140. (2)

Adjourn

MEMORANDUM

State of Alaska Department of Law

TO: _____ DATE: _____
FILE NO.: _____
TEL. NO.: _____
FROM: Angie White
Litigation Assistant
Department of Law
Opinions, Appeals, & Ethics Section
FAX: _____
SUBJECT: Executive Branch Ethics Act, AS
39.52 Quarterly Report
[INSERT QUARTERLY DATE
RANGE]

******SAMPLE LANGUAGE – PLEASE COPY ONLY THE PARTS THAT APPLY
ONTO YOUR BOARD OR COMMISSION’S LETTERHEAD ******

As designated ethics supervisor and chair [executive director] for the _____, I wish to advise you that I have received no notifications of potential violations or requests for ethics determinations under the Ethics Act (AS 39.52) and have made no written determinations for this quarter.

OR

As designated ethics supervisor and chair [executive director] for the _____, I have received ___ notification(s) of a potential violation and ___ requests for ethics determinations under the Ethics Act (AS 39.52). I have attached a copy of the notices and requests along with my written determination(s) for review by the attorney general. I did [did not] receive an advisory opinion from the Attorney General.

AND

Except as addressed above, no other [board member] [commissioner] disclosed a potential conflict of interest at a recorded public meeting during this quarter.

OR

In addition to the above, at the [date] meeting, [Board member] [Commissioner] _____ disclosed a potential conflict with respect to _____ [*insert brief description*]____. *Insert disposition:* [S/He refrained from participation.] *or* [I determined s/he could [could not] participate.] *or* [The Board [Commission] members voted to permit [not to permit] participation.]

State of Alaska Department of Law

Who Is My Designated Ethics Supervisor?

Every state public officer, employee or board or commission member, has a designated ethics supervisor.

Executive Agencies

The ethics supervisor for each agency is the Commissioner or a senior manager to whom the Commissioner has delegated the function. The current ethics supervisor for each agency is listed below. The ethics supervisor for a Commissioner is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor.

Boards and Commissions

The Chair of each board and commission serves as the ethics supervisor for the other members and any executive director. The ethics supervisor for the Chair is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor. If a board or commission employs staff, the executive director serves as the ethics supervisor for these employees.

Public Corporations

The Chair of the board serves as the ethics supervisor for the other members of the board and any executive director. The executive director is the ethics supervisor for employees of the corporation.

Office of the Governor

The ethics supervisor for the Governor and Lieutenant Governor is the Attorney General. By delegation from the Governor, the ethics supervisor for the staff of the offices of the Governor and Lieutenant Governor is Guy Bell, Director of Administrative Services.

University of Alaska

By delegation of the University President, the ethics supervisor for university employees is Associate General Counsel Andy Harrington.

EXECUTIVE BRANCH AGENCIES

Administration: Leslie Ridle, Deputy Commissioner

Commerce, Community & Economic Development: Jon Bittner, Deputy Commissioner

Corrections: April Wilkerson, Director of Administrative Services

Education & Early Development: Les Morse, Deputy Commissioner

Environmental Conservation: Tom Cherian, Director of Administrative Services

Fish & Game: Kevin Brooks, Deputy Commissioner

Health & Social Services: Dallas Hargrave, Human Resource Manager

Labor & Workforce Development: Michael Monagle, Director, Division of Workers Compensation

Law: Jonathan Woodman, Assistant Attorney General

Military & Veterans Affairs: Marty Meyer, Special Assistant to Commissioner

Natural Resources: John Crowther, Inter-Governmental Coordinator

Public Safety: Terry Vrabec, Deputy Commissioner

Revenue: Dan DeBartolo, Administrative Services Director

Transportation & Public Facilities:

- Highways & Public Facilities: Steve Hatter, Deputy Commissioner
- Aviation: John Binder, Deputy Commissioner
- Central Region: Rob Campbell, Regional Director
- Northern Region: Rob Campbell, Acting Regional Director
- Southcoast Region: Acting Regional Director
- Alaska Marine Highway System: Michael Neussl, Deputy Commissioner
- Headquarters: Mary Siroky, Administrative Services Director

Updated April 2015

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
State of Alaska © 2015 Webmaster

State of Alaska

Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
State of Alaska © 2015 Webmaster

State of Alaska
Department of Law
Executive Branch Ethics Act

Responsibilities of Designated Ethics Supervisors for Boards and Commissions

Boards and commissions subject to the Ethics Act have designated ethics supervisors. The chair serves as the designated ethics supervisor for board or commission members and the executive director. The executive director is the designated ethics supervisor for staff. The designated ethics supervisor for a chair is the governor, who has delegated this responsibility to Guy Bell, Administrative Director of the Office of the Governor.

Designated ethics supervisors should refer to the Manual for Designated Ethics Supervisors (April 2008), available from the state ethics attorney, regarding their responsibilities under the Ethics Act. Briefly, as designated ethics supervisor, you must --

1. Ensure that members and employees are provided copies of the guides, Ethics Information for Members of Boards and Commissions and Ethics Act Procedures for Boards and Commissions -- and keep a supply of disclosure forms.
 1. These guides, other educational materials, disclosure forms, statutes and regulations are available for review and copying on the Department of Law ethics web site. If access to this page is not available, please contact the Attorney General's office at 269-7195.
2. Review all disclosures, investigate potential ethics violations, make determinations regarding conduct, and take action.
3. Keep member or employee disclosure statements (of potential violations, receipt of gifts, and interests in grants/contracts/leases/loans) on file in your office. Disclosure of a gift received from another government must be forwarded to the Office of the Governor.
4. Submit an ethics report to the Department of Law in April, July, October and January for the preceding quarter. You will receive a reminder. There is a sample report on the ethics web page.
 1. Mail, email or fax to Kim Halstead, Litigation Assistant, Department of Law, Opinions, Appeals & Ethics Section, 1031 W. 4th Avenue, Suite 200, Anchorage, AK, 99501, ethicsreporting@alaska.gov, fax no. 907-279-2834.

You may request ethics advice from your agency's Assistant Attorney General or from the State Ethics Attorney, Jon Woodman, at 269-5100 or jonathan.woodman@alaska.gov. Please direct questions about reporting procedures to Kim Halstead at 269-7195 or kimberly.halstead@alaska.gov.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
State of Alaska © 2015 Webmaster

Improper Representation

The Ethics Act generally prohibits you from representing, advising, or assisting a person in any matter pending before the administrative unit you serve.



Improper Representation

Specifically, you may not, for compensation, represent, advise, or assist a person in any matter pending before the administrative unit you serve unless the representation, advice, assistance, and compensation are

- required by statute, regulation, or court rule; or
- otherwise customary.



Improper Representation



Even without compensation, you may not represent, advise, or assist a person in any matter pending before the administrative unit you serve to benefit a personal or financial interest.

Improper Representation



There is a limited exception, however, for nonsalaried members of boards and commissions.

Improper Representation

These restrictions do not prohibit a nonsalaried member of a board or commission from representing, advising, or assisting in any matter in which that member has a personal or financial interest regulated by that board or commission, so long as the member

- properly discloses the interest; and
- complies with the conflict of interest determination.

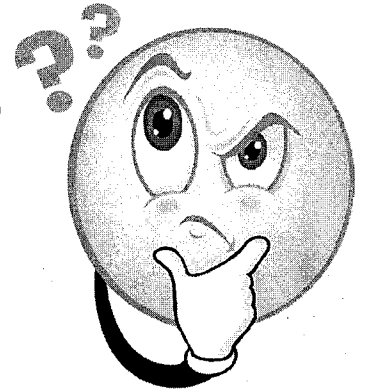


Improper Representation

These restrictions also do not prohibit activities related to collective bargaining.



Improper Representation – Your Call



Suppose that you're an engineer serving on the state board that regulates engineers (a nonsalaried position). If someone files a charge with the board about your engineering work, may you represent yourself before the board?

Yes, so long as you

- properly disclose your interest in the matter; and
- comply with the ethics determination on how to handle your conflict of interests (which will usually mean that you cannot participate in the board's consideration of the matter).

Ethics/Review Disclosure

Public Comment

The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak; the licensing examiner will keep track of the time and notify the individual when they have 1 minute left.

The board may choose to respond to comments at the end of the comment period; they can choose to send a letter with their responses to the individual; or they can choose to not respond.

Administrative Business

- Division Financial Update
- Correspondence
- Previous Minutes
- Quarterly Financials



Alaska Board of Massage Therapists – September 9-10, 2024 – Regular Board Meeting
Alaska Division of Corporations, Business and Professional Licensing

Time: September 9-10, 2024, 9:00 AM Alaska

Attendance

Board Members:

Annetta Atwell, Licensed Massage Therapist

Kelli Shew, Licensed Massage Therapist

Julie Endle, Public Member

Emily Foster, Licensed Massage Therapist

DCBPL State of Alaska Staff:

David Edwards-Smith, Occupational Licensing Examiner

Shane Bannarbie, Program Coordinator I

Jennifer Summers, Senior Investigator

Chase Evans, Investigator

Public Attendance: Jill Motz, Laura Puryear

1. **Roll Call - 9:05 AM**

Board Members Present: Annetta Atwell, Julie Endle, Kelli Shew, Emily Foster

2. **Review/Approve Agenda - 9:05**

Chair Atwell asked the board to present amendments to the agenda. None were presented.

A motion made by Emily Foster, seconded by Julie Endle, and passed with unanimous roll call vote; it was RESOLVED to APPROVE the agenda.

3. **Ethics Review/Disclosure**

Chair Atwell requested the board disclose any ethics disclosures for the record. No disclosures were presented.

4. **Public Comment 9:35**

Jill Motz informed the board of her experience attending the Alaska Massage Therapy Association (AMTA) national conference as an Alaska Chapter representative. She informed that board that the AMTA Alaska chapter is not in support of the Federation of Massage State Boards Interstate Massage Therapy Portability Act.

Public Comment Closed at 9:45

5. Administrative Business

- Division Update – 2024 Licensing Fee Analysis

OLE Edwards-Smith informed the board of the update received by regulations specialist Stefanie Davis. The licensing fee regulations project has been approved for public notice as of July 18, 2024. This is currently in a new process of approval from the Office of Management and Budget. Public notice approval is only valid for 120 days. If the project is unable to be sent out before November 15, 2024, this project will need to be sent to law for a new review period.

- Correspondence Review

The Board reviewed email correspondence related to the subject of the proposed cardiopulmonary resuscitation (CPR) course provider requirements. The correspondence were inquiries for clarification of whether the courses attended meet the boards approval. The boards informed the board that website of CPR courses standardly include the course accreditation. If this information is not available online the course provider should be contacted for clarification.

The Board reviewed correspondence related to the subject of clarification of the standards of approval of an apprenticeship program. The Board is currently in the process of beginning a regulations project on this matter during the board meeting.

The Board reviewed correspondence from the Alaska Institute of Oriental Medicine. The school was inquiring of any concerns the board had regarding their curriculum or operations. The board had no concerns.

5. Investigations

- Investigative Report

Investigator Chase Evans presented the current investigative report that consists of a total of 18 open cases and 13 closed cases. The board did not have any questions on this report.

- Consent Agreement Case Review: 2024-000239

- Executive Session 10:53

In a motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was RESOLVED to enter EXECUTIVE SESSION in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.

On Record 11:34

Roll Call: Board Members Present: Annetta Atwell, Julie Endle, Kelli Shew, Emily Foster

The board determined that they would invite Senior Assistant Attorney General Harriet Dinegar Milks to discuss the conditions of the presented content agreement of case 2024-000239 during the meeting on September 10, 2024.

Break Off Record at 10:20 - On Record at 10:30

Roll Call: Board Members Present: Annetta Atwell, Julie Endle, Kelli Shew, Emily Foster

7. Apprenticeship Program Approval

Chair Atwell initiated a discussion of the need for the board to define an apprenticeship program model in regulation. Emily and Kelli both expressed serious concerns of an apprenticeship program in a health care profession such as massage. Kelli expressed concerns that an apprenticeship model is a disservice to the apprenticeship given the scope of the curriculum under a single mentor teacher. Kelli is also concerned of credibility of insurance companies and reciprocity issues with other states in the licensing process. Emily expressed concerns that apprenticeship does not provide the apprenticeship with well-rounded training. Kelli expressed concerns of the investigation's issues, program oversight and ethics.

Lunch Off Record at 11:40 - On Record at 1:00

Roll Call: Board Members Present: Annetta Atwell, Julie Endle, Kelli Shew, Emily Foster

8. Administrative Business

- FSMTB Annual Meeting Resolutions

The board review the resolutions to be presented at the 2024 FSMTB annual meeting. It was noted that the resolutions are authored by the FSMTB and not member states. The board has concerns of the resolution that serves to break the member state into regional votes.

A motion made by Emily Foster, seconded by Julie Endle, and passed with unanimous roll call vote; it was RESOLVED to APPROVE FSMTB resolution 2024-1

A motion made by Emily Foster, seconded by Julie Endle, and passed with unanimous roll call vote; it was RESOLVED to NOT APPROVE FSMTB resolution 2024-2.

- Application Review and Documentation Requirements 2:00PM

Julie would like verification that the division is receiving verified signatures with applications. OLE Edwards-Smith informed the board that the document scanning process can result in reduced clarity in documentation. The board discussed that a new checkbox in the application review to verify signatures related to transcripts would be helpful with application review.

Break Off Record at 2:12 - On Record at 2:20

Roll Call: Board Members Present: Annetta Atwell, Julie Endle, Kelli Shew, Emily Foster

9. Massage Therapy Scope of Practice

The Board reviewed the Department of Veterans Affairs Massage Therapy Practice Model

presented to the board for feedback. Chair Atwell informed the board that OLE Edwards-smith shared the current State of Alaska Statutes and Regulations with the Department of Veterans Affairs. No comments were offered by the board for feedback on the national standards practice model.

10. Apprenticeship Program Approval

The board reviewed the apprenticeship program model documentation presented by Chair Atwell. OLE Edwards-Smith informed the board that the presented documentation is a framework compiled of previous board discussion and the regulations concepts model from Utah regulations. Chair Atwell spoke of the success of the Utah apprenticeship program.

Recess at 3:20

September 10, 2022, 10:00AM

Roll Call: Board Members Present: Annetta Atwell, Julie Endle, Kelli Shew, Emily Foster

11. Regulations Project Public Comment Review 10:15

The Board reviewed the correspondence presented to the board by Regulations Specialist Stefanie Davis. Chair Atwell asked the board to present any amendments to the public noticed regulation changes regarding the acceptable cardiopulmonary resuscitation courses. The board offered no amendments.

Motion made by Julie Endle, seconded by Emily Foster, and passed with unanimous roll call vote to ADOPT the publicly noticed regulation changes in Title 12, Chapter 79 of the Alaska Administrative Code, dealing with clarifying cardiopulmonary resuscitation certification and courses acceptable to the board. These changes include:

1. 12 AAC 79.100, 12 AAC 79.110, 12 AAC 79.200, and 12 AAC 79.210

12. Tabled Application Review – Kristie Hudson

The Application of Kristie Hudson, 226468 was tabled by the board for discussion of the presented transcripts. The applicant provided two transcripts indicate that a total of 570 hours of massage therapy education was completed. One transcript described the program as an apprenticeship program completed in Hawaii that totaled 420 hours of education Kristie Hudson appeared in person to answer any questions or concerns. Kelli was unsure of whether one transcript as from a Massage School and the other from an apprenticeship program. Kelli indicated that the 150-hour transcript could potentially be approved if it were completed at a board approved massage school.

Chair Atwell informed Ms. Hudson of the boards transcripts concerns and asked Ms. Hudson to provide clarification of the two transcripts being reviewed. Ms. Hudson informed the board that she intends on completing the additional education needed to meet the 625-hour requirement as she recognized that 570 hours does not meet the minimum requirement. Ms. Hudson clarified that the two transcripts were that of the apprenticeship program that she had completed.

The board discussed the published apprenticeship model that is currently published on the Alaska Board of Massage Therapists web site. The apprenticeship model presented in the transcripts do not meet the minimum standards that the board will approve.

Given that this case is unique the board asked OLE Edwards-Smith to give the applicant an opportunity to withdraw the application with a refund of funds. The board will conduct a vote on the application before the next board meeting.

Break Off Record at 10:25 - On Record at 10:31

Roll Call: Board Members Present: Annetta Atwell, Julie Endle, Kelli Shew, Emily Foster

13. Consent Agreement Case Review: 2024-000239 10:35

Senior Investigator Jenni Summers and Senior Assistant Attorney General Harriet Milks Joins the Meeting

In a motion made by Julie Endle, seconded by Kelli Shew, and passed with unanimous roll call vote, it was RESOLVED to enter EXECUTIVE SESSION in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.

A motion made by Julie Endle, seconded by Emily Foster, and passed with a roll call vote; it was RESOLVED to APPROVE the CONSENT AGREEMENT for case 2024-000239 amended to include a fine of \$1500.00 and a mandatory probation of 2 years.

Roll Call: Annetta Atwell, Yes. Emily Foster, Yes. Kelli Shew, Abstain. Julie Endle, Yes.

14. Apprenticeship Program Approval

The board continued to discuss the draft apprenticeship working document. Program Coordinator Bannarbie informed the board that Statutes supersede regulation. Current regulation states that compensation for massage therapy is currently not legal and considered unlicensed practice. Kelli Shew suggested that it is important that the mentor is a State of Alaska resident for a minimum of 2 years. The board continued to discuss the document line by line.

A motion made by Julie Endle, seconded by Emily Foster, and passed with unanimous roll call vote; it was RESOLVED to forward the working draft regulations for Sec. 08.61.030 (b) of board-approved apprenticeship program to the regulation specialist for review.

MAS – Apprenticeship Program – Draft

MAS Statute: Sec. 08.61.030. Qualifications for license.

The board shall issue a license to practice massage therapy to a person who
(A) course of study of at least 625 hours of in-class supervised instruction and clinical work from an approved massage school; or

(B) board-approved apprenticeship program.

Board Approved Apprenticeship Program

Definition: Program Defined Here

Apprenticeship program is one sponsoring mentor and one apprentice?

An apprentice may not receive Compensation if the apprentice does not hold a current State of Alaska license as per 08.61.100

An apprentice program must be completed within 36 months.

Curriculum must be accredited (Accreditation Defined)

Timeline Parameters of apprenticeship benchmarks?

Sponsor Definition:

Qualification of the Apprenticeship Mentor

SPONSOR OF MENTOR? Established Board approved massage therapy School

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

(2) pays the fees established under AS 08.61.090;

(3) furnishes evidence satisfactory to the board that the sponsor had completed.

(A) course of study of at least 625 hours of in-class supervised instruction and clinical work from an approved massage school

(B) documentation of a **current** professional massage therapy license that has been active for a minimum of 5 years in a state that has substantially equivalent requirements to Alaska. You must be licensed in the State of Alaska for a minimum of 2 years.

(C) documentation of a minimum of 2 years of State of Alaska residency.

(D) documentation of continued education of a minimum of 40 hours of continued education as per ACC..... that has been completed within the past 5 years. 50 percent in person.

(E) documentation of formal education of a minimum of XX hours in adult education completed through an approved continued education provider as per ACC79.110... or a postsecondary

(F) documentation of professional practice as a massage therapist for a minimum of 5 years with a minimum of 2500 hours of clinical experience (client-log, employment letter, tax docs. ???)

(G) has successfully completed a nationally recognized competency examination approved by the board as per acc 79.110....

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

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

(K) the mentor has completed XXX of in person board approved continued education courses

(4) a sponsor massage therapist shall serve as the sole supervisor for their massage apprentice and may not allow another massage therapist to also supervise that massage apprentice; and a massage therapist may not supervise a massage apprentice who is under the supervision of another massage therapist.

Qualifications of the Apprentice

(1) is 18 years of age or older.

(2) applies on a form provided by the department.

(3) Highschool Diploma

(4) pays the fees established under AS 08.61.090;

(5) has submitted the person's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

Apprenticeship Program Curriculum Qualifications

COMTA CURRICULM APPROVED – ELAP STANDARDS?

(4) *The sponsor massage therapist shall train the massage apprentice in the areas of:*

(a) *anatomy, physiology and kinesiology - XXX???* hours; including indications and contraindications, Muscular system, Nervous system, Osteology, Circulatory System, Kinesiology.

(b) *pathology – XXX??* hours.

(c) *Massage Theory and Practical Application: Assessment-Basic massage therapy techniques dedicated to the study of massage therapy and various clinically related modalities. No more than 50 hours should address techniques that are exempt from license requirements. Practical application not to exceed more than 20% of total hours of the massage program massage techniques including the five basic Swedish massage strokes - XXX???* hours.

- (d) *Clinical Practice: Universal and standard precautions, Self-care, Body mechanics, Draping, Record Keeping, Business Practices and professional development, medical terminology*
- (e) *Ethics and Law: Local and state laws, Therapeutic relationships, Professional boundaries hands-on instruction - X hours*
- (f) *Practical application – X hours This curriculum can be performed on the public only after the division received documentation of completion of curriculum (a) –through (e)*
- (g) *The supervising massage therapist shall submit with the massage apprentice’s application a curriculum content outline that includes a list of the resource materials to be used, which has been preapproved by the Division.*
- (h) *The apprenticeship program must be completed within 36 months of beginning the program.*
- (i) *Benchmarks (Defined here)*
- (j) *An apprentice may receive Compensation with an active State of Alaska massage therapy license.*
- (k) *The massage apprentice shall follow the submitted Division-approved curriculum content outline*

Apprenticeship Program Standards

- (1)** *A supervising massage therapist and massage apprentice may begin an apprenticeship program after:*
 - (a) *the massage apprentice is approved by the board*
 - (b) *the apprenticeship programs, sponsor, apprentice and curriculum is approved by the board.*
- (2)** *Documentation requirements of the apprenticeship program*
 - (a) *The apprenticeship training records will be available to the Division immediately upon request.*
 - (b) *The verification of the completion of the apprenticeship program on forms available from the Division.*
 - (c) *if the apprenticeship program is terminated, notify the Division within ten working days on a Notice of Disassociation form available from the Division; and*
- (3)** *supervising mentor massage therapist shall provide direct supervision for a massage apprentice performing massage client services by:*

- (a) giving prior written or verbal instructions to the massage apprentice.*
 - (b) being present in the facility where the massage apprentice is performing the massage client services; and*
 - (c) being available to provide immediate face-to-face communication with the massage apprentice as necessary.*
- (l)** *An apprentice may receive Compensation with an active State of Alaska massage therapy license as per 08.61.....*
- (d) The supervision massage therapist may, but need not be, present in the room where the massage apprentice is performing massage client services on the public client.*
 - (e) If a massage apprentice fails the FSMTB MBLEx three times the supervising massage therapist shall:*
 - (a) with the massage apprentice, meet with the Board at the next appropriate Board meeting.*
 - (b) explain to the Board why the massage apprentice cannot pass the examination; and*
 - (c) provide to the Board a plan of study in the appropriate subject matter to assist the massage apprentice in passing the examination; and*
 - (d) if the Division and Board approve, the massage apprentice shall again be eligible to take the FSMTB MBLEx.*

A motion made by Emily Foster, seconded by Julie Endle to adjourn the meeting at 2:58PM.

To: [REDACTED]
Subject: [Board of Massage Therapists \(CED sponsored\)](#)
Date: Message school question
Tuesday, November 5, 2024 8:36:25 PM

[REDACTED]

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am interested in opening a new massage school, partially online to help more people in rural areas become certified and licensed. As I reviewed the guidelines it states that the hours required are to be in “in class supervised instruction”. If they are watching pre recorded videos, have tracked log in hours, and in class hands on hours, would that cover the stipulations?

Thank you,
Samantha

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

| | FY 18 | FY 19 | Biennium | FY 20 | FY 21 | Biennium | FY 22 | FY 23 | Biennium | FY 24 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Board of Massage Therapists | | | | | | | | | | |
| Revenue | | | | | | | | | | |
| Revenue from License Fees | \$ 346,505 | \$ 89,770 | \$ 436,275 | \$ 350,267 | \$ 79,165 | \$ 429,432 | \$ 400,630 | \$ 79,870 | \$ 480,500 | \$ 353,315 |
| General Fund Received | | | | | \$ 33,654 | 33,654 | \$ 230,859 | \$ 27,675 | 258,534 | \$ 1,021 |
| Allowable Third Party Reimbursements | 1,161 | 1,791 | 2,952 | \$ 860 | \$ - | 860 | \$ - | \$ 1,516 | 1,516 | \$ 178 |
| TOTAL REVENUE | \$ 347,666 | \$ 91,561 | \$ 439,227 | \$ 351,127 | \$ 112,819 | \$ 463,946 | \$ 631,489 | \$ 109,061 | \$ 740,550 | \$ 354,514 |
| Expenditures | | | | | | | | | | |
| Non Investigation Expenditures | | | | | | | | | | |
| 1000 - Personal Services | 57,585 | 84,174 | 141,759 | 97,519 | 97,825 | 195,344 | 122,441 | 101,801 | 224,242 | 127,293 |
| 2000 - Travel | 9,646 | 10,277 | 19,923 | 5,437 | 839 | 6,276 | 4,610 | 2,869 | 7,479 | 4,146 |
| 3000 - Services | 96,155 | 60,787 | 156,942 | 14,143 | 15,801 | 29,944 | 51,629 | 11,244 | 62,873 | 10,148 |
| 4000 - Commodities | 70 | 25 | 95 | - | - | - | - | - | - | - |
| 5000 - Capital Outlay | - | - | - | - | - | - | - | - | - | - |
| Total Non-Investigation Expenditures | 163,456 | 155,263 | 318,719 | 117,099 | 114,465 | 231,564 | 178,680 | 115,914 | 294,594 | 141,587 |
| Investigation Expenditures | | | | | | | | | | |
| 1000-Personal Services | 93,529 | 63,771 | 157,300 | 66,128 | 77,018 | 143,146 | 78,280 | 59,887 | 138,167 | 60,858 |
| 2000 - Travel | - | - | - | (707) | - | (707) | - | 328 | 328 | - |
| 3023 - Expert Witness | - | - | - | - | 150 | 150 | - | - | - | - |
| 3088 - Inter-Agency Legal | 1,679 | 845 | 2,524 | - | 5,082 | 5,082 | 4,084 | 17,698 | 21,782 | 13,472 |
| 3094 - Inter-Agency Hearing/Mediation | 16,632 | 2,013 | 18,645 | - | 760 | 760 | 391 | 4,081 | 4,472 | 9,064 |
| 3000 - Services other | - | 555 | 555 | 237 | 81 | 318 | 104 | 295 | 399 | 96 |
| 4000 - Commodities | - | - | - | - | - | - | - | - | - | - |
| Total Investigation Expenditures | 111,840 | 67,184 | 179,024 | 65,658 | 83,091 | 148,749 | 82,859 | 82,290 | 165,148 | 83,491 |
| Total Direct Expenditures | 275,296 | 222,447 | 497,743 | 182,757 | 197,556 | 380,313 | 261,539 | 198,204 | 459,742 | 225,078 |
| Indirect Expenditures | | | | | | | | | | |
| Internal Administrative Costs | 53,488 | 43,601 | 97,089 | 48,628 | 39,186 | 87,814 | 48,467 | 44,429 | 92,896 | 47,149 |
| Departmental Costs | 35,578 | 32,777 | 68,355 | 26,239 | 24,894 | 51,133 | 31,010 | 22,692 | 53,702 | 30,296 |
| Statewide Costs | 16,888 | 15,627 | 32,515 | 21,559 | 23,997 | 45,556 | 25,229 | 17,584 | 42,813 | 18,210 |
| Total Indirect Expenditures | 105,954 | 92,005 | 197,959 | 96,426 | 88,077 | 184,503 | 104,706 | 84,705 | 189,411 | 95,655 |
| TOTAL EXPENDITURES | \$ 381,250 | \$ 314,452 | \$ 695,702 | \$ 279,183 | \$ 285,633 | \$ 564,816 | \$ 366,245 | \$ 282,909 | \$ 649,153 | \$ 320,733 |
| Cumulative Surplus (Deficit) | | | | | | | | | | |
| Beginning Cumulative Surplus (Deficit) | \$ 265,127 | \$ 231,543 | | \$ 8,652 | \$ 80,596 | | \$ (92,218) | \$ 173,026 | | \$ (822) |
| Annual Increase/(Decrease) | (33,584) | (222,891) | | 71,944 | (172,814) | | 265,244 | (173,848) | | 33,781 |
| Ending Cumulative Surplus (Deficit) | \$ 231,543 | 8,652 | | \$ 80,596 | \$ (92,218) | | \$ 173,026 | \$ (822) | | \$ 32,959 |
| Statistical Information | | | | | | | | | | |
| Number of Licenses for Indirect calculation | 1,498 | 1,277 | | 1,382 | 1,246 | | 1,402 | 1,232 | | 1,388 |
| Additional information: | | | | | | | | | | |
| <ul style="list-style-type: none"> • General fund dollars were received in FY21-FY23 to offset increases in personal services and help prevent programs from going into deficit or increase fees. • Most recent fee change: Fee increase FY24 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065. | | | | | | | | | | |

