

## ALABAMA BOARD OF MASSAGE THERAPY

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### **MINUTES** **Board Meeting**

**May 3, 2023**

The Alabama Board of Massage Therapy met on Friday, May 3, 2023, at the Board's Office in Montgomery, AL. The following Board members were in attendance: Ms. Stephanie Dobbins (Board Chair), Ms. Stefanie Herfurth (Board Vice Chair), Ms. Mary Rogers (member), and Ms. Denise Dale (member) and Mr. Foad Araiinejad (member). Mr. Darren Beams (member) was absent. Others present were Mr. Keith Warren (Executive Director), Mr. Matt Bledsoe (Board Legal Counsel), Mr. Dennis Trammell (Investigator), Ms. Karen Entrekin (Investigator), Ms. Karen Harlow (Legal Assistant), Ms. Camby Garner (Licensing Specialist) and Ms. Renee' Reames (recorder) and other public guests who attended virtually via Zoom and in-person.

Ms. Dobbins, Board Chairperson, called the meeting to order at 10:03 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 at the meeting.

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 website at [www.almtbd.alabama.gov](http://www.almtbd.alabama.gov).

#### APPROVAL OF MINUTES

Chairperson Dobbins presented a copy of the January 20, 2023 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. Rogers made a motion to approve the January minutes as presented. The motion was seconded by Ms. Dale 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 April 30, 2023 (reports on file in the Board's Official Book of Minutes).

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

Mr. Warren reported on the current number of licensees, along with a report on the status of complaints for FY 2022 and FY 2023. He reported on the number of inspections completed for this same reporting period.

MOTION: Ms. Herfurth made the motion to accept the Executive Director report on activities. 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 a Motion for Withdrawal of Administrative Hearing regarding complaint case number 2022-072LE (copy available in Board's Official Book of Minutes). Mr. Bledsoe reported that the licensee had surrendered their establishment license and no other action was required.

Mr. Bledsoe also reported on recommendations from the Investigative Committee (IC) to include:

MAS 2022-078BR	withdraw consent agreement offer and issue C&D
MAS 2023-016	administratively close due to anonymous complainant
MAS 2023-020	withdraw consent agreement offer – issue LOW respondent in compliance
MAS 2023-021.02	withdraw consent agreement offer and issue C&D (unlicensed employee)
MAS 2023-021.03	withdraw consent agreement offer and issue C&D (unlicensed employee)
MAS 2023-030BR.03	withdraw consent agreement offer and issue C&D (unlicensed employee)
MAS 2023-030BR.05	withdraw consent agreement offer and issue C&D (unlicensed employee)
MAS 2023-031BR.03	withdraw consent agreement offer and issue C&D (unlicensed employee)
MAS 2023-034BR	withdraw consent agreement offer due to respondent in compliance
MAS 2023-041BR.02	withdraw consent agreement offer – issue LOW respondent in compliance
MAS 2023-046	administratively close due to anonymous complainant
MAS 2023-047	administratively close due to respondent in compliance
MAS 2023-052	administratively close due to respondent in compliance
MAS 2023-053.02	issue C&D (unlicensed employee)
MAS 2023-054.02	issue C&D (unlicensed employee)
MAS 2023-055	issue LOC
MAS 2023-056	LOC issued with \$100 re-inspection fee (pd); passed re-inspection administratively close due to respondent in compliance
MAS 2023-059	administratively close due to respondent exempt
MAS 2023-063	accept surrender of establishment license
MAS 2023-064	issue LOC with \$100 re-inspection fee
MAS 2023-065	close as no jurisdiction
MAS 2023-066	accept withdrawal of complaint from complainant

MOTION: Ms. Dale made the motion to accept the IC recommendations as presented. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

Mr. Bledsoe also presented 37 consent agreements for the Board’s approval (copy available in Official Book of Minutes). A copy of the consent agreements was provided to the Board prior to the meeting for review.

