



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting

September 11, 2023

The Alabama Board of Massage Therapy met on Monday, September 11, 2023, at the Board's office located at 2777 Zelda Road in Montgomery, AL. The following Board members were in attendance: Ms. Stephanie Dobbins (Board Chair), Ms. Mary Rogers (member), Ms. Denise Dale (member), and Mr. Foad Araiinejad (member). Members absent were Ms. Stefanie Herfurth (Board Vice Chair) and Mr. Darren Beams (member). One Board member vacancy existed due to resignation. Others present were Mr. Keith Warren (Executive Director), Mr. Matt Bledsoe (Board Legal Counsel), Mr. Dennis Trammell (Investigator), Ms. Karen Entrekin (Investigator), Ms. Karen Harlow (Legal Assistant), Ms. Camby Garner (Licensing Specialist), Ms. Lora Evans (Executive Assistant), and Ms. Renee' Reames (recording secretary) and other public guests who attended in-person.

Ms. Dobbins, Board Chairperson, called the meeting to order at 10:02 a.m. Mr. Warren called Board roll and reported that a quorum was present to conduct Board business. Mr. Warren read aloud the Opening Statement regarding Robert's Rules of Order and Open Meetings Act. Chairperson Dobbins welcomed all present at the meeting.

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 website at www.almtbd.alabama.gov.

APPROVAL OF MINUTES

Chairperson Dobbins presented a copy of the June 28, 2023, regular Board meeting minutes for the Board's approval. A copy of the minutes was provided to the Board members prior to the meeting for their review. MOTION: Ms. Dale made a motion to approve the June meeting minutes as presented. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board (minutes available for viewing in the Board's Official Book of Minutes).

EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director Report to include the financial activities of the Board for the period ending August 31, 2023 (reports on file in the Board's Official Book of Minutes).

Mr. Warren reported on the current number of licensees, along with a report on the status of complaints for FY 2021 through FY 2023, along with assessment of administrative fines, as of September 7, 2023. He reported on the number of inspections completed for the same reporting periods.

Mr. Warren commented on postponing to January 2024, a Board meeting to discuss Board operations.

MOTION: Mr. Araiinejad made the motion to accept the financial report as presented. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

LEGAL COUNSEL REPORT

Mr. Bledsoe presented the Legal Counsel report that included the following recommendations from the Investigative Committee:

- MAS 2021-058 complaint case was identified during a recent audit of the Board. A consent agreement had been executed in February 2022. He reported on two conditions of the consent agreement wherein the \$1,000 fine had not been paid that was due by April 21, 2022, and the proof of having taken a sexual boundary course was submitted on July 2, 2022, that was due by June 20, 2022. He reported that an administrative notice of violations and opportunity for a hearing had been mailed to the Respondent which included a 14-day response deadline to request a hearing.
- MAS 2023-073.01 consent agreement which had been redacted for board review and approval.
- MAS 2023-080BR.01 consent agreement which had been redacted for board review and approval.
- MAS 2023-079.01 close due to establishment license had been surrendered.
- MAS 2023-079.02 close due to establishment license had been surrendered.
- MAS 2023-061 close due to in compliance.
- MAS 2023-090 close due to in compliance.
- MAS 2023-069 close as unfounded (no probable cause).
- MAS 2023-084 close as unfounded (no probable cause).
- MAS 2023-089 close as unfounded (no probable cause)
- MAS 2023-072 referred to Alabama State Board of Chiropractic Examiners and close.
- MAS 2023-087 referred to Alabama Alcoholic Beverage Control Board and close.
- MAS 2023-100 referred to Alabama Board of Medical Examiners and close.
- MAS 2023-101 referred to Alabama Board of Medical Examiners and close.
- MAS 2023-078LE issue a letter of concern to the respondent and close.
- MAS 2023-082 close due to complaint withdrawn by complainant.
- MAS 2023-091.02 issue a cease and desist to respondent and close.
- MAS 2023-091.03 issue a cease and desist to respondent and close.
- MAS 2023-092 issue a cease and desist to respondent and close.
- MAS 2023-095BR.02 issue a cease and desist to respondent and close.

MOTION: Mr. Araiinejad made the motion to approve the recommendations of the Investigative Committee as presented. The motion was seconded by Ms. Dale and unanimously approved by the Board, with Ms. Herfurth abstaining as a committee member.

Mr. Warren explained the use abbreviations regarding complaint cases with LE representing law enforcement as the complainant, BR representing the board as an initiated complaint/complainant, and cases having no abbreviation following the case number were consumer-initiated complaints/complainants.

Request For Proposals for Administrative Services

Mr. Bledsoe reported that he had worked with Board Chairperson Dobbins on finalizing the specifications for the request for proposals for administrative services contract. A grade system 1 to 10, with 10 being the highest, had been established by the Chairperson to evaluate the proposal based on the specification descriptions. He reported that one proposal had been received from Smith Warren Management Services. Chairperson Dobbins reported that she graded the proposal as a ten (10).

MOTION: Mr. Araiinejad made the motion to approve Smith Warren Management Services to provide administrative services to the Board. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

Mr. Warren reported that the contract period would be for five (5) years and the contract would be presented annually for renewal. He thanked the Board for their approval of the proposal and indicated that he hoped to finalize plans to relocate the office to a new, larger building.

