



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting April 10, 2020

The Alabama Board of Massage Therapy met on Friday, April 10, 2020, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama. The meeting was held via video-conferencing during the COVID 19 State of Emergency, with some members on site and others attending via conference call. The following Board members were in attendance via conference call: Mr. Darren Beam (new member), Ms. Stefanie Herfurth (new member), Ms. Gina Lee (new member), Ms. Denise Mastin Dale (new member), and Ms. Stephanie Dobbins (new member). Other members attending and onsite: were Mr. Foad Araiinejad (member) and Ms. Mary Rogers (new member). Also in attendance were Mr. Keith Warren (Executive Director), Mr. Matt Bledsoe (Legal Counsel), Ms. Jenna Lanier (Board Administrator), Ms. Renee' Reames (recording secretary) and Ms. Jennifer Love (Legal Assistant). Mr. Warren called the meeting to order at 10:09 a.m. and administered the oath of office to new and reappointed members in attendance. He called Board roll and reported that a quorum was present, with all Board members in attendance.

Public notice of this regularly scheduled meeting was submitted to the Secretary of State www.sos.alabama.gov in accordance with the requirements of the Alabama Open Meetings Act and published on the Board's web site at www.almtbd.alabama.gov.

Mr. Warren reported that election of Board officers was required. Mr. Beams nominated Mr. Araiinejad as Board Chair. The nomination was seconded by Ms. Rogers. Ms. Herfurth nominated Ms. Dobbins and the nomination was seconded by Ms. Dale. Mr. Araiinejad nominated Ms. Rogers and the nomination died with no second to the nomination. Mr. Warren called for a roll call vote for the nomination of Mr. Araiinejad as Board Chair, with the following members voting aye: Ms. Lee, Ms. Dobbins, Mr. Beams and Ms. Rogers. Mr. Warren called for a roll call vote for the nomination of Ms. Dobbins as Board Chair, with the following members voting aye: Mr. Araiinejad Ms. Herfurth and Ms. Dale. Mr. Warren reported that Mr. Araiinejad approved as Board Chair with the majority of the votes.

Mr. Warren called for nominations for the position of Board Vice Chair. Mr. Beam nominated Ms. Dobbins and Ms. Herfurth seconded the motion. There were no other nominations from the floor and Mr. Warren called for a roll call vote for the nomination of Ms. Dobbins as Board Vice Chair and she was unanimously approved with none voting "nay".

Chairman Araiinejad asked Mr. Warren to continue to the next agenda item regarding the approval of the January 10, 2020 Board meeting minutes. A copy of the minutes was provided to the Board members prior to the meeting for their review. Ms. Dale made a motion to approve the January minutes as presented. The motion was seconded by Mr. Beams and, following a roll call vote, the January meeting minutes were unanimously approved (available for viewing in the Board's Official Book of Minutes), with none voting "nay".

Mr. Warren presented the Executive Director Report to include the Financial Report as of March 31, 2020, along with a detailed report of line item expenditures (detailed report on file in the Board's Official Book of Minutes.). He also reported on the current number of licensees, the number of complaints received in FY 2020, along with a list of the establishment and school inspections conducted since the last Board meeting.

For new members of the Board, Mr. Warren explained the Board's complaint process. He also presented the Administrator's Report, which listed administrative activities accomplished by the staff since the last Board meeting held in January.

Ms. Dobbins made a motion to approve the Financial Report as presented. The motion was seconded by Ms. Rogers and, following a roll call vote, the motion was unanimously approved, with none voting "nay".

Mr. Bledsoe presented the Legal Counsel Report. He reported on case #2020-002 and presented a Consent Agreement for the Board's approval. He explained the violations of providing massage therapy at an unlicensed established and employing non-LMT. He recommended a \$1,000 fine and one-year probation. Mr. Beams made the motion to approve the Consent Agreement as presented. The motion was seconded by Ms. Herfurth and, following a roll call vote, the motion was unanimously approved, with none voting "nay".