MOTION: Ms. Rogers made a motion to accept the consent agreements as presented for the following cases:

- |                    |                    |                    |
|--------------------|--------------------|--------------------|
| MAS 2022-037BR,    | MAS 2022-065.01,   | MAS 2022-065.02,   |
| MAS 2022-068.01,   | MAS 2022-068.02,   | MAS 2022-070.01,   |
| MAS 2022-070.02,   | MAS 2022-070.03,   | MAS 2022-074.01,   |
| MAS 2022-074.02,   | MAS 2022-074.03,   | MAS 2022-076,      |
| MAS 2022-077,      | MAS 2023-009LE.01, | MAS 2023-009LE.02, |
| MAS 2023-009LE.03, | MAS 2023-025BR.01, | MAS 2023-025BR.02, |
| MAS 2023-026BR,    | MAS 2023-027BR.01, | MAS 2023-027BR.02, |
| MAS 2023-028BR,    | MAS 2023-029BR,    | MAS 2023-030BR.02, |
| MAS 2023-030BR.04, | MAS 2023-031BR.01, | MAS 2023-031BR.02, |
| MAS 2023-037,      | MAS 2023-041BR.01, | MAS 2023-042.01,   |
| MAS 2023-042.02,   | MAS 2023-04,       | MAS 2023-048BR.01, |
| MAS 2023-048.02,   | MAS 2023-049BR.01, | MAS 2023-049BR.02, |
| MAS 2023-054.01    |                    |                    |

The motion was seconded by Ms. Dale and unanimously approved by the Board.

OLD BUSINESS

Rules Committee Report

Mr. Warren reported that the Rules Committee plans to have a report prepared on the subcommittees’ activities to report at the July Board meeting.

Update on Administrative Services Specifications for RFP

Mr. Bledsoe reported that the specifications for administrative services would be released to request proposals, after he met with the Board Chairperson, and the proposals would be submitted to the Board at a future meeting.

NEW BUSINESS

American Massage Therapy Association (AMTA)

Mr. Warren introduce Ms. Christine Hooper, Manager of Legislative and Regulatory Affairs with the American Massage Therapy Association (AMTA). The Board welcome Ms. Hooper.

HB192 – Update on Legislation

Mr. Warren reported on legislative activities regarding HB192 and substitute bill, SB156. He explained that, if approved, HB192 would reverse the licensing fees to the amounts in effect before the recent rule change. The Board discussed HB192 proposed changes to the Board’s

statute, e.g., Board appointments based on congressional districts, advance requests to record the meetings, rules posted on Board's website, notifications to applicants during the application process, allowing contracted employees, allowing establishment licenses to be transferred to new location by same owner, continuing education hours to not exceed the requirements of a board-approved nationally recognized board certification organization, etc. Mr. Warren reported that these changes would affect the Board's current rules and fee reductions would impact on the finances of the Board. The Board agreed that prioritizing activities that affect the Board finances would need to be made as a result of the reduction in fees.

MOTION: Ms. Rogers made a motion to rescind the fees and amend the fee schedule back to the earlier fee amount. The motion was seconded by Ms. Dale. Chairperson Dobbins called for a vote and 3 members abstained from vote. One member voted in favor of the motion and the motion did not pass. Chairperson Dobbins indicated that the matter would be placed on the next meeting agenda.

#### Board Policies and Procedures

Mr. Warren presented three policies for the Board's approval. The Board discussed the Application Approval Policy (available for review in the Board's official Book of Minutes), which included (1) Executive Director approval of LMT applications from graduates of in-state massage therapy schools and do not have any disciplinary or criminal activity on their background history, with exception to military spouses or military personnel, (2) Board review and approval of LMT applications from graduates of out-of-state massage therapy schools and who not reside in the state, and include exam score information, with exception to military spouses and military personnel, and (3) LMT and establishment applications that are not completed 60 days after the initial application date would be placed on the next board meeting agenda for consideration. Mr. Warren reported that applicants with a pending status were removed from the Board's website licensee search due to confusion concerning missing application documents and pending and misunderstanding that pending status was due to criminal history. He also commented on the email communications with applicants, and he indicated that they were provided the thread of previous emails communications about missing documents.

