



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting

August 5, 2022

The Alabama Board of Massage Therapy met on Friday, August 5, 2022 at the AUM TechnaCenter located at 75 TechnaCenter Drive in Montgomery, Alabama. The following Board members were in attendance: Ms. Stephanie Dobbins (Board Chair), Ms. Stefanie Herfurth (Board Vice Chair), Mr. Darren Beams (member), Ms. Mary Rogers (member), Mr. Foad Araiinejad (member) and Ms. Denise Dale (member attending virtually). Board member absent was Ms. Gina Lee. Others present were Mr. Keith Warren (Executive Director and recorder), Mr. Matt Bledsoe (Board Legal Counsel), Mr. Dennis Trammell (Investigator), Ms. Karen Harlow (Legal Assistant), Ms. Leah Cochran (Licensing Specialist) and Ms. Camby Garner (Licensing Specialist). Public guests were also present.

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.

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.

APPROVAL OF MINUTES

Chairperson Dobbins presented a copy of the June 16, 2022, 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. Herfurth made a motion to approve the June minutes as presented. The motion was seconded by Mr. Beams 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 for the period ending July 31, 2022 (reports on file in the Board's Official Book of Minutes). Mr. Warren reported on the number of inspections completed in FY 2021 and 2022 and reviewed the status of complaints for this same reporting period.

MOTION: Mr. Beams made a motion to accept the Financial Report as presented. The motion was seconded by Ms. Dale and unanimously approved by the Board.

LEGAL COUNSEL REPORT

Mr. Bledsoe presented the Legal Counsel report to include the following consent agreements. A copy of the Consent Agreements was provided to the Board:

Case 2021-010BR – violations of expired licenses for LMT and establishment. Respondent has complied with renewal of LMT license. Recommended \$1,500 violations fine and one-year probation. He reported that the \$1,500 fine had been paid.

Case 2021-028.01 – violations in unlicensed massage therapist. Recommended \$500 fine and one-year probation. He reported the \$500 fine had been paid.

Case 2022-001BR – violation of expired establishment license. Recommended \$1,000 violation fine and one-year probation. He reported that the \$1000 fine had been paid.

Case 2022-002BR – violations of expired establishment license and advertising violations. Recommended \$1,500 violations fine.

Case 2022-009BR – violations in advertising. Recommended \$250 violations fine and one year probation. He reported the \$250 fine had been paid.

Case 2022-015BR – violations in advertising. Recommended \$500 fine and one year probation. He reported that the \$500 fine had been paid.

Case 2022-016BR – violations in unlicensed massage therapist and advertising. Recommended \$2,500 violations fine and one year probation. He reported \$2,500 fine had been paid.

Case 2022-017BR – violations in advertising. Recommended \$500 violations fine and one year probation. He reported the \$500 fine had been paid.

Case 2022-019 – violations in lack of proper draping. Recommended \$500 violations fine and one year probation. He reported the \$500 fine had been paid.

Case 2022-022BR.01 – violations in lack of establishment license. Recommend \$2,500 violations fine and one year probation. He reported the \$2,500 fine had been paid.

Case 2022-22B.02 – violations in unlicensed massage therapist. Recommend \$2,000 violations fine and one year probation. He reported \$2,000 fine had been paid.

Case 2022-026BR – violations in unlicensed massage therapist and advertising. Recommend \$2,500 violations fine and one year probation. He reported \$2,500 fine had been paid.

Case 2022-027BR – violations in advertising. Recommend \$500 violations fine and one year probation. He reported \$500 fine had been paid.

Case 2022-028BR – violations in unlicensed massage therapist and advertising. Recommended \$2,500 violations fine and one year probation. He reported \$2,500 fine had been paid.

Case 2022-029BR – violations in unlicensed massage therapist and unlicensed establishment. Recommended \$4,500 violations fine and one year probation. He reported \$4,500 fine had been paid.

Case 2022-030BR – violations in unlicensed massage therapists and advertising. Recommended \$4,500 violations fine and one year probation. He reported \$4,500 fine had been paid.

Case 2022-031BR – violations in unlicensed establishment and advertising. Recommended \$3,000 violations fine and one year probation. He reported \$3,000 fine had been paid.

Case 2022-032BR.01 – violations in unlicensed massage therapist and advertising. Recommend \$2,500 violations fine and one year probation. He reported \$2,500 fine had been paid.

Case 2022-032BR.02 – violations in unlicensed massage therapist. Recommend \$2,000 violations fine and one year probation. He reported \$2,000 fine had been paid.

Case 2022-038BR – violations in unlicensed massage therapist. Recommend \$2,000 violation fine and one year probation. He reported \$2,000 fine had been paid.

Case 2022-040BR – violations in unlicensed massage therapists. Recommended \$8,000 violations fine and one year probation. He reported \$8,000 fine had been paid.