Mr. Bledsoe presented a Consent Agreement in the case of 2020-021BR and recommended a \$2,000 fine and one-year probation due to violations of offering massage therapy services at an unlicensed establishment, employing non-LMT and advertising services without a license. Ms. Rogers made the motion to approve the Consent Agreement as presented. The motion was seconded by Ms. Herfurth and, following a roll call vote, the motion was unanimously approved, with none voting "nay".

Mr. Warren provide the members information about Board responsibilities to include a copy of the PowerPoint presentation from the Department of Examiners of Public Accounts concerning Board training, along with an explanation about Risk Management coverage.

Mr. Warren also presented an Emergency Rule specific to conducting licensure activities during the COVID 19 State of Emergency. Ms. Dale made the motion to approve the Emergency Rules 532-X-9-.01, effective immediately, giving emergency authority to the Executive Director during COVID 19 State of Emergency to approve or deny applications (Rule on file in the Board's Official Book of Minutes). The motion was seconded by Mr. Beams and, following a roll call vote, the Emergency Rule was approved, with none voting "nay".

Mr. Warren reported that one licensure application had been received for Instructor's license. Ms. Rogers made the motion to approve the instructor application as recommended by Mr. Warren. The motion was seconded by Mr. Beams and following a roll call vote, the motion was unanimously approved, with none voting "nay".

Mr. Warren reported that two renewal school applications were received. Mrs. Herfurth made the motion to approve the school renewal applications and as recommended by Mr. Warren. The motion was seconded by Ms. Rogers, and following a roll call vote, the motion was unanimously approved, with none voting "nay".

Mr. Warren reported that one CE Provider application had been received, which was NCBMTB approved, and he recommended the Board approve the application. Ms. Dale made the motion to approve the CE Provider as recommended by Mr. Warren. The motion was seconded by Ms. Rogers and, following a roll call vote, the motion was unanimously approved, with none voting “nay”.

Mr. Warren presented a list of applications approved by the Executive Director (a full list of the applications can be viewed in the official Book of Minutes), having met the criteria under Rule 532-X-2-.02. Ms. Dale made the motion to ratify the Executive Director’s approval of the massage therapist applications. The motion was seconded by Ms. Herfurth, and following a roll call vote, the motion was unanimously approved, with none voting “nay”.

Mr. Warren reported that six applications were under special review. The Board discussed that these applications were subject to the Emergency Rule and Mr. Bledsoe agreed. Mr. Warren reported that he would review the applications under the authority of the Emergency Rule.

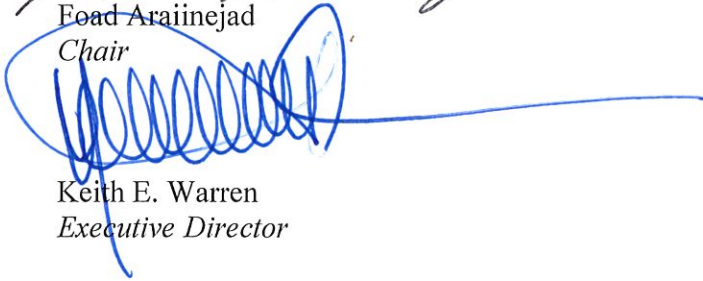
Mr. Warren reminded the members that the next meeting of the Board was scheduled Friday, July 10, 2020 at 10:00 a.m. He explained that this date would be after the current State of Emergency in effect and may result in the meeting being held onsite at the Board’s office. He indicated that he would keep the members advised about the meeting location. Mr. Warren thanked the members for their participation in the conference call, indicating that all members were in attendance.

There being no further business, Ms. Rogers made the motion to adjourn the meeting. The motion was seconded by Ms. Herfurth and, following a roll call vote of the members, the motion was unanimously approved, with none voting “nay”. Chairman Araiinejad adjourned the meeting at 10:55 a.m.

Respectfully Submitted,



Foad Araiinejad
Chair



Keith E. Warren
Executive Director

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