OLD BUSINESS

Public Hearing on Proposed Rules

MOTION: Ms. Dale made the motion to convene into a Public Hearing to discuss the proposed rules of the Board. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Chairperson Dobbins convened the public hearing and commented on the meeting format to allow attendees to comment on the proposed rules. Mr. Warren reported that written comments had been received and were distributed prior to the Board meeting for the members to consider. Mr. Warren reported that individuals who had submitted written comments were not present at the meeting. Chairperson Dobbins presented the following ten (10) rules for approval as Final Rules:

- 532-X-1-.02 Definitions
The Board discussed and concurred to remove in (1)(n) butt crack.
- 532-X-2-.01 Board composition and Officers
No comments presented from attendees at public hearing.
- 532-X-3-.01 Massage Therapist Licensure Qualifications
No comments presented from attendees at public hearing.
- 532-X-3-.03 Application and Licensure
No comments presented from attendees at public hearing.
- 532-X-3-.04 Establishment Licensure
The Board discussed and concurred to modify (5)(i) to remove buttocks and genitals and replace with intergluteal cleft and genitals of a male client at all times during the massage, and which shall cover the intergluteal cleft, etc.
- 532-X-3-.05 Massage Therapy School, Massage Therapy Instructor Requirements
- 532-X-3-.06 Fees
The Board discussed and concurred to modify (1)(c) from \$50 to \$25 MT late fee and modify (1)(d) from \$100 to \$75 MT reinstate fee.
- 532-X-4-.01 Examinations
No comments presented from attendees at public hearing.
- 532-X-6-.01 Continuing Education Requirements
The Board discussed identifying other electronic procedures that would assist licensees in submitting CE hours. The Board and attendees offered recommendations to correct typographical errors.
- 532-X-6-.02 Provider Requirements
- The Board encouraged licensees to verify with the CE provider that the course was approved by one of the organizations listed in the rules prior to taking the course.

MOTION: Mr. Araiinejad made the motion to end the public hearing. The motion was seconded by Ms. Dale and unanimously approved by the Board. Chairperson Dobbins reconvened the business meeting of the Board at 10:45 a.m.

MOTION: Ms. Rogers made the motion to approve the rules as amended as Final Rules. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Code of Ethics

Chairperson Dobbins created a committee to create a rule for Code of Ethics for schools and to review Rule 532-X-7-.01 Code of Ethics for massage therapists. She appointed the following individuals to serve on the committee: Ms. Denise Dale (Board member), Ms. Mary Rogers (Board member) and Ms. Cindy Taylor (ex-officio member). Mr. Warren offered to assist with scheduling a virtual meeting of the committee.

Ratification of Licensure

Mr. Warren reviewed the licensure process with the Board and presented a list of applicants who had applied for licensure between December 2021 through February 2023 and had not completed their application. He reported that the applicants had received many reminders to complete their application.

MOTION: Ms. Dale made the motion to approve the recommendation by Mr. Warren to close the 13 incomplete applications. The motion was seconded by Ms. Rogers and unanimously approved by the Board (list available in the official Book of Minutes).

Mr. Warren presented a list of applicants that had been approved as having met the application approval policy under Executive Director authority.

MOTION: Ms. Rogers made the motion to ratify the approval by the Executive Director of massage therapists who attended in-state massage therapy schools and new establishments licensure. The motion was seconded by Ms. Dale and unanimously approved by the Board.

The Board discussed the findings from the recent audit concerning the Executive Director's authority to approve licensure and ratification by the Board, at the next meeting, of the Executive Director's actions.

MOTION: Mr. Araiinejad made the motion to request the Board legal counsel to seek Attorney General Opinion to determine the Executive Director authority and subsequent procedures of the Board. The motion was seconded by Ms. Dale and unanimously approved by the Board.

The Board reviewed applications that involved background history discrepancies and applicants who attended out of state schools.

MOTION: Ms. Dale made the motion to approve the applications as present with the exception to the massage therapy applications from HY (applicant #3) due to background history discrepancies, BZ (applicant #4) due to background history discrepancies, SC (applicant #19) due to educational discrepancies, JN (applicant #30) due incomplete application, and HS (applicant #37) due to background history discrepancies. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

ANNOUNCEMENT AND OTHER BUSINESS

Sunset Committee Meeting

Chairperson Dobbins announced that the Board of scheduled to meet with the Legislature's Sunset Committee on September 28, 2023. Members who had indicated that they plan to attend the pre-meeting on September 27th were Chairperson Dobbins and Ms. Herfurth, along with Mr. Warren.

Mr. Warren reported that he had hosted a luncheon for the Sunset Committee members and Chairperson Dobbins also planned to write a letter to the Governor.

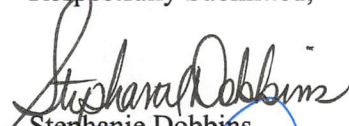
Mr. Warren also reported that the following planned to attend the upcoming FSBMT meeting in September: Chairperson Dobbins as the Board delegate, Mr. Araiinejad as a member of the FSBMT Board of Directors and Mr. Warren, as a member of the FSMTB Board of Directors.

Chairperson Dobbins reported that the Alabama Board of Massage Therapy was scheduled to meet on October 27, 2023, at 10:00 a.m. and encouraged the members to attend.

ADJOURNMENT

MOTION: There being no further business, Ms. Dale made the motion that the meeting be adjourned. The motion was seconded by Ms. Rogers and was unanimously approved by the Board. Chairperson Dobbins adjourned the meeting at 11:27 a.m.

Respectfully Submitted,


Stephanie Dobbins
Board Chair



Keith E. Warren
Executive Director

Approved by the Board on October 27, 2023 /rr 