



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting July 29, 2020

The Alabama Board of Massage Therapy met on Friday, July 29, 2020, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama. The meeting was held virtually 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 (member), Ms. Stefanie Herfurth (member), Ms. Gina Lee (member), Ms. Denise Mastin Dale (member), Ms. Mary Rogers (member) and Ms. Stephanie Dobbins (member). Member attending onsite was Mr. Foad Araiinejad (Board Chair). Also in attendance on site were Mr. Keith Warren (Executive Director), Ms. Jenna Lanier (Board Administrator), Mr. Dennis Trammell (Investigator) and Ms. Renee' Reames (recording secretary). Mr. Matt Bledsoe (Board Legal Counsel) attended virtually. Chairman Araiinejad called the meeting to order at 10:00 a.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.

Chairman Araiinejad presented a copy of the April 10, 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. Dobbins made a motion to approve the April minutes as presented. The motion was seconded by Mr. Beams and, following a roll call vote, the April meeting minutes were 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 as of June 30, 2020, along with a detailed report of line-item expenditures (reports 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. He updated the Board on the Governor's requirement to wear masks under the COVID State of Emergency, and stated that inspections by the Board had been suspended during this time. He reported on the success of the online renewal process and new requirement for background checks. He also reported on activities performed by the staff since the last Board meeting that was held in April.

Ms. Dale made a motion to approve the Financial Report as presented. The motion was seconded by Ms. Dobbins and, following a roll call vote, the motion was unanimously approved by the Board.

Mr. Warren presented the Legal Counsel Report, which included recommendations to approve consent agreements on 11 cases:

- Case #2020-009B – He recommended a fine of \$3,500 and 1-year probations for violations of unlicensed massage therapist and having overnight sleep accommodations. Ms. Dale made the motion to approve the consent agreement as presented. The motion was seconded by Ms. Dobbins and following a roll call vote, the motion was unanimously approved, with none voting “nay”.
- Case #2020-011BR – He recommended a \$500 fine for advertising violation and 1-year probation. Mr. Beams made the motion to approve the consent agreement as presented. The motion was seconded by Ms. Dobbins and, following a roll call vote, the motion was unanimously approved.

- Case #2020-014BR – He recommended a \$3,500 fine and 1-year probation for advertising violation and unlicensed massage therapist. 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.
- Case #2020-017BR - He recommended a \$500 fine for advertising violation and 1-year probation. Ms. Dale made the motion to approve the consent agreement as presented. The motion was seconded by Ms. Rogers and, following a roll call vote, the motion was unanimously approved.
- Case #2020-019BR - He recommended a \$500 fine for advertising violation and 1-year probation. Mr. Beams made the motion to approve the consent agreement as presented. The motion was seconded by Ms. Dale and, following a roll call vote, the motion was unanimously approved.
- Case #2020-020BR - He recommended a \$500 fine for advertising violation and 1-year probation. Ms. Dobbins made the motion to approve the consent agreement as presented. The motion was seconded by Mr. Beams and, following a roll call vote, the motion was unanimously approved.
- Case #2020-022BR - - He recommended a \$500 fine for advertising violation and 1-year probation. Ms. Dobbins made the motion to approve the consent agreement as presented. The motion was seconded by Ms. Rogers and, following a roll call vote, the motion was unanimously approved.
- Case #2020-023 - - He recommended a \$500 fine for advertising violation and 1-year probation. Ms. Dobbins made the motion to approve the consent agreement as presented. The motion was seconded by Ms. Rogers and, following a roll call vote, the motion was unanimously approved.
- Case #2020-024BR - He recommended a \$3,500 fine and 1-year probation for advertising violation and unlicensed massage therapist. Ms. Dale made the motion to approve the consent agreement as presented. The motion was seconded by Ms. Dobbins and, following a roll call vote, the motion was unanimously approved.
- Case YCS renewal - He recommended a 2-year probation for failing to answer properly on the renewal application and having criminal violations. Ms. Dale made a motion to approve the consent agreement as present. The motion was seconded by Mr. Beams and, following a roll call vote, the motion was unanimously.
- Case CR applicant – He recommended the license be issued and placed on a 2-year probation for failing to answer properly on the application and having criminal violations. Ms. Dale made a motion to approve the consent agreement as presented. The motion was seconded by Mr. Beams and, following a roll call vote, the motion was unanimously approved.

Mr. Warren presented for the Board’s approval the Final Rule 532-X-9-.01 Application for Spouses of Active Duty Military Personnel. He reported that the rule has been published for public comment and no written comments had been received and no one was present at the meeting site to present comments. He called for comments from attendees on the call and there were no comments. Chairman Araiinejad called for a motion and Ms. Dobbins made a motion to approve the Final Rule as published. The motion was seconded by Ms. Dale and, following a roll call vote, the motion was unanimously approved by the Board.

Mr. Warren reported that the Administrative Services Contract was scheduled to expire and stated that the Board would normally be requesting bids for service based on specifications approved by the Board; however, the State Purchasing Department was not currently accepting bids. He recommended the Board approve a 12-month emergency contract to with Warren & Company. Ms. Herfurth made a motion to approve a one-year emergency contract extending the terms of the contract with Warren & Company, Inc. to provide administrative management services. Ms. Rogers seconded the motion, and following a roll call vote, the motion was unanimously approved by the Board. Mr. Warren explained that there would be no changes in the contract fees.

Mr. Warren reported that the Emergency Rule specific to conducting licensure activities during the COVID 19 State of Emergency was scheduled to expire and he recommended the Board adopt the rule through the

end of December 2020. Mr. Beams made a motion to adopt the emergency contract authorizing the Executive Director to approve or deny applications through the end of December 2020 during the COVID 19 State of Emergency. The motion was seconded by Ms. Herfurth and, following a roll call vote, the motion was unanimously approved by the Board.

The Board discussed recent events created by an individual posting videos about the Board disseminating guidelines from the Governor's office, Health officials and other reliable sources concerning COVID 19 and Alabama's State of Emergency. It was discussed that the individual's behavior had resulted in additional work for the Board due to the individual posting misinformation.

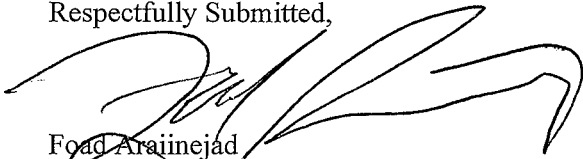
Ms. Herfurth made a motion that a letter be sent to the chairman of the Board's educational committee informing her that the committee had been dissolved. The motion was seconded by Ms. Dale and, following a roll call vote, the motion was unanimously approved.

Ms. Rogers reported on the Florida law requiring human trafficking continuing education as a requirement for renewing licenses. The Board discussed this Board's lack of authority to require specific education and considered recommending the CE topic to licensees. Mr. Warren reported that a recommendation of this nature could be placed on the Board's website.

Chairman Araiinejad reminded the members that the next meeting of the Board was scheduled Friday, October 9, 2020 at 10:00 a.m. Mr. Warren indicated that he would keep the members advised about any changes in meeting virtually and/or onsite during the COVID 19 State of Emergency.

There being no further business, Ms. Dale made the motion to adjourn the meeting. The motion was seconded by Mr. Beams and, following a roll call vote of the members, the motion was unanimously approved by the Board. Chairman Araiinejad adjourned the meeting at 11:04 a.m.

Respectfully Submitted,



Foad Araiinejad
Board Chair



Keith E. Warren
Executive Director

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