



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting

June 28, 2023

The Alabama Board of Massage Therapy met on Wednesday, June 28, 2023, at the AUM TechnaCenter located at 75 TechnaCenter Drive in Montgomery, AL. The following Board members were in attendance: Ms. Stephanie Dobbins (Board Chair), Ms. Stefanie "Babs" Herfurth (Board Vice Chair), Ms. Mary Rogers (member), Ms. Denise Dale (member), Mr. Foad Araiinejad (member) and Mr. Darren Beams (member). One Board member vacancy existed due to resignation. 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), Ms. Lora Evans (Executive Assistant), Ms. Leah Cochrane (Licensing Specialist) Ms. Renee' Reames (recording secretary) and other public guests who attended in-person.

Ms. Dobbins, Board Chairperson, called the meeting to order at 10:02 a.m. Mr. Warren called Board member 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 regular business 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 website at www.almtbd.alabama.gov.

APPROVAL OF MINUTES

Chairperson Dobbins presented a copy of the May 3, 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. Dale made a motion to approve the May meeting minutes as presented. The motion was seconded by Ms. Herfurth 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 of the Board for the period ending May 31, 2023 (reports on file in the Board's Official Book of Minutes).

Mr. Warren reported on the current number of licensees, along with a report on the status of complaints for FY 2021 through FY 2023 as of June 23, 2023. He reported on the number of inspections completed for the same reporting periods.

MOTION: Ms. Rogers made the motion to accept the financial report as presented. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

LEGAL COUNSEL REPORT

Mr. Bledsoe presented the Legal Counsel report to include six (6) consent agreements based on the following complaint cases: MAS 2021-001 and MAS 2021-016, MAS 2021-053, MAS 2023-001LE, MAS 2023-030BR.03, MAS 2023-30BR.05, and MAS 2023-053.01. A copy of the redacted consent agreements was provided to the Board prior to the meeting for their review.

MOTION: Ms. Dale made the motion to approve the consent agreements as written. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board with Ms. Herfurth abstaining as a member of the Investigative Committee.

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

MAS 2022-058	close as unfounded (no violations).
MAS 2023-017	close as unfounded (no violations).
MAS 2023-032BR	close as unfounded (no violations).
MAS 2023-033BR	close as having no jurisdiction.
MAS 2023-051BR	administrative close due to compliance.
MAS 2023-062	case referred to law enforcement.
MAS 2022-060	issued a cease and desist letter to respondent.
MAS 2023-067BR	issued a cease and desist letter to respondent.
MAS 2023-068	close as unfounded (no violations).
MAS 2023-071.01	issued a cease and desist to respondent and \$500 fine.
MAS 2023-071.02	issued a cease and desist to respondent and \$500 fine.
MAS 2023-073LE.02	issued a cease and desist letter to respondent.
MAS 2023-073LE.03	issued a letter of concern to respondent.
MAS 2023-075BR	issued a letter of concern to respondent.
MAS 2023-076BR	issued a letter of concern to respondent.
MAS 2023-080BR.02	issued a cease and desist letter to respondent.

MOTION: Mr. Araiinejad made the motion to approve the recommendations of the Investigative Committee as presented. The motion was seconded by Ms. Dale and unanimously approved by the Board, with Ms. Herfurth abstaining as committee member.

OLD BUSINESS

Rules Committee Report

Chairperson Dobbins deferred the Rules Committee Report to later in the meeting under New Business agenda item.

NEW BUSINESS

Update on Changes to Board Statute – Act 2023-490

Mr. Warren thanked the Board members for their participation in the recent Legislative session and commented on changes to the Board's statute in new Act 2023-490.

Proposed Rule Changes

Mr. Bledsoe reviewed proposed rule changes based on Act 2023-490 and presented the following rules for approval by the Board as an emergency rule and for regular publication.

- 532-X-3-.03 Application and License
Added notification to applicant about receipt of application and pending approval.
- 532-X-3.-04 Establishment Licensure
Modifications to include a licensed owner, employee or contractor may perform onsite or outcall massage therapy so long as the client knows the massage therapist owns, is employed by, or contracted from a licensed establishment. Also, an owner of an establishment may petition the Board to waive new establishment license fees due to circumstances about location changes.