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

| | |
|-------------------------|-------|
| Appropriation Name (Ex) | (All) |
| Sub Unit | (All) |
| PL Task Code | MAS1 |

| Sum of Budgetary Expenditures Object Name (Ex) | Object Type Name (Ex) | | | Grand Total |
|----------------------------------------------------------------------|--------------------------|-----------------|------------------|-------------------|
| | 1000 - Personal Services | 2000 - Travel | 3000 - Services | |
| 1011 - Regular Compensation | 96,170.88 | | | 96,170.88 |
| 1014 - Overtime | 25.99 | | | 25.99 |
| 1023 - Leave Taken | 14,518.92 | | | 14,518.92 |
| 1028 - Alaska Supplemental Benefit | 6,820.94 | | | 6,820.94 |
| 1029 - Public Employee's Retirement System Defined Benefits | 4,151.91 | | | 4,151.91 |
| 1030 - Public Employee's Retirement System Defined Contribution | 4,971.91 | | | 4,971.91 |
| 1034 - Public Employee's Retirement System Defined Cont Health Reim | 3,867.62 | | | 3,867.62 |
| 1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical | 937.34 | | | 937.34 |
| 1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab | 13,696.59 | | | 13,696.59 |
| 1040 - Group Health Insurance | 36,351.83 | | | 36,351.83 |
| 1041 - Basic Life and Travel | 11.61 | | | 11.61 |
| 1042 - Worker's Compensation Insurance | 597.55 | | | 597.55 |
| 1047 - Leave Cash In Employer Charge | 2,539.54 | | | 2,539.54 |
| 1048 - Terminal Leave Employer Charge | 1,758.72 | | | 1,758.72 |
| 1053 - Medicare Tax | 1,522.52 | | | 1,522.52 |
| 1077 - ASEA Legal Trust | 144.32 | | | 144.32 |
| 1079 - ASEA Injury Leave Usage | 10.80 | | | 10.80 |
| 1080 - SU Legal Trst | 53.46 | | | 53.46 |
| 2000 - In-State Employee Airfare | | | 384.71 | 384.71 |
| 2001 - In-State Employee Surface Transportation | | | 229.54 | 229.54 |
| 2002 - In-State Employee Lodging | | | 979.48 | 979.48 |
| 2003 - In-State Employee Meals and Incidentals | | | 300.00 | 300.00 |
| 2005 - In-State Non-Employee Airfare | | | 279.96 | 279.96 |
| 2007 - In-State Non-Employee Lodging | | | 458.00 | 458.00 |
| 2008 - In-State Non-Employee Meals and Incidentals | | | 210.00 | 210.00 |
| 2009 - In-State Non-Employee Taxable Per Diem | | | 96.00 | 96.00 |
| 2010 - In-State Non-Employee Non-Taxable Reimbursement | | | 22.98 | 22.98 |
| 2017 - Out-State Non-Employee Airfare | | | 801.10 | 801.10 |
| 2020 - Out-State Non-Employee Meals and Incidentals | | | 298.00 | 298.00 |
| 2022 - Out-State Non-Employee Non-Taxable Reimbursement | | | 86.28 | 86.28 |
| 2970 - Travel Cost Transfer | | | - | - |
| 3002 - Memberships | | | 915.20 | 915.20 |
| 3044 - Courier | | | 6.43 | 6.43 |
| 3045 - Postage | | | 100.70 | 100.70 |
| 3046 - Advertising | | | 1,060.98 | 1,060.98 |
| 3085 - Inter-Agency Mail | | | 979.88 | 979.88 |
| 3088 - Inter-Agency Legal | | | 13,898.12 | 13,898.12 |
| 3094 - Inter-Agency Hearing/Mediation | | | 9,063.60 | 9,063.60 |
| 3100 - Inter-Agency Safety | | | 6,755.00 | 6,755.00 |
| 3970 - Contractual Transfer | | | - | - |
| Grand Total | 188,152.45 | 4,146.05 | 32,779.91 | 225,078.41 |

FY 2024 CBPL COST ALLOCATIONS

| Name | Task Code | Direct Revenues | General Fund Received | 3rd Party Reimbursement | Total Revenues | Direct Expense | Percentage of board licenses/total licenses: | Department certified transactions % by Fiscal Revenue \$ | Indirect Expense (Total Non-PCN Allocated) | Percentage of program direct Personal Services: | Total Indirect Expenses | Total Expenses | 2024 Annual Surplus (Deficit) |
|---------------------------------------------------|-----------|----------------------|-----------------------|-------------------------|----------------------|---------------------|----------------------------------------------|----------------------------------------------------------|--------------------------------------------|-------------------------------------------------|-------------------------|----------------------|-------------------------------|
| Acupuncture | ACU1 | \$ 5,359 | | \$ - | \$ 5,359 | \$ 6,651 | \$ 2,954 | \$ 416 | \$ 3,370 | 1,864 | \$ 5,234 | \$ 11,885 | \$ (6,526) |
| Architects, Engineer | AEL1 | \$ 971,065 | \$ 466 | \$ 4,427 | \$ 975,958 | \$ 337,247 | 202,200 | \$ 3,681 | 205,881 | 84,564 | 290,445 | 627,692 | 348,266 |
| Athletic Trainers | ATH1 | \$ 5,900 | | \$ - | \$ 5,900 | \$ 1,642 | 1,840 | \$ 261 | 2,101 | 437 | 2,538 | 4,180 | 1,720 |
| Audiology and Speech Pathologists | AUD1 | \$ 55,607 | | \$ - | \$ 55,607 | \$ 41,069 | 26,976 | \$ 1,880 | 28,856 | 12,458 | 41,314 | 82,383 | (26,776) |
| Barbers & Hairdressers | BAH1 | \$ 1,146,245 | \$ 958 | \$ - | \$ 1,147,203 | \$ 364,706 | 195,618 | \$ 4,252 | 199,870 | 99,546 | 299,416 | 664,122 | 483,081 |
| Behavior Analysts | BEV1 | \$ 4,892 | | \$ - | \$ 4,892 | \$ 8,861 | 3,161 | \$ 799 | 3,960 | 2,422 | 6,382 | 15,243 | (10,351) |
| Chiropractors | CHI1 | \$ 22,988 | \$ 4,957 | \$ - | \$ 27,945 | \$ 194,286 | 8,500 | \$ 970 | 9,470 | 37,466 | 46,936 | 241,222 | (213,277) |
| Collection Agencies | COA1 | \$ 48,065 | | \$ - | \$ 48,065 | \$ 11,743 | 18,476 | \$ 1,072 | 19,548 | 3,347 | 22,895 | 34,638 | 13,427 |
| Concert Promoters | CPR1 | \$ 2,513 | | \$ - | \$ 2,513 | \$ 44 | 622 | \$ 139 | 761 | 13 | 774 | 818 | 1,695 |
| Construction Contractors | CON1 | \$ 413,740 | \$ 255 | \$ - | \$ 413,995 | \$ 607,170 | 228,891 | \$ 4,012 | 232,903 | 101,040 | 333,943 | 941,113 | (527,118) |
| Home Inspectors | HIN1 | \$ 20,180 | | \$ - | \$ 20,180 | \$ 19,253 | 3,006 | \$ 840 | 3,846 | 5,846 | 9,692 | 28,945 | (8,765) |
| Dental | DEN1 | \$ 206,952 | \$ 2,075 | \$ - | \$ 209,027 | \$ 350,066 | 60,378 | \$ 3,946 | 64,324 | 92,699 | 157,023 | 507,089 | (298,062) |
| Dietitians/Nutritionists | DTN1 | \$ 28,075 | | \$ - | \$ 28,075 | \$ 24,885 | 12,283 | \$ 1,301 | 13,584 | 7,561 | 21,145 | 46,030 | (17,955) |
| Direct Entry Midwife | MID1 | \$ 12,949 | \$ 914 | \$ - | \$ 13,863 | \$ 24,961 | 1,140 | \$ 546 | 1,686 | 1,582 | 3,268 | 28,229 | (14,366) |
| Dispensing Opticians | DOP1 | \$ 9,500 | | \$ - | \$ 9,500 | \$ 24,239 | 4,353 | \$ 958 | 5,311 | 7,361 | 12,672 | 36,911 | (27,411) |
| Electrical Administrator | EAD1 | \$ 164,215 | | \$ - | \$ 164,215 | \$ 96,254 | 25,058 | \$ 2,202 | 27,260 | 18,821 | 46,081 | 142,335 | 21,880 |
| Euthanasia Services | EUT1 | \$ 300 | | \$ - | \$ 300 | \$ 488 | 363 | \$ 37 | 400 | 148 | 548 | 1,036 | (736) |
| Geologists | GEO1 | \$ 350 | | \$ - | \$ 350 | \$ 991 | 285 | \$ 342 | 627 | 298 | 925 | 1,916 | (1,566) |
| Guardians/Conservators | GCO1 | \$ 4,977 | | \$ - | \$ 4,977 | \$ 6,758 | 622 | \$ 326 | 948 | 1,933 | 2,881 | 9,639 | (4,662) |
| Guide-Outfitters | GUI1 | \$ 1,097,850 | \$ 800 | \$ - | \$ 1,098,650 | \$ 434,101 | 45,244 | \$ 3,449 | 48,693 | 117,814 | 166,507 | 600,608 | 498,042 |
| Marine Pilots | MAR1 | \$ 30,150 | \$ 742 | \$ - | \$ 30,892 | \$ 85,392 | 3,498 | \$ 1,500 | 4,998 | 15,288 | 20,286 | 105,678 | (74,786) |
| Foreign Pleasure Craft | FPC1 | \$ 23,440 | | \$ - | \$ 23,440 | | - | \$ 334 | 334 | | 334 | 334 | 23,106 |
| Marital & Family Therapy | MFT1 | \$ 33,128 | | \$ - | \$ 33,128 | \$ 29,916 | 4,250 | \$ 758 | 5,008 | 8,621 | 13,629 | 43,545 | (10,417) |
| Massage Therapists | MAS1 | \$ 353,315 | \$ 1,021 | \$ 178 | \$ 354,514 | \$ 225,078 | 35,967 | \$ 2,503 | 38,470 | 57,185 | 95,655 | 320,733 | 33,781 |
| Mechanical Administrator | MEC1 | \$ 109,585 | | \$ - | \$ 109,585 | \$ 95,639 | 15,729 | \$ 1,362 | 17,091 | 15,341 | 32,432 | 128,071 | (18,486) |
| Medical | MED1 | \$ 852,030 | \$ 40,368 | \$ 1,071 | \$ 893,469 | \$ 1,707,753 | 198,909 | \$ 4,436 | 203,345 | 279,194 | 482,539 | 2,190,292 | (1,296,823) |
| Mortuary Science | MOR1 | \$ 2,905 | | \$ - | \$ 2,905 | \$ 8,230 | 3,680 | \$ 424 | 4,104 | 2,420 | 6,524 | 14,754 | (11,849) |
| Naturopaths | NAT1 | \$ 66,660 | | \$ - | \$ 66,660 | \$ 4,147 | 1,322 | \$ 228 | 1,550 | 1,194 | 2,744 | 6,891 | 59,769 |
| Nurse Aides | NUA1 | \$ 359,415 | \$ 421 | \$ 205 | \$ 360,041 | \$ 101,931 | 87,975 | \$ 2,842 | 90,817 | 19,838 | 110,655 | 212,586 | 147,455 |
| Nursing | NUR1 | \$ 1,810,803 | \$ 9,233 | \$ 4,083 | \$ 1,824,119 | \$ 1,843,890 | 696,235 | \$ 4,599 | 700,834 | 444,309 | 1,145,143 | 2,989,033 | (1,164,914) |
| Nursing Home Administrators | NHA1 | \$ 3,145 | | \$ - | \$ 3,145 | \$ 2,044 | 1,399 | \$ 163 | 1,562 | 13 | 1,575 | 3,619 | (474) |
| Optometry | OPT1 | \$ 26,892 | \$ 15 | \$ 1,500 | \$ 28,407 | \$ 41,753 | 6,452 | \$ 1,272 | 7,724 | 11,689 | 19,413 | 61,166 | (32,759) |
| Pawnbrokers | PAW1 | \$ 3,350 | | \$ - | \$ 3,350 | \$ 4,222 | 544 | \$ 208 | 752 | 1,283 | 2,035 | 6,257 | (2,907) |
| Pharmacy | PHA1 | \$ 1,256,105 | \$ 120,240 | \$ 1,588 | \$ 1,377,933 | \$ 658,578 | 177,660 | \$ 4,664 | 182,324 | 182,464 | 364,788 | 1,023,366 | 354,567 |
| Physical/Occupational Therapy | PHY1 | \$ 487,089 | \$ 71 | \$ 264 | \$ 487,424 | \$ 185,128 | 69,007 | \$ 3,054 | 72,061 | 52,302 | 124,363 | 309,491 | 177,933 |
| Prescription Drug Monitoring Program | PDMP | \$ 20 | | \$ 2,976 | \$ 2,996 | \$ 1,721 | - | \$ - | - | - | - | 1,721 | 1,275 |
| Professional Counselors | PCO1 | \$ 294,869 | \$ 326 | \$ - | \$ 295,195 | \$ 204,504 | 31,536 | \$ 2,988 | 34,524 | 57,157 | 91,681 | 296,185 | (990) |
| Psychology | PSY1 | \$ 33,220 | \$ 553 | \$ - | \$ 33,773 | \$ 173,098 | 9,381 | \$ 1,614 | 10,995 | 48,200 | 59,195 | 232,293 | (198,520) |
| Public Accountancy | CPA1 | \$ 600,898 | \$ 1,154 | \$ 8,980 | \$ 611,032 | \$ 318,407 | 45,711 | \$ 1,953 | 47,664 | 82,926 | 130,590 | 448,997 | 162,035 |
| Real Estate | REC1 | \$ 639,645 | \$ 4,859 | \$ - | \$ 644,504 | \$ 391,392 | 107,928 | \$ 1,985 | 109,913 | 81,767 | 191,680 | 583,072 | 61,432 |
| Real Estate Appraisers | APR1 | \$ 75,640 | \$ 111 | \$ - | \$ 75,751 | \$ 104,135 | 10,598 | \$ 1,171 | 11,769 | 27,534 | 39,303 | 143,438 | (67,687) |
| Social Workers | CSW1 | \$ 428,284 | \$ 413 | \$ 568 | \$ 429,265 | \$ 197,753 | 37,030 | \$ 3,184 | 40,214 | 57,580 | 97,794 | 295,547 | 133,718 |
| Storage Tank Workers | UST1 | \$ 7,730 | | \$ - | \$ 7,730 | \$ 11,150 | 1,788 | \$ 514 | 2,302 | 3,389 | 5,691 | 16,841 | (9,111) |
| Veterinary | VET1 | \$ 56,611 | \$ 157 | \$ 1,037 | \$ 57,805 | \$ 147,383 | 22,467 | \$ 1,712 | 24,179 | 42,878 | 67,057 | 214,440 | (156,635) |
| No longer existent board/commission (ie Athletic) | | \$ - | \$ - | \$ - | \$ - | \$ - | - | \$ - | - | - | - | - | - |
| Totals All Boards | | \$ 11,776,651 | \$ 190,109 | \$ 26,877 | \$ 11,993,637 | \$ 9,098,659 | \$ 2,411,036 | \$ 74,897 | \$ 2,485,933 | \$ 2,089,792 | \$ 4,575,725 | \$ 13,674,384 | \$ (1,680,747) |

| | | | | | | | | | | | | | |
|--------------------|-----------|--------------|------|------|--------------|------------|--------------|-----------|--------------|------------|--------------|--------------|--|
| ABL & Corporations | DA0801005 | \$ 4,372,277 | \$ - | \$ - | \$ 4,372,277 | \$ 405,904 | \$ 1,249,390 | \$ 10,213 | \$ 1,259,603 | \$ 238,098 | \$ 1,497,701 | \$ 1,903,605 | |
|--------------------|-----------|--------------|------|------|--------------|------------|--------------|-----------|--------------|------------|--------------|--------------|--|

| DIVISION INDIRECT EXPENSES | Total | Prof Lic | Corp & Bus Lic |
|-----------------------------------------------------------------------|------------------|------------------|---------------------------|
| Percentage of program direct Personal Services: | | | |
| Business Supplies | 25,873 | 25,788 | 85 |
| Office Equipment | 57,608 | 55,009 | 2,599 |
| State Vehicles | 5,220 | 4,594 | 626 |
| Storage and Archives | 16,130 | 13,559 | 2,571 |
| Legal Support | 49,391 | 49,391 | - |
| Central Mail Services Postage | 48,961 | 23,719 | 25,242 |
| Software Licensing and Maintenance | 117,711 | 117,711 | - |
| Division Administrative Expenses - all other | 311,628 | 307,788 | 3,840 |
| Division allocated by percentage of direct personal services: | 632,522 | 597,559 | 34,963 |
| Percentage of board licenses/total licensees: | | | |
| Investigations indirect Personal Services | 437,677 | 409,626 | 28,051 |
| Division Administration Personal Services | 2,828,868 | 1,654,796 | 1,174,073 |
| Division allocated by percentage of board licenses/total licensees: | 3,266,545 | 2,064,422 | 1,202,124 |
| Total Division Indirect Expenses | 3,899,067 | 2,661,981 | 1,237,087 |
| DEPARTMENT INDIRECT EXPENSES | Total | Prof Lic | Corp & Bus Lic |
| Percentage of program direct Personal Services: | | | |
| Commissioner's Office | 289,356 | 254,633 | 34,723 |
| Administrative Services - Director's Office | 73,527 | 64,704 | 8,823 |
| Administrative Services - Human Resources | 71,235 | 62,687 | 8,548 |
| Administrative Services - Fiscal | 102,783 | 90,449 | 12,334 |
| Administrative Services - Budget | 66,633 | 58,637 | 7,996 |
| Administrative Services - Information Technology | 322,717 | 283,991 | 38,726 |
| Administrative Services - Information Technology - Network & Database | - | - | - |
| Administrative Services - Mail | 13,230 | 11,642 | 1,588 |
| Administrative Services - Facilities - Maintenance | - | - | - |
| Department allocated by percentage of direct personal services: | 939,481 | 826,743 | 112,738 |
| Percentage of board licenses/total licensees: | | | |
| Department administrative services support: Fiscal, IT, Procurement | 393,880 | 346,614 | 47,266 |
| Receipting transaction % by Personal Services: | | | |
| Department certified transactions % by Fiscal Revenue \$ | 85,110 | 74,897 | 10,213 |
| Total DEPARTMENT INDIRECT EXPENSES | 1,418,471 | 1,248,254 | 170,217 |
| STATEWIDE INDIRECT EXPENSES | Total | Prof Lic | Corp & Bus Lic |
| Percentage of program direct Personal Services: | | | |
| Accounting and Payroll Systems | 81,101 | 71,369 | 9,732 |
| State Owned Building Rental (Building Leases) | 258,230 | 227,242 | 30,988 |
| State OIT Server Hosting & Storage | 7,792 | 6,857 | 935 |
| State OIT SQL | 6,958 | 6,432 | 526 |
| State Software Licensing | - | - | - |
| Human Resources | 69,278 | 60,965 | 8,313 |
| IT Non-Telecommunications (Core Cost) | 297,578 | 261,869 | 35,709 |
| IT Telecommunications | 32,270 | 28,398 | 3,872 |
| Risk Management | 2,680 | 2,358 | 322 |
| Statewide allocated by percentage of direct personal services: | 755,887 | 665,490 | 90,397 |
| FY24 TOTALS BY METHODOLOGY | Total | Prof Lic | Corp & Bus Lic |
| Percentage of program direct Personal Services: | 2,327,890 | 2,089,792 | 238,098 |
| Percentage of board licenses/total licensees: | 3,660,426 | 2,411,036 | 1,249,390 |
| Receipting transaction % by Personal Services: | 85,110 | 74,897 | 10,213 |
| Grand Total | 6,073,426 | 4,575,725 | 1,497,701 |



FSMTB[®]
FEDERATION OF STATE
MASSAGE THERAPY BOARDS

Annual Report

October 2024

Message *from the* President



I am proud to lead our organization through another year of positive change and growth. The hard work and innovative spirit of our dedicated team of staff and volunteers has enabled us to deliver on desired outcomes and introduce new standards in our industry.

Together, we have navigated inevitable challenges and seized opportunities, reinforcing our commitment to excellence, public protection, and community impact. As we look to the future, I am confident that our shared vision and ongoing dedication will continue to propel us forward, creating lasting value for all our stakeholders.

Thank you for your interest and support of the vital work of the massage regulatory community.

Craig Knowles, LMT
President

FSMTB BOARD OF DIRECTORS



CRAIG KNOWLES, LMT
President
Chair, Georgia Board of
Massage Therapy



CAROLINE GUERIN, LMT
Vice President
Presiding Officer of the Texas
Massage Therapy Advisory Board



ELISABETH BARNARD, LMT
Treasurer
Executive Director of the Nevada State
Board of Massage Therapy



FOAD ARAINEJAD, LMT
Director
Alabama Board of Massage Therapy
(former)



VICTORIA DRAGO, LMT
Director
Board Member of the Florida Board
of Massage Therapy



KAREN FRAZIER, LMT
Director
Vice Chair of the Kentucky Board of
Licensure for Massage Therapy



ROBERT RUARK
Director
Executive Director of the Oregon
Board of Massage Therapy



DEBRA PERSINGER, PHD, CAE
Executive Director

OVERVIEW

Mission



The mission of FSMTB is to support its Member Boards in their work to ensure that the practice of massage therapy is provided to the public safely and competently.

Non-Profit



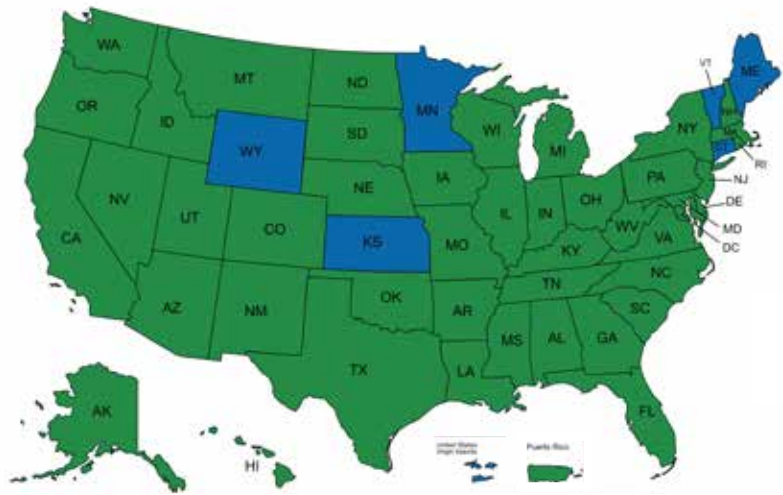
The FSMTB is a 501c3, non-profit organization. All revenue is used to enhance FSMTB programs and services and provide support to its members in fulfilling their responsibility of protecting the public from unsafe practice.

Membership

The FSMTB members are state boards and agencies that regulate the profession of massage therapy and are charged with the mission of public protection.

FSMTB Membership by State

- FSMTB Members
- Non-Members

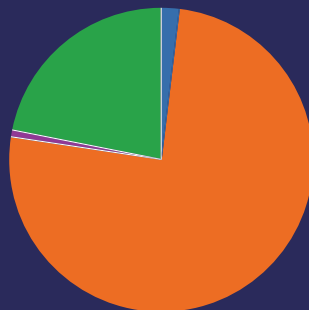


2024 Financials*

July 2023 - June 2024

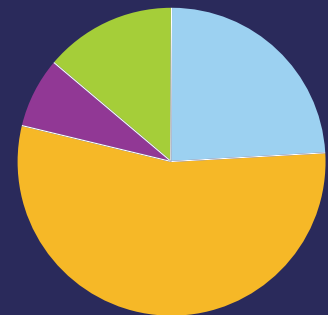
* unaudited

INCOME



| INCOME | |
|-----------------------|------------------|
| Membership | 134,850 |
| Exam Services | 5,634,000 |
| Professional Services | 13,245 |
| Investments | 1,630,220 |
| TOTAL | 7,412,315 |

EXPENSES



| EXPENSES | |
|-------------------|------------------|
| General Operating | 2,423,125 |
| Travel & Events | 540,950 |
| Professional Fees | 725,525 |
| Exam Services | 1,404,950 |
| TOTAL | 5,094,550 |
| Net | 2,317,765 |

Communications

FSMTB responds to an average of 5,000+ phone calls and emails each month.

WEBSITE

The FSMTB website, fsmtb.org, remains the foremost resource for individuals seeking information about FSMTB and the MBLEx. During the past year, the website hosted over 171,000 visitors.

69,633
License Lookup
Web Page Visits

32,932
Calls

28,739
Emails

174,012
Home Web Page Visits

53,466
MBLEx Application
Web Page Visits

SOCIAL MEDIA

FSMTB shares organizational news and regulatory information via its social media presence. Across all platforms, we had 11,634 followers.



FSMTB



Federation of State
Massage Therapy Boards



@connectwithFSMTB



@thefsmtb

Events We Attended

Throughout the year, FSMTB travels to represent our Member Boards and agencies that regulate the massage therapy profession, while also gathering best practices to better support their work. These efforts help us maintain the high standards of the Massage & Bodywork Licensing Examination (MBLEx®) and further enhance FSMTB programs.

Whether attending national conferences, regulatory meetings, or collaborating with other organizations, our goal is to ensure the voice of massage therapy regulators is heard and that shared insights strengthen the regulation of the profession.

While this is not a comprehensive list of our engagements, it showcases key events where FSMTB proudly served as your representative.

IL
Federation of Associations of Regulatory Boards (FARB) Regulatory Law Seminar
September '24

TX
Federation of Associations of Regulatory Boards (FARB) Forum On Professional Regulation
January '24

CA
The Association of Test Publishers (ATP) Innovations in Testing Conference
March '24

TN
Massage Envy Annual Performance Summit
March '24

GA
FSMTB Massage Board Executive Summit
April '24

DC
ABMP School Summit
April '24

AZ
International Spa Association (ISPA) Convention
April '24

AZ
RISS Western Region Human Trafficking Summit
April '24

TX
Massage Therapy Coalition
June '24

PA
University of Pennsylvania Executive Education Program - Regulatory Analysis & Decision Making
June '24

MO
Alliance for Massage Therapy Education (AFMTE) Congress
July '24

FL
Florida State Massage Therapy Association Annual Conference
July '24

KY
National Conference of State Legislatures (NCSL) Legislative Summit
August '24

OH
American Society of Association Executives (ASAE) annual meeting
August '24

FL
American Massage Therapy Association (AMTA) National Convention
September '24

EVC



The Education Verification Center (EVC) supports more than **1,300 EVC users** representing over **930 state-approved massage therapy schools**

School Outreach

FSMTB hosted a pre-conference school information session for Florida schools prior to the 2024 session Florida State Massage Therapy Association (FSMTA) Convention.

FSMTB hosted a pre-conference school information session for schools in New York, Connecticut, and New Jersey prior to the New York State Society of Medical Massage Therapist (NYSSMMT) 2024 Symposium.

FSMTB presented at the Texas Administrators of Continuing Education (TACE) Annual Conference.

FSMTB supported the Alliance for Massage Therapy Education (AFMTE) Educational Congress.

FSMTB participated in virtual and live massage therapy profession events for schools in Arizona, Idaho, Oregon, South Dakota, Texas, and Washington.

MBLEx[®]

FSMTB's flagship program, the Massage & Bodywork Licensing Examination (MBLEx) was developed by the profession, for the profession, to meet the needs of the regulatory community as a requisite component of the licensure process.

The exam is psychometrically sound and legally defensible, and is designed to measure the entry level competence of new professionals with the safety of the consuming public at its core. The exam program continues to benefit from dedicated subject matter experts who volunteer their time to write content, staff and testing experts who put hours into the development process, and Member Boards who insist on using a licensing exam that is a product of integrity in design and implementation. FSMTB continues to work with Member Boards and agencies, as well as law enforcement, to protect the exam and, in turn, the licensure process.



MBLEx Pass Rates*

17,742 MBLEx candidates tested
First-time pass rate **70%**

**July 2023 - June 2024*

MBLEx TESTING ACCOMMODATIONS

The FSMTB provides testing accommodations for qualified candidates with diagnosed disabilities in accordance with the Americans with Disabilities Act. The costs for providing testing accommodations are covered entirely by FSMTB.

The nature of the disabilities for which the accommodations were provided included ADHD, learning disabilities, dyslexia, visual/hearing impairments, and mental health conditions.



Testing Accommodations

FSMTB supported MBLEx candidates with **603** testing accommodations



MBLEx CANDIDATE HANDBOOK

The current edition of the Massage & Bodywork Licensing Examination Candidate Handbook is available electronically at fsmtb.org.

The MBLEx Candidate Handbook is the primary source of information for applicants and educational institutions. It contains comprehensive details about eligibility criteria, application processes, fees, scheduling, FSMTB candidate support, study materials, and examination content. It also encompasses all policies concerning exam administration, security, and integrity.

MBLEx PREP



100 multiple-choice questions that cover each content area

MBLEx PREP MATERIALS

The Federation is committed to empowering MBLEx candidates in their exam preparation by offering a comprehensive array of FSMTB-authored study tools available in both English and Spanish. The Federation strives to provide resources that enable aspiring massage and bodywork professionals to approach the MBLEx confidently.

THE MBLEx CHECK™ ONLINE READINESS ASSESSMENT

The MBLEx Check Online Readiness Assessment is the FSMTB-authorized practice test designed to simulate the actual MBLEx experience. This comprehensive online examination presents 100 multiple-choice questions that cover each content area.

THE OFFICIAL MBLEx STUDY GUIDE

The Official MBLEx Study Guide and e-Study Guide include a comprehensive breakdown of the examination's core content areas and invaluable tips to encourage a successful and enriching examination experience. Notably, these guides offer a 100-question practice examination and include sample exam items, further enhancing the learning experience.



REACH



94% of users who took a REACH course were happy with the course content

89% would recommend REACH courses to other users



REACH™

REGULATORY EDUCATION
AND COMPETENCE HUB

FSMTB offers online CE courses sponsored by state boards through the Regulatory Education and Competence Hub (REACH) at reach4ce.org. Course completion information is recorded in the Massage Therapy Licensing Database (MTLD) for participating state boards to access.

CE REGISTRY

CE Registry is a registry of educators, providing massage and bodywork therapy continuing education, who meet and adhere to the national CE standards developed by the FSMTB regulatory community. The CE Registry accepts information from continuing education providers, including course completion information, and transfers that information into the national Massage Therapy Licensing Database (MTLD).

CE Registry includes a Course Search capability that allows potential CE consumers (LMTs) to search for courses that meet their needs.

CE Registry is a solution that meets the needs of the regulatory community by:

1. *Verifying primary source documentation of completed CE in MTL*
2. *Supporting the authority of state regulatory boards to accept CE for license renewal*
3. *Reducing the instances of CE fraud among licensees*
4. *Protecting the licensees from predatory practices by CE providers*
5. *Identifying and exposing providers who are not compliant with the standards established by the FSMTB membership*



CE Registry™

CONTINUING EDUCATION REGISTRY

States that accept CE registry courses

| | |
|----------------------|----------------|
| Alabama | Nevada |
| Alaska | New Hampshire |
| Arkansas | New Jersey |
| Connecticut | New Mexico |
| Delaware | North Carolina |
| District of Columbia | North Dakota |
| Georgia | Oklahoma |
| Idaho | Oregon |
| Indiana | Rhode Island |
| Iowa | South Carolina |
| Kentucky | South Dakota |
| Maryland | Tennessee |
| Michigan | Virginia |
| Missouri | Washington |
| Mississippi | West Virginia |
| Montana | Wisconsin |
| Nebraska | |

CE Registry



728 courses registered
94% positive course feedback

GOVERNMENT RELATIONS

This year the Government Relations team's primary focus was on providing support and education to members and legislators on the recommended minimum education hours requirements and the Interstate Massage Compact (IMpact). We also tracked a number of anti-human trafficking bills and bills updating the massage therapy practice act including areas on scope of practice, moral turpitude, and criminal background checks.