Case 2022-054BR – violations in advertising. Recommended \$500 violation fine and one year probation. He reported \$500 fine had been paid.

MOTION: Mr. Araiinejad made the motion to approve the Consent Agreements as presented. The motion was seconded by Ms. Rogers and, following a roll call vote, the motion was unanimously approved by the Board. Mr. Warren reported that he would present, at a future meeting, a standardized fee schedule for the Board's approval.

PROPOSED RULES – REVIEW OF WRITTEN COMMENTS RECEIVED FOR PROPOSED RULES
Chairperson Dobbins reported that the Board had published two proposed rules for public comments and presented in public hearing: Rule 532-X-2-.04 Establishment Licensure and Rule 532-X-3-.06 Fee Schedule.

Mr. Warren commented on the process to address the Board when presenting comments. Chairman Dobbins opened the floor for comments from attendees onsite at the meeting, followed by comments from individuals attending virtually.

Public comments included requests for a more gradual approach to increasing fees, increased fees be deferred citing financial hardship due to effects from COVID shutdown, Board identify how licensing fees were being used and reassess potential cutback in expenditures, review establishment rule regarding draping of clients, jurisdiction to investigate sexually aggressive clients, jurisdiction to establish a client blacklist of sexually aggressive clients, improving public stigma about the massage therapy profession and removing affiliation with human trafficking and sex-trade activities, clarity licensure for mobile (offsite) establishments, develop tiered-licensing structure for owners having multiple establishments, seek classification of LMTs as essential healthcare providers, etc. (all official written comments available for viewing in the Board's Official Book of Minutes).

Chairperson Dobbins called a 10-minute recess at 11:08 a.m.

Chairperson Dobbins reconvened the meeting at 11:19 a.m.

Mr. Warren reported on the proposed changes to Rule 532-X-2-.04 Establishment Licensure, e.g., establish a minimum amount of insurance coverage requirements for bodily injury and property damage, repeal exemption for establishments, and add tiered inspection process for establishments.

MOTION: Ms. Herfurth made the motion to approve as a Final Rule the proposed Establishment Licensure Rule 532-X-2-.04 as presented. The motion was seconded by Mr. Beams, and following a roll call vote, the motion was unanimously approved by the Board.

Mr. Warren also reported on the proposed changes to Rule 532-X-3-.06 Fee Schedule, e.g., all fees were increased and Establishment inspection fees were added.

MOTION: Mr. Beams made the motion to approve as a Final Rule the proposed Rule 532-X-3-.06 Fee Schedule as presented, with a change in the Establishment Renewal Fee to \$50.00, and all fee changes

become effective January 1, 2023. The motion was seconded by Mr. Rogers and following a roll call vote, the motion was unanimously approved by the Board.

Mr. Warren reported on the Board's complaint process, indicating that complaints were received from consumers, as well as Establishment inspections and discrepancies found during the application review process. He explained that the Board was not the main regulatory agency for human trafficking violations and reported on Alabama Act 2018-506 regarding human trafficking. Mr. Beams, a member of the West Alabama Human Trafficking Task Force, commented on the creation of geographical task forces and provided some statistical information related to human trafficking.

Following the report by Mr. Beams, Mr. Warren reported that a list of resources combating human trafficking would be posted on the Board's website. Mr. Warren also reported that, in addition to the Board's website, a Board Facebook Page was created. Mr. Bledsoe advised the Board against allowing post by the public to the Board's Facebook Page to avoid potential misrepresentation.

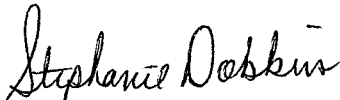
MOTION: Ms. Herfurth made a motion that the Board terminate the ability to post public comments on the Board's Facebook Page. The motion was seconded by Ms. Dale and following a roll call vote, the motion was unanimously approved by the Board.

OTHER BUSINESS AND ANNOUNCEMENTS

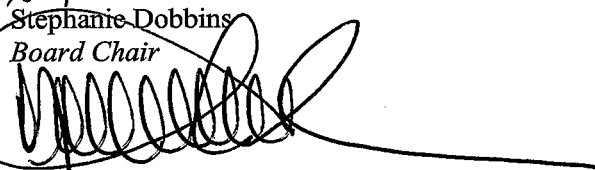
Chairperson Dobbins reported that the next meeting of the Board was scheduled October 14, 2022. Mr. Warren reported that he would advise the Board of any conflicts in scheduling.

MOTION: There being no further business, Ms. Herfurth made the motion to adjourn the meeting. The motion was seconded by Mr. Beams and unanimously approved by the Board. Chairperson Dobbins adjourned the meeting at 12:25 p.m.

Respectfully Submitted,



Stephanie Dobbins
Board Chair



Keith E. Warren
Executive Director

/rr