- 532-X-3-.06 Fee Schedule

Modifications to the fee schedule.

MOTION: Ms. Dale made the motion to approve the proposed revisions to the Board's rules as emergency rules and regular rules. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board. Mr. Warren reported that the proposed rules would be published as emergency rules and regular rules and a copy of the proposed rules would also be posted on the Board's website.

Proposed Rule Changes Recommended by the Rules Committee:

Mr. Warren reviewed the following proposed rule changes for the Board's approval:

- 532-X-1-.02 Definitions

Added definition of scope of practice, intergluteal cleft, and buttock.

MOTION: Ms. Herfurth made the motion to approve the proposed rule changes as presented. The motion was seconded by Ms. Dale and unanimously approved by the Board.

- 532-X-2-.01 Board Composition and Officers

Meetings changed from biannual to quarterly board meetings.

MOTION: Ms. Dale made the motion to approve the proposed rule changes as presented. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.

- 532-X-3-.01 Massage Therapist Licensure Qualifications

Removed course breakdown of required 650 hours of supervised course of instruction. Courses to be referenced in rule 532-X-3-.05.

MOTION: Ms. Rogers made the motion to approve the proposed rule changes as presented. The motion was seconded by Ms. Dale and unanimously approved by the Board.

- 532-X-3-.04 Establishment Licensure

Additional changes to the rule, when discussed prior as an Emergency Rule, to include clean drape material and draping requirements.

The Board discussed modifications to item (j) regarding draping and body exposure and agreed to modify to read "shall not intentionally expose". The Board determined that draping was always required.

MOTION: Ms. Rogers made the motion to approve the revised rule with the additional changes as discussed. The motion was seconded by Ms. Dale and unanimously approved by the Board.

- 532-X-3-.05 Massage Therapy Schools, Massage Therapy Instructor Requirements

Definitions added, along with core courses requirements and a partial list of elective courses, and changes to instructor licensure qualifications.

The Board discussed changes to the list of electives course in this chapter.

The Rules committee will consider at a future meeting the recommendation to develop a new school starter kit, to include an example of a weekly curriculum template for new schools applying to the Board.

MOTION: Ms. Rogers made the motion to approve the proposed rule with the additional changes as discussed. The motion was seconded by Ms. Dale and unanimously approved by the Board.

- 532-X-4-.01 Examination
Deletions in the rule and modified to read “the Board may approve any national standardized examination.”
MOTION: Ms. Dale made the motion to approve the proposed rule changes as presented. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.
- 532-X-6-.01 Continuing Education Requirements
Added hands-on CE hours, certification for public view, and audit of CE hours by the Board.
A hands-on CE course mentioned during the meeting was the annual Human Trafficking Summit held in Montgomery.
Following further discussion, the Board agreed to remove item (6) regarding 8 CE hours of hands-on courses and assign the matter to the Rules committee to review.
MOTION: Ms. Dale made the motion to approve the proposed rule changes to include the change of removing reference to 8 hours hands-on courses. The motion was seconded by Ms. Beams and unanimously approved by the Board.
- 532-X-6-.02 Provider Requirements
Deletions in the rule about applications submitted to the Board and addition to read “all continuing education providers must be approved by one of the following” and several organizations were listed.
MOTION: Ms. Dale made the motion to approve the proposed rule changes as presented. The motion was seconded by Mr. Beams and unanimously approved by the Board.

The Board also discussed Rule 532-X-5-.03 Prohibited Acts. Chairperson Dobbins created a committee to consider the Prohibited Acts rule and appointed Ms. Rogers, Mr. Beams and the Investigative Committee member, Ms. Herfurth, to the committee. Mr. Bledsoe indicated that he would review the term certified (by examination) vs. certification and the Prohibited Act rules committee would consider the matter for recommendation to the Board.

Application Approval Process

Mr. Warren presented for the Board’s approval, the application approval process.

Chairperson Dobbins called a recess of the Board meeting at 11:22 a.m. for 10 minutes. Chairperson Dobbins reconvened the Board meeting at 11:30 a.m.

Review of Applications

The Board reviewed nine massage therapist applications for initial licensure. During the review, the Board considered the application approval process.

MOTION: Ms. Beams made the motion to approve the policy for Application Approval Process as presented. The motion was seconded by Ms. Dale and unanimously approved by the Board.