SERVICE



This year FSMTB provided written and oral testimony to

22 member jurisdictions and attended over **125 board and committee meetings**

FSMTB presented to a number of boards this year on topics such as the Massage Therapy Licensing Database, the Interstate Massage Compact, the benefits of FSMTB membership, and the crossover between human trafficking and massage therapy.

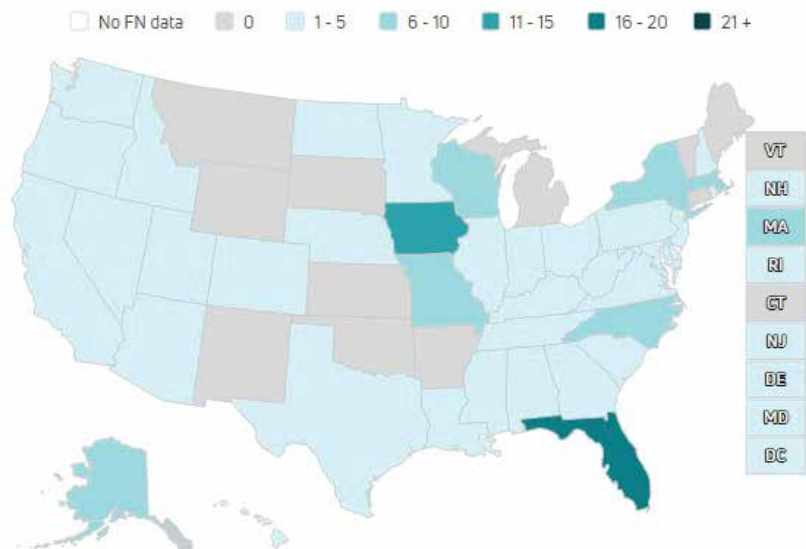
BILLS



A total of **153** bills were tracked, **29** of which were enacted

POLICY TRACKING

The most common type of legislation tracked related to the Interstate Massage Compact, massage boards, human trafficking, establishment regulation, license application and discipline, and scope of practice related to reflexology.



Impact

Interstate Massage Compact

It was a busy year for the Interstate Massage Compact. We attended several professional conferences, held informational webinars, and attended board meetings to bring awareness and build legislative and industry support.

The Interstate Massage Compact is proud to have broad support across the profession and is looking forward to a busy 2025 legislative session and standing up the compact soon!

For more information on the Interstate Massage Compact, visit massagecompact.org.

Impact



Ohio became the **SECOND** state to adopt Impact

MESSAGE THERAPY LICENSING DATABASE MTLD

The Massage Therapy Licensing Database is a vital component of the FSMTB's mission to simplify and standardize the licensure process and a key component of the Impact. A state's participation in MTLD makes the task of validating application information more efficient. State board/agency administrative staff can search MTLD to quickly find therapist information anywhere in the United States using simple search methods. This eliminates the need to search multiple websites for current license status of applicants, saves time, and is a practical solution to ensure accurate vetting of licensure applicants.



LICENSING EXAM
AND APPLICATION
DETAILS



STATE
LICENSURE
INFORMATION



CONTINUING
EDUCATION
COURSEWORK



COMPLETE
THERAPIST
PROFILE

MBE Summit



27 attendees representing
22 member jurisdictions

MASSAGE BOARD EXECUTIVE SUMMIT

The 2024 Massage Board Executive Summit was held in Savannah, Georgia, on April 4-5. This year, we invited massage board attorneys to attend along with their board's executive director.

Guest speakers included Dr. W. Keith Campbell, a psychology professor from the University of Georgia, who discussed generational differences and evolving cultural and societal trends resulting from changing demographics and their impact on educational expectations, standards, and uniformity. A Special Agent from the U.S. Department of Health and Human Services-Office of Inspector General, shared his experience with Operation Nightingale, the nursing diploma scam that has affected over 7,000 nurses who used fraudulent education credentials to obtain a nursing license. Samantha Nance, Esq., from Embry Merritt Womack Nance, PLLC, also spoke regarding the Interstate Massage Compact, dispelling myths and misinformation and answering questions from attendees.

Attendees also had many opportunities to network and learn from each other.

VIRTUAL MEMBERSHIP EVENTS

Virtual Membership Events support the mission of the FSMTB by facilitating communication among member boards and providing education and guidance on topics related to massage therapy regulation. Topics addressed in 2024 included the Interstate Massage Compact, the Entry Level Analysis Project, State of Massage Education, Regulatory Trends and Continuing Competence. These events present an opportunity for members to discuss issues across jurisdictions and learn from one another.

ANNUAL MEETING

The 2023 FSMTB Annual Meeting was held in San Diego, California, on September 29-30, 2023. In attendance were 41 of our 45 Member Boards and 64 other guests including FSMTB members, association representatives, and speakers.

The Annual Meeting of the Delegate Assembly is the business meeting of the FSMTB and provides educational sessions and networking with your massage regulatory colleagues. It is one opportunity to engage in the governance of your organization by participating in elections to the FSMTB Board of Directors and Nominating Committee and setting policy priorities and direction through debate and voting on resolutions and bylaw amendments.

Guest speakers included The Network's Chief Strategy Officer who shared the history, dynamics, and data behind the current illicit industry, as well as how we can improve our collective response to protect the public. We were also joined Senior Director, Law Enforcement Training Education & Consulting and Attorney at Eckberg Lammers, Imran Ali, and Training and Education Coordinator/Investigation Specialist at Eckberg Lammers, Aimee Schroeder, who discussed efforts to tackle the illicit massage industry and the way many illicit businesses operate and thrive.

Attendees had many opportunities to connect with each other, share experiences, and learn about FSMTB.

ANNUAL MEETING



41 of 45 Member Boards
64 guests

To Our VOLUNTEERS...

Please know that your efforts do not go unnoticed or underappreciated.

You are an essential part of the FSMTB, and we are grateful to have you on our team. Thank you for your dedication, your kindness, and your unwavering support.

Contributions



3,780 volunteer hours
contributed to FSMTB

\$126,600 of volunteer
time donated

Thank you!



PEOPLE

EDUCATION TASK FORCE

Shari Aldrich, WA
Lurana Bain, IL
Ed Bolden-Greer, TN
Winona Bontrager, PA
Katherine Brady, TX
Kristin Coverly, CO
Kirby Ellis, AR
Eric Hart, MT
Randall Nikola, UT
Lanez Perry-Boone, PA
Susan Salvo, LA

EXAMINATION DEVELOPMENT COMMITTEE (EDC)

Karen Armstrong, MI
Su Bibik, MI
Ed Bolden-Greer, TN
Jeryd Bolden-Greer, TN
Katherine Brady, TX
Vickie Branch, NH
Laurie Craig, GA
Nicole Davis, NJ
Chimere Figaire-Correa, WA
Sandy Fritz, MI
Rosendo Galvez, IL
Janet Kelly, AR
Bethany Lowrie, PA
Ceena Lund, KS
Debbie Martinez, TX
Wendy McGinley, ND
Susan Proffitt, MI
Dr. Tim Reischman, NC
Charlene Russell, MS
Susan Salvo, LA
Elan Schacter, NC
Cherie Sohnen-Moe, AZ
Tracy Sullivan, CT
Charles Watson, KY
Roberta Wolff, TX

ESTABLISHMENT TASK FORCE

Sandy Anderson, NV
Karen Armstrong, MI
Ed Bolden-Greer, TN
Mike James, AL
Rick McElroy, CA
Adrienne Price, GA
Charlene Russell, MS
Jeff Van Laanen, OR

POLICY COMMITTEE

Paul Andrews, MA
Chimere Figaire-Correa, WA
Elizabeth Kirk, NC
Linda Lyter, WV
Kay Warren, NC

LICENSE RENEWAL COMMITTEE (LRC)

Ed Bolden-Greer, TN
Elizabeth Kirk, NC
Jan Shaw, SC
Bianca Smith, NV

EXAMINATION POLICY

Chimere Figaire-Correa, WA
Linda Lyter, WV
Kay Warren, NC
Caroline Guerin, TX

NOMINATING COMMITTEE

David Cox, MD
Charlene Russell, MS
Sharon Oliver, MD
Jan Shaw, SC

VIRTUAL MEMBER EVENTS PRESENTERS

Samantha Nance, *EMWN Law, Compact Drafting Attorney*
Dale Atkinson, *Esq., The Atkinson Firm and FSMTB General Counsel*

ANNUAL MEETING PRESENTERS

Chris Muller-Tabanera, *Chief Strategy Officer, The Network*
Imran Ali, *Senior Director, Law Enforcement Training Education & Consulting and Attorney - Eckberg Lammers*
Aimee Schroeder, *Training and Education Coordinator / Investigation Specialist, Eckberg Lammers*
Bryan Freiss, *Director of Information Security and Security Services, Pearson VUE*
Eric D'Astolfo, *Vice President of Business, Pearson VUE*
Jim Isajewicz, *Analyst Manager Thomson Reuters Special Services, LLC*
Niki Munk, *PhD, LMT, researcher*
Mica Rosenow, *LMT, researcher*
Dale Atkinson, *Esq., The Atkinson Firm, FSMTB General Counsel*

MESSAGE BOARD EXECUTIVE SUMMIT PRESENTERS

Samantha Nance, *Esq., Embry Merritt Womack Nance, PLLC*
Prof. W. Keith Campbell, *University of Georgia*
Eddie Calienes, *Special Agent, U.S. Department of Health and Human Services, Office of Inspector General (HHS-OIG)*
Christine Bomber, *Compliance Professional in Postsecondary Education*

CONTINUING EDUCATION REGISTRY REVIEW PANEL (RRP)

Robin Alexander, IN
Khadijah Athanase, LA
Katherine Brady, TX
Pattie Campbell, VA
Barbara Castaldi, GA
Kalu Chan, PA
Melissa Clark, OH
Laura Clayton, NC
Nicole Davis, NJ
Elisabeth Drake, CA
Janet Kelly, AR
Ceena Lund, KS
Grace McCall, MD
Dr. Tim Reischman, NC
Charlene Russell, MS
Becky SanGregorio, NV
Elan Schacter, NC
Jan Shaw, SC
Bianca Smith, NV
Tracy Sullivan, CT
Tera Tonkins, IN
Richard Ventura, MO
Reina Vera, VA
Roberta Wolff, TX

FINANCE

Elizabeth Kirk, NC
Linda Lyter, WV

EXAMINATION ELIGIBILITY REVIEW PANEL (ERP)

Ed Bolden-Greer, TN
Linda Lyter, WV
Sharon Oliver, MD
Charlene Russell, MS
Tera Tonkins, IN

CONTENT DEVELOPMENT ADVISORY PANEL (CDAP)

Robin Alexander, IN
Khadijah Athanase, LA
Katherine Brady, TX
Pattie Campbell, VA
Barbara Castaldi, GA
Kalu Chan, PA
Melissa Clark, OH
Laura Clayton, NC
Nicole Davis, NJ
Elisabeth Drake, CA
Chimere Figaire-Correa, WA
Rosendo Galvez, IL
Jimmy Gialelis, AZ
Janet Kelly, AR
Ceena Lund, KS
Grace McCall, MD
Tim Reischman, NC
Charlene Russell, MS
Susan Salvo, LA
Becky SanGregorio, NV
Judy Olivia Santana, TX
Elan Schacter, NC
Bianca Smith, NV
Tera Tonkins, IN
Richard Ventura, MO
Roberta Wolff, TX

Investigations

- Investigative Report
- Case Review



License Renewal Regulation Review – 12 AAC 79.200(d)

The board discusses the current regulation of renewal eligibility of lapsed licenses as the regulation is compared to that of parallel professions.



ARTICLE 2.
LICENSE RENEWAL AND CONTINUING EDUCATION.

Section

200. License renewal

210. Continuing education requirements

220. Audit and documentation

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

(b) An applicant for renewal of a massage therapy license shall meet the requirements set out under AS 08.61.050 and 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 that the applicant

(A) holds a current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, or American Safety and Health Institute; and

(B) has satisfied the continuing education requirements set out under 12 AAC 79.210.

(c) The board will reinstate a massage therapy license that has lapsed less than three years if the applicant meets the requirements of (b)(1), (2), and (3) of this section and submits

(1) proof of current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and

(2) proof satisfactory to the board of completion of all continuing education required by 12 AAC 79.210.

(d) A massage therapy license that has lapsed three years or more may not be reinstated.

Authority: AS 08.61.020 AS 08.61.050

12 AAC 79.210. CONTINUING EDUCATION REQUIREMENTS. (a) Each biennial licensing period, an applicant for renewal of a massage therapy license shall complete

(1) not less than 16 continuing education credits completed between the beginning of the concluding licensing period and the time of application, two of which must be in ethics; and

(2) a cardiopulmonary resuscitation course as required under 12 AAC 79.200.

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

(c) Continuing education must be completed through

(1) an approved massage school;

(2) a regionally or nationally accredited institution of higher education; a course, seminar, workshop, or other program through that institution must be approved by the board as directly related to the skills and knowledge required for the practice of massage therapy; or

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

(A) Associated Bodywork and Massage Professionals;

(B) the American Massage Therapy Association;

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

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

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

(e) An applicant for renewal may receive three continuing education credits for attending at least 75 percent of a regularly scheduled board meeting once every biennial licensing period.

(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).

(g) For the purposes of this section,

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

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

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

Statutes and Regulations **Physical Therapy and Occupational Therapy**

February 2023



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

*DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING*

NOTE: The official version of the statutes in this document is printed in the Alaska Statutes, copyrighted by the State of Alaska. The official version of the regulations in this document is published in the Alaska Administrative Code, copyrighted by the State of Alaska. If any discrepancies are found between this document and the official versions, the official versions will apply.

TABLE OF CONTENTS

| | Page |
|-----------------------------------------------------------------------------------|-------------|
| Section | |
| 1. Physical Therapist and Occupational Therapist Statutes (AS 08.84)..... | 1 |
| 2. Physical Therapist and Occupational Therapist Regulations (12 AAC 54) | 7 |

CHAPTER 84.
PHYSICAL THERAPISTS AND OCCUPATIONAL THERAPISTS

Article

- 1. State Physical Therapy and Occupational Therapy Board (§§ 08.84.010, 08.84.020)**
- 2. Licensing (§§ 08.84.030 – 08.84.120)**
- 3. Unlawful Acts (§§ 08.84.130 – 08.84.180)**
- 4. General Provisions (§§ 08.84.190, 08.84.200)**

ARTICLE 1.
STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD

Section

- 10. Creation and membership of board**
- 20. Applicability of Administrative Procedure Act**

Sec. 08.84.010. Creation and membership of board. (a) There is created the State Physical Therapy and Occupational Therapy Board, which consists of seven members. The membership consists of three physical therapists licensed in the state or two physical therapists and one physical therapist assistant licensed in the state, three occupational therapists licensed in the state or two occupational therapists and one occupational therapy assistant licensed in the state, and one lay person with no direct financial interest in the health care industry. Members of the board shall be United States citizens domiciled in the state.

(b) The board shall control all matters pertaining to the licensing of physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants and the practice of physical therapy and the practice of occupational therapy. The board shall

- (1) pass upon the qualifications of applicants;
- (2) provide for the examination of applicants;
- (3) issue temporary permits and licenses to persons qualified under this chapter;
- (4) suspend, revoke, or refuse to issue or renew a license under AS 08.84.120;
- (5) keep a current register listing the name, business address, date, and number of the license of each person who is licensed to practice under this chapter;
- (6) adopt regulations under AS 44.62 (Administrative Procedure Act) necessary to carry out the purposes of this chapter, including regulations establishing qualifications for licensure and renewal of licensure under this chapter.

Sec. 08.84.020. Applicability of Administrative Procedure Act. The board shall comply with AS 44.62 (Administrative Procedure Act).

ARTICLE 2.
LICENSING

Section

- 30. Qualifications for licensing**
- 32. Foreign-educated applicants**
- 40. Application for license**
- 50. Fees**
- 60. Licensure by acceptance of credentials**
- 65. Temporary permit**
- 75. Limited permit**
- 80. Examinations**
- 90. Licensure**
- 100. Renewal of license**
- 120. Refusal, revocation, and suspension of license**

Sec. 08.84.030. Qualifications for licensing. (a) To be eligible for licensure by the board as a physical therapist or physical therapist assistant, an applicant, unless a graduate of a foreign school of physical therapy located outside the United States, shall

- (1) have graduated from a professional physical therapy education program that includes supervised field work and is accredited by a national accreditation agency approved by the board;
- (2) pass, to the satisfaction of the board, an examination prepared by a national testing service approved by the board to determine the applicant's fitness for practice as a physical therapist or physical therapist assistant, or be entitled to licensure without examination as provided in AS 08.84.060; and
- (3) meet qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b).

(b) To be eligible for licensure by the board as an occupational therapist or occupational therapy assistant, an applicant, unless a graduate of a foreign school of occupational therapy located outside the United States, shall

(1) have graduated from a professional occupational therapy education program that includes supervised field work and is accredited by a national accreditation agency approved by the board;

(2) pass, to the satisfaction of the board, an examination prepared by a national testing service approved by the board or an examination recognized by a national accreditation agency approved by the board to determine the applicant's fitness for practice as an occupational therapist or occupational therapy assistant, or be entitled to licensure without examination under AS 08.84.060; and

(3) meet qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b).

Sec. 08.84.032. Foreign-educated applicants. (a) To be eligible for licensure by the board as a physical therapist or physical therapist assistant, an applicant who is a graduate of a school of physical therapy that is located outside the United States shall

(1) have completed, to the satisfaction of the board, a resident course of study and professional instruction substantially equivalent to a professional physical therapy education program that is accredited by a board-approved national accreditation agency in the United States;

(2) have completed, to the satisfaction of the board, an internship under the continuous direction and immediate supervision of a physical therapist in an institution that ordinarily provides physical therapy and is approved by the board, for that period of time specified by the board, and furnish documentary evidence of compliance with this paragraph;

(3) pass an examination recognized by the board that measures the competence of the applicant in the English language if the applicant's physical therapist or physical therapist assistant education program was not taught in English;

(4) have met applicable requirements under 8 U.S.C. 1101 – 1503 (Immigration and Nationality Act), unless a United States citizen;

(5) pass the examination approved by the board under AS 08.84.030(a)(2);

(6) pay the fee required under AS 08.84.050; and

(7) meet additional qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b).

(b) To be eligible for licensure by the board as an occupational therapist or occupational therapy assistant, an applicant who is a graduate of a school of occupational therapy that is located outside the United States shall

(1) have completed, to the satisfaction of the board, a resident course of study and professional instruction substantially equivalent to a professional occupational therapy education program that is accredited by a board-approved national accreditation agency in the United States;

(2) have completed, to the satisfaction of the board, supervised field work equivalent to that required under AS 08.84.030(b);

(3) pass an examination recognized by the board that measures the competence of the applicant in the English language if the applicant's occupational therapist or occupational therapy assistant education program was not taught in English;

(4) have met applicable requirements under 8 U.S.C. 1101 – 1503 (Immigration and Nationality Act), unless a United States citizen;

(5) pass an examination approved by the board under AS 08.84.030(b);

(6) pay the fee required under AS 08.84.050; and

(7) meet additional qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b).

Sec. 08.84.040. Application for license. To be licensed under this chapter to practice physical therapy or occupational therapy, an applicant shall apply to the board on a form prescribed by the board. An applicant shall include in the application evidence under oath that the applicant possesses the qualifications required by AS 08.84.030 or 08.84.032.

Sec. 08.84.050. Fees. The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for the following:

(1) application;

(2) license by examination;

(3) license by acceptance of credentials;

(4) renewal;

(5) temporary permit;

(6) limited permit.

Sec. 08.84.060. Licensure by acceptance of credentials. The board may license without examination an applicant who is a physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant licensed under the laws of another state, if the requirements for licensure in that state were, at the date of the applicant's licensure, substantially equal to the requirements in this state.

Sec. 08.84.065. Temporary permit. (a) The board may issue a nonrenewable temporary permit to an applicant for licensure by acceptance of credentials or by examination who

- (1) meets the requirements of
 - (A) AS 08.84.030(a)(1) or (b)(1); or
 - (B) AS 08.84.032(a)(2) and (4) or (b)(2) and (4); and
- (2) pays the required fee.

(b) A temporary permit issued to an applicant for licensure by acceptance of credentials is valid for eight months or until the board considers the applicant's application for acceptance of credentials, whichever occurs first.

(c) A temporary permit issued to an applicant for licensure as a physical therapist or physical therapist assistant by examination is valid for eight months or until the results of the first examination for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take the first examination for which the applicant is scheduled, the applicant's temporary permit lapses the day of the examination.

(d) A temporary permit issued to an applicant who is a graduate of a foreign school of physical therapy or occupational therapy located outside the United States is valid until the results of the first examination for which the applicant is scheduled are published following completion of the internship required under AS 08.84.032.

(e) A temporary permit issued to an applicant for licensure as an occupational therapist or occupational therapy assistant by examination is valid for eight months or until the results of the examination for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take an examination for which the applicant is scheduled the applicant's temporary permit lapses on the day of the examination.

Sec. 08.84.070. Registration fee. *[Repealed, Sec. 8 ch 49 SLA 1969.]*

Sec. 08.84.075. Limited permit. (a) The board may issue a limited permit to a person to practice occupational therapy in the state as a visiting, nonresident occupational therapist or occupational therapy assistant, if the person

- (1) applies on the form provided by the board;
- (2) has not previously been denied occupational therapy licensure in the state;
- (3) is licensed to practice occupational therapy in another state or satisfies the requirements for certification by the American Occupational Therapy Association;
- (4) provides proof satisfactory to the board that the person will not practice in the state for more than 120 days in the calendar year for which the permit is issued; and
- (5) pays the fee required under AS 08.84.050.

(b) The board may issue a limited permit to a person to practice physical therapy in the state as a visiting, nonresident physical therapist or physical therapist assistant, if the person

- (1) applies on the form provided by the board;
- (2) has not previously been denied physical therapy licensure in the state;
- (3) is licensed to practice physical therapy in another state;
- (4) provides proof satisfactory to the board that the person will not practice in the state for more than 120 days in the calendar year for which the permit is issued; and
- (5) pays the fee required under AS 08.84.050.

(c) A limited permit is valid for a period of 120 consecutive days in a calendar year.

(d) A person may not receive more than

- (1) one limited permit to practice occupational therapy or physical therapy in a 12-month period; and
- (2) three limited permits to practice occupational therapy or physical therapy during the person's lifetime.

Sec. 08.84.080. Examinations. The board shall examine applicants for licensure under this chapter at the times and places it determines.

Sec. 08.84.090. Licensure. The board shall license an applicant who meets the qualifications for licensure under this chapter and shall issue a license certificate to each person licensed. A license certificate is prima facie evidence of the right of the person to hold out as a licensed physical therapist, licensed physical therapist assistant, licensed occupational therapist, or licensed occupational therapy assistant.

Sec. 08.84.100. Renewal of license. (a) *[Repealed, § 49 ch 94 SLA 1987.]*

(b) If the license remains lapsed for more than three years, the board may require the applicant to submit proof, satisfactory to the board, of continued competency.

(c) A license may not be renewed unless the applicant submits proof of continued competence to practice physical therapy or occupational therapy in a manner established by the board in regulations adopted under AS 08.84.010(b).

Sec. 08.84.110. Renewal fee. *[Repealed, Sec. 8 ch 49 SLA 1969.]*

Sec. 08.84.120. Refusal, revocation, and suspension of license. (a) The board may refuse to license an applicant, may refuse to renew the license of a person, may discipline a person, and may suspend or revoke the license of a person who

- (1) has obtained or attempted to obtain a license by fraud or material misrepresentation;

- (2) uses drugs or alcohol in any manner that affects the person's ability to practice physical therapy or occupational therapy competently and safely;
 - (3) has been convicted of a state or federal felony or other crime that effects the person's ability to practice competently and safely;
 - (4) is guilty, in the judgement of the board, of gross negligence or malpractice or has engaged in conduct contrary to the recognized standards of ethics of the physical therapy profession or the occupational therapy profession;
 - (5) has continued to practice physical therapy or occupational therapy after becoming unfit because of physical or mental disability;
 - (6) has failed to refer a patient to another qualified professional when the patient's condition is beyond the training or ability of the person;
 - (7) as a physical therapist assistant, has attempted to practice physical therapy that has not been initiated, supervised, and terminated by a licensed physical therapist;
 - (8) as an occupational therapy assistant, has attempted to practice occupational therapy that has not been supervised by a licensed occupational therapist; or
 - (9) has failed to comply with this chapter, a regulation adopted under this chapter, or an order of the board.
- (b) The refusal or suspension of a license may be modified or rescinded if the person has been rehabilitated to the satisfaction of the board.
- (c) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if the licensee
- (1) or another licensed health care provider is available to provide follow-up care;
 - (2) requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and
 - (3) meets the requirements established by the board in regulation.
- (d) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (c) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

ARTICLE 3. UNLAWFUL ACTS

Section

- 130. False claim of license prohibited**
- 140. Penalty for fraud in obtaining license**
- 150. License required; exceptions**
- 160. Scope of authorized practice**
- 180. Investigation**

Sec. 08.84.130. False claim of license prohibited. (a) A person not licensed as a physical therapist, or whose license is suspended or revoked or has lapsed, who uses in connection with the person's name the words or letters "P.T.," "Physical Therapist," "L.P.T.," "Licensed Physical Therapist," or other letters, words, or insignia indicating or implying that the person is a licensed physical therapist, or who, in any way, orally or in writing, directly or by implication, holds out as a licensed physical therapist, is guilty of a class B misdemeanor.

(b) A person not licensed as a physical therapist assistant, or whose license is suspended or revoked or has lapsed, who, in any way, orally or in writing, directly or by implication, holds out as a licensed physical therapist assistant is guilty of a class B misdemeanor.

(c) A person not licensed as an occupational therapist, or whose license is suspended or revoked, or whose license is lapsed, who uses in connection with the person's name the words "Licensed Occupational Therapist," or other letters, words, or insignia indicating or implying that the person is a licensed occupational therapist, or who orally or in writing, directly or by implication, holds out as a licensed occupational therapist is guilty of a class B misdemeanor.

(d) A person not licensed as an occupational therapy assistant, or whose license is suspended or revoked, or whose license is lapsed, who orally or in writing, directly or by implication, holds out as a licensed occupational therapy assistant is guilty of a class B misdemeanor.

Sec. 08.84.140. Penalty for fraud in obtaining license. A person who willfully makes a false oath or affirmation or who obtains or attempts to obtain a license by a fraudulent representation is guilty of a class B misdemeanor.

Sec. 08.84.150. License required; exceptions. (a) It is unlawful for a person to practice physical therapy without being licensed under this chapter unless the person is

- (1) a student in an accredited physical therapy program;
- (2) a graduate of a foreign school of physical therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of a physical therapist; or

- (3) issued a limited permit under AS 08.84.075.
- (b) A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is
 - (1) a student in an accredited occupational therapy program or in a supervised field work program;
 - (2) a graduate of a foreign school of occupational therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of an occupational therapist;
 - (3) an occupational therapist or occupational therapy assistant employed by the United States Government while in the discharge of official duties;
 - (4) granted a limited permit under AS 08.84.075;
 - (5) licensed under this title and uses occupational therapy skills in the practice of the profession for which the license is issued; or
 - (6) employed as a teacher or teacher's aide by an educational institution and is required to use occupational therapy skills during the course of employment, if
 - (A) the occupational therapy skills are used under a program implemented by the employer and developed by a licensed occupational therapist;
 - (B) the employer maintains direct supervision of the person's use of occupational therapy skills; and
 - (C) the person does not represent to
 - (i) be an occupational therapist or occupational therapy assistant; and
 - (ii) practice occupational therapy.

Sec. 08.84.160. Scope of authorized practice. This chapter does not authorize a person to practice medicine, osteopathy, chiropractic, or other method of healing, but only to practice physical therapy or occupational therapy.

Sec. 08.84.170. Penalty. *[Repealed, Sec. 7 ch 46 SLA 1986.]*

Sec. 08.84.180. Investigation. The board shall request appropriate authorities to conduct investigations of every supposed violation of this chapter coming to its notice and shall report all cases that in the judgment of the board warrant prosecution to the proper law enforcement officials.

Sec. 08.84.185. Limits or conditions on license; discipline. *[Repealed, Sec. 49 ch 94 SLA 1987.]*

ARTICLE 4. GENERAL PROVISIONS

Section

190. Definitions

200. Short title

Sec. 08.84.190. Definitions. In this chapter, unless the context otherwise requires,

- (1) "board" means the State Physical Therapy and Occupational Therapy Board;
- (2) "occupational therapist" means a person who practices occupational therapy;
- (3) "occupational therapy" means, for compensation, the use of purposeful activity, evaluation, treatment, and consultation with human beings whose ability to cope with the tasks of daily living are threatened with, or impaired by developmental deficits, learning disabilities, aging, poverty, cultural differences, physical injury or illness, or psychological and social disabilities to maximize independence, prevent disability, and maintain health; "occupational therapy" includes
 - (A) developing daily living, play, leisure, social, and developmental skills;
 - (B) facilitating perceptual-motor and sensory integrative functioning;
 - (C) enhancing functional performance, prevocational skills, and work capabilities using specifically designed exercises, therapeutic activities and measure, manual intervention, and appliances;
 - (D) design, fabrication, and application of splints or selective adaptive equipment;
 - (E) administering and interpreting standardized and nonstandardized assessments, including sensory, manual muscle, and range of motion assessments, necessary for planning effective treatment; and
 - (F) adapting environments for the disabled;
- (4) "occupational therapy assistant" means a person who assists in the practice of occupational therapy under the supervision of an occupational therapist;
- (5) "physical therapist" means a person who practices physical therapy;
- (6) "physical therapy" means the examination, treatment and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction, pain from injury, disease and other bodily or mental conditions and includes the administration, interpretation and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation and modification of treatment and instruction including the use of physical measures, activities and devices for preventive and therapeutic purposes; the provision of consultative, educational and other advisory services for the purpose of reducing the incidence and severity of

physical disability, bodily malfunction and pain; “physical therapy” does not include the use of roentgen rays and radioactive materials for diagnosis and therapeutic purposes, the use of electricity for surgical purposes, and the diagnosis of disease.

(7) *[Repealed, § 16 ch 66 SLA 2022.]*

(8) “physical therapist assistant” means a person who assists in the practice of physical therapy or an aspect of physical therapy as initiated, supervised, and terminated by a licensed physical therapist; the responsibilities of a physical therapist assistant do not include evaluation.

Sec. 08.84.200. Short Title. This chapter may be cited as the Physical Therapists and Occupational Therapists Practice Act.

