



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting March 29, 2021

The Alabama Board of Massage Therapy met on Monday, March 29, 2021, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama. The meeting was held virtually during the COVID 19 State of Emergency, with members attending virtually. The following Board members were in attendance via conference call: Ms. Stephanie Dobbins (Vice Chair), Ms. Stefanie Herfurth (member), Ms. Gina Lee (member), Ms. Denise Mastin Dale (member), Mr. Darren Beams and Ms. Mary Rogers (member arriving at 2:08). Board member absent was Mr. Foad Araiinejad (Board Chair). Mr. Matt Bledsoe (Board Legal Counsel) also attended virtually. Mr. Keith Warren (Executive Director) and Ms. Renee' Reames (recording secretary) attended onsite. Vice Chairman Dobbins called the meeting to order at 2:01 p.m. Mr. Warren called Board roll and reported that a quorum was present to conduct Board business.

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.

Vice Chair Dobbins presented a copy of the December 11, 2020 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. Ms. Herfurth made a motion to approve the December minutes as presented. The motion was seconded by Ms. Dale and was unanimously approved by the Board (minutes available for viewing in the Board's Official Book of Minutes).

Mr. Warren presented the Executive Director Report to include the Financial Report for FY 2021 for the period ending February 28, 2021. He commented on the struggling financial condition of the Board and presented a detailed report of line-item expenditures (reports on file in the Board's Official Book of Minutes). He reported on the number of complaints received in FY 2021, along with inspections conducted for this period. Also reported was the current number of licensees of the Board.

Ms. Rogers joined the meeting at 2:08 a.m.

Mr. Warren reviewed the list of activities performed by the staff since the last Board meeting.

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

Mr. Bledsoe presented the Legal Counsel Report, which included recommendations to approve seven (7) consent agreements:

Case 2020-010BR violations included unlicensed establishment, employing unlicensed massage therapists, and advertising violations. Recommended cease and desist of violations, 1 year probation and \$1,500 fine. Mr. Beams made a motion to approve the consent agreement as presented. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.

Case 2020-013BR violations included unlicensed establishment, employing unlicensed massage therapists and advertising violations. Recommended cease and desist of violations, 1 year probation and \$3,000 in

fines. Ms. Herfurth made a motion to approve the consent agreement as presented. The motion was seconded by Ms. Dale and unanimously approved by the Board.

Case 2020-030BR violations in advertising the licensed establishment. Recommended cease and desist of violations, 1 year probation and \$500 fine. Ms. Dale made a motion to approve the consent agreement as presented. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

Case 2020-032BR violations in advertising the licensed establishment. Recommended cease and desist of violations, 1 year probation and \$500 fine. Ms. Herfurth made a motion to approve the consent agreement as presented. The motion was seconded by Ms. Lee and unanimously approved by the Board.

Case 2020-036 violation included unlicensed massage therapist. Recommended cease and desist of violation, 1 year probation and \$500 fine. Mr. Dale made a motion to approve the consent agreement as presented. The motion was seconded by Mr. Beams and unanimously approved by the Board.

Case 2020-038BR violations included establishment-practice violations. Recommended cease and desist of violations, 1 year probation and \$500 fine. Mr. Beams made a motion to approve the consent agreement as presented. The motion was seconded by Ms. Dale and unanimously approved by the Board.

Case 2020-038BR violations involved the employees of the establishment in the previously discussed case. Recommended a \$500 fine and 1 year probation for these violations. Mr. Beams made the motion to approve the consent agreement as presented. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.

Mr. Warren reported that the Emergency Rule specific to the Executive Director authorized to conduct licensure activities during the COVID 19 State of Emergency was scheduled to expire in April. Ms. Dale made a motion to continue the authorization for the Executive Director to approve or deny applications through the end of the COVID 19 State of Emergency. The motion was seconded by Ms. Herfurth and was unanimously approved by the Board. Mr. Warren explained that he would continue to consult the Board's legal counsel regarding any applications requiring special review.

Mr. Warren reminded the Board about the request from a licensee about a renewal extension to allow her to acquire CE training on a specific subject and the Board had discussed the significance in varying the modality of CE courses to expand knowledge. The Board discussed the lack of requirements for CE diversification, which would require changes in the Board's statute. Mr. Warren suggested that the members review the CE requirements in the Board's statute and rules and discuss at a future Board meeting recommendations for changes in the statute.

Mr. Warren presented to the Board the Federation of State Massage Therapy Boards' (FSMTB) publication on a Model Massage Therapy Practice Act. The Board discussed changes to the Board's statute to include the maximum limit in licensing fees, CE requirements, defining acupressure, etc. He suggested the members develop, by Fall 2021, a draft of the changes to the statute to propose during the 2022 legislative session.

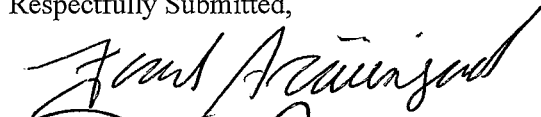
Mr. Warren also discussed with the Board background check requirements. He recommended that if the LMT was the owner of the establishment, an additional background check would not be required for the establishment license. Mr. Bledsoe indicated that this change would be an administrative change in procedures and would not require changes in the statute. It was the consensus of the Board to not require an additional background check under these circumstances.

Mr. Warren presented a list of massage therapist applications (LMT) for the Board to ratify the approval by the Executive Director. Ms. Herfurth made the motion to ratify the Executive Director's approval of these applications. The motion was seconded by Mr. Beams and unanimously approved by the Board. Also presented was a list of Establishments licensed during this same period.

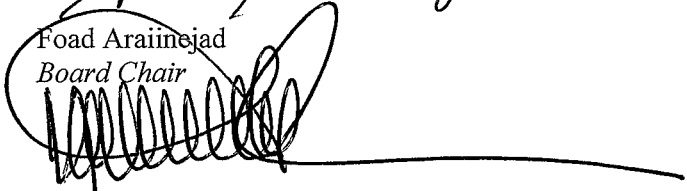
Vice Chair Dobbins reminded the members that the next meeting of the Board was scheduled Friday, May 7, 2021 at 10:00 a.m. Mr. Warren indicated that he would keep the members advised about any changes in meeting virtually during the COVID 19 State of Emergency and/or holding the next meeting onsite.

There being no further business, Ms. Herfurth made the motion to adjourn the meeting. The motion was seconded by Ms. Lee and was unanimously approved by the Board. Vice Chair Dobbins adjourned the meeting at 2:38 p.m.

Respectfully Submitted,



Foad Arainejad
Board Chair


Keith E. Warren
Executive Director

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