The Board continued to review the nine applications for licensure.

MOTION: Mr. Beams made the motion to approve SNC (applicant #2) and JD (application #7) for licensure as a massage therapist and to deny licensure to the following applicants.

- LY (application #1) – educational discrepancies
- GL (application #3) - educational discrepancies
- RC (application #4) – educational discrepancies
- XL (application #5) – educational discrepancies
- KY (application #6) – examination discrepancies
- MC (application #8) – educational discrepancies
- XC (application #9) - educational discrepancies

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

The Board also reviewed a school renewal application.

MOTION: Ms. Herfurth moved to table the review of the school renewal application after discussion of other business. The motion was seconded by Ms. Dale and unanimously approved by the Board.

Update on Administrative Services Specifications for RFP:

Mr. Bledsoe reported that he was continuing to incorporate the Purchasing Department RFP requirements and may have the document completed by the end of July to release for proposals.

ANNOUNCEMENTS AND OTHER BUSINESS

Sunset Committee Meeting

Mr. Warren reported that the Board was scheduled to meet with the Sunset Committee on September 28, 2023, and a reminder notice would be sent to the Board members about this meeting. The Board discussed plans to meet with the Sunset Committee following the recent audit.

Board Operations Seminar regarding Licensure

Mr. Warren reported that he was planning a Board-member seminar on Board operations to be held later in September or October. He indicated that further information would be reported at the next Board meeting.

Next Scheduled Board Meeting

The Board discussed scheduling the next Board meeting after the public comment deadline for the proposed rules that would be published. Chairperson Dobbins reminded the Board that the July 28, 2023, meeting had already been cancelled. It was the consensus of the Board to meet on September 11, 2023, at 10:00 a.m. to conduct regular business and hold the public hearing on the proposed rules.

Chairperson Dobbins announced that the next Board meeting, following the September 11, 2023 meeting, would be held on October 27, 2023.

Chairperson Dobbins inquired if any public members attending the meeting would like to address the Board.

- Ms. M. Stover indicated that she was in support of consumers having access for public-view on the Board's website of LMT's CE certifications.

- Mr. D Hendrix requested Board’s consideration of LMTs’ use of ultrasound and Class II electrical current medical devices. Mr. Warren reviewed the Board-approved modalities and indicated that the devices were not within the Board’s jurisdiction, and he would provide further information on the state Board’s having jurisdiction in this matter.
- Ms. C. Taylor indicated that she was in support of the changes in the Board’s fee schedule and was aware that the fees had not been adjusted since the inception of the Board in 1997.
- Ms. C. Williams commented on active warrants for prostitution, violations of overnight accommodations of unlicensed establishments and advocated for consumer protection. Mr. Warren asked that she provide the information to the Board’s investigators. She also recommended that the Board member with law enforcement background serve on the Investigative Committee, citing incidents of licensees being denied for licensure in other states, etc. Mr. Warren recommended that these matters and similar matters of misconduct be reported to the Board’s investigators for follow-up. Mr. Beams stated that the Board’s investigators were actively involved with law enforcement across the state.
- Ms. C. Hooper, Government Relations with the American Massage Therapy Association, recommended industry/professional awareness by reviewing activities in other states to stay up-to-date on issues.

Review of Applications

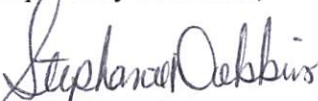
The Board reviewed the school renewal application and discussed discrepancies in the course syllabi and class schedules and recommended that a weekly class schedule be created and syllabi to match. The school owner was present at the meeting and recommended a template for school owners, and she asked not to be penalized because a template was not available. A member of the Rules Committee who was also a school owner, was asked by Chairperson Dobbins to meet with the school owner to assist in the application process.

MOTION: Ms. Dale made a motion to approve the renewal application contingent on the owner submitting a matching weekly schedule and syllabi. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.

ADJOURNMENT

MOTION: There being no further business, Ms. Dale made the motion that the meeting be adjourned. The motion was seconded by Ms. Herfurth and was unanimously approved by the Board. Chairperson Dobbins adjourned the meeting at 12:44 p.m.

Respectfully Submitted,



Stephanie Dobbins
Board Chair



Keith E. Warren
Executive Director

RR /rr