**CHAPTER 54. STATE PHYSICAL THERAPY AND
OCCUPATIONAL THERAPY BOARD.**

Article

1. **Physical Therapy Licensure by Examination**
(12 AAC 54.010 – 12 AAC 54.080)
2. **Physical Therapy Licensure by Credentials**
(12 AAC 54.100 – 12 AAC 54.120)
3. **Physical Therapy License Renewal and Continuing Competency Requirements**
(12 AAC 54.200 – 12 AAC 54.440)
4. **Physical Therapy Standards of Practice**
(12 AAC 54.500 – 12 AAC 54.590)
5. **Occupational Therapy Licensure**
(12 AAC 54.600 – 12 AAC 54.650)
6. **Occupational Therapy License Renewal and Continuing Competency Requirements**
(12 AAC 54.700 – 12 AAC 54.725)
7. **Occupational Therapy Standards of Practice**
(12 AAC 54.800 – 12 AAC 54.890)
8. **General Provisions**
(12 AAC 54.900 – 12 AAC 54.990)

**ARTICLE 1.
PHYSICAL THERAPY LICENSURE BY EXAMINATION.**

Section

10. (Repealed)
20. (Renumbered)
30. **Requirements for physical therapy license by examination**
40. **Foreign-trained physical therapy applicants**
50. **Physical therapist temporary permits and scope of practice under those permits**
55. (Repealed)
60. (Repealed)
80. **Passing scores**

12 AAC 54.010. OFFICERS OF THE BOARD. Repealed 9/26/91.

12 AAC 54.020. BOARD MEETINGS. Renumbered as 12 AAC 54.960, 9/26/91.

12 AAC 54.030. REQUIREMENTS FOR PHYSICAL THERAPY LICENSE BY EXAMINATION. (a) An applicant for a physical therapist or a physical therapy assistant license by examination, other than an applicant who is a graduate of a school of physical therapy that is located outside the United States, shall submit a completed application on a form prescribed by the board with

- (1) payment of the fees established in 12 AAC 02.320;
- (2) the applicant's certified transcript sent directly to the department from a physical therapy school meeting the requirements of AS 08.84.030(a)(1);
- (3) a signed letter of professional reference sent directly to the department on a form provided by the department from

(A) the head of the physical therapy school; or

(B) an instructor, physician, supervising physical therapist, or supervisor;

- (4) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter; and

(5) proof of passing examination scores, sent directly to the department from the Federation of State Boards of Physical Therapy (FSBPT).

(b) Repealed 8/7/2021.

(c) An applicant who has applied for, but not yet received, licensure in another state and who has passed the national physical therapy examination in that state may have the examination scores transferred to the board and may apply for licensure by examination under (a) of this section.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.040

12 AAC 54.040. FOREIGN-TRAINED PHYSICAL THERAPY APPLICANTS. (a) An applicant for a physical therapist or physical therapy assistant license by examination who received an education and degree outside the United States shall meet all requirements for licensure under AS 08.84, 12 AAC 54.030(a)(1), (3), (4), and (5),

and this section.

(b) A foreign-trained physical therapist or physical therapy assistant applicant who has graduated from a school of physical therapy approved by the Council on Medical Education and Hospitals of the American Medical Association, or the American Physical Therapy Association, shall submit the applicant's certified transcript sent directly to the department from that school. A foreign-trained physical therapist or physical therapy assistant applicant who has not graduated from a school of physical therapy approved by the Council on Medical Education and Hospitals of the American Medical Association, or the American Physical Therapy Association, shall have the applicant's course of study and professional instruction evaluated by a credentials evaluation service approved by the board. If an applicant cannot submit a transcript for evaluation as required by this subsection, the board will accept as evidence of education verification, to the board's satisfaction, from

- (1) the licensing authority in another state that has evaluated the applicant's education; or
- (2) a United States educational institution or professional association that
 - (A) previously required documentary evidence of the applicant's education; or
 - (B) directly verified the applicant's education that has been evaluated.

(c) A foreign-trained physical therapist or physical therapy assistant applicant shall serve an internship under the on-site supervision of a currently licensed physical therapist in an institution meeting the requirements of (d) of this section and AS 08.84.032(a)(2). The board will not consider internship hours claimed before the date that the internship was pre-approved by the board. A foreign-trained physical therapist or physical therapy assistant applicant shall serve an internship based on

- (1) a minimum of six months' full-time work, averaging not less than 35 hours per week; or
- (2) part-time work averaging less than 35 hours per week, but equivalent to the total minimum number of hours required under (1) of this subsection.

(d) To be approved by the board, an institution used for internship must have at least two full-time physical therapists on the staff licensed under this chapter and be in a clinic setting providing a varied case load. Government service hospitals can be used if they meet the requirements of this subsection.

(e) A licensed physical therapist serving as a preceptor to a foreign-trained intern applicant shall assume responsibility for the intern's experience and the safety and welfare of the patient.

(f) The preceptor shall submit directly to the department, a national performance evaluation tool recognized by the board attesting to the applicant's

- (1) satisfactory or unsatisfactory completion of the internship;
- (2) proficiency in English, if English is the applicant's second language; and
- (3) level of skill in completion of evaluation, program planning, therapeutic practice, potential ability to practice safely while unsupervised with sound professional judgment, and ethics related to the practice of physical therapy.

(g) If at the end of an internship under (c) of this section, the preceptor will not recommend to the board that the applicant is qualified to work unsupervised, the board will, in its discretion, require the applicant to arrange for another internship equivalent to six months or less. Any change in a preceptor must be approved by the board before the change. If at the end of a second internship the applicant is not recommended by a preceptor as qualified to work independently, the board will, in its discretion, deny licensure.

(h) Nothing in this section obligates a preceptor, or a preceptor's facility, to complete a six-month internship, or provide a second internship, for an applicant who is considered unqualified by the preceptor to continue the internship. A preceptor terminating the internship of an applicant, before the scheduled completion date, must notify the board in writing, stating the reasons for the termination. Either an intern or a preceptor may request an advisory review of the internship by the board.

(i) After an intern has satisfactorily completed an internship and has been scheduled for the national physical therapy examination, the applicant may apply for a temporary permit under AS 08.84.065 and 12 AAC 54.050.

(j) To meet the requirements of AS 08.84.032(a)(3), a foreign-trained physical therapist or physical therapy assistant applicant must pass the examinations listed in this subsection in one testing session. An applicant must request that the scores be sent directly to the department from the testing organization and obtain at least the following minimum scores:

- (1) Test of English as a Foreign Language (TOEFL) – 560 points written examination or 220 point computerized examination;
- (2) Test of Written English (TWE) – 4.50 points;
- (3) Test of Spoken English (TSE) – 50 points;
- (4) if the applicant has taken the Test of English as a Foreign Language Internet-Based Test (TOEFL-iBT),

the applicant must obtain at least the following minimum scores:

- (A) writing – 22 points;
- (B) speaking – 24 points;
- (C) reading comprehension – 22 points;
- (D) listening comprehension – 21 points.

(k) In this section, "preceptor" means a currently licensed physical therapist under this chapter who provides on-site supervision for an individual who is serving an internship under this section.

(l) If an applicant has not taken and passed the national physical therapy examination before the completion of the internship, the applicant must take and pass the national physical therapy examination within one year after completion of the internship to receive credit for the internship.

Editor's Note: The Test of English as a Foreign Language (TOEFL), Test of Written English (TWE), Test of Spoken English (TSE), and the Test of English as a Foreign Language Internet-Based Test (TOEFL-iBT), examinations described in 12 AAC 54.040(j) are administered by the Educational Testing Services, P.O. Box 6151, Princeton, New Jersey 08541; Telephone: (609) 921-9000, website at www.ets.org.

12 AAC 54.050. PHYSICAL THERAPIST TEMPORARY PERMITS AND SCOPE OF PRACTICE UNDER THOSE PERMITS. (a) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapy assistant license by examination, other than an applicant who is a graduate of a school of physical therapy that is located outside the United States, if the following are on file with the department:

- (1) a complete application on a form provided by the department;
- (2) the temporary permit fee established in 12 AAC 02.320;
- (3) all items required under 12 AAC 54.030(a);

(4) a signed and notarized statement of responsibility from the supervising physical therapist; the statement must indicate that the supervising physical therapist will assume the full responsibility of supervising the applicant.

(b) The board or department will issue a temporary permit to an applicant applying for a physical therapist or physical therapy assistant license by credentials, other than an applicant who is a graduate of a school of physical therapy that is located outside the United States, if the following are on file with the department:

- (1) a complete application on a form provided by the department;
- (2) the temporary permit fee established in 12 AAC 02.320;
- (3) all items required under 12 AAC 54.100.

(c) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapy assistant license by examination who is a graduate of a school of physical therapy that is located outside the United States and demonstrates to the satisfaction of the board compliance with AS 08.84.032(a)(1) and AS 08.84.065(a). A temporary permit issued under this subsection expires on the date the scores are posted to the board. The following items documenting compliance with 12 AAC 54.040 must be on file with the department before the temporary permit is issued:

- (1) a complete application on a form provided by the department;
- (2) an official copy of a

(A) credentials evaluation sent directly to the department from an agency approved by the board; or

(B) transcript indicating compliance with AS 08.84.032(a)(1) if the degree was obtained from a foreign program accredited by a board-approved accrediting agency;

(3) a signed letter of professional reference on a form provided by the department and sent directly to the department from

(A) the head of a physical therapy school; or

(B) an instructor, physician, supervising physical therapist, or supervisor;

(4) a signed and notarized statement of responsibility sent directly to the department on a form provided by the department from the supervising physical therapist; the statement must indicate that the supervising physical therapist will assume the full responsibility of supervising the applicant;

(5) a copy of the confirmation from the testing center indicating the date that the applicant is scheduled to take the national physical therapy examination;

(6) a signed letter of verification sent directly to the department on a form provided by the department from the preceptor attesting to the applicant's satisfactory completion of the internship;

(7) the application, license, and temporary permit fees established in 12 AAC 02.320;

(8) verification sent directly to the department from the testing organization that the applicant has passed the English language proficiency examinations under 12 AAC 54.040(j).

(d) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapy assistant license by credentials who is a graduate of a school of physical therapy that is located outside the United States if the following are on file with the department:

- (1) a complete application on a form provided by the department;
- (2) the temporary permit fee established in 12 AAC 02.320;
- (3) all items required under 12 AAC 54.110.

(e) An applicant applying for a physical therapist or physical therapy assistant temporary permit will be reviewed in accordance with 12 AAC 54.915.

(f) An applicant applying for a physical therapist or physical therapy assistant license who is waiting to take the next scheduled examination and who has been issued a temporary permit under AS 08.84.065 may practice only under the supervision of a licensed physical therapist and may not act as a supervisor until a permanent license is issued.

(g) The holder of a temporary permit as a physical therapist, issued according to the provisions of AS 08.84.065(b), who is awaiting licensure by acceptance of credentials, may practice without supervision.

(h) The holder of a temporary permit as a physical therapy assistant, issued according to the provisions of AS 08.84.065(b), who is awaiting licensure by acceptance of credentials, shall practice in accordance with 12 AAC 54.510.

Authority: AS 08.84.010 AS 08.84.065

12 AAC 54.055. LICENSURE OF APPLICANTS. Repealed 9/26/91.

12 AAC 54.060. ADMINISTRATION OF EXAMINATION. Repealed 10/20/99.

12 AAC 54.080. PASSING SCORES. (a) To pass the national examination an applicant must achieve at least the criterion-referenced passing score recommended by the Federation of State Boards of Physical Therapy for that examination. The passing score will equal a scaled score of 600 based on a scale ranging from 200 to 800.

(b) Repealed 10/20/99.

(c) Repealed 8/7/2021.

Authority: AS 08.84.010 AS 08.84.080

ARTICLE 2. PHYSICAL THERAPY LICENSURE BY CREDENTIALS.

Section

100. Application for licensure by credentials

110. Foreign-trained applicants

120. Military-trained therapy assistant

130. Temporary military courtesy license

12 AAC 54.100. APPLICATION FOR LICENSURE BY CREDENTIALS. An application for licensure by credentials as a physical therapist or a physical therapy assistant must be submitted to the department on a form prescribed by the board with

(1) all items required under 12 AAC 54.030(a);

(2) a report sent directly to the department from the testing organization of the applicant's national physical therapy examination scores;

(3) verification of the applicant's licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice physical therapy, one of which must indicate a current license in good standing; each verification from each jurisdiction where the applicant has or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;

(4) other evidence considered necessary by the board to determine if the requirements of the other jurisdiction were, at the date of issuance, substantially equal to the requirements of this state;

(5) verification sent directly to the department from the source that the applicant has

(A) been employed in physical therapy at least 60 hours within the 24 months immediately preceding the date the application is received;

(B) passed the national physical therapy examination within the 24-month period immediately preceding the date the application is received; or

(C) satisfactorily completed an internship of 150 hours approved by the board.

Authority: AS 08.84.010 AS 08.84.040 AS 08.84.060
AS 08.84.030

12 AAC 54.110. FOREIGN-TRAINED APPLICANTS. An applicant for a physical therapist or physical therapy assistant license by credentials who received an education and degree outside the United States shall meet all requirements for licensure under AS 08.84, 12 AAC 54.030(a)(1) and (4), and this section, and shall submit to the department on a form provided by the department

(1) evaluated transcripts in accordance with 12 AAC 54.040(b);

(2) a report sent directly to the department from the testing organization of the applicant's national physical therapy examination scores;

(3) verification of the applicant's licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice physical therapy, one of which must indicate a current license in good standing; each verification from each jurisdiction where the applicant holds or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;

(4) satisfactory evidence of a minimum six months' supervised work experience while licensed as a physical therapist or physical therapy assistant in another state, another territory, or the District of Columbia, or satisfactory completion of an internship meeting the requirements of 12 AAC 54.040(c), (e), and (f); the evidence must be sent directly to the department from the supervising therapist on a form provided by the department;

(5) other evidence determined necessary by the board to determine if the applicant's out-of-state license is substantially equal to the license requirements of this state;

(6) verification that the applicant has passed the English language proficiency examinations under 12 AAC 54.040(j);

(7) a signed letter of professional reference sent directly to the department on a form provided by the department from

(A) the head of the physical therapy school from which the applicant graduated; or

(B) an instructor, physician, or physical therapist other than the physical therapist preceptor described in 12 AAC 54.040(e) - (f); and

(8) verification sent directly to the department from the source that the applicant has

(A) been employed in physical therapy at least 60 hours during the 24 months immediately preceding the date the application is received; or

(B) passed the national physical therapy examination during the 24-month period immediately preceding the date the application is received.

Authority: AS 08.84.010 AS 08.84.032 AS 08.84.060

12 AAC 54.120. MILITARY-TRAINED THERAPY ASSISTANT. A military-trained physical therapy assistant may apply to the board for license by credentials only and must submit verification of a current and valid certificate, license or other evidence of qualification issued under the laws of another state.

Authority: AS 08.84.010(b) AS 08.84.060

12 AAC 54.130. TEMPORARY MILITARY COURTESY LICENSE. (a) The board will issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as a physical therapist or physical therapy assistant to an applicant who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

(b) An applicant for a temporary military courtesy license under this section

(1) must submit an application on a form provided by the department;

(2) must pay the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;

(3) must submit a copy of

(A) the applicant's current active duty military orders showing assignment to a duty station in this state; or

(B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;

(4) must submit documentation showing the applicant is currently licensed and in good standing in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements;

(5) must demonstrate that the licensing jurisdiction of the applicant's current licensure required a passing score on the examination required under 12 AAC 54.030(a)(5) as a condition of licensure; and

(6) may not have been convicted of a crime that affects the applicant's ability to practice as a physical therapist or physical therapy assistant competently and safely, as determined by the board.

(c) A temporary military courtesy license issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.

(d) While practicing under a temporary military courtesy license issued under this section, the holder of the temporary military courtesy license must comply with the standards of practice set out in AS 08.84 and this chapter.

(e) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.84.120.

Authority: AS 08.01.062 AS 08.01.063 AS 08.84.010

ARTICLE 3. PHYSICAL THERAPY LICENSE RENEWAL AND CONTINUING COMPETENCY REQUIREMENTS.

Section

200. (Repealed)

210. (Repealed)

220. (Repealed)

230. (Repealed)

400. Physical therapy license renewal requirements

405. Physical therapy continuing professional practice requirements and alternatives to those requirements

410. Physical therapy continuing education requirements

- 420. **Approved physical therapy courses and activities**
- 430. **Audit of physical therapy continuing competency requirements**
- 435. **Exemption from continuing education requirements for active duty military service**
- 440. **(Repealed)**

12 AAC 54.200. APPLICATION FOR LICENSURE BY CREDENTIALS. Repealed 10/1/88.

12 AAC 54.210. APPLICATION FOR LICENSE RENEWAL. Repealed 6/3/89.

12 AAC 54.220. INACTIVE STATUS. Repealed 6/3/89.

12 AAC 54.230. INTERNSHIP. Repealed 6/3/89.

12 AAC 54.400. PHYSICAL THERAPY LICENSE RENEWAL REQUIREMENTS. An applicant for renewal of a physical therapist or physical therapy assistant license shall

- (1) complete the renewal application on a form prescribed by the board;
- (2) pay the license renewal fee established in 12 AAC 02.320; and
- (3) document continuing competency by submitting proof of having completed
 - (A) the continuing professional practice requirements or an alternative under 12 AAC 54.405; and
 - (B) the continuing education contact hours required under 12 AAC 54.410.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.405. PHYSICAL THERAPY CONTINUING PROFESSIONAL PRACTICE REQUIREMENTS AND ALTERNATIVES TO THOSE REQUIREMENTS. (a) An applicant for renewal of a physical therapist or physical therapy assistant license shall document completion of the jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.84 and this chapter, and shall also document

- (1) having provided physical therapy services for at least 60 hours during the concluding licensing period; or
 - (2) successful completion during the concluding licensing period of at least one of the following:
 - (A) the national physical therapy examination sponsored by the Federation of State Boards of Physical Therapy;
 - (B) in addition to the contact hours of continuing education required under 12 AAC 54.410 and 12 AAC 54.420, 40 contact hours of continuing education consistent with the requirements of 12 AAC 54.410 and 12 AAC 54.420;
 - (C) a review course sponsored by a school of physical therapy approved by the American Physical Therapy Association;
 - (D) a physical therapy internship of 150 hours approved by the board.
- (b) If an applicant for renewal is uncertain whether the applicant’s work or volunteer experience will constitute physical therapy services under this section, the applicant may request board approval before submitting the application for license renewal.
- (c) In this section, “physical therapy services” includes work and volunteer service under a position title other than physical therapist or physical therapy assistant if the applicant documents that the position required the use of physical therapy skills recognized by the board.

Authority: AS 08.84.010 AS 08.84.100

Editor’s note: A list of schools of physical therapy approved by the American Physical Therapy Association may be obtained from the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria, VA 22314; website at www.apta.org. Information on the national physical therapy examination may be obtained from the Federation of State Boards of Physical Therapy, 124 West Street South, Third Floor, Alexandria, VA 22314; website at www.fsbpt.org.

12 AAC 54.410. PHYSICAL THERAPY CONTINUING EDUCATION REQUIREMENTS. (a) Except as provided in 12 AAC 54.435, an applicant for renewal of a physical therapist or physical therapy assistant license who has been licensed for 12 months or more of the concluding licensing period shall have completed during that period 24 contact hours of continuing education. An applicant for renewal of a physical therapist or physical therapy assistant license who has been licensed for less than 12 months of the concluding licensing period shall have

- (1) completed during that period 12 contact hours of continuing education; or
 - (2) passed the national physical therapy examination within 12 months immediately before the date that the applicant’s license is due to lapse.
- (b) An applicant shall complete at least one-half of the required contact hours in courses or programs offered by an accredited academic institution or a professional organization approved by the board under 12 AAC 54.420(a).
- (c) For the purposes of this section,
- (1) one “contact hour” equals a minimum of 50 minutes of instruction;

- (2) one continuing education unit awarded by a professional health care association equals 10 contact hours;
 - (3) one academic semester credit hour equals 15 contact hours; and
 - (4) one academic quarter credit hour equals 10 contact hours.
- (d) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education contact hours claimed and shall make the records available to the board upon request under 12 AAC 54.430. Records must be retained for three years from the date the contact hours were obtained.
- (e) The following activities will not be accepted for continuing education contact hours under this section:
- (1) routine staff meetings attended by the applicant;
 - (2) rounds conducted by the applicant;
 - (3) routine courses required for employment, including courses on cardiopulmonary resuscitation, first aid, and training related to Occupational Safety and Health Administration requirements.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.420. APPROVED PHYSICAL THERAPY COURSES AND ACTIVITIES. (a) The following continuing education activities are approved for continuing education credit if they meet the requirements of (c) of this section:

- (1) courses recognized by
 - (A) the Alaska Physical Therapy Association;
 - (B) the American Physical Therapy Association (APTA);
 - (C) the Federation of State Boards of Physical Therapy (FSBPT);
 - (D) other state physical therapy associations; or
 - (E) other state physical therapy licensing boards;
- (2) American Medical Association category one and two continuing education courses that involve physical therapy;
- (3) continuing education activities sponsored by a professional organization or university approved by the Alaska Physical Therapy Association or the American Physical Therapy Association.

(b) Repealed 9/29/2019.

(c) To be accepted by the board, a continuing education course or activity must contribute directly to the professional competency of a physical therapist or physical therapy assistant and must be directly related to the skills and knowledge required to implement the principles and methods of physical therapy, as that term is defined in AS 08.84.190.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.430. AUDIT OF PHYSICAL THERAPY CONTINUING COMPETENCY REQUIREMENTS.

(a) After each renewal period the board will, in its discretion, audit renewal applications to monitor compliance with the continuing competency requirements of 12 AAC 54.400 - 12 AAC 54.430.

(b) A licensee selected for audit shall, within 30 days after the date of notification, submit documentation of completion of contact hours required by 12 AAC 54.410 and physical therapy service hours or an alternative required by 12 AAC 54.405.

(c) Refusal to cooperate with an audit will be considered an admission of an attempt to obtain a license by material misrepresentation under AS 08.84.120(a)(1).

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.435. EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY MILITARY SERVICE. (a) A physical therapist or physical therapy assistant who meets the requirements of this section is exempt from the continuing education requirements of 12 AAC 54.400 – 12 AAC 54.430 as specified in this section for renewal of the physical therapist or physical therapy assistant license for the biennial licensing period immediately following a period of service by the physical therapist or physical therapy assistant during which the physical therapist or physical therapy assistant was engaged in active duty military service in the armed forces of the United States.

(b) To obtain an exemption under this section, the physical therapist or physical therapy assistant must submit official documentation satisfactory to the board of active duty military service.

(c) The board will waive half of the continuing education hours required in 12 AAC 54.410, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for at least six consecutive months during the concluding licensing period.

(d) The board will waive all continuing education hours required in 12 AAC 54.410, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for 12 or more months during the concluding licensing period.

(e) In this section, "engaged in active duty military service" means military personnel serving in an active capacity, including

- (1) active duty personnel in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; and

(2) reservists and National Guard personnel in a combat zone for a named United States military conflict; in this paragraph, "combat zone" means an area that the President of the United States designates by executive order as an area in which the armed forces of the United States are engaging or have engaged in combat.

Authority: AS 08.01.100 AS 08.84.010 AS 08.84.100

12 AAC 54.440. ALTERNATIVE TO PHYSICAL THERAPY SERVICE. Repealed 5/21/97.

ARTICLE 4. PHYSICAL THERAPY STANDARDS OF PRACTICE.

Section

- 500. Physical therapy standards**
- 510. Supervision of physical therapy assistants**
- 520. Supervision of non-licensed personnel**
- 530. Standards for practice of telerehabilitation by physical therapist**
- 535. Physical therapy internship standards**
- 590. Definitions related to physical therapy**

12 AAC 54.500. PHYSICAL THERAPY STANDARDS. (a) Services may not be stated or implied as being physical therapy unless performed by a licensed physical therapist or under the supervision of a licensed physical therapist.

(b) A license or permit issued by the board, or a copy of the license or permit, must be posted in a conspicuous location in the licensee's place of business, for public inspection. Pending receipt of the current license certificate from the department, the licensee shall display the department's Internet website posting confirming licensure.

(c) To maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, physical therapists shall adhere to the ethical standards set out in the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, dated March 2015. The *State Physical Therapy and Occupational Therapy Board Principles of Practice* is adopted by reference.

(d) To maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, physical therapy assistants shall adhere to the ethical standards set out in the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, dated March 2015. The *State Physical Therapy and Occupational Therapy Board Principles of Practice* is adopted by reference.

(e) A physical therapist may not supervise, in any combination, more than three aides, assistants, students, foreign-trained candidates, or permittees at the same time.

Authority: AS 08.84.010 AS 08.84.150

Editor's note: The current posting confirming licensure can be found at the Internet website of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing: <https://www.commerce.alaska.gov/web/cbp/main>. A copy of the *State Physical Therapy and Occupational Therapy Board Principles of Practice* described in 12 AAC 54.500 may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Physical Therapy and Occupational Therapy Board, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; telephone (907) 465-2580; website at <http://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PhysicalTherapyOccupationalTherapy.aspx>.

12 AAC 54.510. SUPERVISION OF PHYSICAL THERAPY ASSISTANTS. (a) A physical therapy assistant shall work under the supervision of a licensed physical therapist.

(b) A licensed physical therapist is responsible for and shall participate in the patient's care.

(c) Except as specified in 12 AAC 54.500(e), a physical therapist may supervise a maximum of three physical therapy assistants.

(d) A licensed physical therapy assistant shall have in possession written treatment plans formulated by the licensed physical therapist for each patient under the care of the physical therapy assistant. Treatment plans must be revised following periodic evaluations by the licensed physical therapist.

(e) The supervising physical therapist shall give the physical therapy assistant periodic supervision while the physical therapy assistant being supervised implements a treatment plan with a patient. At least once every month, the supervision shall be conducted on site or by video or teleconference when in-person supervision is not reasonably practicable. The supervising physical therapist shall be available for consultation with the physical therapy assistant. The consultation may be provided by telephone, verbally, or in writing.

(f) Nothing in this chapter restricts public health service or military personnel engaged in the practice of physical therapy in programs administered by federal agencies.

(g) If the licensed physical therapist agrees to supervise a physical therapy assistant, the supervising physical therapist shall

(1) determine the frequency and manner of consultations with the physical therapy assistant, taking into consideration the treatment settings being used, patient rehabilitation status, and the competency of the physical therapy assistant;

(2) fully document the supervision provided, including a record of all consultations provided, and maintain those records at the physical therapy assistant's place of employment; and

(3) countersign the patient treatment record each time the supervising physical therapist is physically present and directly supervises or supervises by video or teleconference the treatment of a patient by the physical therapy assistant being supervised.

Authority: AS 08.84.010

12 AAC 54.520. SUPERVISION OF NON-LICENSED PERSONNEL. (a) Regardless of the practice setting, a licensed physical therapist is solely responsible for the treatment and management of all aspects of physical therapy care of the patient.

(b) A licensed physical therapist or physical therapy assistant may use non-licensed personnel in the delivery of patient-related duties and non-patient related duties. Patient-related duties performed by non-licensed personnel are not considered the practice of physical therapy.

(c) A licensed physical therapist shall assure the training of non-licensed personnel under the supervision of the physical therapist or physical therapy assistant, and shall document that training.

(d) The supervising physical therapist or physical therapy assistant shall provide continual on-site supervision of non-licensed personnel who are performing patient-related duties.

Authority: AS 08.84.010

12 AAC 54.530. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY PHYSICAL THERAPIST. (a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an interactive telecommunication system by a physical therapist licensed under AS 08.84 and this chapter in order to provide physical therapy to patients who are located in this state and do not have access to a physical therapist in person due to geographic constraints or health and safety constraints.

(b) A physical therapist licensed under AS 08.84 and this chapter conducting telerehabilitation by means of an interactive telecommunication system

(1) repealed 9/29/2019;

(2) must interact with the patient maintaining the same ethical conduct and integrity required under 12 AAC 54.500(c) and (d);

(3) must comply with the requirements of 12 AAC 54.510 for any licensed physical therapist assistant providing services under this section;

(4) may conduct one-on-one consultations, including initial evaluation, under this section; and

(5) must provide and ensure appropriate client confidentiality and HIPAA compliance, establish secure connections, activate firewalls, and encrypt confidential information.

Authority: AS 08.84.010 AS 08.84.120

12 AAC 54.535. PHYSICAL THERAPY INTERNSHIP STANDARDS. (a) This section establishes the standards for a physical therapy internship required under 12 AAC 54.100(5)(C), 12 AAC 54.405(a)(2)(D), or 12 AAC 54.950(e).

(b) An internship must be served

(1) under the continual on-site supervision of a physical therapist licensed under this chapter; and

(2) in an institution that ordinarily provides physical therapy, has a varied caseload, and has on staff at least one physical therapist licensed under this chapter.

(c) A licensed physical therapist serving as a preceptor to an intern is responsible for the intern's experience and for the safety and welfare of the patient.

(d) Upon an intern's completion of the internship, the preceptor shall submit, on a form provided by the board, a statement attesting to the intern's

(1) satisfactory or unsatisfactory completion of the internship; and

(2) level of skill in

(A) completion of evaluation;

(B) program planning;

(C) therapeutic practice;

(D) potential ability to practice safely while unsupervised with sound professional judgment; and

(E) ethics related to the practice of physical therapy.

(e) The board will not accept internship hours claimed before the date that the internship was approved by the board. To be approved by the board, internship hours must be completed no more than six months after the date the internship begins.

(f) In this section, "preceptor" means a physical therapist licensed under this chapter who provides on-site supervision for an intern serving an internship.

