



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting July 12, 2019

The Alabama Board of Massage Therapy met on Friday, July 12, 2019, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business. The following Board members were in attendance: Dr. Lance Gilliland (Board Chair), Ms. Gwen Motley (Vice Chair), Mr. Michael Stephens (member), and Mr. Foad Araiinejad (member). Also in attendance were Mr. Keith Warren (Executive Director), Mr. Matt Bledsoe (Board Legal Counsel), Ms. Jenna Lanier (Board Administrator), Ms. Renee' Reames (recording secretary), Mike James (Investigator), Mr. Dennis Trammell (Investigator) and Ms. Jennifer Love (Legal Assistant). Chairman Gilliland reported that a quorum of the members was present and called the meeting to order at 10:00 a.m. Chairman Gilliland welcomed members and guests in attendance 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 web site at www.almtbd.alabama.gov.

The minutes from the April 12, 2019 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. Ms. Motley made a motion to approve the April minutes as presented. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board (available for viewing in the Board's Official Book of Minutes).

Mr. Warren presented the Executive Director Report to include the FY 2019 Financial Report as of June 30, 2019, along with a detailed line item of expenditures (detailed report on file in the Board's Official Book of Minutes.). He also reported on the current number of licensees, number of inspections conducted and number of complaints received during FY 2019.

Mr. Warren presented the Administrator's Report, which list administrative activities accomplished by the staff since the last Board meeting, along with a list of inspections conducted for the same time period (report available for viewing in the Board's Official Book of Minutes). Mr. Warren reported on efforts to create an online portal for licensees to renew their license and to begin the new process for criminal history background check as required by the Board's statute.

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

Mr. Bledsoe presented the legal counsel report which included three (3) consent agreements. He presented for the Board's approval the Consent Agreement in the matter of Case 2019-010 and recommended stipulations and a \$1000 fine for violations of employing unlicensed individuals. Mr. Araiinejad made the motion to approve the Consent Agreement as presented. The motion was seconded by Mr. Stephens and unanimously approved by the Board.

Mr. Bledsoe also presented for the Board's approval a Consent Agreement in the matter of Case 2019-019 and recommended stipulations to include a \$1000 fine for violations of employing unlicensed individuals. Mr. Araiinejad made the motion to approve the Consent Agreement as presented. The motion was seconded by Mr. Stephens and unanimously approved by the Board.

Mr. Bledsoe presented for the Board's approval the Consent Agreement in the matter of Case 2019-017, and recommended stipulations, as second offender, to include a one-year probationary period and \$5000 fine for violations of employing unlicensed individuals. Ms. Motley made the motion to approve the Consent Agreement as presented. The motion was seconded by Mr. Stephens and unanimously approved by the Board.

Mr. Warren presented to the Board a list of licensees and consumers who had indicated interest in serving on the Board to fill vacancies and expired terms. He reminded the Board that a solicitation notice for Board service had been posted on the Board's website. The Board reviewed the list of individuals, by congressional district, and offered recommendations for appointment to submit to the Governor. Mr. Warren thanked the Board members for their commitment of service and giving of their time beyond the expiration of their term.

Mr. Warren presented proposed changes to the Board's Rules for approval:

- 532-X-2-.02 Board Duties. Changes recommended to allow the Executive Director to approve applicants that meet the qualifications after graduating from a massage therapy school in Alabama.
- 532-X-3-.01 Massage Therapist Licensure Qualifications. Changes recommended to include passing a criminal history background check.
- 532-X-3-.04 Establishment Licensure. Changes recommended to include owners of a licensed Establishment passing a criminal history background check.
- 532-X-3-.06 Fee Schedule. Changes recommended to include \$25 fee for criminal history.

Following discussion of these four Rules changes, Ms. Motley made the motion to approve the Rule changes for 532-X-2-.02, 532-X-3-.01, 532-X-3-.04 and 532-X-3-.06 as presented. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Mr. Warren reported that the Federation of State Massage Therapy Boards was scheduled to meet on October 3-6, 2019 in Atlanta. Ms. Motley, Mr. Araiinejad and Mr. Gilliland indicated that they were interested in attending. Mr. Araiinejad made the motion to approve the members to attend the FSMTB annual meeting, with Mr. Warren attending as the Board delegate. The motion was seconded by Ms. Motley and unanimously approved by the Board.

Ms. Lanier presented applications for the Board's review and approval (a full list of the applications approved by the Board can be viewed in the official Book of Minutes). Mr. Araiinejad made the motion to ratify the Executive Director's approval of the massage therapist applications. 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 Ms. Lanier. The motion was seconded by Ms. Motley and unanimously approved by the Board.

Ms. Motley made a motion to approve the school renewal applications and curriculum changes as presented by Ms. Lanier. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Ms. Motley made a motion to approve the new school application from Auburn University as presented by Ms. Lanier. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

The Board reviewed the massage therapist applications submitted by individuals who had attended out-of-state massage therapy schools. Mr. Araiinejad made a motion to approve the applications as presented by Ms. Lanier, with the exception of the special review applications. The motion was seconded by Ms. Motley and unanimously approved by the Board.

The following applications were presented by Ms. Lanier to the Board for consideration:

Mr. Stephens made a motion to approve the applications from Ms. Heather R. Rickman and Mr. Bart W. McLendon. The motion was seconded by Mr. Araiinejad and approved by the majority of the Board, with Ms. Motley abstaining from voting.

Mr. Araiinejad made a motion that the Board adjourn into Executive Session for 10 minutes to protect the good name and reputation of applicant Jacob T. Walker. The motion was seconded by Ms. Motley and Chairman Gilliland called for a roll call vote of the members: Mr. Stephens, aye; Mr. Araiinejad, aye; Ms. Motley, aye. Mr. Bledsoe certified that the Executive Session could be called for this purpose. Chairman Gilliland adjourned the meeting into Executive Session at 9:50 a.m. by unanimous vote of the Board. The Board discussed the matter of Mr. Walker's application for licensure. Mr. Araiinejad made the motion to adjourn into regular session. The motion was seconded by Ms. Motley and unanimously approved by the Board. Chairman Gilliland called the meeting into regular session at 11:00 a.m.

Ms. Motley made a motion to deny the application of Mr. Walker. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Chairman Gilliland announced that the next meeting of the Board was scheduled Friday, October 4, 2019 at 10:00 a.m. and the Board discussed the conflicting date with the FSMTB annual meeting. Mr. Araiinejad made a motion for the Board to change the October 4th meeting to October 18, 2019 at 10:00 a.m. The motion was seconded by Mr. Stephens and unanimously approved by the Board.

There being no further business, Ms. Motley made the motion to adjourn. The motion was seconded by Mr. Stephens and unanimously approved by the Board. Chairman Gilliland adjourned the meeting at 11:03 a.m.

Respectfully Submitted,

Lance Gilliland, Ed.D.
Chair

Keith E. Warren
Executive Director

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