Mr. Warren also presented a new policy concerning the Board's current Facebook page to include (1) recommending the creation of a new Facebook page in the name of the Board, (2) posts to the page would be made by Board-approved staff and representatives and all other outside posts would be removed, and (3) no outside comments were allowed on the page, since the purpose of the page was for distribution of information and notices, with the official source of information being the Board's website. The Board discussed having no social media page since the Board was not a social organization similar to associations and clubs.

MOTION: Ms. Dale made the motion to terminate the Board's Facebook page. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Mr. Warren presented the new meeting procedure which included (1) posting a summary of the Board meeting on the Board's website within 5 days after the meeting, (2) acknowledging that meeting minutes were not official until the Board voted to adopt them at the next scheduled board meeting, and (3) the Board discussed the option of having virtual meetings and board members participating virtually.

MOTION: Ms. Dale made the motion to not have virtual Board meetings. The motion was seconded by Ms. Rogers and unanimously approved by the Board. The Board discussed that no virtual meetings prevented board members from attending virtually.

MOTION: Ms. Dale made the motion to end all virtual meetings of the Board. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion that a summary of the Board meetings be posted on the Board's website within 5 days following the Board meeting and the Board meeting minutes posted on the Board's website after adoption by the Board. The motion was seconded by Ms. Dale and unanimously approved by the Board.

#### Applications Special Review

Mr. Warren presented the following applications for the Board's review and Board action.

MOTION: Ms. Herfurth made the motion to deny the MT application submitted by YS based on the transcript not matching the official transcript received from the school. The motion was seconded by Ms. Dale and unanimously approved by the Board, with no member voting in opposition.

MOTION: Ms. Dale made the motion to deny the MT application submitted by ST based on the transcript submitted with the application did not match the school listed on the MBLEx score results. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board, with no member voting in opposition.

MOTION: Ms. Herfurth made the motion to deny the MT application submitted by JK based on the school was not NCBTMB approved nor approved by the State in which the school was located. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board, with no members voting in opposition.

MOTION: Ms. Dale made the motion to deny the MT application submitted by QZ based on the school was not NCBTMB approved nor approved by the State in which the school was located. The motion was seconded by Ms. Herfurth and unanimously approved by the Board, with no members voting in opposition.

MOTION: Ms. Herfurth made the motion to deny the MT application submitted by MY based on the transcript submitted with the application was not NCBTMB approved nor approved by the state in which the school was located. The motion was seconded by Ms. Rogers and unanimously approved by the Board, with no members voting in opposition.

MOTION: Mr. Araiinejad made the motion to approve the renewal application of S-136 as presented. The motion was seconded by Ms. Dale and unanimously approved by the Board.

MOTION: Ms. Dale made a motion to deny the renewal application of S-142. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

The Board agreed that online bodywork was not recognized by the Board, and Mr. Warren reported that he would request from the school (S-142) to resubmit the renewal application with a breakdown of in-person coursework and hours. The Board also asked that the breakdown include onsite, online and onsite hand-on coursework and labs.

MOTION: Ms. Herfurth made a motion to approve the renewal application from S-142 until the next Board meeting when the Board would reconsider the application and review the breakdown of courses. The motion died for lack of a second to the motion.

The Board discussed hybrid curricula that included onsite and online courses and Chairperson Dobbins asked the Rules Committee to review the criteria for hybrid curricula and make a recommendation to the Board.

Mr. Bledsoe indicated that the school (S-142) could submit the breakdown of courses and the Board could ratify the approval at the July Board meeting.

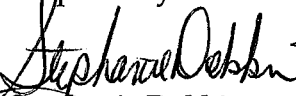
#### ANNOUNCEMENTS AND OTHER BUSINESS

Chairperson Dobbins reported that the next meeting of the Board was scheduled for July 28, 2023.


#### ADJOURNMENT

MOTION: There being no further business, Chairperson Dobbins adjourned the meeting at 11:41 a.m.

Respectfully Submitted,



Stephanie Dobbins  
*Board Chair*

  
Keith E. Warren  
*Executive Director*

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