Authority: AS 08.84.010 AS 08.84.040 AS 08.84.060
AS 08.84.030

12 AAC 54.590. DEFINITIONS RELATED TO PHYSICAL THERAPY. (a) In 12 AAC 54.030 – 12 AAC 54.590,

- (1) "continual on-site supervision" means the supervising physical therapist or physical therapy assistant
 - (A) is present in the department or facility where services are being provided;
 - (B) is immediately available to the non-licensed personnel being supervised; and
 - (C) maintains continual oversight of patient-related duties performed by the non-licensed personnel;
 - (2) "internship" means postgraduate on-the-job training of physical therapists or physical therapy assistants, approved by the board;
 - (3) "non-licensed personnel"
 - (A) means personnel who are
 - (i) used by a licensed physical therapist or physical therapy assistant to deliver patient-related duties and non-patient related duties related to the practice of physical therapy; and
 - (ii) trained under the direction of a licensed physical therapist or physical therapy assistant to perform designated non-patient related duties and patient-related duties related to the practice of physical therapy;
 - (B) includes personnel who are referred to as "aides", "technicians", or "techs";
 - (4) "non-patient related duties" includes clerical and maintenance activities and preparation of the work area or equipment;
 - (5) "patient-related duties" means routine tasks that do not require the education, skill, and training of a physical therapist or physical therapy assistant, and for which the
 - (A) outcome anticipated for the task is predictable;
 - (B) situation of the patient and the environment is stable and will not require that judgment, interpretations, or adaptations be made by non-licensed personnel; and
 - (C) task routine and process have been clearly established;
 - (6) "supervision" means
 - (A) the licensed physical therapist will be present whenever a patient is evaluated, a treatment program is established, or a treatment program is changed; and
 - (B) the licensed physical therapist is present to personally review the diagnosis of the condition to be treated, to authorize the procedure, and before dismissal of the patient, to evaluate the performance of the treatment given.
- (b) In AS 08.84.190, "physical therapy" does not include exercise or activities performed by non-licensed personnel in a home or school setting for the benefit of a patient or student.

Authority: AS 08.84.010

ARTICLE 5. OCCUPATIONAL THERAPY LICENSURE.

Section

- 600. Occupational therapy license requirements**
- 610. Foreign-trained occupational therapy applicants**
- 620. Supervised field work**
- 630. (Repealed)**
- 640. Occupational therapy temporary permits and scope of practice under those permits**
- 650. (Repealed)**
- 660. Temporary military courtesy license**

12 AAC 54.600. OCCUPATIONAL THERAPY LICENSE REQUIREMENTS. An applicant for an occupational therapist license or occupational therapy assistant license, other than an applicant who is a graduate of a school of occupational therapy that is located outside the United States, shall submit

- (1) a completed application on the form prescribed by the board;
- (2) the fees established in 12 AAC 02.320;
- (3) verification of the applicant's licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice occupational therapy, one of which must indicate a current

license in good standing; each verification from each jurisdiction where the applicant holds or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;

(4) a signed letter of professional reference sent directly to the department on a form provided by the department from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;

(5) proof of initial certification sent directly to the department from the National Board for Certification in Occupational Therapy (NBCOT) as evidence of having met the requirements of AS 08.84.030(b);

(6) verification that, during the 24 months immediately before the date the application is received by the department, the applicant

(A) performed at least 60 hours of occupational therapy service; the verification of at least 60 hours of occupational therapy service must be sent directly to the department on a form provided by the department from the agency or source;

(B) passed the NBCOT examination; or

(C) satisfactorily completed an internship of 150 hours approved by the board; the verification must be sent directly to the department on a form provided by the department from the agency or source; and

(7) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter.

Authority: AS 08.84.010 AS 08.84.060 AS 08.84.120
AS 08.84.030

12 AAC 54.610. FOREIGN-TRAINED OCCUPATIONAL THERAPY APPLICANTS. (a) An applicant for an occupational therapist license or occupational therapy assistant license who graduated from a school of occupational therapy outside of the United States shall submit

(1) a completed application on the form prescribed by the board;

(2) the fees established in 12 AAC 02.320;

(3) verification of licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license, one of which must indicate a current license in good standing; each verification from each jurisdiction where the applicant holds or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;

(4) a signed letter of professional reference sent directly to the department on a form provided by the department from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;

(5) evidence of meeting each of the requirements of AS 08.84.032(b); and

(6) verification that, within the 24 months immediately before the date the application is received by the department, the applicant

(A) performed at least 60 hours of occupational therapy service; the verification of at least 60 hours of occupational therapy service must be sent directly to the department on a form provided by the department from the agency or source; or

(B) passed the NBCOT examination.

(b) An applicant who has been certified by the National Board for Certification in Occupational Therapy (NBCOT) meets the requirements of AS 08.84.032(b)(1) – (b)(5).

(c) An applicant who has passed the NBCOT examination meets the requirements of AS 08.84.032(b)(3) and (b)(5).

Authority: AS 08.84.010 AS 08.84.032 AS 08.84.120
AS 08.84.030

12 AAC 54.620. SUPERVISED FIELD WORK. As used in AS 08.84.030(b)(2), "supervised field work" means experience that is part of the educational program completed by the applicant under the supervision of a licensed occupational therapist. Supervised field work must include

(1) for occupational therapists, at least two three-month internships and shall provide for the development of skills in data collection, treatment planning, and treatment implementation; and

(2) for occupational therapy assistants, at least one two-month internship.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.060

12 AAC 54.630. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS. Repealed 5/21/97.

12 AAC 54.640. OCCUPATIONAL THERAPY TEMPORARY PERMITS AND SCOPE OF PRACTICE UNDER THOSE PERMITS. (a) An applicant for an occupational therapist or occupational therapy assistant license by examination who is scheduled for the next NBCOT examination or who has taken the NBCOT examination and is waiting for the results of the examination may apply for a temporary permit. A temporary permit will be issued if the following are on file:

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

(2) a signed professional reference letter sent directly to the department on a form provided by the department from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;

- (3) a signed and notarized statement of responsibility sent directly to the department on a form provided by the department from the supervising occupational therapist; the statement must indicate that the supervising occupational therapist will assume the full responsibility for supervising the applicant;
- (4) a letter verifying
 - (A) the applicant's scheduled examination date sent directly to the department from NBCOT; or
 - (B) that the applicant has taken the examination and is waiting for the results to be sent directly to the department from NBCOT;
- (5) the application fee established in 12 AAC 02.320;
- (6) the license fee established in 12 AAC 02.320;
- (7) the temporary permit fee established in 12 AAC 02.320.
- (b) An applicant for an occupational therapist or occupational therapy assistant license who is or was initially certified with the NBCOT may qualify for a temporary permit by
 - (1) meeting the requirements of (a)(1), (2), (5), (6), and (7) of this section;
 - (2) submitting verification that the applicant is certified or was initially certified with the NBCOT;
 - (3) providing verifications of licensure from each jurisdiction where the applicant holds or has ever held a license to practice occupational therapy; at least one verification must be of a current license in good standing in another state; and
 - (4) providing verification that, during the 24 months immediately before the date the application is received by the department, the applicant
 - (A) performed at least 60 hours of occupational therapy service; the verification of at least 60 hours of occupational therapy service must be on a form provided by the department; or
 - (B) passed the NBCOT examination.
- (c) The verifications required in (b)(2) and (3) of this section must be sent directly to the board from NBCOT or the licensing agency for the other jurisdiction.
- (d) An applicant for an occupational therapist or occupational therapy assistant license, who is waiting to take an examination or for the results of the examination, and who has been issued a temporary permit under AS 08.84.065 shall work under the supervision of a licensed occupational therapist and may not act as a supervisor until a permanent license is issued.
- (e) The holder of a temporary permit under AS 08.84.065(b) as an occupational therapist, who is waiting for licensure by acceptance of credentials, may practice without supervision.
- (f) The holder of a temporary permit under AS 08.84.065(b) as an occupational therapy assistant, who is waiting for licensure by acceptance of credentials, shall practice in accordance with 12 AAC 54.810.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.065

12 AAC 54.650. OCCUPATIONAL THERAPY STANDARDS OF PRACTICE. Repealed 5/21/97.

12 AAC 54.660. TEMPORARY MILITARY COURTESY LICENSE. (a) The board will issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as an occupational therapist or occupational therapy assistant to an applicant who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

- (b) An applicant for a temporary military courtesy license under this section
 - (1) must submit an application on a form provided by the department;
 - (2) must pay the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;
 - (3) must submit a copy of
 - (A) the applicant's current active duty military orders showing assignment to a duty station in this state; or
 - (B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;
 - (4) must submit documentation showing the applicant is currently licensed and in good standing in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements;
 - (5) must demonstrate that the licensing jurisdiction of the applicant's current licensure required a passing score on the NBCOT examination as a condition of licensure; and
 - (6) may not have been convicted of a crime that affects the applicant's ability to practice as an occupational therapist or occupational therapy assistant competently and safely, as determined by the board.
- (c) A temporary military courtesy license issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.
- (d) While practicing under a temporary military courtesy license issued under this section, the holder of the temporary military courtesy license must comply with the standards of practice set out in AS 08.84 and this chapter.
- (e) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.84.120.

**ARTICLE 6.
OCCUPATIONAL THERAPY LICENSE RENEWAL
AND CONTINUING COMPETENCY REQUIREMENTS.**

Section

- 700. Occupational therapy license renewal requirements**
- 705. Required continuing occupational therapy professional practice and alternatives**
- 710. Occupational therapy continuing education requirements**
- 715. Approved occupational therapy courses and activities**
- 720. Audit of occupational therapy continuing competency requirements**
- 725. Exemption from continuing education requirements for active duty military service**

12 AAC 54.700. OCCUPATIONAL THERAPY LICENSE RENEWAL REQUIREMENTS. An applicant for renewal of an occupational therapist license or an occupational therapy assistant license shall submit

- (1) a complete renewal application on a form prescribed by the board;
- (2) the license renewal fee established in 12 AAC 02.320;
- (3) proof of continuing competency by submitting documentation verifying that the applicant has completed
 - (A) the continuing occupational therapy professional practice requirements or an alternative under 12 AAC 54.705; and
 - (B) the continuing education contact hours required under 12 AAC 54.710; and
- (4) a completed jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter.

Authority: AS 08.84.010

AS 08.84.100

12 AAC 54.705. REQUIRED CONTINUING OCCUPATIONAL THERAPY PROFESSIONAL PRACTICE AND ALTERNATIVES. (a) An applicant for renewal of an occupational therapist or occupational therapy assistant license shall document

- (1) having provided occupational therapy services for at least 60 hours during the concluding licensing period; or
- (2) successful completion during the concluding licensing period of one of the following:
 - (A) the applicable of the following certification examinations sponsored by the National Board for Certification in Occupational Therapy:
 - (i) for an occupational therapist, the Certification Examination for Occupational Therapist, Registered; or
 - (ii) for an occupational therapy assistant, the Certification Examination for Certified Occupational Therapy Assistant;
 - (B) in addition to the contact hours of continuing education required under 12 AAC 54.710, 40 contact hours of continuing education that is consistent with the requirements of 12 AAC 54.710 - 12 AAC 54.720;
 - (C) a review course sponsored by a school of occupational therapy approved by the American Occupational Therapy Association; or
 - (D) an occupational therapy internship of 150 hours approved by the board.
- (b) If an applicant for renewal is uncertain whether the applicant’s work or volunteer experience will constitute occupational therapy services under this section, the applicant may request board approval before submitting the application for license renewal.
- (c) In this section, “occupational therapy services” includes work and volunteer service under a position title other than occupational therapist or occupational therapy assistant if the applicant documents that the position required the use of occupational therapy skills recognized by the board.

Authority: AS 08.84.010

AS 08.84.100

Editor’s note: Information on certification examinations in occupational therapy may be obtained from the National Board for Certification in Occupational Therapy, 12 South Summit Avenue, Suite 100, Gaithersburg, MD 20877-4150; website at www.nbcot.org. Information on approved schools of occupational therapy may be obtained from the American Occupational Therapy Association, 6116 Executive Boulevard, Suite 200, North Bethesda, MD 20824-4929; website at www.aota.org.

12 AAC 54.710. OCCUPATIONAL THERAPY CONTINUING EDUCATION REQUIREMENTS. (a) Except as provided in 12 AAC 54.725, an applicant for renewal of an occupational therapist or an occupational therapy assistant license who has been licensed for 12 months or more of the concluding licensing period shall have

- (1) completed, during that period, 24 contact hours of continuing education; or

(2) evidence of current certification by the National Board for Certification in Occupational Therapy (NBCOT).

(b) An applicant for renewal of an occupational therapist or an occupational therapy assistant license who has been licensed for less than 12 months of the concluding licensing period shall have

(1) completed, during that period, 12 contact hours of continuing education;

(2) passed the national occupational therapy examination during the 12 months immediately before the date that the applicant's license is due to lapse; or

(3) evidence of current certification by the National Board for Certification in Occupational Therapy (NBCOT).

(c) An applicant shall complete at least one-half of the required contact hours in courses or programs offered by an accredited academic institution or a professional organization approved by the board under 12 AAC 54.715(a).

(d) For the purposes of this section,

(1) one "contact hour" equals a minimum of 50 minutes of instruction;

(2) one continuing education unit awarded by a professional health care association equals 10 contact hours;

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

(4) one academic quarter credit hour equals 10 contact hours.

(e) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education contact hours claimed and shall make the records available to the board upon request under 12 AAC 54.720. Records must be retained for three years from the date the contact hours were obtained.

(f) The following activities will not be accepted for continuing education contact hours under this section:

(1) routine staff meetings attended by the applicant;

(2) rounds conducted by the applicant;

(3) routine courses required for employment, including courses on cardiopulmonary resuscitation, first aid, and training related to Occupational Safety and Health Administration requirements.

(g) The board recognizes the maintenance of NBCOT certification as fulfilling the requirements of (a) and (b) of this section.

(h) To document current certification with the NBCOT, the applicant shall submit a photocopy of the front and back of the applicant's current NBCOT certificate.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.715. APPROVED OCCUPATIONAL THERAPY COURSES AND ACTIVITIES. (a) The following continuing education activities are approved for continuing education credit if they meet the requirements of (c) of this section:

(1) courses recognized by

(A) the Alaska Occupational Therapy Association;

(B) the American Occupational Therapy Association;

(C) the World Federation of Occupational Therapy;

(D) the National Board for Certification in Occupational Therapy (NBCOT);

(E) other state occupational therapy associations; or

(F) other state occupational therapy licensing boards;

(2) continuing education activities sponsored by a professional organization or university approved by the Alaska Occupational Therapy Association or the American Occupational Therapy Association.

(b) Repealed 9/29/2019.

(c) To be accepted by the board, a continuing education course or activity must contribute directly to the professional competency of an occupational therapist or occupational therapy assistant and must be directly related to the skills and knowledge required to implement the principles and methods of occupational therapy.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.720. AUDIT OF OCCUPATIONAL THERAPY CONTINUING COMPETENCY REQUIREMENTS. (a) After each renewal period the board will, in its discretion, audit renewal applications to monitor compliance with the continuing competency requirements of 12 AAC 54.700 - 12 AAC 54.720.

(b) A licensee selected for audit shall, within 30 days after the date of notification, submit documentation that verifies completion of the contact hours claimed under 12 AAC 54.710 and occupational therapy service hours or an alternative required under 12 AAC 54.705.

(c) Refusal to cooperate with an audit will be considered an admission of an attempt to obtain a license by material misrepresentation under AS 08.84.120(a)(1).

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.725. EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY MILITARY SERVICE. (a) An occupational therapist or occupational therapy assistant who meets the requirements of this section is exempt from the continuing education requirements of 12 AAC 54.700 - 12 AAC

54.720 as specified in this section for renewal of an occupational therapist or occupational therapy assistant license for the biennial licensing period immediately following a period of service by an occupational therapist or occupational therapy assistant during which an occupational therapist or occupational therapy assistant was engaged in active duty military service in the armed forces of the United States.

(b) To obtain an exemption under this section, an occupational therapist or occupational therapy assistant must submit official documentation satisfactory to the board of active duty military service.

(c) The board will waive half of the continuing education hours required in 12 AAC 54.710, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for at least six consecutive months during the concluding licensing period.

(d) The board will waive all continuing education hours required in 12 AAC 54.710, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for 12 or more months during the concluding licensing period.

(e) In this section, "engaged in active duty military service" means military personnel serving in an active capacity, including

- (1) active duty personnel in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; and
- (2) reservists and National Guard personnel in a combat zone for a named United States military conflict; in this paragraph, "combat zone" means an area that the President of the United States designates by executive order as an area in which the armed forces of the United States are engaging or have engaged in combat.

Authority: AS 08.01.100 AS 08.84.010 AS 08.84.100

ARTICLE 7. OCCUPATIONAL THERAPY STANDARDS OF PRACTICE.

Section

- 800. Occupational therapy standards**
- 805. Posting of license or permit**
- 810. Supervision of occupational therapy assistants**
- 815. Supervision of non-licensed personnel**
- 820. (Repealed)**
- 825. Standards for practice of telerehabilitation by occupational therapist**
- 830. Occupational therapy internship standards**
- 890. Definitions related to occupational therapy**

12 AAC 54.800. OCCUPATIONAL THERAPY STANDARDS. (a) In order to maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, occupational therapists and occupational therapy assistants shall adhere to the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, dated March 2015. The *State Physical Therapy and Occupational Therapy Board Principles of Practice* is adopted by reference.

(b) An occupational therapist may not supervise, in any combination, more than three aides, assistants, students, foreign-trained candidates, or permittees at the same time.

Authority: AS 08.84.010 AS 08.84.065 AS 08.84.150
AS 08.84.030

Editor's note: A copy of the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, adopted by reference in 12 AAC 54.800, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Physical Therapy and Occupational Therapy Board, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; telephone (907) 465-2580; <http://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PhysicalTherapyOccupationalTherapy.aspx>.

12 AAC 54.805. POSTING OF LICENSE OR PERMIT. A license or permit issued under this chapter, or a copy of a license or permit, must be posted in a conspicuous location in the licensee's primary place of business for public inspection. Pending receipt of the current license certificate from the department, the licensee shall display the department's Internet website posting confirming licensure.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.065

Editor's note: The current posting confirming licensure can be found at the Internet website of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing: www.commerce.state.ak.us/occ/search3.htm.

12 AAC 54.810. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS. (a) An occupational therapy assistant shall work under the supervision of a licensed occupational therapist. To meet this supervision requirement,

(1) at least once every month, while the occupational therapy assistant being supervised implements a treatment plan for a patient, the occupational therapist supervising the licensed occupational therapy assistant shall be physically present, or shall be present by video or teleconference when in-person supervision is not reasonable or practicable; and

(2) the occupational therapist supervising the occupational therapy assistant shall be available for consultation with the occupational therapy assistant being supervised, through telephone consultations, written reports, or in-person conferences.

(b) If the licensed occupational therapist agrees to supervise an occupational therapy assistant, the occupational therapist shall

(1) determine the frequency and manner of consultations, taking into consideration the treatment settings being used, patient rehabilitation status, and the competency of the occupational therapy assistant being supervised;

(2) fully document the supervision provided, including a record of all consultations provided, and maintain those records at the occupational therapy assistant's place of employment; and

(3) countersign the patient treatment record each time the occupational therapist supervising the occupational therapy assistant is physically present and directly supervises or supervises by video or teleconference the treatment of a patient by the occupational therapy assistant being supervised.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.190

12 AAC 54.815. SUPERVISION OF NON-LICENSED PERSONNEL. (a) Regardless of the practice setting, a licensed occupational therapist is solely responsible for the treatment and management of all aspects of occupational therapy care of the patient.

(b) A licensed occupational therapist or occupational therapy assistant may use non-licensed personnel in the delivery of patient-related and non-patient related duties. Patient-related duties performed by non-licensed personnel are not considered the practice of occupational therapy.

(c) A licensed occupational therapist shall assure the training of nonlicensed personnel under the supervision of the occupational therapist or occupational therapy assistant, and shall document that training.

(d) The supervising occupational therapist or occupational therapy assistant shall provide continual on-site supervision of non-licensed personnel who are performing patient-related duties.

(e) Nothing in this section restricts the implementation by a teacher or teacher's aide of a program that meets the requirements of AS 08.84.150(b)(6).

Authority: AS 08.84.010

12 AAC 54.820. STANDARDS FOR SUPERVISION. Repealed 6/10/2010.

12 AAC 54.825. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY OCCUPATIONAL THERAPIST. (a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an interactive telecommunication system by an occupational therapist licensed under AS 08.84 and this chapter in order to provide occupational therapy to patients who are located in this state and do not have access to an occupational therapist in person due to geographic constraints or health and safety constraints.

(b) An occupational therapist licensed under AS 08.84 and this chapter conducting telerehabilitation by means of an interactive telecommunication system

(1) repealed 9/29/2019;

(2) must interact with the patient maintaining the same ethical conduct and integrity required under 12 AAC 54.800;

(3) must comply with the requirements of 12 AAC 54.810 for any licensed occupational therapist assistant providing services under this section;

(4) may conduct one-on-one consultations, including initial evaluation, under this section; and

(5) must provide and ensure appropriate client confidentiality and HIPAA compliance, establish secure connections, activate firewalls, and encrypt confidential information.

Authority: AS 08.84.010 AS 08.84.120

12 AAC 54.830. OCCUPATIONAL THERAPY INTERNSHIP STANDARDS. (a) This section establishes the standards for an occupational therapy internship required under 12 AAC 54.600(6)(C), 12 AAC 54.705(a)(2)(D), or 12 AAC 54.950(e).

(b) An internship must be served

(1) under the continual on-site supervision of an occupational therapist licensed under this chapter; and

(2) in an institution that ordinarily provides occupational therapy, has a varied caseload, and has on staff at least one occupational therapist licensed under this chapter.

(c) A licensed occupational therapist serving as a preceptor to an intern is responsible for the intern's experience and for the safety and welfare of the patient.

(d) Upon an intern's completion of the internship, the preceptor shall submit, on a form provided by the board, a statement attesting to the intern's

- (1) satisfactory or unsatisfactory completion of the internship; and
- (2) level of skill in
 - (A) completion of evaluation;
 - (B) program planning;
 - (C) therapeutic practice;
 - (D) potential ability to practice safely while unsupervised with sound professional judgment; and
 - (E) ethics related to the practice of occupational therapy.

(e) The board will not accept internship hours claimed before the date that the internship was approved by the board. To be approved by the board, internship hours must be completed no more than six months after the date the internship begins.

(f) In this section, "preceptor" means an occupational therapist licensed under this chapter who provides on-site supervision for an intern serving an internship.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.060

12 AAC 54.890. DEFINITIONS RELATED TO OCCUPATIONAL THERAPY. (a) In 12 AAC 54.600 – 12 AAC 54.890,

(1) "continual on-site supervision" means the supervising occupational therapist or occupational therapy assistant

- (A) is present in the department or facility where services are being provided;
- (B) is immediately available to the non-licensed personnel being supervised; and
- (C) maintains continual oversight of patient-related duties performed by the non-licensed personnel;

(2) "internship" means postgraduate on-the-job training of occupational therapists or occupational therapy assistants, approved by the board;

(3) "non-licensed personnel"

(A) means personnel who are

(i) used by a licensed occupational therapist or occupational therapy assistant to deliver patient-related duties and non-patient related duties related to the practice of occupational therapy; and

(ii) trained under the direction of a licensed occupational therapist or occupational therapy assistant to perform designated non-patient related duties and patient-related duties related to the practice of occupational therapy;

(B) includes personnel who are referred to as "aides", "technicians", or "techs";

(4) "non-patient related duties" includes clerical and maintenance activities and preparation of the work area or equipment;

(5) "patient-related duties" means routine tasks that do not require the education, skill, and training of an occupational therapist or occupational therapy assistant, and for which the

(A) outcome anticipated for the task is predictable;

(B) situation of the patient and the environment is stable and will not require that judgment, interpretations, or adaptations be made by non-licensed personnel; and

(C) task routine and process have been clearly established;

(6) "supervision" means

(A) the licensed occupational therapist will be present whenever a patient is evaluated, a treatment program is established, or a treatment program is changed; and

(B) the licensed occupational therapist is present to personally review the diagnosis of the condition to be treated, to authorize the procedure, and before dismissal of the patient, to evaluate the performance of the treatment given.

(b) In AS 08.84.190, "occupational therapy" does not include exercise or activities performed by non-licensed personnel in a home or school setting for the benefit of a patient or student.

Authority: AS 08.84.010

ARTICLE 8. GENERAL PROVISIONS.

Section

900. Refund of fees and renewals

910. (Renumbered)

915. Review of applications for temporary permit or limited permit

920. Change of name or address

930. (Renumbered)

950. Reinstatement of a lapsed license

960. Board meetings

990. Definitions

12 AAC 54.900. REFUND OF FEES AND RENEWALS. (a) Unless an application is considered abandoned under 12 AAC 02.910, an applicant for licensure who requests withdrawal of an application before taking an examination and before action has been taken by the board is entitled to a refund of all fees except the application fee.

(b) Renewal notices will be sent by the department to all current licensees at least 30 days before the end of the current licensing period. Failure to receive a renewal notice does not relieve a licensee from the responsibility of renewing a license on time.

Authority: AS 08.84.010(b) AS 08.84.100

12 AAC 54.910. STANDARDS. Renumbered as 12 AAC 54.500, 9/26/91.

12 AAC 54.915. REVIEW OF APPLICATIONS FOR TEMPORARY PERMIT OR LIMITED PERMIT.

(a) An applicant that meets the requirements listed on the appropriate form established in this section has demonstrated the necessary qualifications for the applicable permit. An applicant that does not meet the requirements listed on the appropriate form in this section will not be issued the applicable permit unless the board reviews the application and determines that the applicant meets the qualifications of AS 08.84 and this chapter for the applicable permit.

(b) The form titled "Application Checklist for Temporary Permit," dated February 2019, is adopted by reference. This form is established by the board for review by staff of an application for a temporary permit to practice as an occupational therapist, occupational therapy assistant, physical therapist, or physical therapy assistant.

(c) The form titled "Application Checklist for Limited Permit," dated April 2005, is adopted by reference. This form is established by the board for review by staff of an application for a limited permit to practice as an occupational therapist, occupational therapy assistant, physical therapist, or physical therapy assistant.

(d) The form titled *Application Checklist For Temporary Permit For Foreign-Trained PT or PTA*, dated April 2013, is adopted by reference. This form is established by the board for review by staff of an application for a temporary permit to practice as a physical therapist or physical therapy assistant if the applicant is a graduate of a foreign school of physical therapy located outside the United States.

Authority: AS 08.84.010 AS 08.84.065 AS 08.84.075
AS 08.84.030

Editor's note: The application checklist forms adopted by reference in 12 AAC 54.915 are available at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing offices in Anchorage and Juneau.

12 AAC 54.920. CHANGE OF NAME OR ADDRESS. (a) It is the responsibility of a licensee to notify the department of a change in the licensee's name or mailing address.

(b) A licensee shall notify the department when the licensee's name has changed by submitting a notarized copy of a legal document verifying the change of name.

(c) A licensee shall notify the department when the licensee's mailing address has changed in accordance with 12 AAC 02.900.

(d) Upon written request and payment of the fees established in 12 AAC 02.105, a new license or certificate will be printed showing the licensee's new name or address.

Authority: AS 08.84.010(b) AS 08.84.090

12 AAC 54.930. STANDARDS OF PRACTICE OF PHYSICAL THERAPY ASSISTANTS. Renumbered as 12 AAC 54.510, 9/26/91.

12 AAC 54.950. REINSTATEMENT OF A LAPSED LICENSE. (a) A licensee whose license is lapsed for any reason is prohibited from practicing physical therapy or occupational therapy until the license is reinstated by the board.

(b) A license which has been lapsed for less than two years will be reinstated by the board upon submission of

(1) the fees required by 12 AAC 02.105 and 12 AAC 02.320; and

(2) documentation that all continuing competency and continuing education requirements of 12 AAC 54 have been met.

(c) A license that has been lapsed for two but less than five years will, in the board's discretion, be reinstated, if the applicant submits

(1) an application for reinstatement on a form provided by the department;

(2) the fees required by 12 AAC 02.105 and 12 AAC 02.320 for the entire period the license has been lapsed;

(3) evidence of completion of all continuing competency and continuing education requirements in 12 AAC 54 that would have been required to maintain a current license for the entire period the license has been lapsed;

(4) verification of all physical therapy and occupational therapy licenses held in other jurisdictions for the entire period the Alaska license has been lapsed and a signed statement from a licensing official in each of those jurisdictions verifying that no restrictions have been placed on the license or disciplinary sanctions have been taken against the licensee.

(d) In accordance with AS 08.01.100(d), a license that has been lapsed for five years or more is considered permanently lapsed and the former licensee will be required to apply for a new license under AS 08.84.030 or 08.84.060 and regulations adopted under them.

(e) An applicant for a new license whose original license in this state was lapsed for five years or more and who has not been actively practicing in another state during that time shall satisfactorily complete an internship approved by the board consisting of 150 hours of training.

Authority: AS 08.01.100 AS 08.84.030 AS 08.84.040
AS 08.84.010

12 AAC 54.960. BOARD MEETINGS. The board will hold at least two meetings a year at times and places designated by the chairman or by majority of the board.

Authority: AS 08.84.010(b)

12 AAC 54.990. DEFINITIONS. In this chapter and in AS 08.84

(1) “board” means the State Physical Therapy and Occupational Therapy Board;
(2) “department” means the Department of Commerce, Community, and Economic Development;
(3) “licensed” has the same meaning as registered, certified, or a similar term used by another licensing jurisdiction.

(4) “NBCOT” means the National Board for Certification in Occupational Therapy.

(5) “HIPAA compliance” means compliance with 42 U.S.C. 300gg (Health Insurance Portability and Accountability Act of 1996);

(6) “interactive telecommunication system”

(A) means audio and video equipment that permits a two-way, real time communication between a therapist licensed under AS 08.84 and this chapter and a patient who is located at a distant site in the state which is not in close proximity of the therapist;

(B) does not include

- (i) electronic mail;
- (ii) facsimile machine; or
- (iii) telephone;

(7) “telerehabilitation” means the practice of therapy by a person licensed as a therapist under AS 08.84 and this chapter using an interactive telecommunication system.

Authority: AS 08.84.010 AS 08.84.040 AS 08.84.160
AS 08.84.030 AS 08.84.060 AS 08.84.190
AS 08.84.032

Statutes and Regulations **Chiropractors**

September 2022



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

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

NOTE: The official version of the statutes in this document is printed in the Alaska Statutes, copyrighted by the State of Alaska. The official version of the regulations in this document is published in the Alaska Administrative Code, copyrighted by the State of Alaska. If any discrepancies are found between this document and the official versions, the official versions will apply.

TABLE OF CONTENTS

| Section | Page |
|--------------------------------------------------------|------|
| 1. Chiropractor Statutes (AS 08.20)..... | 1 |
| 2. Chiropractor Regulations (12 AAC 16) | 7 |
| 3. Appendix A: Notice on Superiority Advertising | 23 |

**CHAPTER 20.
CHIROPRACTORS**

Article

- 1. Board of Chiropractic Examiners (§§ 08.20.010 — 08.20.090)**
- 2. Licensing and Regulation (§§ 08.20.100 — 08.20.195)**
- 3. Unlawful Acts and Penalties (§§ 08.20.200 — 08.20.210)**
- 4. General Provisions (§§ 08.20.230 — 08.20.900)**

**ARTICLE 1.
BOARD OF CHIROPRACTIC EXAMINERS**

Section

- 10. Creation and membership of Board of Chiropractic Examiners**
- 20. Members of board**
- 25. Removal of board members**
- 40. Organization of board**
- 50. Power of officers to administer oaths and take testimony**
- 55. Board regulations**
- 60. Seal**
- 90. Quorum of board**

Sec. 08.20.010. Creation and membership of Board of Chiropractic Examiners. There is created the Board of Chiropractic Examiners consisting of five members appointed by the governor.

