



## ALABAMA BOARD OF MASSAGE THERAPY

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### MINUTES Board Meeting August 3, 2018

The Alabama Board of Massage Therapy met on Friday, August 3, 2018, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business. The following Board members were in attendance: Mr. Lemar Storey (Chair), Mr. Foad Araiinejad (member), Ms. Gwen Motley (member), Willie DeVold (member) and Mr. Michael Stephens (member). Member absent was Mr. Lance Gilliland. Also, in attendance were Mr. Keith Warren (Executive Director), Ms. Jenna Lanier (Board Administrator, and serving as recording secretary), Mr. Bill Garrett (Legal Counsel) and Ms. Jennifer Love (Legal Assistant). Guests were also in attendance at the Board meeting. A quorum of the members of the members were present and the meeting was called to order at 10:02 a.m. by Mr. Storey, Board Chairman.

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).

The minutes from the April 6, 2018 Board meeting and the June 18, 2018 Special/Called 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. Mr. DeVold made a motion to approve the April and June minutes as presented. The motion was seconded by Mr. Stephens and unanimously approved by the Board (available for viewing in the Board's Official Book of Minutes).

Mr. Warren, Executive Director, presented the Executive Director's Report, to include the FY 2018 Financial Report as of June 30, 2018 (detailed report on file in the Board's Official Book of Minutes.). Also reported were the total number of licensees and complaints received during FY 2017 and 2018.

Mr. Warren presented the Administrator's Report containing a list of administrative activities accomplished by the staff since the last Board meeting, along with a list of inspections conducted by Mr. James during this period (report available for viewing in the Board's Official Book of Minutes).

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

Mr. Garrett presented the Legal Counsel Report. He submitted for the Board's approval a Consent Agreement (case 2017-017), citing a therapist operating an unlicensed establishment, which resulted in a disciplinary fine and probationary period. Following a review of the Consent

Agreement, Mr. Stephens made a motion to approve the Consent Agreement as submitted. The motion was seconded by Ms. Motley and unanimously approved by the Board.

Mr. Garrett also submitted for the Board's approval a Consent Agreement (case 2018-013), concerning an owner of a licensed establishment hiring unlicensed therapists. He explained that a cease and desist was issued and effective until all therapists were licensed properly, also a disciplinary fine was assessed for the violations. Following a review of the Consent Agreement, Ms. Motley made the motion to approve the Consent Agreement as submitted. The motion was seconded by Mr. DeVold and unanimously approved by the Board.

Mr. Garrett reported on case MAS 2017-014 concerning an unlicensed establishment with unlicensed therapists with no proof of liability coverage. A cease and desist was issued and in effective until insurance and an application were submitted. A fine was also assessed. Ms. Motley made the motion to approve the Consent Agreement as submitted. The motion was seconded by Mr. Stephens and unanimously approved by the Board.

Before reviewing applications, the Board discussed several topics to be brought up at the FSMTB's annual meeting in October. An emphasis on the national understanding of the changes coming with massage and healthcare were added to their subjects to be discussed.

Ms. Lanier presented applications for the Board's review and approval. Ms. Motley made the motion to ratify the Executive Director's approval of massage therapist applications. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Ms. Motley made the motion to approve the instructor applications as presented by Ms. Lanier. The motion was seconded by Mr. DeVold and unanimously approved by the Board.

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

Mr. Araiinejad made a motion to approve the CE Provider application. The motion was seconded by Mr. DeVold and unanimously approved by the Board.

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

Several Special Review applications were presented by Ms. Lanier for consideration. After review, Mr. DeVold made the motion to deny the following applications:

- MY-based on discrepancy information found with the CA license
- MR-based on not meeting the Board's education requirement of 650 hours
- YL-based on attending a NCBTMB denied school

The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Another Special Review application was reviewed, in which the applicant self-reported under the "applicant history" section of the application. After discussion, Ms. Motley made the motion to



approve the application. The motion was seconded by Mr. Stephens. The Chair called for a vote. The motion passed with a three-to-one vote.

Mr. Warren reported that a new investigator would be joining Board staff on October 1. Mr. Araiinejad made the motion to approve. The motion was seconded by Mr. DeVold and unanimously to approve by the Board.

Mr. Warren requested that members come forward to volunteer on a committee to work on legislative changes. Mr. Gilliland, Ms. Motely and Mr. Araiinejad volunteer. Mr. Warren stated that a six-member committee with members in various roles is desired.

Ms. Motely discussed that acupressure should be should act alone from massage therapy under the Board's regulation. Different hourly requirements and specific regulation for point-treatment would implement the efficient regulation of acupressure and the people performing it.

Kristie Williams (guest) reported that she made a presentation before the Sunset Committee in July. In that presentation, she noted a need for higher experience requirements for instructors, a separation of spa and medical massage, and stricter accountability for CEU providers. She also presented requests for education committee nominees: 1) LMT position must have taken the NCBTMB or MBLEx examination. 2) Include a law enforcement or attorney position.

After discussion, Mr. Araiinejad made the motion to approve Kristie Williams as the chair of the education committee. The motion was seconded by Mr. DeVold and unanimously approved by the Board.

Richard Denney (guest; owner of Blue Cliff Career College) volunteered to be a part of the education committee.

Mr. Warren reminded the members that the FSMTB Annual Meeting in Salt Lake City is on October 4-6. Ms. Motely, Mr. Warren and Mr. Araiinejad confirmed their commitment to attending. Mr. Araiinejad made the motion to approve. The motion was seconded by Ms. Motley and unanimously approved by the Board.

Chairman Storey announced that the next meeting of the Board was scheduled October 5, 2018. Because the annual meeting conflicts with that date, Mr. Stephens made a motion to approve the rescheduling of the meeting for Friday, October 12, 2018 at 10:00 AM. The motion was seconded by Ms. Motley and unanimously approved by the Board.

There being no further business, Ms. Motely made the motion to adjourn. The motion was seconded by Mr. DeVold and unanimously approved by the Board. Mr. Storey adjourned the meeting at 12:04 p.m.

Respectfully Submitted,

Leman Storey  
*Chair*

Keith E. Warren  
*Executive Director*

/jl