



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting January 5, 2018

The Alabama Board of Massage Therapy met on Friday, January 5, 2018, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business. The following Board members were in attendance: Mr. Lemar Storey (Chair), Mr. Lance Gilliland (Vice Chair), Mr. Willie DeVold (member), Mr. Foad Araiinejad (member), Ms. Gwen Motley (member) and Mr. Michael Stephens (member). Also in attendance were Keith Warren (Executive Director), Mr. Matt Bledsoe (Legal Counsel), Mr. Mike James (Investigator/Inspector), Jennifer Love (Legal Assistant) and Ms. Renee' Reames (Executive Secretary to Mr. Warren, and serving as recording secretary). Guests were also in attendance at the Board meeting. A quorum of the members was established and the meeting was called to order at 10:05 a.m. by Mr. Storey.

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.almtdb.alabama.gov.

The minutes from the October 13, 2017 Board meeting were presented to the Board for their approval. A copy of the minutes was provided to the Board members prior to the meeting for their review. Mr. Araiinejad made a motion to approve the October minutes as presented. The motion was seconded by Mr. Gilliland and unanimously approved by the Board (available for viewing in the Board's Official Book of Minutes).

Mr. Warren presented the Executive Director's Report, to include the FY 2018 Financial Report as of December 31, 2017 (detailed report on file in the Board's Official Book of Minutes.). Also reported were the total number of licensees and complaints received during FY 2016 through 2018.

Mr. Warren also presented the Administrator's Report containing a list of administrative activities accomplished by the staff since the last Board meeting, along with a list of inspections conducted by Mr. Mike James during this period (available for viewing in the Board's Official Book of Minutes).

Ms. Gilliland made a motion to approve the Financial Report as presented. The motion was seconded by Mr. Stephens and unanimously approved by the Board.

Mr. Bledsoe presented the Legal Counsel Report. He presented to the Board the Administrative Law Judge's Recommendation concerning Case 2017-002, which recommended that the Board impose the maximum applicable fines for the licensing and advertising violations in this case. A copy of the Recommendation was provided to the Board members prior to the meeting for their review. The Board members discussed their duty to the public and Board licensing requirements.

Ms. Motley made the motion to assess a fine of \$10,000 per violation, for a total of \$40,000, in the matter of Case 2017-002. The motion was seconded by Mr. Gilliland and unanimously approved by the Board.

Ms. Audra Woodruff requested to appear before the Board to present information concerning infant massage. Following the presentation that included handout materials on infant massage, Ms. Woodruff asked the Board to consider changing the Board's Rules to include pediatric massage for instructors to educate and instruct outside the massage school settings. The Board explained that a massage therapy instructor license was required for instructing students for licensing purposes and not required to instruct parents about infant/pediatric massage on their own family members. The Board reviewed the licensing requirements for performing massage therapy to the public.

Mr. Gilliland presented to the Board an email requesting changes to the Board's statute and rules concerning massage therapy schools and instructors (copy available in the Board's Official Book of Minutes). One of the recommendations were to increase the number of years' experience from 2 years to 4 years, to obtain an instructor license. Mr. Warren explained that this change had already been recommended by the Board in the proposed legislative changes to the Board's statute. He further explained that Administration had reviewed the licensed instructor files and purged current files based on correspondence sent to licensed instructors to determine active instructor status. Ms. Motley made a motion to notify the inquirer and provide an explanation to their inquiries as discussed by the Board. The motion was seconded by Mr. Gilliland and unanimously approved by the Board.

Mr. Warren presented applications for the Board's review and approval (a list of applications is available in the Board's Official Book of Minutes). He presented a Special Review of applications for the Board's consideration. Mr. Gilliland made the recommendation to deny the applications for licensure based on the following:

- XW – based on educational discrepancies in the exam score report date prior to graduation date and school was not certified by NCBMTB;
- YCL – based on educational discrepancies in the exam score report date prior to graduation date and NCBTMB had denied the school code;
- LF – based on NCBTMB had revoked the school code;
- HL – based on educational discrepancies in the exam score report date prior to graduation date.
- YL – based on the California-based school was not state approved;
- LC – based on previous denial due to discrepancies in documentation of citizenship;
- HS – based on Florida's revocation of license.

The motion was seconded by Ms. Motley and unanimously approved by the Board.

Mr. Araiinejad made the motion to approve the instructor applications as presented by Mr. Warren. The motion was seconded by Mr. Gilliland and unanimously approved by the Board.

Mr. Gilliland made a motion to approve the school renewal applications and the new application from Dothan Massage School as presented by Mr. Warren. The motion was seconded by Ms. Motley and unanimously approved by the Board.

Mr. Gilliland made a motion to approve the CE Provider application. The motion was seconded by Mr. Stephens and unanimously approved by the Board.

Mr. Gilliland made the motion to ratify the Executive Director's approval of massage therapist applications. The motion was seconded by Mr. Stephens and unanimously approved by the Board.

The Board reviewed the massage therapist applications submitted by individuals who had attended out-of-state schools, etc. Following a review:

- Mr. Gilliland made the motion to approve R.L. Lopez's application pending receipt of evidence of CPR certification and First Aid course. The motion was seconded by Ms. Motley and unanimously approved by the Board.
- Mr. Gilliland made the motion to approve G. Li's application pending evidence of a minimum of 70 hours in Anatomy and Physiology, CPR certification & general massage therapy hours do not include contradistinctions of massage therapy. The motion was seconded by Mr. Stephens and unanimously approved by the Board.
- Mr. Araiinejad made a motion to approve the other nine (9) applications as presented by Mr. Warren. The motion was seconded by Ms. Gilliland and unanimously approved by the Board.

Mr. Warren presented to the Board information concerning FSMTB model legislative Act and indicated that FSMTB had recommended that the Board substitute the current list of modalities and definitions of the Board with the model language. The Board requested that a comprehensive copy of the proposed model be sent to them for their further consideration and discussion at a future Board meeting. The Board discussed participation in FSMTB conferences and meetings, and Mr. Warren reported that he planned to attend the Executive Director forum in April and Annual Conference in October.

Mr. Warren also provided to the Board members a copy of the FSMTB Human Trafficking Task Force Report for the Board's review and information.

Mr. Warren announced that the Board would begin reporting to the FSMTB database any disciplinary action taken by the Board, at such time that the database was fully developed and operational.

Ms. Motley inquired about attending a massage therapy conference in August. She indicated that she would present additional information for the Board's consideration at a future meeting.

Mr. Storey announced that the next meeting of the Board was scheduled April 6, 2018.

There being no further business, Mr. Gilliland made the motion to adjourn. The motion was seconded by Mr. Stephens and unanimously approved by the Board. Mr. Storey adjourned the meeting at 11:14 a.m.

Respectfully Submitted,

Lemar Storey
Chair

Keith E. Warren
Executive Director

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