Sec. 08.20.020. Members of board. Four members of the board shall be licensed chiropractic physicians who have practiced chiropractic in this state not less than two years. One member of the board shall be a person with no direct financial interest in the health care industry. Each member serves without pay but is entitled to per diem and travel expenses allowed by law.

Sec. 08.20.025. Removal of board members. A member of the board may be removed from office by the governor for cause.

Sec. 08.20.030. Members' terms; vacancies. *[Repealed, Sec. 49 ch 94 SLA 1987.]*

Sec. 08.20.040. Organization of board. Every two years, the board shall elect from its membership a president, vice-president and secretary.

Sec. 08.20.050. Power of officers to administer oaths and take testimony. The president and the secretary may administer oaths in conjunction with the business of the board.

Sec. 08.20.055. Board regulations. The board shall adopt regulations necessary to effect the provisions of this chapter, including regulations establishing standards for

- (1) continuing education;
- (2) the application, performance, and evaluation of chiropractic core methodology;
- (3) the training, qualifications, scope of practice, and employment of chiropractic interns and chiropractic preceptors;
- (4) the designation of one or more nationally recognized certification programs for chiropractic clinical assistants; and
- (5) the performance of patient examinations authorized under AS 08.20.100(b).

Sec. 08.20.060. Seal. The board shall adopt a seal and affix it to all licenses issued.

Sec. 08.20.070 – 08.20.080. Secretary; records; reports and accounts of board. *[Repealed, Sec. 3 ch 59 SLA 1966.]*

Sec. 08.20.090. Quorum of board. A majority of the board constitutes a quorum for the transaction of business.

ARTICLE 2.
LICENSING AND REGULATION

Section

- 100. Practice of chiropractic**
- 110. Application for license**
- 120. Qualifications for license**
- 130. Examinations**
- 141. Licensure by credentials**
- 155. Professional designation**
- 160. Temporary permits**
- 163. Temporary permit for locum tenens practice**
- 165. Inactive license status**
- 167. Retired license status**
- 168. Chiropractic clinical assistant**
- 170. Disciplinary sanctions; refusal to issue or renew license**
- 180. Fees**
- 185. Utilization review committee; confidentiality**
- 195. Limitation of practice**

Sec. 08.20.100. Practice of chiropractic. (a) A person may not practice chiropractic or use chiropractic core methodology in the state without a license.

(b) A person licensed under this chapter may

- (1) analyze, diagnose, or treat the chiropractic condition of a patient by chiropractic core methodology or by ancillary methodology;
- (2) accept referrals for treatment by chiropractic core methodology or by ancillary methodology;
- (3) consult on chiropractic matters;
- (4) refer patients to other health care professionals;
- (5) perform, within the scope of chiropractic practice, physical examinations of children for school physical examinations and preparticipation physical examinations for sports and school activities;

(6) sign

(A) reports for excuses from employment and from attendance at school or participation in sports activities;

and

(B) authorizations for sick leave;

- (7) perform preemployment and workplace health examinations;
- (8) provide disability and physical impairment ratings;
- (9) provide retirement health and disability authorizations and recommendations;
- (10) employ nationally certified chiropractic clinical assistants; and
- (11) employ chiropractic interns and chiropractic preceptors.

(c) A person licensed under this chapter is not authorized to sign affidavits exempting school children from immunization requirements under AS 14.30.125 or to administer or interpret the results of infectious disease tests required by statute or regulation.

(d) This section does not apply to a chiropractic intern who is acting within the scope of practice authorized by the board and is under the personal supervision of a licensed chiropractor.

Sec. 08.20.110. Application for license. A person desiring to practice chiropractic shall apply in writing to the board.

Sec. 08.20.115. Malpractice insurance. *[Repealed, Sec. 40 ch 177 SLA 1978.]*

Sec. 08.20.120. Qualifications for license. (a) An applicant shall be issued a license to practice chiropractic if the applicant

- (1) has a high school education or its equivalent;
- (2) has successfully completed at least two academic years of study in a college of liberal arts or sciences or has engaged in the active licensed practice of chiropractic for three of the four years preceding the filing of the application;

(3) is a graduate of a school or college of chiropractic that

(A) is accredited by or a candidate for accreditation by the Council on Chiropractic Education or a successor accrediting agency recognized by the board; or

(B) if an accrediting agency under (A) of this paragraph does not exist, requires the completion of a minimum of 4,000 hours of formal education and training in order to graduate, including

- (i) 150 hours of chiropractic philosophy or principles;
- (ii) 1,200 hours of basic sciences, including anatomy, chemistry, physiology, and pathology;
- (iii) 1,400 hours of preclinical technique, including diagnosis, chiropractic technique, and x-ray; and
- (iv) 700 hours of clinical training;

- (4) completes 120 hours of formal training in physiological therapeutics;
 - (5) passes an examination given by the board; and
 - (6) passes, to the satisfaction of the board, the parts of the examination of the National Board of Chiropractic Examiners required by the board.
- (b) Repealed 1996.

Sec. 08.20.130. Examinations. (a) Examinations for a license to practice chiropractic may be held in the time and manner fixed by the board.

- (b) The examination may include practical demonstration and oral and written examination in those subjects usually taught in accredited chiropractic schools.
- (c) A general average rating of 75 percent is a passing grade on the examination.
- (d) An applicant may take a reexamination within one year after failing the examination.

Sec. 08.20.141. Licensure by credentials. The board may issue a license by credentials to an applicant who pays the appropriate fee and presents satisfactory proof that the applicant

- (1) is a graduate of a school or college of chiropractic that
 - (A) is accredited by or a candidate for accreditation by the Council on Chiropractic Education or a successor accrediting agency recognized by the board; or
 - (B) if an accrediting agency under (A) of this paragraph does not exist, requires the completion of a minimum of 4,000 hours of formal education and training in order to graduate, including
 - (i) 150 hours of chiropractic philosophy or principles;
 - (ii) 1,200 hours of basic sciences, including anatomy, chemistry, physiology, and pathology;
 - (iii) 1,400 hours of preclinical technique, including diagnosis, chiropractic technique, and x-rays; and
 - (iv) 700 hours of clinical training;
- (2) has held a license in good standing to practice chiropractic in another jurisdiction for the five years preceding the date of application; for purposes of this paragraph, "good standing" means that
 - (A) no action has been reported about the applicant in the national licensee database of the Federation of Chiropractic Licensing Boards;
 - (B) the applicant has not, within the five years preceding the date of application, been the subject of an unresolved review or an adverse decision based on a complaint, investigation, review procedure, or disciplinary proceeding undertaken by a foreign, state, territorial, local, or federal chiropractic licensing jurisdiction, chiropractic society, or law enforcement agency that relates to criminal or fraudulent activity, chiropractic malpractice, or negligent chiropractic care and that adversely reflects on the applicant's ability or competence to engage in the practice of chiropractic or on the safety or well-being of patients;
 - (C) the applicant has not been convicted of a felony within the five years preceding the date of application;
- (3) has been in active licensed clinical chiropractic practice for at least three of the five years immediately preceding the date of application;
- (4) has passed, to the satisfaction of the board, the parts of the examination of the National Board of Chiropractic Examiners required by the board;
- (5) has passed an examination approved by the board that is designed to test the applicant's knowledge of the laws of the state governing the practice of chiropractic and the regulations adopted under those laws; and
- (6) has completed 120 hours of formal training in physiological therapeutics or has passed, to the satisfaction of the board, a physiological therapeutics examination of the National Board of Chiropractic Examiners required by the board.

Sec. 08.20.150. Recording of license. *[Repealed, Sec. 7 ch 37 SLA 1986.]*

Sec. 08.20.155. Professional designation. Notwithstanding the provisions of AS 08.02.010 relating to specialist designations, a person licensed under this chapter may not designate a specialty unless the person has completed a postgraduate specialty program at an accredited school approved by the board and the person has passed a certification exam for the specialty approved by the board. All specialty designations must include the term "chiropractic"

Sec. 08.20.160. Temporary permits. Temporary permits may be issued to qualified applicants until the next regular meeting of the board.

Sec. 08.20.163. Temporary permit for locum tenens practice. (a) The board may grant a temporary permit to a chiropractor for the purpose of the chiropractor's substituting for another chiropractor licensed in this state. The permit is valid for 60 consecutive days. If circumstances warrant, an extension of the permit may be granted by the board.

- (b) A chiropractor applying under (a) of this section shall pay the required fee and shall meet the
 - (1) requirements of AS 08.20.120; or
 - (2) following requirements:
 - (A) submit evidence of a current license in good standing, including
 - (i) no action reported in the national licensee database of the Federation of Chiropractic Licensing Boards;
 - (ii) not having been, within the five years preceding the date of application, the subject of an unresolved review or an adverse decision based upon a complaint, investigation, review procedure, or disciplinary proceeding

undertaken by a state, territorial, local, or federal chiropractic licensing jurisdiction, chiropractic society, or law enforcement agency that relates to criminal or fraudulent activity, chiropractic malpractice, or negligent chiropractic care and that adversely reflects on the applicant's ability or competence to engage in the practice of chiropractic or on the safety or well-being of patients; and

(iii) no conviction for a felony within the five years preceding the date of application;

(B) submit evidence of five years of active licensed clinical practice;

(C) be a graduate of a school or college of chiropractic that is accredited by or a candidate for accreditation by the Council on Chiropractic Education or a successor accrediting agency recognized by the board;

(D) have completed 120 hours of formal training in physiological therapeutics or have passed, to the satisfaction of the board, a physiological therapeutic examination of the National Board of Chiropractic Examiners required by the board;

(E) have passed, to the satisfaction of the board, Parts I and II of the examination of the National Board of Chiropractic Examiners; and

(F) pass an examination given by the board.

(c) Permits and extensions of permits issued under this section to an individual are not valid for more than 240 days during any consecutive 24 months.

Sec. 08.20.165. Inactive license status. (a) A licensee who does not practice in the state may convert a license to inactive status when renewing the license. A person who practices in the state, however infrequently, shall hold an active license. A person renewing an inactive license shall meet the same renewal requirements that would be applicable if the person were renewing an active license.

(b) A person who has an inactive license certificate under (a) of this section may reactivate the license by applying for an active license and paying the required fees.

Sec. 08.20.167. Retired license status. (a) Upon retiring from practice and upon payment of an appropriate one-time fee, a licensee in good standing with the board may apply for the conversion of an active or inactive license to a retired status license. A person holding a retired status license may not practice chiropractic in the state. A retired status license is valid for the life of the license holder and does not require renewal. A person holding a retired status license is exempt from continuing education requirements adopted by the board under AS 08.20.170 (d).

(b) A person with a retired status license may apply for active licensure. Before issuing an active license under this subsection, the board may require the applicant to meet reasonable criteria, as determined under regulations of the board, that may include submission of continuing education credits, reexamination requirements, physical and psychiatric examination requirements, an interview with the board, and a review of information in the national licensee database of the Federation of Chiropractic Licensing Boards.

Sec. 08.20.168. Chiropractic clinical assistant. (a) Enrollment in or completion of a nationally recognized certification program under AS 08.20.055(4) is required to practice as a chiropractic clinical assistant in this state.

(b) A person who meets the requirement under (a) of this section may, under the general supervision of a person licensed under this chapter,

(1) perform diagnostic imaging studies;

(2) use ancillary methodologies; and

(3) perform procedures.

Sec. 08.20.170. Disciplinary sanctions; refusal to issue or renew license. (a) The board may impose a disciplinary sanction on a person licensed under this chapter or refuse to issue a license under this chapter when the board finds that the person

(1) secured or attempted to secure a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of

(A) a felony or other crime that affects the person's ability to practice competently and safely; or

(B) a crime involving the unlawful procurement, sale, prescription, or dispensing of drugs;

(5) intentionally or negligently engaged in or permitted the performance of patient care by persons under the licensee's supervision that does not conform to minimum professional standards established by regulation regardless of whether actual injury to the patient occurred;

(6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;

(7) continued or attempted to practice after becoming unfit due to

(A) professional incompetence;

(B) addiction or severe dependency on alcohol or a drug that impairs the person's ability to practice safely;

(C) physical or mental disability or an infectious or contagious disease;

(8) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients; or

(9) failed to satisfy continuing education requirements adopted by the board.

(b) AS 44.62 (Administrative Procedure Act) applies to any action taken by the board for the suspension or

revocation of a license.

(c) A person whose license is suspended or revoked may within two years from date of suspension apply for reinstatement, and if the board is satisfied that the applicant should be reinstated, it shall order reinstatement.

(d) The board shall adopt regulations which ensure that renewal of license is contingent on proof of continued competency by a practitioner.

Sec. 08.20.175. Disciplinary sanctions. *[Repealed, Sec. 49 ch 94 SLA 1987.]*

Sec. 08.20.180. Fees. (a) An applicant for an examination, reexamination, issuance of a temporary permit under AS 08.20.160, issuance of a locum tenens permit under AS 08.20.163, issuance of a license by credentials under AS 08.20.141, one-time issuance of a retired status license, or initial issuance or renewal of an active or inactive license shall pay a fee established under AS 08.01.065.

(b) *Repealed Sec. 24 ch. 22 SLA 2001.*

Sec. 08.20.185. Utilization review committee; confidentiality. (a) The board may establish a utilization review committee to review complaints concerning the reasonableness or appropriateness of care provided, fees charged, or costs for services rendered by a licensee to a patient. A review conducted by a utilization review committee under this section may be used by the board in considering disciplinary action against a licensee, but the results or recommendations of a utilization review committee are not binding on the board. A member of a utilization review committee established under this section who in good faith submits a report under this section or participates in an investigation or judicial proceeding related to a report submitted under this section is immune from civil liability for the submission or participation.

(b) The board shall charge a complainant a fee, established under AS 08.01.065, for utilization review under this section.

(c) Patient records presented to a utilization review committee for review under this section that were confidential before their presentation to the committee are confidential to the committee members and to the board members and are not subject to inspection or copying under AS 40.25.110 – 40.25.125. A committee member or board member to whom confidential records are presented under this subsection shall maintain the confidentiality of the records. A person who violates this subsection is guilty of a class B misdemeanor.

Sec. 08.20.190. Disposition of fees. *[Repealed, Sec. 54 ch 37 SLA 1985.]*

Sec. 08.20.195. Limitation of practice. A person licensed under this chapter or a person who is practicing as a chiropractic intern, chiropractic clinical assistant, or chiropractic preceptor under this chapter may act only within the scope of practice authorized by the board.

**ARTICLE 3.
UNLAWFUL ACTS AND PENALTIES**

Section

200. Unlicensed practice

210. Fraudulent licenses and certificates

Sec. 08.20.200. Unlicensed practice. A person who practices chiropractic in the state without a license in violation of AS 08.20.100 is guilty of a class A misdemeanor and may be punished as provided in AS 12.55.

Sec. 08.20.210. Fraudulent licenses and certificates. A person who obtains or attempts to obtain a chiropractic license or provides the board with evidence that the person is nationally certified to practice as a chiropractic clinical assistant by dishonest or fraudulent means or who forges, counterfeits, or fraudulently alters a chiropractic license or chiropractic clinical assistant certificate issued by a nationally recognized certification program is guilty of a class A misdemeanor and is punishable as provided in AS 12.55.

**ARTICLE 4.
GENERAL PROVISIONS**

Section

230. Practice of chiropractic

900. Definitions

Sec. 08.20.220. Chiropractic defined. *[Repealed, Sec. 13 ch 60 SLA 1988.]*

Sec. 08.20.230. Practice of chiropractic. The practice of chiropractic

(1) addresses ramifications of health and disease with a special emphasis on biomechanical analysis,

interpretation and treatment of the structural and functional integrity of skeletal joint structures, and the physiological efficiency of the nervous system as these matters relate to subluxation complex; and

(2) involves the diagnosis, analysis, or formulation of a chiropractic diagnostic impression regarding the chiropractic conditions of the patient to determine the appropriate method of chiropractic treatment.

Sec. 08.20.900. Definitions. In this chapter,

(1) "ancillary methodology" means employing within the scope of chiropractic practice, with appropriate training and education, those methods, procedures, modalities, devices, and measures commonly used by trained and licensed health care providers and includes

(A) physiological therapeutics; and

(B) counseling on dietary regimen, sanitary measures, physical and mental attitudes affecting health, personal hygiene, occupational safety, lifestyle habits, posture, rest, and work habits that enhance the effects of chiropractic adjustment;

(2) "board" means the Board of Chiropractic Examiners;

(3) "chiropractic" is the clinical science of human health and disease that focuses on the detection, correction, and prevention of the subluxation complex and the employment of physiological therapeutic procedures preparatory to and complementary with the correction of the subluxation complex for the purpose of enhancing the body's inherent recuperative powers, without the use of surgery or prescription drugs; the primary therapeutic vehicle of chiropractic is chiropractic adjustment;

(4) "chiropractic adjustment" means the application of a precisely controlled force applied by hand or by mechanical device to a specific focal point of the anatomy for the express purpose of creating a desired angular movement in skeletal joint structures in order to eliminate or decrease interference with neural transmission and correct or attempt to correct subluxation complex; "chiropractic adjustment" utilizes, as appropriate, short lever force, high velocity force, short amplitude force, or specific line-of-correction force to achieve the desired angular movement, as well as low force neuro-muscular, neuro-vascular, neuro-cranial, or neuro-lymphatic reflex technique procedures;

(5) "chiropractic clinical assistant" means a person who works under the general supervision of a person licensed under this chapter and who is

(A) enrolled in a nationally recognized certification program that certifies chiropractic clinical assistants; or

(B) certified by a national organization that certifies chiropractic clinical assistants;

(6) "chiropractic core methodology" means the treatment and prevention of subluxation complex by chiropractic adjustment as indicated by a chiropractic diagnosis and includes the determination of contra-indications to chiropractic adjustment, the normal regimen and rehabilitation of the patient, and patient education procedures; chiropractic core methodology does not incorporate the use of prescription drugs, surgery, needle acupuncture, obstetrics, or x-rays used for therapeutic purposes;

(7) "chiropractic diagnosis" means a diagnosis made by a person licensed under this chapter based on a chiropractic examination;

(8) "chiropractic examination" means an examination of a patient conducted by a person licensed under this chapter, or by a chiropractic clinical assistant or chiropractic intern under the supervision of a person licensed under this chapter, for the express purpose of ascertaining whether symptoms of subluxation complex exist and consisting of an analysis of the patient's health history, current health status, results of diagnostic procedures, including x-ray and other diagnostic imaging devices, and postural, thermal, physical, neuro-physical, and spinal examinations that focuses on the discovery of

(A) the existence and etiology of disrelationships of skeletal joint structures; and

(B) interference with normal nerve transmission and expression;

(9) "chiropractic intern" means a person who is engaged in the practice of chiropractic while under the personal supervision of a person licensed under this chapter for the purpose of obtaining practical experience for licensure as a chiropractor;

(10) "chiropractic preceptor" means a person who is licensed under this chapter and who participates in the instruction and training of chiropractic interns;

(11) "manipulation" means an application of a resistive movement by applying a nonspecific force without the use of a thrust, that is directed into a region and not into a focal point of the anatomy for the general purpose of restoring movement and reducing fixations;

(12) "physiological therapeutics" means the therapeutic application of forces that induce a physiologic response and use or allow the natural processes of the body to return to a more normal state of health; physiological therapeutics encompasses the diagnosis and treatment of disorders of the body, utilizing

(A) manipulation;

(B) the natural healing forces associated with air, cold, heat, electricity, exercise, light, massage, water, nutrition, sound, rest, and posture;

(C) thermotherapy, cryotherapy, high frequency currents, low frequency currents, interferential currents, hydrotherapy, exercise therapy, rehabilitative therapy, meridian therapy, vibratory therapy, traction and stretching, bracing and supports, trigger point therapy, and other forms of therapy;

(13) "subluxation complex" means a biomechanical or other disrelation or a skeletal structural disrelationship, misalignment, or dysfunction in a part of the body resulting in aberrant nerve transmission and expression.

CHAPTER 16.
BOARD OF CHIROPRACTIC EXAMINERS.

Article

1. **The Board (12 AAC 16.010 — 12 AAC 16.020)**
2. **Licensing (12 AAC 16.030 — 12 AAC 16.270)**
3. **Continuing Education (12 AAC 16.280 — 12 AAC 16.390)**
4. **Utilization Review (12 AAC 16.400 — 12 AAC 16.430)**
5. **General Provisions (12 AAC 16.900 — 12 AAC 16.990)**

ARTICLE 1.
THE BOARD.

Section

10. **Objectives**
20. **Meetings**

12 AAC 16.010. OBJECTIVES. (a) It is the objective of the board to foster professional standards consistent with the best interests of the public.

(b) It is the objective of the board to adhere to the Code of Ethics of the American Chiropractic Association or International Chiropractic Association as a basis for considering what comprises the duties and obligations of chiropractors to the public.

Authority: AS 08.20.055

12 AAC 16.020. MEETINGS. The board will, in its discretion, meet at least twice each year for the transaction of business and examination of applicants.

Authority: AS 08.20.055 AS 08.20.130

ARTICLE 2.
LICENSING.

Section

30. **Application for licensure by examination**
31. **Application for temporary permit for locum tenens practice**
32. **(Repealed)**
33. **Application for licensure by credentials**
35. **(Repealed)**
37. **National examination requirements**
40. **Evaluation of academic study in liberal arts or science**
41. **Preceptor scope of practice**
42. **Intern scope of practice**
45. **Accredited school or college**
46. **Chiropractic specialty designation**
47. **Chiropractic specialty program criteria**
48. **Approved chiropractic specialty programs**
50. **(Repealed)**
52. **Chiropractic clinical assistant scope of practice**
60. **(Repealed)**
70. **(Repealed)**
80. **(Repealed)**
90. **(Repealed)**
100. **(Repealed)**
110. **(Repealed)**
120. **(Repealed)**
130. **State chiropractic examination**
140. **(Repealed)**
150. **Reexamination**
160. **(Repealed)**
170. **Special examination**
180. **(Repealed)**
185. **(Repealed)**

- 190. (Repealed)
- 200. Temporary permits
- 205. Courtesy license
- 206. Temporary military courtesy license
- 210. (Repealed)
- 211. (Repealed)
- 220. (Repealed)
- 230. (Repealed)
- 240. (Repealed)
- 250. (Repealed)
- 260. (Repealed)
- 270. (Repealed)

12 AAC 16.030. APPLICATION FOR LICENSURE BY EXAMINATION. (a) Except as provided in (b) of this section, a person applying for chiropractic licensure by examination shall submit, at least 45 days before the next scheduled state chiropractic examination,

- (1) a completed application on a form provided by the department;
 - (2) the fees established in 12 AAC 02.150;
 - (3) official college transcripts showing that the applicant has met the education requirements of AS 08.20.120(a)(1), (3), and (4);
 - (4) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners showing that the applicant has passed the applicable examination described in 12 AAC 16.037;
 - (5) either
 - (A) official college transcripts showing that the applicant has met the education requirements of AS 08.20.120(a)(2); or
 - (B) evidence of active licensed practice of chiropractic for at least three of the four years preceding the date that the application was filed;
 - (6) if the applicant holds or has ever held a license to practice chiropractic, verification of the present status of the applicant's license from each jurisdiction where the applicant holds or has ever held a license to practice chiropractic, sent directly to the department from the licensing jurisdiction; and documentation of 32 credit hours of continuing education as provided under this paragraph, approved by the board or an equivalent licensing jurisdiction and taken within two years preceding the date of the application; the 32 credit hours
 - (A) must include at least
 - (i) eight hours in radiographic safety, radiographic techniques and interpretation, or diagnostic imaging;
 - (ii) two hours in coding and documentation;
 - (iii) two hours in ethics and boundaries;
 - (iv) two hours in cardiopulmonary resuscitation; and
 - (v) 18 additional hours in education not to include business management;
 - (B) may not include more than four hours in the following subject areas:
 - (i) cardiopulmonary resuscitation (CPR) training;
 - (ii) automated external defibrillator (AED) training;
 - (iii) basic life support (BLS) training; and
 - (C) may not include more than 16 hours obtained over the Internet or by distance learning; and
 - (7) a report under AS 12.62 containing criminal history record information concerning the applicant and issued no earlier than 90 days before the application; if a state other than this state is the applicant's primary state of residence, or if the applicant holds or has ever held a license in a state other than this state to practice chiropractic, the applicant shall also submit an equivalent report issued by that other state and issued no earlier than 90 days before the application.
- (b) The board may approve an applicant to take the state chiropractic examination before the applicant meets the requirements of (a)(3), (4), and (5)(A) of this section, if the registrar of the applicant's chiropractic college provides a letter to the board verifying that the applicant
- (1) is currently enrolled in the chiropractic college;
 - (2) is actively pursuing completion of a chiropractic curriculum; and
 - (3) has obtained senior status and is working on the clinical portion of the curriculum.
- (c) Repealed 1/29/2009.

Authority: AS 08.20.055 AS 08.20.120 AS 08.20.170
 AS 08.20.110 AS 08.20.130

12 AAC 16.031. APPLICATION FOR TEMPORARY PERMIT FOR LOCUM TENENS PRACTICE.

- (a) A person applying for a temporary permit for locum tenens practice must meet the applicable requirements of AS 08.20.163 and this section, including passing the state chiropractic examination described in 12 AAC 16.130.
- (b) An applicant applying for a temporary permit for locum tenens practice under AS 08.20.163(b)(1) and this section shall submit

- (1) a completed application on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.150;
- (3) official college transcripts showing that the applicant meets the education requirements of AS 08.20.120(a)(2) - (4); and
- (4) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners showing that the applicant has successfully passed the applicable national examinations described in 12 AAC 16.037.

(c) An applicant applying for a temporary permit for locum tenens practice under AS 08.20.163(b)(2) and this section shall submit

- (1) a completed application on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.150;
- (3) official college transcripts showing that the applicant meets the education requirements of AS 08.20.163(b)(2)(C) and (D);
- (4) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners showing that the applicant has successfully passed the examinations described in AS 08.20.163(b)(2)(D) and (E);

(5) verification of practice showing that the applicant meets the requirements of AS 08.20.163(b)(2)(B);
 (6) verification of the applicant's licensure status and complete information regarding any disciplinary action or investigation taken or pending, sent directly to the department from all licensing jurisdictions where the applicant holds or has ever held a chiropractic license; and

(7) a notarized, sworn statement by the applicant that the applicant has not been, within the five years preceding the date of application, the subject of an unresolved review or an adverse decision based upon a complaint, investigation, review procedure, or disciplinary proceeding undertaken by a state, territorial, local, or federal chiropractic licensing jurisdiction, chiropractic society, or law enforcement agency that relates to criminal or fraudulent activity, chiropractic malpractice, or negligent chiropractic care and that adversely reflects on ability or competence to engage in the practice of chiropractic or the safety or well-being of patients;

(8) repealed 5/27/2006.

(d) An applicant applying for a temporary permit for locum tenens practice under AS 08.20.163 and this section shall submit

(1) a notarized, sworn statement by the chiropractor licensed in this state for whom the applicant will substitute, including the dates of the substitute practice and the date that the chiropractor licensed in this state will resume practice; and

(2) a report under AS 12.62 containing criminal history record information concerning the applicant and issued no earlier than 90 days before the application; if a state other than this state is the applicant's primary state of residence, or if the applicant holds or has ever held a license in a state other than this state to practice chiropractic, the applicant shall also submit an equivalent report issued by that other state and issued no earlier than 90 days before the application.

Authority: AS 08.20.055 AS 08.20.163 AS 08.20.170
 AS 08.20.120

12 AAC 16.032. APPLICATION FOR LICENSURE BY CREDENTIALS. Repealed 12/7/97.

12 AAC 16.033. APPLICATION FOR LICENSURE BY CREDENTIALS. An applicant for licensure by credentials must meet the requirements of AS 08.20.141, pass the examination required under AS 08.20.141(5), and submit, at least 45 days before the next scheduled state chiropractic examination, the following:

- (1) a completed application on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.150;
- (3) evidence that the applicant has held a license in good standing to practice chiropractic in another jurisdiction for the five years preceding the date of application;

(4) verification of the present status of the applicant's license from each jurisdiction where the applicant holds or has ever held a license to practice chiropractic;

(5) evidence of active licensed clinical chiropractic practice for at least three out of the last five years immediately preceding the date of application;

(6) official transcripts showing that the applicant is a graduate of a school or college of chiropractic that was, at the time of graduation, accredited by or a candidate for accreditation by the Council on Chiropractic Education or a successor accrediting agency recognized by the board;

(7) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners showing that the applicant has successfully passed the Special Purposes Examination of Chiropractic (SPEC) or parts one, two, three, and four of the national examination;

(8) either

(A) evidence of completion of 120 hours of formal training in physiological therapeutics; or

(B) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners showing that the applicant has successfully passed the physiological therapeutics examination;

(9) a notarized sworn statement by the applicant that the applicant has not, within the five years preceding the

date of application, been the subject of an unresolved review or an adverse decision based upon a complaint, investigation, review procedure, or disciplinary proceeding undertaken by a foreign, state, territorial, local, or federal chiropractic licensing jurisdiction, chiropractic society, or law enforcement agency that relates to criminal or fraudulent activity, chiropractic malpractice, or negligent chiropractic care and that adversely reflects on the applicant's ability or competence to engage in the practice of chiropractic or on the safety or well-being of patients;

(10) a report under AS 12.62 containing criminal history record information concerning the applicant and issued no earlier than 90 days before the application; if a state other than this state is the applicant's primary state of residence, or if the applicant holds or has ever held a license in a state other than this state to practice chiropractic, the applicant shall also submit an equivalent report issued by that other state and issued no earlier than 90 days before the application.

Authority: AS 08.20.055 AS 08.20.130 AS 08.20.170
AS 08.20.110 AS 08.20.141

12 AAC 16.035. LICENSE-BY-EXAMINATION; NATIONAL BOARD CERTIFICATION. Repealed 5/10/90.

12 AAC 16.037. NATIONAL EXAMINATION REQUIREMENTS. (a) To satisfy the examination requirements of AS 08.20.120(a)(6), an applicant must successfully pass each subject of the following parts of the examination of the National Board of Chiropractic Examiners, and the elective physiotherapy examination;

(1) if the applicant graduated before 1987 from a school or college of chiropractic that meets the requirements of AS 08.20.120(a)(3), parts one and two of the national examination;

(2) if the applicant graduated after 1986 from a school or college of chiropractic that meets the requirements of AS 08.20.120(a)(3), parts one, two, and three of the national examination.

