



## ALABAMA BOARD OF MASSAGE THERAPY

2777 Zelda Road  
Montgomery, AL 36106  
334-420-7233  
334-263-6115 fax

### MINUTES Board Meeting

August 6, 2021

The Alabama Board of Massage Therapy met on Friday, August 6, 2021, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama. The following Board members were in attendance: Mr. Foad Araiinejad (Board Chair), Mr. Darren Beams (member), Ms. Denise Dale (member), Ms. Stefanie Herfurth (member arriving at 10:08 a.m.), and Ms. Mary Rogers (member). Board members absent were Ms. Stephanie Dobbins (Vice Chair) and Ms. Gina Lee (member). Mr. Matt Bledsoe (Board Legal Counsel) attended virtually, along with public guests. Others present at the meeting were Mr. Keith Warren (Executive Director), Mr. Mike James (Board Investigator) and Ms. Renee' Reames (recording secretary). Chairman Araiinejad 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.

Public notice of this regularly scheduled meeting was submitted to the Secretary of State [www.sos.alabama.gov](http://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](http://www.almtbd.alabama.gov)

Chairman Araiinejad presented a copy of the March 29, 2021 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. Dale made a motion to approve the March 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).

Mr. Warren presented the Executive Director Report to include the financial activities for the period ending July 31, 2021. He reported that the Board continued to struggle with its financial situation and presented a detailed report of line-item expenditures (reports on file in the Board's Official Book of Minutes). He reported on the current number of licensees, along with the number of complaints received in FY 2021. He reminded the members that a new fiscal year would begin October 1, 2021.

Ms. Herfurth joined the meeting at 10:08 a.m.

Mr. Warren also reviewed the list of activities performed by the staff since the last Board meeting. He reported on the lifting of the COVID 19 State of Emergency and continuing the requirements for in-person attendance by a quorum of the members at meetings.

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

Mr. Warren introduced Ms. Shavon Williams (onsite) and Ms. Hope Stockton (virtual) with the Auburn University massage therapy school to answer questions about their online massage therapy education and clinical program. Mr. Warren asked the Board to consider the structure of the program as it pertained to the Board's rules requiring Alabama LMT Instructors at Alabama MT schools, 100 clinical hours with supervision by an Alabama LMT Instructor, IDs of students on file, etc. Board discussion with the school representatives indicated that the educational program was completely online, clinicals were conducted outside of the school, with no Alabama LMT Instructor supervision, and the program had no in-state

resident students, etc. Mr. Warren reported that when the school was initially approved, there were no students enrolled and the current structure of the clinical program may result in some students not being eligible to take the nationally accepted examination, MBLEx. It was the consensus of the Board that the school representatives meet with the Executive Director and Board's Legal Counsel to resolve any violations.

Mr. Bledsoe presented the Legal Counsel Report which included the following consent agreements:

Case 2020-012BR - violations in advertising and no current liability insurance for the licensed establishment. Recommended immediate submission of liability insurance, cease and desist in advertising without a license number listed, \$1000 fine and 1-year probation. 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 2020-033BR - violations in advertising. Recommended cease and desist in advertising without a license number listed, \$250 fine and 1-year probation. 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 2020-036 - violations included employing unlicensed massage therapists and operating violations. Recommended total fine of \$6500 and 1-year probation. 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 2021-015 - violations due to unprofessional behavior by a LMT who owned the licensed establishment. Recommended \$1000 administrative fine and 1-year probation. Ms. Dale made the motion to approve the consent agreement as presented. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

Case 2021-008BR - violations of unlicensed establishment. Recommended cease and desist advertising and services, immediately acquire establishment license, \$2500 fine and 1-year probation. Ms. Herfurth made the motion to approve the consent agreement as presented. The motion was seconded by Ms. Dale and unanimously approved by the Board.

Mr. Warren reminded the Board of the Emergency Rule specific to the Executive Director being authorized to conduct licensure activities during the COVID 19 State of Emergency. It was the consensus of the Board that the Executive Director continue to have the authority to approve or deny applications, with special reviews to be presented to the Board for approval.

Chairman Araiinejad called a 5-minute recess at 10:55 a.m.

Chairman Araiinejad reconvened the Board meeting at 11:01 a.m.

The Board discussed proposed changes to the Board's statute in advance for the 2022 Legislative Session. The Board considered increasing the number of hours for continuing education as compared to requirements by other states, institute a renewal process for Instructor licenses, increasing licensing fees and violation fines, and further defining services, etc. He encouraged the members to review the *Model Massage Therapy Practice Act* on the FSMTB website with respect to the primary responsibility of protecting the public and regulating the profession. Mr. Warren indicated that he would prepare a proposed draft of changes to the Board statute and present to the Board for review and approval.

Of additional concern to the Board were repeat offenders in violating the Board's Rules and disciplinary action for reoccurring offenses. Mr. James, Board Investigator, commented the role of the Investigative

Committee and cases of human trafficking that involved local and federal law enforcement agencies. Mr. Warren indicated that the Legal report would be expanded to include the management of these cases.

The Board also asked for Legal Counsel opinion about a LMT classified as an essential worker.

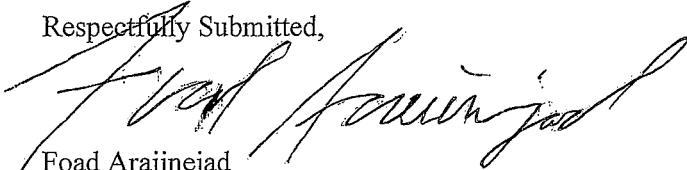
Chairman Araiinejad reported that the renewal of the Administrative Services Contract was due. Mr. Warren requested the approval of an emergency contract until the Comptroller's office could explore a procurement process for contracted services. Ms. Dale made the motion to approve the emergency contract for administrative services by Warren & Company for one year, with no changes in services. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.

Mr. Warren reported that the FSMTB annual meeting was scheduled to be held in October in Charlotte, North Carolina and the Board discussed the designation of a Board delegate. Mr. Araiinejad indicated he was interest in attending. Mr. Beams made a motion to approve any Board member who was interested in attending the FSMTB annual meeting and one would serve as the Board delegate. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.

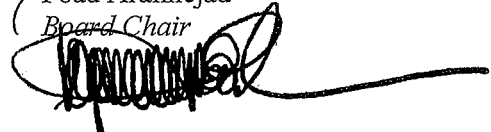
Chairman Araiinejad reminded the members that the next regular meeting of the Board was scheduled October 15, 2021 at 10:00 a.m. The meeting was scheduled to be held at the Board's office since the COVID State of Emergency had been lifted. Mr. Warren indicated that he would keep the members advised of any changes to the requirement to meet in-person.

There being no further business, Mr. Beams made the motion to adjourn the meeting. The motion was seconded by Ms. Dale and unanimously approved by the Board. Chairman Araiinejad adjourned the meeting at 11:32 a.m.

Respectfully Submitted,



Foad Araiinejad  
Board Chair



Keith E. Warren  
Executive Director

/rr