(b) An applicant who has been in the active practice of chiropractic for five continuous years before the date of application for a license in this state may substitute successful passage of the Special Purposes Examination of Chiropractic (SPEC) of the National Board of Chiropractic Examiners for parts three and four of the national examination.

(c) To pass a national examination subject, an applicant must achieve a minimum score of

(1) 75 percent for an examination taken before October 1983; or

(2) 375 for an examination taken on or after October 1983.

(d) If the applicant graduated after September 1, 1998 from a school or college of chiropractic that meets the requirements of AS 08.20.120(a)(3), in addition to the requirements of (a) of this section, an applicant must also pass part four of the national examination.

Authority: AS 08.20.055 AS 08.20.120 AS 08.20.130

12 AAC 16.040. EVALUATION OF ACADEMIC STUDY IN LIBERAL ARTS OR SCIENCE. After evaluating an applicant's academic study as required by AS 08.20.120(a)(3), it must be apparent that the course of academic study corresponds with that which is available from the University of Alaska or is acceptable to a regional accrediting agency for approved colleges of liberal arts or sciences.

Authority: AS 08.20.055 AS 08.20.120

12 AAC 16.041. PRECEPTOR SCOPE OF PRACTICE. A chiropractic preceptor

(1) may supervise not more than one chiropractic intern at a time;

(2) may permit a chiropractic intern to perform the chiropractic adjustment as set out in AS 08.20.900 only under personal supervision;

(3) before any chiropractic manipulative therapy performed by the intern, must provide a patient with an informed consent document that states that the chiropractic intern is a chiropractic student and not a licensed chiropractic physician in this state;

(4) must maintain a malpractice insurance policy with coverage limits of at least \$1,000,000 per claim, and a minimum aggregate limit of \$3,000,000 per policy period; and

(5) must have been licensed under this chapter in this state for not less than five years preceding the acceptance of a chiropractic intern.

Authority: AS 08.20.055

12 AAC 16.042. INTERN SCOPE OF PRACTICE. (a) A chiropractic intern may, under the personal supervision of a chiropractic preceptor, use chiropractic core methodologies as defined in AS 08.20.900, except that chiropractic diagnosis must be provided by the chiropractic preceptor.

(b) A chiropractic intern may, under the general supervision of a chiropractic preceptor,

(1) perform diagnostic imaging studies;

(2) perform examination procedures;

(3) use ancillary methodologies as defined in AS 08.20.900.

- (c) A chiropractic preceptor is subject to disciplinary action if an intern is in violation of this chapter.
- (d) An intern must be enrolled in a graduate-level course of study at a chiropractic institution accredited by the Council on Chiropractic Education (CCE), and be accepted into and approved to participate in an internship program. Internship placement will be made by and overseen by the accredited chiropractic college program.
- (e) An intern may practice under a chiropractic preceptor for a period of not more than six months or the time period approved by the intern's accredited chiropractic college, whichever comes first. Written extensions of an internship may be granted by the board.

Authority: AS 08.20.055 AS 08.20.170 AS 08.20.900
AS 08.20.100 AS 08.20.195

12 AAC 16.045. ACCREDITED SCHOOL OR COLLEGE. (a) For the purpose of AS 08.20.120(a)(3), an accredited school or college of chiropractic is a chiropractic program or institution that is accredited by or meets standards equivalent to those of the Council on Chiropractic Education.

(b) The definition in (a) of this section applies to all colleges of chiropractic from which an applicant for licensure matriculates after the effective date of this section.

Authority: AS 08.20.055 AS 08.20.120

12 AAC 16.046. CHIROPRACTIC SPECIALTY DESIGNATION. (a) A chiropractor licensed under AS 08.20 and this chapter applying for an initial or renewal specialty chiropractic designation shall submit

- (1) a completed application on a form provided by the department;
- (2) the specialty designation fee established in 12 AAC 02.150;
- (3) for the initial specialty chiropractic designation, documentation of the successful completion of a postgraduate specialty program at an accredited school approved by the board, mailed directly to the department from the accredited school;
- (4) documentation of certification or diplomate status issued by the certification program or diplomate board verifying that the licensee has met the protocols, guidelines, standards, continuing competency examinations, and coursework established by the certification program or diplomate board, mailed directly to the department from the certifying body.

(b) Upon approval by the board, the department will issue a new license with the specialty designation.

Authority: AS 08.20.055 AS 08.20.155

12 AAC 16.047. CHIROPRACTIC SPECIALTY PROGRAM CRITERIA. (a) To be approved by the board, a postgraduate diplomate chiropractic specialty program must

- (1) be comprised of a minimum of 300 classroom hours; and
- (2) require passage of appropriate examinations administered by the approved specialty board.

(b) To be approved by the board, a postgraduate chiropractic specialty certification program must

- (1) be offered by a program or institution accredited by the Council on Chiropractic Education;
- (2) be comprised of a minimum of 120 classroom hours; and
- (3) require passage of appropriate examinations administered by the approved program.

Authority: AS 08.20.055 AS 08.20.155

12 AAC 16.048. APPROVED CHIROPRACTIC SPECIALTY PROGRAMS. (a) The following postgraduate diplomate specialty programs are approved by the board, if the board determines that the program meets the requirements of 12 AAC 16.047:

- (1) Chiropractic Diagnostic Imaging (DACBR) program administered by the American Chiropractic Association Council on Diagnostic Imaging (Roentgenology);
- (2) Chiropractic Rehabilitation (DACRB) program administered by the American Chiropractic Association Council on Chiropractic Physiological Therapeutics and Rehabilitation;
- (3) Chiropractic Clinical Nutrition (DACBN) program administered by the American Chiropractic Association Council on Nutrition;
- (4) Chiropractic Diagnosis and Management of Internal Disorders (DABCI) program administered by the American Chiropractic Association Council on Family Practice;
- (5) Chiropractic Orthopedics (DABCO) program administered by the American Chiropractic Association Council on Orthopedists;
- (6) Chiropractic Clinical Neurology program administered by the
 - (A) American Chiropractic Academy of Neurology (DACAN or FACCN);
 - (B) American Chiropractic Association Council on Neurology (DABCN);
 - (C) American Chiropractic Neurology Board (DACNB);
 - (D) International Board of Chiropractic Neurology (IBCN);
- (7) Chiropractic Sports Physician (DACBSP) program administered by the American Chiropractic Board of Sports Physicians;

- (8) Chiropractic Forensics (DABFP) program administered by the American Board of Forensic Professionals.
- (b) The following postgraduate specialty certification programs are approved by the board, if the board determines that the program meets the requirements of 12 AAC 16.047:
- (1) Certified Chiropractic Sports Physician (CCSP) program administered by the American Chiropractic Association Sports Council;
 - (2) Certificate in Chiropractic Thermography (CACBT) program administered by the American Chiropractic Association Council on Thermography;
 - (3) Certificate in Chiropractic Pediatrics program administered by the International Chiropractors Association (ICA) Council on Chiropractic Pediatrics.
- (c) The board may approve other postgraduate diplomate specialty programs or specialty certification programs upon written request by the program sponsor. In order to be approved by the board, the program sponsor must include in the written request documentation showing that the program meets the requirements in 12 AAC 16.047.

Authority: AS 08.20.055 AS 08.20.155

12 AAC 16.050. NOTIFICATION. Repealed 6/3/89.

12 AAC 16.052. CHIROPRACTIC CLINICAL ASSISTANT SCOPE OF PRACTICE. (a) A chiropractic clinical assistant may, under the general supervision of a licensed chiropractic physician, perform the following procedures:

- (1) diagnostic imaging studies;
 - (2) examination procedures;
 - (3) ancillary methodologies as defined in AS 08.20.900.
- (b) A chiropractic clinical assistant may not provide chiropractic diagnosis, chiropractic adjustment as in AS 08.20.900, or formulation or alteration of treatment plans.
- (c) A chiropractic clinical assistant must maintain current cardiopulmonary resuscitation (CPR) certification from a nationally recognized provider.
- (d) In order to meet the initial certification requirements of AS 08.20.168 and practice as a chiropractic clinical assistant in this state, a currently employed chiropractic clinical assistant with 2,000 hours or more of experience must complete the requirements as set out by the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FCLB), the Chiropractic Therapy Assistant (CTA) Program administered by the Tennessee Chiropractic Association, or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4), not later than 2/23/2021.
- (e) In order to meet the initial certification requirements of AS 08.20.168 and practice as a chiropractic clinical assistant in this state, a currently employed chiropractic clinical assistant with less than 2,000 hours of experience must complete the requirements as set out by the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FCLB), the Chiropractic Therapy Assistant (CTA) Program administered by the Tennessee Chiropractic Association, or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4), not later than 2/23/2021.
- (f) In order to meet the certification requirements of AS 08.20.168 and practice as a chiropractic clinical assistant in this state, a newly hired chiropractic clinical assistant must complete the requirements as set out by the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FCLB), the Chiropractic Therapy Assistant (CTA) Program administered by the Tennessee Chiropractic Association, or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4), not later than 12 months after hire date.
- (g) A person enrolled in an educational program recognized by the board that leads to certification as a chiropractic clinical assistant is allowed to provide clinical services under the general supervision of a chiropractic physician to gain the necessary practical clinical experience.
- (h) A person may not use the title “Certified Chiropractic Clinical Assistant” or another designation indicating status, including abbreviations, or hold oneself out directly or indirectly as a certified chiropractic clinical assistant, unless that person has met the requirements under (d), (e), or (f) of this section.
- (i) After completing the initial certification requirements under (d), (e), or (f) of this section, a chiropractic clinical assistant must maintain current certification in accordance with the requirements of the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FCLB), the Chiropractic Therapy Assistant (CTA) Program administered by the Tennessee Chiropractic Association, or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4).

Authority: AS 08.20.055 AS 08.20.168 AS 08.20.195
AS 08.20.100 AS 08.20.170 AS 08.20.900

12 AAC 16.060. SCHEDULE. Repealed 9/30/81.

12 AAC 16.070. BASIS OF QUESTIONS. Repealed 8/21/91.

12 AAC 16.080. IDENTIFICATION OF EXAMINATION APPLICANTS. Repealed 1/6/2002.

12 AAC 16.090. METHOD OF EXAMINATION. Repealed 6/3/89.

12 AAC 16.100. MATERIALS. Repealed 1/6/2002.

12 AAC 16.110. LEAVING THE EXAMINATION ROOM. Repealed 1/6/2002.

12 AAC 16.120. DISTURBANCE. Repealed 1/6/2002.

12 AAC 16.130. STATE CHIROPRACTIC EXAMINATION. (a) The state chiropractic examination consists of a written examination, administered by the board or the board's agent, covering AS 08.01 – AS 08.03, AS 08.20, 12 AAC 02, 12 AAC 16, and 7 AAC 18, and any other subjects that the board determines are necessary to demonstrate knowledge of chiropractic as defined in AS 08.20.

(b) An examination candidate may not

(1) have on the examination table any paper or object other than the examination questions, examination paper, blotter, pencil, pens, ink, eraser, and a timepiece;

(2) while the examination is in session, leave the examination room for any reason, unless accompanied by a proctor or board member;

(3) communicate with another candidate during the examination; communication with another candidate will result in immediate dismissal from the entire examination.

(c) A score of 75 percent or above is required to receive a passing grade on the state chiropractic examination.

Authority: AS 08.20.055 AS 08.20.120 AS 08.20.130

12 AAC 16.140. FAILED SUBJECTS. Repealed 5/10/98.

12 AAC 16.150. REEXAMINATION. An applicant who has failed the state chiropractic examination may apply for reexamination by submitting to the board at least 30 days before the next scheduled examination

(1) a written request for reexamination; and

(2) repealed 5/10/98;

(3) the examination fee established in 12 AAC 02.150.

Authority: AS 08.20.055 AS 08.20.130

12 AAC 16.160. TIME. Repealed 9/30/81.

12 AAC 16.170. SPECIAL EXAMINATION. (a) Repealed 5/27/2006.

(b) A special examination may be administered at a time other than during a scheduled examination to an applicant for a locum tenens permit that meets the requirements of AS 08.20.163 and 12 AAC 16.031.

Authority: AS 08.20.055 AS 08.20.130

12 AAC 16.180. RECONSIDERATION OF PAPERS. Repealed 6/3/89.

12 AAC 16.185. EXAMINERS. Repealed 5/10/98.

12 AAC 16.190. LICENSES AND CERTIFICATES. Repealed 1/29/2009.

12 AAC 16.200. TEMPORARY PERMITS. (a) The board may issue a temporary permit to an applicant for licensure by examination or credentials who is scheduled to sit for the next state chiropractic examination and who otherwise

(1) meets the requirements of 12 AAC 16.030(a) or 12 AAC 16.033, as applicable;

(2) furnishes the board with the name of the licensed chiropractor in the state with whom the applicant will associate while practicing under the authority of the temporary permit;

(3) has not previously taken and failed the examination; and

(4) has not previously held a temporary permit.

(b) Repealed 12/7/97.

(c) A temporary permit holder must

(1) provide the board with a statement, sworn to by a licensed chiropractor in the state with whom the temporary permit holder will practice, that the licensed chiropractor assumes all legal liability for the practice of the temporary permit holder and is physically present in the same facility when the temporary permit holder is practicing;

(2) display the temporary permit in a conspicuous place in the office where the holder practices chiropractic; and

(3) inform the board of a change in the temporary permit holder's mailing and practicing address.

(d) A temporary permit is valid until the results of the next scheduled examination are received by the applicant. If an applicant is unable to appear for the first scheduled examination, the board will, in its discretion, extend the

temporary permit until the results of the next scheduled examination are received. The board will not extend a temporary permit more than once.

(e) If, after having been warned by the board once, a permittee continues to practice in an unethical or unlawful manner, the board will, in its discretion, terminate that permittee's temporary permit.

Authority: AS 08.20.055 AS 08.20.160 AS 08.20.170

12 AAC 16.205. COURTESY LICENSE. (a) The board will issue a courtesy license to an applicant who meets the requirements of this section. A courtesy license authorizes the licensee to practice chiropractic for a special event only. A courtesy license does not authorize the licensee to conduct a general chiropractic practice or to perform services outside the scope of practice specified in the courtesy license required for that special event.

(b) An applicant for a courtesy license must submit a complete application on a form provided by the department no later than 45 days before the special event for which the courtesy license is requested. A complete application includes

(1) the applicable fees established in 12 AAC 02.150;
(2) a current signed photograph of the applicant;
(3) a certification from the applicant certifying that the applicant is not a resident of this state;
(4) verification of a valid and active license to practice chiropractic in another state or other jurisdiction for the scope of practice specified in the application;

(5) a description of the special event for which the courtesy license is requested;
(6) the scope of practice required for the special event;
(7) certification that the applicant has not
(A) had a chiropractor license suspended or revoked in any jurisdiction; and
(B) been convicted of
(i) a felony or other crime that affects the applicant's ability to practice chiropractic competently and safely; or

(ii) a crime involving the unlawful procurement, sale, prescription, or dispensing of a controlled substance listed in AS 11.71.140 – 11.71.190 or conviction in another jurisdiction of a crime having substantially similar elements;

(8) a report, issued by the applicant's primary state of residence no earlier than 90 days before the application, and that is equivalent to a report under AS 12.62 issued by this state containing criminal history record information concerning the applicant; if the applicant holds or has ever held a license in a state other than this state to practice chiropractic, a complete application also includes a report, issued by that state no earlier than 90 days before the application, and that is equivalent to a report under AS 12.62 issued by this state containing criminal history record information concerning the applicant.

(c) A courtesy license will be issued only after the department receives the results of a background check of the applicant from the Federation of Chiropractic Licensing Boards that reports no disciplinary action against the applicant.

(d) The board will waive the 45-day application deadline in (b) of this section if the board determines that the applicant's failure to meet the application deadline is for good cause beyond the control of the applicant. If the board grants the applicant a waiver under this subsection, the applicant may submit a notarized copy of the applicant's license that meets the requirements of (b)(4) of this section in place of license verification from the other jurisdiction.

(e) A document required by (b) or (d) of this section that is not in English must be accompanied by a certified English translation of the document.

(f) A courtesy license is valid for a period beginning seven days before and ending seven days after the event for which the courtesy license was issued. A person may not be issued more than two courtesy licenses in a 12-month period.

(g) The holder of a courtesy license must meet the minimum professional standards of 12 AAC 16.920 and is subject to the discipline under AS 08.01.075 and AS 08.20.170.

(h) The holder of a courtesy license is limited to the practice of chiropractic identified under AS 08.20.100, 08.20.230, and 08.20.900, and may not exceed the scope of practice specified in the courtesy license.

(i) The holder of a courtesy license may offer chiropractic services only to those individuals involved with the special event for which the courtesy license was issued, such as athletes, coaches, and staff.

(j) In this section, "special event" means an athletic, educational, cultural, or performing arts event held in this state.

Authority: AS 08.01.062 AS 08.20.055 AS 08.20.170

12 AAC 16.206. TEMPORARY MILITARY COURTESY LICENSE. (a) The board will issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as a chiropractic physician who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

(b) An applicant for a temporary military courtesy license under this section

(1) must submit a completed application on a form provided by the department;
(2) must pay the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;

- (3) must submit a copy of
 - (A) the applicant's current active duty military orders showing assignment to a duty station in this state; or
 - (B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;
 - (4) must submit documentation showing the applicant is currently licensed in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements; and
 - (5) may not have been convicted of a crime that affects the applicant's ability to practice chiropractic competently and safely, as determined by the board.
- (c) A temporary military courtesy license issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.
- (d) While practicing under a temporary military courtesy license issued under this section, the holder of the temporary military courtesy license must comply with the standards of practice set out in AS 08.20 and this chapter.
- (e) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.20.170.

Authority: AS 08.01.062 AS 08.01.063 AS 08.20.055

- 12 AAC 16.210. ASSOCIATES. Repealed 9/30/81.
- 12 AAC 16.211. CHIROPRACTIC ASSOCIATES. Repealed 6/29/84.
- 12 AAC 16.220. DUPLICATE LICENSES. Repealed 6/3/89.
- 12 AAC 16.230. MISREPRESENTATION. Repealed 6/29/84.
- 12 AAC 16.240. UNPROFESSIONAL CONDUCT. Repealed 6/29/84.
- 12 AAC 16.250. VIOLATIONS. Repealed 6/29/84.
- 12 AAC 16.260. ADVERTISING. Repealed 9/30/81.
- 12 AAC 16.270. DEFINITIONS. Repealed 6/29/84.

ARTICLE 3. CONTINUING EDUCATION.

Section

- 280. Statement of purpose of continuing education
- 290. Hours of continuing education required
- 300. Computation of nonacademic continuing education hours
- 310. Computation of academic credit continuing education hours
- 320. Approved subjects
- 330. Nonacademic program criteria
- 340. Approved nonacademic continuing education programs
- 345. Application for continuing education course approval
- 350. Individual study
- 360. Instructor or discussion leader
- 370. Publications
- 380. (Repealed)
- 390. Renewal and reinstatement of license

12 AAC 16.280. STATEMENT OF PURPOSE OF CONTINUING EDUCATION. The purpose of continuing chiropractic education is to insure that the renewal of licenses is contingent upon proof of continued competency and to assure the consumer of an optimum quality of chiropractic health care by requiring licensed chiropractors to pursue education designed to advance their professional skills and knowledge.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.290. HOURS OF CONTINUING EDUCATION REQUIRED. (a) An applicant for renewal of a chiropractic license who has been licensed at least two years must complete 32 credit hours of approved continuing education that was earned during the concluding licensing period including at least

- (1) eight hours in radiographic safety, radiographic techniques and interpretation, or diagnostic imaging;

- (2) two hours in coding and documentation;
- (3) two hours in ethics and boundaries; and
- (4) two hours in cardiopulmonary resuscitation (CPR) training.

(b) An applicant for renewal of a chiropractic license who has been licensed at least one year but less than two years of the concluding license period must complete 16 credit hours of approved continuing education that was earned during the concluding licensing period including at least

- (1) eight hours in radiographic safety, radiographic techniques and interpretation, or diagnostic imaging;
- (2) two hours in coding and documentation;
- (3) two hours in ethics and boundaries; and
- (4) two hours in cardiopulmonary resuscitation (CPR) training.

(c) Two of the hours required under (a) of this section will be credited to each applicant for renewal for completing the jurisprudence review prepared by the board, covering the provisions of AS 08.20 and this chapter. An applicant for renewal must verify, in an affidavit, that the applicant has complied with this subsection before the applicant's license renewal will be processed.

(d) An applicant for renewal of a license to practice chiropractic must submit, on a form provided by the department, a sworn statement of the continuing education that the applicant completed during the concluding licensing period.

(e) An applicant for renewal of a chiropractic license may receive up to four hours of the credit required under (a) of this section from one or more of the following subject areas:

- (1) cardiopulmonary resuscitation (CPR) training;
- (2) automated external defibrillator (AED) training;
- (3) basic life support (BLS) training.

(f) Not more than 16 credit hours of the credit hours required under (a) of this section for a renewal of a chiropractic license may be obtained over the Internet or by distance learning.

(g) An applicant applying for renewal who has been licensed more than 90 days but less than one year of the concluding biennial license period is not required to submit proof of completion of continuing education.

Authority: AS 08.20.055 AS 08.20.170

12 AAC 16.300. COMPUTATION OF NONACADEMIC CONTINUING EDUCATION HOURS. (a) For the purposes of 12 AAC 16.280 — 12 AAC 16.390, 50 minutes of instruction constitutes one hour.

(b) Credit is given only for class hours and not for hours devoted to class preparation.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.310. COMPUTATION OF ACADEMIC CREDIT CONTINUING EDUCATION HOURS. (a) One quarter hour academic credit from a college or university constitutes 10 hours of continuing education.

(b) One semester hour academic credit from a college or university constitutes 15 hours of continuing education.

(c) Challenged courses are not acceptable for continuing education credit.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.320. APPROVED SUBJECTS. To be approved by the board, a subject must contribute directly to the professional competency of a person licensed to practice as a chiropractor and be directly related to the concepts of chiropractic principles, philosophy, and practice, including the following:

- (1) treatment and adjustment technique, including physiotherapy, nutrition and dietetics;
 - (2) examination and diagnosis or analysis including physical, laboratory, orthopedic, neurological and differential;
 - (3) radiographic technique and interpretation involving all phases of roentgenology as permitted by law;
 - (4) study of the methods employed in the prevention of excessive radiation and safety precautions to the patient;
- and
- (5) diagnostic imaging.

Authority: AS 08.20.055 AS 08.20.170

12 AAC 16.330. NONACADEMIC PROGRAM CRITERIA. (a) Nonacademic continuing education programs requiring class attendance are approved by the board if

- (1) the program is at least one hour in length;
- (2) the program is conducted by a qualified instructor;
- (3) a record of registration or attendance is maintained; and
- (4) an examination or other method of assuring satisfactory completion of program by participant is incorporated.

(b) A qualified instructor or discussion leader is anyone whose background, training, education or experience makes it appropriate for the person to lead a discussion on the subject matter of the particular program.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.340. APPROVED NONACADEMIC CONTINUING EDUCATION PROGRAMS. (a) The following programs are approved by the board:

(1) educational meetings of the following associations, if the documentation required by 12 AAC 16.290 demonstrates that the meeting in question meets the requirements of 12 AAC 16.320 and 12 AAC 16.330.

- (A) American Chiropractic Association;
- (B) International Chiropractors Association;
- (C) Canadian Chiropractic Association;

(2) educational classes, if

(A) they are conducted by any chiropractic college that is accredited by or has accreditation status with the Council on Chiropractic Education; and

(B) the program sponsor or the applicant for renewal of a chiropractic license

(i) requests board approval; and

(ii) demonstrates to the board's satisfaction that the educational classes meet the requirements of 12 AAC 16.320 and 12 AAC 16.330

(3) continuing education programs that are certified by the Providers of Approved Continuing Education through the Federation of Chiropractic Licensing Boards.

(b) The board may approve other continuing education programs under 12 AAC 16.345.

(c) Repealed 1/29/2009.

Authority: AS 08.20.055 AS 08.20.120 AS 08.20.170

12 AAC 16.345. APPLICATION FOR CONTINUING EDUCATION COURSE APPROVAL. (a) Except as provided in 12 AAC 16.340(a), to be approved by the board to meet the continuing education requirements of 12 AAC 16.290, 12 AAC 16.320, and 12 AAC 16.330, an applicant for continuing education course approval shall submit to the board, not less than 90 days before the date of the proposed program presentation date,

- (1) a completed application on a form provided by the department;
- (2) the continuing education course approval fee specified in 12 AAC 02.150;
- (3) the name of the course provider;
- (4) a complete course description, including the course title and a description of the learning objectives;
- (5) a course syllabus; and
- (6) an outline of the major topics covered by the course and the number of classroom hours allowed for each topic.

(b) Approval of a continuing education course under this section is valid until December 31 of the next even-numbered year.

(c) A sponsor who has a change in a condition required under (a)(3) – (6) of this section during the approval period described in (b) of this section must

- (1) reapply to the board for continuing education credit approval; and
- (2) submit the continuing education course change approval fee specified in 12 AAC 02.150.

(d) Notwithstanding the provisions of (a) of this section, the board may award continuing education credit for attendance at a course or seminar that has not previously been approved by the board if course or seminar meets the requirements of 12 AAC 16.320 and 12 AAC 16.330 and if the applicant submits supporting documentation to the board with the application for credit. The amount of credit awarded, if any, will be determined by the board on an individual basis.

(e) Falsification of any written evidence submitted to the board under this section is unprofessional conduct and constitutes grounds for censure, reprimand, or license revocation or suspension.

Authority: AS 08.20.055 AS 08.20.170

12 AAC 16.350. INDIVIDUAL STUDY. The number of hours of continuing education credit awarded for completion of a formal correspondence or other individual study program that requires registration and provides evidence of satisfactory completion will be determined by the board on an individual basis. A request for board approval for credit of hours of continuing education for an individual study program must be made to the board in writing before the applicant begins the individual study program.

Authority: AS 08.20.055 AS 08.20.170

12 AAC 16.360. INSTRUCTOR OR DISCUSSION LEADER. (a) One hour of continuing education credit is awarded for each hour completed in preparation for instruction or discussion as an instructor or discussion leader of educational programs meeting the requirements of 12 AAC 16.280 – 12 AAC 16.390. The number of hours of credit so awarded may not exceed twice the number of hours awarded under (b) of this section.

(b) One hour of continuing education credit is awarded for each hour completed as an instructor or discussion leader of educational programs meeting the requirements of 12 AAC 16.280 – 12 AAC 16.390. Credit is awarded only for the initial course of instruction of the subject matter unless there have been substantial new developments in

the subject since the prior presentation.

(c) The total credit awarded under this section may not exceed one-third of the total hours of continuing education reported in any licensing period.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.370. PUBLICATIONS. Continuing education credit may be awarded for publication of articles or books. The amount of credit so awarded will be determined by the board on an individual basis.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.380. REPORT OF CONTINUING EDUCATION. Repealed 1/29/2009.

12 AAC 16.390. RENEWAL AND REINSTATEMENT OF LICENSE. (a) The department will renew a license that has been lapsed or in retired status for less than two years if the applicant submits

- (1) a completed application for renewal, on a form provided by the department;
- (2) the following fees established in 12 AAC 02.150:

(A) biennial license renewal fee;

(B) delayed renewal penalty fee, if the license has been lapsed for more than 60 days, but less than two years;

and

(3) documentation that all continuing education requirements of 12 AAC 16.290 – 12 AAC 16.370 have been met.

(b) Unless the board finds that reinstatement of a license is contrary to AS 08.20.170, the board will reinstate a license that has been lapsed or in retired status for at least two years, but less than five years if the applicant

- (1) submits an application for reinstatement on a form provided by the department;
- (2) submits the applicable fees established in 12 AAC 02.150;
- (3) submits documentation of completion of all continuing education requirements in 12 AAC 16.290 – 12 AAC

16.370 that would have been required to maintain a current license for the entire period that the license has been lapsed or in retired status; and

(4) passes the state chiropractic examination under 12 AAC 16.130.

(c) A person may not reinstate a license that has been lapsed or in retired status for five years or more at the time of application for reinstatement, and the former licensee must apply for a new license under AS 08.20 and this chapter.

(d) A licensee unable to obtain the required continuing education hours for renewal of a license due to reasonable cause or excusable neglect, must request exemption status in writing, to the board, accompanied by a statement explaining the reasonable cause or excusable neglect. If an exemption is granted, the board may prescribe an alternative method of compliance to the continuing education requirements as determined appropriate by the board for the individual situation.

(e) In this section, "reasonable cause or excusable neglect" includes

- (1) chronic illness;
- (2) retirement; or
- (3) a hardship, as individually determined by the board.

Authority: AS 08.01.100 AS 08.20.167 AS 08.20.170
AS 08.20.055

ARTICLE 4. UTILIZATION REVIEW.

Section

- 400. Utilization review committee**
- 410. Term of appointments to utilization review committee**
- 420. Conduct of utilization review**
- 430. Professional standards and guidelines**

12 AAC 16.400. UTILIZATION REVIEW COMMITTEE. (a) For the purposes of AS 08.20.185, the board may appoint a utilization review committee that is advisory to the board.

(b) A utilization review committee appointed by the board will consist of four individuals. Three members of the utilization review committee must be chiropractic physicians licensed under AS 08.20, and one member must be a public member who meets the requirements of AS 08.01.025.

(c) A member of a utilization review committee may not review a case if the member is in a direct business relationship with the chiropractic physician, insurer, or patient in the case being reviewed.

(d) In this section, a "direct business relationship" includes an employer-employee relationship, doctor-patient relationship, and a legal contractual relationship.

Authority: AS 08.20.055 AS 08.20.185

12 AAC 16.410. TERM OF APPOINTMENTS TO UTILIZATION REVIEW COMMITTEE. (a) Members of the utilization review committee are appointed for staggered terms of two years.

(b) Repealed 1/29/2009.

(c) A member of the utilization review committee may be removed by the board for cause.

(d) A member of the utilization review committee may not serve on the committee for more than four consecutive years. The member may not be reappointed until two years have elapsed since the member last served on the committee.

Authority: AS 08.20.055 AS 08.20.185

12 AAC 16.420. CONDUCT OF UTILIZATION REVIEW. (a) A patient, patient's representative, insurer, or the patient's chiropractic physician may file a request for utilization review with the board by submitting to the department

(1) a written request for review of the care provided, fees charged, or services rendered by a licensee to a patient;

(2) the utilization review fee established in 12 AAC 02.150; and

(3) if the utilization review committee requires a patient's treatment records for review, a completed release, on a form provided by the department, signed by the patient.

(b) A licensee's acceptance of or request for payment for treatment given to a patient constitutes the licensee's consent to submit to the utilization review committee the information required in (c) of this section.

(c) A licensee involved in a case submitted to the utilization review committee shall submit to the utilization review committee all necessary records and other information concerning the patient's treatment.

(d) The utilization review committee shall conduct a utilization review for each request for utilization review submitted to it in accordance with guidelines established by the board. Except as provided in (f) of this section, the utilization review committee shall report its findings to the board and furnish a copy of its findings to the patient, licensee, and third-party payor involved in the case.

(e) The findings of the utilization review committee must include a determination of whether the

(1) licensee provided or ordered appropriate treatment or services; and

(2) fees charged are a reasonable and appropriate cost of treatment; in determining the reasonableness and appropriateness of costs, the committee may consider, among other appropriate factors, charges by health care providers other than chiropractic physicians for the same or similar services.

(f) If the utilization review committee determines that reasonable cause exists to believe the licensee has violated a provision of AS 08.20 or this chapter for which a licensee may be disciplined, the utilization review committee may not report its finding to the board, but instead shall refer the matter to the department's investigative section. The utilization review committee shall provide all information gathered in connection with the utilization review to the department's investigative section.

(g) Repealed 1/6/2002

Authority: AS 08.20.055 AS 08.20.185

12 AAC 16.430. PROFESSIONAL STANDARDS AND GUIDELINES. (a) When making a determination as to whether a licensee provided reasonable and appropriate treatment or services or charged reasonable and appropriate costs of treatment to a patient, the utilization review committee appointed under 12 AAC 16.400 may rely on the guidelines, standards, or recommendations of the following organizations accepted by the board:

(1) Alaska Worker's Compensation Board;

(2) American Chiropractic Association;

(3) Canadian Chiropractic Association;

(4) Council on Chiropractic Education;

(5) Croft Guidelines published by the Spine Research Institute of San Diego;

(6) Federation of Chiropractic Licensing Boards;

(7) repealed 9/7/2012;

(8) International Chiropractors Association;

(9) National Board of Chiropractic Examiners;

(10) World Chiropractic Alliance;

(11) World Federation of Chiropractic;

(12) a successor organization to an organization specified in this subsection.

(b) The utilization review committee shall take into consideration the differences between the standards and guidelines of the organizations listed in (a) of this section when making a determination as to whether the care provided by the licensee was provided in a manner required of a reasonably competent practitioner acting under the same or similar circumstances.

Authority: AS 08.20.055 AS 08.20.185

**ARTICLE 5.
GENERAL PROVISIONS.**

Section

- 900. Violations**
- 920. Minimum professional standards**
- 930. Lewd or immoral conduct with patients prohibited**
- 980. "Misrepresentation" defined**
- 990. Definitions**

12 AAC 16.900. VIOLATIONS. It is the duty of all members of the board to report to the department instances of alleged violations of AS 08.20.100. The department shall inform a new licensee in the state that it is his or her duty to report to the board all known instances of suspected unlicensed practice of chiropractic.

Authority: AS 08.20.055 AS 08.20.100

12 AAC 16.920. MINIMUM PROFESSIONAL STANDARDS. (a) Chiropractic care that may adversely affect the health and welfare of the public constitutes conduct that does not conform to minimum professional standards established under AS 08.20.170(a)(5) and this section. Conduct that does not conform to minimum professional standards in this chapter includes

- (1) failing to use sufficient knowledge, skills, or judgment in the practice of chiropractic;
 - (2) failing to perform patient care within the chiropractor's scope of competence, which are necessary to prevent substantial risk or harm to a patient;
 - (3) engaging in patient care outside the scope of chiropractic practice;
 - (4) engaging in patient care outside the scope of the chiropractor's training and expertise;
 - (5) violating established protocols in the delivery of chiropractic treatment or care;
 - (6) violating the confidentiality of information or knowledge concerning a patient;
 - (7) physically or verbally abusing a patient;
 - (8) failing to maintain a record for a patient that accurately reflects the chiropractic problems and interventions for the patient;
 - (9) falsifying a patient's records;
 - (10) intentionally making an incorrect entry in a patient's chart;
 - (11) discrimination in the provision of chiropractic care on the basis of race, religion, color, national origin, ancestry, or sex;
 - (12) exploiting a patient for financial gain or offering, giving, soliciting, or receiving fees for referral of a patient;
 - (13) knowingly violating laws regulating health insurance, including those laws established in AS 21.36.360;
 - (14) using unsanitary or unsafe equipment;
 - (15) failing to adhere to the Code of Ethics of the American Chiropractic Association, as revised as of September 2007, adopted by reference;
 - (16) failing to provide copies of complete patient records in the licensee's custody and control within 30 days after receipt of a written request for the records from the patient or patient's guardian.
- (b) A licensee shall evaluate patient care on an individual basis and make a reasonable judgment on the course of treatment for each patient.

Authority: AS 08.20.055 AS 08.20.100 AS 08.20.170

Editor's note: A copy of the Code of Ethics of the American Chiropractic Association, September 2007 edition, adopted by reference in 12 AAC 16.920(a) is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska, or may be obtained from the American Chiropractic Association, 1701 Clarendon Boulevard, Arlington, VA 22209; telephone: (703)276-8800; website at <http://www.acatoday.org>.

12 AAC 16.930. LEWD OR IMMORAL CONDUCT WITH PATIENTS PROHIBITED. (a) A licensee may not engage in lewd or immoral conduct in connection with the delivery of professional services to a patient or solicit sexual contact or a romantic relationship with a patient.

- (b) It is a defense to a disciplinary action alleging a violation of this section that
- (1) at the time of, or immediately preceding, the contact the patient was the licensee's spouse, or was in a dating, courtship, or engagement relationship with the licensee; or
 - (2) the licensee terminated the doctor-patient professional relationship with the former patient more than six months before the contact occurred.
- (c) It is not a defense to a disciplinary action alleging a violation of this section that the contact occurred
- (1) with the consent of the patient;
 - (2) outside professional treatment sessions; or
 - (3) off of the premises regularly used by the licensee for the professional treatment of patients.

(d) As used in AS 08.20.170(a)(8) and this section, “lewd or immoral conduct” includes sexual misconduct, sexual contact, or attempted sexual contact, with a patient outside the scope of generally accepted methods of examination or treatment of the patient during the time the patient is receiving professional treatment from the licensee.

(e) As used in this section,

(1) “attempted sexual contact” means engaging in conduct that constitutes a substantial step towards sexual contact;

(2) “sexual contact”

(A) means touching, directly or through clothing, a patient’s genitals, anus, or female breast, or causing the patient to touch, directly or through clothing, the licensee’s or patient’s genitals, anus, or female breast;

(B) includes sexual penetration;

(C) does not include acts

(i) that may reasonably be construed to be normal caretaker responsibilities for a child, interactions with a child, or affection for a child; or

(ii) performed for the purpose of administering a recognized and lawful form of chiropractic examination or treatment that is reasonably adapted to promoting the physical or mental health of the person being treated;

(3) “sexual misconduct” means behavior, a gesture, or an expression that may reasonably be interpreted as seductive, sexually suggestive, or sexually demeaning to a patient; “sexual misconduct” includes

(A) encouraging the patient to masturbate in the presence of the licensee or masturbation by the licensee while the patient is present;

(B) offering to provide to a patient controlled substances or other drugs in exchange for sexual contact;

(C) disrobing or draping practice that is seductive, sexually suggestive, or sexually demeaning to a patient, such as deliberately watching a patient dress or undress or failing to provide privacy for disrobing;

(D) making a comment about or to the patient that is seductive, sexually suggestive, or sexually demeaning to a patient, including

(i) sexual comment about a patient’s body or underclothing;

(ii) sexualized or sexually demeaning comment to a patient;

(iii) demeaning or degrading comments to the patient about the patient’s sexual orientation, regardless of whether the patient is homosexual, heterosexual, or bisexual;

(iv) comments about potential sexual performance of the patient during an examination or consultation, except when the examination or consultation is pertinent to the issue of sexual function or dysfunction;

(v) requesting details of sexual history or sexual likes or dislikes of the patient if the details are not clinically indicated for the type of examination or consultation;

(E) initiation by the licensee of conversation with a patient regarding the sexual problems, preferences, or fantasies of the licensee;

(F) using the doctor-patient professional relationship with the patient to solicit sexual contact or a romantic relationship with the patient or another;

(G) kissing a patient in a romantic or sexual manner;

(4) “sexual penetration”

(A) means genital intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, of an object or any part of a person’s body into the genitals or anus of another person’s body; each party to any of the acts defined as “sexual penetration” is considered to be engaged in sexual penetration;

(B) does not include acts performed for the purpose of administering a recognized and lawful form of chiropractic examination or treatment that is reasonably adapted to promoting the physical health of the person being treated.

Authority: AS 08.20.055 AS 08.20.170

12 AAC 16.980. “MISREPRESENTATION” DEFINED. In AS 08.20.170, “misrepresentation” means

(1) the use of any advertising in which untruthful, exaggerated, improper, misleading or deceptive statements are made;

(2) impersonation of another practitioner;

(3) advertising or holding oneself out to have the ability to treat diseases or other abnormal conditions of the human body by any secret formula, method, or procedure;

(4) knowingly permitting or allowing another person to use a licensee’s license or certificate in the practice of any system or mode of treating the sick or afflicted.

Authority: AS 08.20.055 AS 08.20.170(d)

12 AAC 16.990. DEFINITIONS. (a) In this chapter, unless the context requires otherwise,

(1) "appropriate treatment or services" means treatment or services performed, because of a substantiated and properly diagnosed condition, that is consistent with that diagnosis as reviewed by the peer review committee appointed under 12 AAC 16.400;

(2) "board" means the Board of Chiropractic Examiners;

(3) "department" means the Department of Commerce, Community, and Economic Development;

- (4) "licensee" means a chiropractic physician licensed under AS 08.20;
 - (5) "reasonable and appropriate cost of treatment" means that charges submitted for services performed are necessary and reasonable charges in the judgment of the peer review committee appointed under 12 AAC 16.400;
 - (6) "criminal history record information" has the meaning given in AS 12.62.900;
 - (7) "general supervision" means the directing of the authorized activities by a licensed chiropractic physician and does not require the physical presence of the supervisor when directing those activities;
 - (8) "personal supervision" means that the licensed chiropractic physician is physically present at the same office location where the services are being furnished.
- (b) In AS 08.20.900,
- (1) "prescription drug" means a drug that
 - (A) under federal law, before being dispensed or delivered, is required to be labeled with either of the following statements:
 - (i) "Caution: Federal law prohibits dispensing without prescription";
 - (ii) "Caution: Federal law restricts this drug to use by, or on the order of, a licensed veterinarian"; or
 - (B) is required by an applicable federal or state law or regulation to be dispensed only under a prescription drug order or is restricted to use by practitioners only;
 - (2) "surgery"
 - (A) means the use of a scalpel, sharp cutting instrument, laser, electrical current, or other device to incise or remove living tissue;
 - (B) does not include venipuncture or the removal of foreign objects from external tissue.

Authority: AS 08.20.055 AS 08.20.900

APPENDIX A

Notice on Superiority Advertising

At the request of the Federal Trade Commission and with the concurrence of the Alaska Attorney General, the Board of Chiropractic Examiners has repealed two provisions of the Alaska Administrative Code, effective August 31, 1986.

One of the repealed paragraphs, 12 AAC 16.910(b)(2), prohibited the advertising of techniques or modalities to infer or imply superiority of treatment or diagnosis by their use. The other repealed paragraph, 12 AAC 16.910(b)(4), prohibited print advertising claiming superiority over or greater skill than other practitioners. These provisions were both repealed so that the advertising practices previously prohibited would no longer be considered “misrepresentation” and therefore would be allowed.

Massage Therapy Continued Education Acceptable List Review



Unacceptable Continuing Education

In the meeting on June 11-12, 2018, the Board of Massage Therapists has determined that the following will **not** be accepted for use as continuing education in conjunction with massage license renewal. Anyone who has completed continuing education on the following topics before September 1, 2018 may choose to ask the board to review their course on a case by case basis for approval. This list will be used as a tool for board review of reinstatement applications and licensee audit review and is subject to change with board approval.

Continuing Education- *Professional development activities that enhance and expand the skills and knowledge of massage therapists that enable them to render competent service to clients, the profession, and the public in accordance with AS 08.61.100(5).*

1. Diagnoses (allopathic-based) of clinical conditions
2. Physically invasive modalities (e.g., ear candles, intra-anal, intra-vaginal modalities, etc.)
3. Incorporation of chiropractic/osteopathic (e.g., ballistic, thrust oriented or other services and procedures) which require additional licensure or certification (i.e., Yoga or Pilates Instructor Certification, Physical Therapy, Personal Training, Weight Training, Cosmetology).
4. Performing hypnosis diagnoses (allopathic-based) of clinical conditions
5. Implementation of allopathic medical/surgical procedures
6. Prescription of herbs, nutritional supplements, essential oils and /or pharmaceuticals
7. Performing an aesthetician facial or exfoliation of cells from the body
8. Performing electrical stimulation, using electrical devices on clients or ultrasound of any kind.
9. Psychological counseling
10. Psychic, clairvoyance, telepathic, astrology, religious practices
11. Dry needling and acupuncture
12. Breaking or removing tissue from the body
13. Cannabis oil
14. CBD oil
15. Energy work that does not involve “the application of professional therapeutic touch”
16. Aura techniques
17. Crystal healing
18. Qi Gong or Tai Chi
19. Fire cupping or any procedure that works with fire
20. Breast massage as part of anything other than medical procedures or prescribed by a physician. Content is accepted when breast massage content includes learning about oncology; specifically, breast cancer procedures, surgeries and other pathologies.
21. Erroneous, misleading titles of modalities; a description of the course must be added to the title if the modality cannot be easily deciphered by the title.
22. Articles or online content that does not include a final examination.
23. Animal Massage

9 UNACCEPTABLE COURSE CONTENT

- Core curriculum content including basic anatomy, physiology, kinesiology, pathology, and Swedish massage applications
- Diagnoses (allopathic-based) of clinical conditions
- Implementation of allopathic medical/surgical procedures
- Physically invasive modalities, e.g., ear candles, intra-anal, intra-vaginal modalities, etc.
- Incorporation of chiropractic/osteopathic, e.g., ballistic, thrust oriented or other services and procedures which require additional licensure or certification, i.e., Yoga or Pilates Instructor Certification, Physical Therapy, Personal Training, Weight Training
- Prescription of herbs, nutritional supplements, and /or pharmaceuticals
- Performing hypnosis
- Performing an aesthetician facial or exfoliation of cells from the body
- Performing electrical stimulation, using electrical devices on clients or ultrasound of any kind
- Light therapy in any form
- Psychological counseling
- Psychic, clairvoyance, telepathic, astrology, religious practices
- Dry needling and acupuncture
- Breaking or removing tissue from the body
- Courses based on use of specific products
- Energy work that does not include "professional therapeutic hands-on applications"
- Techniques relying on limited hands-on contact and/or the use of guided meditations, clearing of energy blockages, spiritual guidance or other energy healing approaches such as (but not limited to): Holy Fire Reiki, Integrated Energy Therapy, Access Bars and Healing Touch.
- Aura techniques
- Crystal healing
- Qi Gong or Tai Chi
- Fire cupping or any procedure that works with fire
- Breast massage classes are accepted as part of medical procedures, as prescribed by a physician, when they meet state licensing board requirements for practicing breast massage, or when learning about oncology (specifically, breast cancer procedures).
- Moxibustion
- Tongue Reading
- Erroneous, misleading titles of modalities; a description of the course must be added to the title if the modality/topic cannot be easily deciphered by the title.
- CPR/First Aid

Exceptions: Courses that will be allowed only when the course is designed/outlined and titled as strictly for the therapist's personal self-care and not to be taught to others or performed on clients, such as:

- Performing active strengthening/physical training to others (acceptable for the therapist's self-care only).
- Perform yoga/yoga teacher training programs (acceptable for therapist's self-care only).

Please Note: Basic/fundamental course content represented in the initial massage therapist training, does not qualify for CEs as it is not continued education. Continuing education must be of an advanced nature, with more specific approaches.

Continuing Education Course Categories

| | | |
|----------------------------|---------------------------------|---------------------------------|
| Active Isolated Stretching | Ethics | Polarity Therapy |
| Acupressure | Geriatric Massage | Postural/Structural Integration |
| Advanced Science | Health Care Massage | Pregnancy Massage |
| Amma/Anma | HIV/AIDS | Reflexology |
| Animal Massage | Hospice Massage | Rehabilitative Massage |
| Aquatic Massage | Hot/Cold Stone Therapy | Research |
| Aromatherapy | Hydrotherapy | Rolfing |
| Ashiatsu | Jin Shin Do | Science |
| Assessment | Lomi Lomi | Self-care |
| Ayurveda | Manual Lymph Drainage | Shiatsu |
| Bodywork | Movement and Exercise Therapies | Soft Tissue Release |
| Bodywork Asian Studies | Muscle Energy Techniques | Spa Treatments |
| Business/Marketing | Myofascial | Sports massage |
| Chair Massage | Neuromuscular Therapy | Teacher Training Program |
| Clinical/Medical Settings | Oncology Massage | Thai Massage |
| Communication | Ortho-Bionomy | Therapeutic Massage |
| Craniosacral Therapy | Orthopedic Massage | Trauma Therapy |
| Deep Tissue Techniques | Other | Trigger Point Therapy |
| Documentation | Pediatric Massage | Tui Na |
| Energy Work | Peri-Natal | Zero Balancing |

Apprentice Program Board Draft Review

The board continues the discussion of clarify the current regulation that defines a board accepted apprenticeship program.



**CHAPTER 79.
MESSAGE THERAPISTS.**

Article

- 1. Licensing (12 AAC 79.100 – 12 AAC 79.140)**
- 2. License Renewal and Continuing Education (12 AAC 79.200 – 12 AAC 79.220)**
- 3. General Provisions (12 AAC 79.900 – 12 AAC 79.990)**

**ARTICLE 1.
LICENSING.**

Section

- 100. Application for licensure by examination**
- 110. Application for licensure by credentials**
- 115. Temporary military courtesy license**
- 120. Application for transitional license**
- 130. Criminal justice information**
- 140. Massage school education requirements**

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

- (b) An applicant for licensure by examination under this section must submit
- (1) a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
 - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
 - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
 - (2) verification of massage therapy education, sent directly from the school or program to the division office; verification must consist of
 - (A) on or before June 30, 2019, an official school transcript evidencing completion of a course of study of at least 500 hours of in-class supervised instruction and clinical work from a massage therapy school or program that
 - (i) has authorization to operate from the Alaska Commission on Postsecondary Education under AS 14.48 or from a similar agency of another state; or
 - (ii) is accredited by a nationally recognized accrediting agency;
 - (B) on or after July 1, 2019, an official school transcript evidencing completion of a course of study of at least 625 hours of in-class supervised instruction and clinical work from a massage therapy school or program that
 - (i) has authorization to operate from the Alaska Commission on Postsecondary Education under AS 14.48 or from a similar agency of another state; or
 - (ii) is accredited by a nationally recognized accrediting agency; or
 - (C) evidence satisfactory to the board of completion of an apprenticeship program that meets the requirements and standards of the Commission on Massage Therapy Accreditation (COMTA) and the requirements and standards of the Coalition of National Massage Therapy Organizations, Entry Level Analysis Project (ELAP) *Work Group, The Core: Entry-Level Massage Education Blueprint*, dated December 2013, and adopted by reference;
 - (3) verification, sent directly from the appropriate agency to the division office, of having passed
 - (A) the Massage and Bodywork Licensing Examination (MBLEx) administered by the Federation of State Massage Therapy Boards; or
 - (B) the National Certification Examination for Therapeutic Massage or the National Certification Examination for Therapeutic Massage and Bodywork, each administered by the National Certification Board for Therapeutic Massage and Bodywork, if the applicant took the examination before February 1, 2015;
 - (4) a current certification in cardiopulmonary resuscitation from the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
 - (5) the following:
 - (A) on or before June 30, 2019, verification of having completed at least four hours of safety education in bloodborne pathogens and universal precautions in the two years preceding the application; or
 - (B) on or after July 1, 2019, verification of having completed at least two hours of safety education in bloodborne pathogens and universal precautions in the two years preceding the application.
- (c) In this section, "in-class supervised instruction" means education received either in a physical classroom or through online distance education.
- (d) To meet the educational requirements of this section and 12 AAC 79.140, online distance education courses
 - (1) must be completed through a board-approved online distance education monitoring program;
 - (2) must meet the requirements of (b)(2)(B) of this section; and

MAS – Apprenticeship Program – Draft

MAS Statute: Sec. 08.61.030. Qualifications for license.

The board shall issue a license to practice massage therapy to a person who
(A) course of study of at least 625 hours of in-class supervised instruction and clinical work from an approved massage school; or

(B) board-approved apprenticeship program.

Board Approved Apprenticeship Program

Definition: Program Defined Here

Apprenticeship program is one sponsoring mentor and one apprentice?

An apprentice may not receive Compensation if the apprentice does not hold a current State of Alaska license as per 08.61.100

An apprentice program must be completed within 36 months.

Curriculum must be accredited (Accreditation Defined)

Timeline Parameters of apprenticeship benchmarks?

Sponsor Definition:

Qualification of the Apprenticeship Mentor

SPONSOR OF MENTOR? Established Board approved massage therapy School

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

(2) pays the fees established under AS 08.61.090;

(3) furnishes evidence satisfactory to the board that the sponsor had completed.

(A) course of study of at least 625 hours of in-class supervised instruction and clinical work from an approved massage school

(B) documentation of **a current** professional massage therapy license that has been active for a minimum of 5 years in a state that has substantially equivalent requirements to Alaska. You must be licensed in the State of Alaska for a minimum of 2 years.

(C) documentation of a minimum of 2 years of State of Alaska residency.

(D) documentation of continued education of a minimum of 40 hours of continued education as per ACC..... that has been completed within the past 5 years. 50 percent in person.

(E) documentation of formal education of a minimum of XX hours in adult education completed through an approved continued education provider as per ACC79.110... or a postsecondary

(F) documentation of professional practice as a massage therapist for a minimum of 5 years with a minimum of 2500 hours of clinical experience (client-log, employment letter, tax docs. ???)

(G) has successfully completed a nationally recognized competency examination approved by the board as per acc 79.110...

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

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

(K) the mentor has completed XXX of in person board approved continued education courses

(4) a sponsor massage therapist shall serve as the sole supervisor for their massage apprentice and may not allow another massage therapist to also supervise that massage apprentice; and a massage therapist may not supervise a massage apprentice who is under the supervision of another massage therapist.

Qualifications of the Apprentice

(1) is 18 years of age or older.

(2) applies on a form provided by the department.

(3) Highschool Diploma

(4) pays the fees established under AS 08.61.090;

(5) has submitted the person's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

Apprenticeship Program Curriculum Qualifications

COMTA CURRICULM APPROVED – ELAP STANDARDS?

(4) The sponsor massage therapist shall train the massage apprentice in the areas of:

(a) anatomy, physiology and kinesiology - XXX??? hours; including indications and contraindications, Muscular system, Nervous system, Osteology, Circulatory System, Kinesiology.

(b) pathology – XXX?? hours.

(c) Massage Theory and Practical Application: Assessment-Basic massage therapy techniques dedicated to the study of massage therapy and various clinically related modalities. No more than 50 hours should address techniques that are exempt from license

requirements. Practical application not to exceed more than 20% of total hours of the massage program massage techniques including the five basic Swedish massage strokes - XXX??? hours.

- (d) *Clinical Practice: Universal and standard precautions, Self-care, Body mechanics, Draping, Record Keeping, Business Practices and professional development, medical terminology*
- (e) *Ethics and Law: Local and state laws, Therapeutic relationships, Professional boundaries hands-on instruction - X hours*
- (f) *Practical application – X hours This curriculum can be performed on the public only after the division received documentation of completion of curriculum (a) –through (e)*
- (g) *The supervising massage therapist shall submit with the massage apprentice’s application a curriculum content outline that includes a list of the resource materials to be used, which has been preapproved by the Division.*
- (h) *The apprenticeship program must be completed within 36 months of beginning the program.*
- (i) *Benchmarks (Defined here)*
- (j) *An apprentice may receive Compensation with an active State of Alaska massage therapy license.*
- (k) *The massage apprentice shall follow the submitted Division-approved curriculum content outline*

Apprenticeship Program Standards

(1) *A supervising massage therapist and massage apprentice may begin an apprenticeship program after:*

- (a) *the massage apprentice is approved by the board*
- (b) *the apprenticeship programs, sponsor, apprentice and curriculum is approved by the board.*

(2) *Documentation requirements of the apprenticeship program*

- (a) *The apprenticeship training records will be available to the Division immediately upon request.*
- (b) *The verification of the completion of the apprenticeship program on forms available from the Division.*

(c) if the apprenticeship program is terminated, notify the Division within ten working days on a Notice of Disassociation form available from the Division; and

(3) *supervising mentor massage therapist shall provide direct supervision for a massage apprentice performing massage client services by:*

(a) giving prior written or verbal instructions to the massage apprentice.

(b) being present in the facility where the massage apprentice is performing the massage client services; and

(c) being available to provide immediate face-to-face communication with the massage apprentice as necessary.

(l) *An apprentice may receive Compensation with an active State of Alaska massage therapy license as per 08.61.....*

(d) The supervision massage therapist may, but need not be, present in the room where the massage apprentice is performing massage client services on the public client.

(e) If a massage apprentice fails the FSMTB MBLEx three times the supervising massage therapist shall:

(a) with the massage apprentice, meet with the Board at the next appropriate Board meeting.

(b) explain to the Board why the massage apprentice cannot pass the examination; and

(c) provide to the Board a plan of study in the appropriate subject matter to assist the massage apprentice in passing the examination; and

(d) *if the Division and Board approve, the massage apprentice shall again be eligible to take the FSMTB MBLEx.*

Program Approval of Online Massage Therapy Education Accreditation Agencies

The board discussed approved accreditation agencies of distance education massage therapy courses.

Examples of accreditation agencies include the following:

- Distance Education Accreditation Commission,
- Council for Higher Education Accreditation,
- Accreditation of High Standard Quality Education

12.AAC.79.100 (c)(d)(1)(2)



**CHAPTER 79.
MESSAGE THERAPISTS.**

Article

- 1. Licensing (12 AAC 79.100 – 12 AAC 79.140)**
- 2. License Renewal and Continuing Education (12 AAC 79.200 – 12 AAC 79.220)**
- 3. General Provisions (12 AAC 79.900 – 12 AAC 79.990)**

**ARTICLE 1.
LICENSING.**

Section

- 100. Application for licensure by examination**
- 110. Application for licensure by credentials**
- 115. Temporary military courtesy license**
- 120. Application for transitional license**
- 130. Criminal justice information**
- 140. Massage school education requirements**

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

- (b) An applicant for licensure by examination under this section must submit
- (1) a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
 - (C) the applicant’s fingerprint information described in 12 AAC 79.130; and
 - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
 - (2) verification of massage therapy education, sent directly from the school or program to the division office; verification must consist of
 - (A) on or before June 30, 2019, an official school transcript evidencing completion of a course of study of at least 500 hours of in-class supervised instruction and clinical work from a massage therapy school or program that
 - (i) has authorization to operate from the Alaska Commission on Postsecondary Education under AS 14.48 or from a similar agency of another state; or
 - (ii) is accredited by a nationally recognized accrediting agency;
 - (B) on or after July 1, 2019, an official school transcript evidencing completion of a course of study of at least 625 hours of in-class supervised instruction and clinical work from a massage therapy school or program that
 - (i) has authorization to operate from the Alaska Commission on Postsecondary Education under AS 14.48 or from a similar agency of another state; or
 - (ii) is accredited by a nationally recognized accrediting agency; or
 - (C) evidence satisfactory to the board of completion of an apprenticeship program that meets the requirements and standards of the Commission on Massage Therapy Accreditation (COMTA) and the requirements and standards of the Coalition of National Massage Therapy Organizations, Entry Level Analysis Project (ELAP) *Work Group, The Core: Entry-Level Massage Education Blueprint*, dated December 2013, and adopted by reference;
 - (3) verification, sent directly from the appropriate agency to the division office, of having passed
 - (A) the Massage and Bodywork Licensing Examination (MBLEx) administered by the Federation of State Massage Therapy Boards; or
 - (B) the National Certification Examination for Therapeutic Massage or the National Certification Examination for Therapeutic Massage and Bodywork, each administered by the National Certification Board for Therapeutic Massage and Bodywork, if the applicant took the examination before February 1, 2015;
 - (4) a current certification in cardiopulmonary resuscitation from the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
 - (5) the following:
 - (A) on or before June 30, 2019, verification of having completed at least four hours of safety education in bloodborne pathogens and universal precautions in the two years preceding the application; or
 - (B) on or after July 1, 2019, verification of having completed at least two hours of safety education in bloodborne pathogens and universal precautions in the two years preceding the application.
- (c) In this section, “in-class supervised instruction” means education received either in a physical classroom or through online distance education.
- (d) To meet the educational requirements of this section and 12 AAC 79.140, online distance education courses
 - (1) must be completed through a board-approved online distance education monitoring program;
 - (2) must meet the requirements of (b)(2)(B) of this section; and

20% Clinical Practical Application

The board discusses the regulation that requires that the transcripts of approved education must not include over twenty percent of subject matter in clinical practical application.

12 AAC 79.140. (2)



this section to an applicant who applies for licensure before July 1, 2017, and who meets the requirements of AS 08.61.030(1), (2), (4) – (6), and (9) and this section.

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

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

Authority: AS 08.61.020 AS 08.61.090 Sec. 10, ch. 114, SLA 2014
AS 08.61.030

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

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

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

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

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.040

12 AAC 79.140. MASSAGE SCHOOL EDUCATION REQUIREMENTS. (a) An applicant for a massage therapy license must show

- (1) successful completion of not less than 625 hours of in-class supervised instruction and clinical work from an approved massage school; and
- (2) that the practical application portion of the approved massage school curriculum is not more than 20 percent of the total hours of the massage therapy program.

(b) In this section,

- (1) "in-class supervised instruction" means education received either in a physical classroom or through online distance education.
- (2) "practical application" means a hands-on application of various clinical modalities dedicated to the practice of massage therapy.

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.100