



ALABAMA BOARD OF MASSAGE THERAPY

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Board Meeting Summary Monday, September 11, 2023

The Board of Massage Therapy met on Monday, September 11, 2023, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama 36106. The meeting was called to order by Chair Dobbins at 10:02 a.m. and the following members were in attendance: Foad Araiinejad, Denise Mastin, and Mary Rogers. The members not present were Babs Herfurth and Darren Beams. Also, in attendance were Keith Warren (Executive Director), Matt Bledsoe (Board Legal Counsel), Renee' Reames (Recording Secretary), Lora Evans (Assistant), Camby Garner (Licensing Specialist), Dennis Trammell (Investigator), and Karen Entrekin (Investigator). There were numerous guests and a sign in sheet be with the official board minutes.

Mr. Warren read the opening statement and called the roll. Chair Dobbins asked if everyone had read the minutes from the June 28, 2023, board meeting. Ms. Mastin made a motion to approve the June 28, 2023, meeting minutes as presented. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Chair Dobbins recognized Mr. Warren for the Executive Director and Financial Report. Mr. Warren reported the licensees as follows:

Massage Therapy Licenses	2174
Establishment Licenses	704
Massage Therapy Schools	15

Mr. Warren reported the following financial information along with providing the STAARS Cash Reconciliation Report and the STAARS Obligations vs. Budget Report:

FY 23 Budget	\$325,000.00
Beginning Cash (10/1/22)	\$ 43,313.92
Revenue	\$296,905.00
Expenditures	\$266,688.73
Fund Balance (5/31/23)	\$ 73,530.19

Mr. Warren also discuss complaints for fiscal years 2021, 2022, and 2023 as follows:

<u>FY 2023 Complaints (October 1, 2022 to September 30, 2023)</u>	
Received	102 Cases
Closed	64 Cases

Active	38 Cases
Investigation complete	31 of 38 active cases
FY 2023 Inspections	292 (as of 8/25/23)

FY 2022 Complaints (October 1, 2021 to September 30, 2022)

<u>Received</u>	79 Cases
Closed	74 Cases
Active	5 Cases
Investigation complete	79
FY 2022 Inspections	263

FY 2021 Complaints (October 1, 2020 to September 30, 2021)

<u>Received</u>	62 Cases
Closed	59 Cases
Active	3 Cases
Investigation complete	62
FY 2021 Inspections	260

ADMINISTRATIVE FINES

Since October 1, 2022 (FY2023), assessed fines:

Fines <u>assessed</u> comprised of 2022 and 2023 cases	\$104,000.00
Fines assessed for 2022 = \$23,000.00	
Fines assessed for 2023 = \$81,000.00	

Since October 1, 2022 (FY2023), paid fines:

Fines <u>paid</u> comprised of 2021, 2022 and 2023 cases	\$99,500.00
Fines paid for 2021 cases = \$1,500.00	
Fines paid for 2022 cases = \$6,500.00	
Fines paid for 2023 cases = \$91,500.00	

FY 2023 Outstanding fines:

<u>Outstanding</u> fine balance for fines assessed in FY2023 comprised of 2023 cases	\$12,500.00
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The Executive Director and Financial Reports were accepted by the Board as presented.

Mr. Bledsoe presented Consent Agreements and Recommendations of the Investigative Committee that were approved by the Board. The cases are as follows:

Signed Consents for Approval

MAS 2023-073.01

MAS 2023-080BR.01

Surrender of License

MAS 2023-079.01 (Establishment License)

MAS 2023-079.02 (Establishment License)

In Compliance

MAS 2023-061

MAS 2023-090

Unfounded / No Probable Cause

MAS 2023-069

MAS 2023-084

MAS 2023-089

No Jurisdiction

MAS 2023-072 – refer to Alabama State Board of Chiropractic Examiners

MAS 2023-087 – refer to Alabama Alcoholic Beverage Control Board

MAS 2023-100 – refer to Alabama Board of Medical Examiners

MAS 2023-101 – refer to Alabama Board of Medical Examiners

Letter of Concern

MAS 2023-078LE

Withdrawal of Complaint

MAS 2023-082

Cease and Desist

MAS 2023-091.02

MAS 2023-091.03

MAS 2023-092

MAS 2023-095BR.02

Mr. Araiinejad made a motion to approve the recommendations from the Investigative Committee. The motion was seconded by Ms. Mastin and unanimously approved by the Board.

Mr. Bledsoe presented the Responses to the Request for Proposals for Administrative Services for the Board of Massage Therapy released by the Alabama Division of Procurement on August 3, 2023. Mr. Bledsoe provided an overview of the process and turned it over to Ms. Dobbins for evaluation of the proposal. The proposal received a score of 30 of 30 and was presented to the Board for approval.

Mr. Araiinejad made a motion to approve the proposal submitted by Smith Warren Management Services Inc. to provide the administrative services outlined in the specifications. The motion was seconded by Mrs. Rogers and unanimously approved by the Board.

Chair Dobbins requested a recess of the regular meeting to conduct the Public Hearing for the Proposed Rules and Regulations as published in the Alabama Administrative Monthly, July 31, 2023 edition. Ms. Mastin made a motion to recess the meeting to hold the public hearing. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

The Public Hearing of the Proposed Rules was opened by Chair Dobbins. All written comments were distributed to the Board prior to the meeting along with copies available on their meeting binders.

No one attending the meeting requested to speak and provide comments. All written comments were reviewed, and the following amendments were made:

532-X-1-.02 – remove “butt-crack” from the intergluteal cleft definition.

532-X-3-.04(i) now reads: clean drape material (towel, sheet, blanket, linen) for draping clients during the massage, use of which shall be explained to the client prior to the massage, and which shall cover the intergluteal cleft and genitals of a male client at all times during the massage, and which shall cover the intergluteal cleft, breasts, and genitals of a female client at all times during the massage.

532-X-3-.06 Massage Therapist Renewal Late Fee - \$25.00
 Massage Therapist Reinstate Fee - \$75.00

Please note:

532-X-6-.02 (5) reads: Any other state, national or international professional organization, or provider approved by the board.

This allows the board to approve a provider that is not approved by one of the entities listed in the rule.

All rule typographical errors outlined in the comments will be corrected as well.

The final adoption of the rules with the above changes and corrected typographical errors was moved by Mrs. Rogers and seconded by Mr. Araiinejad. The motion was passed unanimously.

Chair Dobbins solicited the Board's interest in reviewing the Code of Ethics in 532-X-7-.01 to see if any updates or revisions needed to be made. After the Board agreed, Ms. Dobbins created the Ethics Commission and appointed the following individuals: Mary Rogers, Denise Mastin and Cynthia Taylor. The Committee will report back at the October 27, 2023, meeting.

The Board conducted the application review. In addition to the regular applications, pending applications that date back one year or older were listed. Once the review was conducted and the action stated on the applicants' form, Ms. Mastin made a motion to approve the actions proposed by the Board. The motion was seconded by Mrs. Rogers and unanimously approved by the Board.

A list of all massage therapists and massage therapy establishments approved by the Executive Director since July 1, 2023, was presented for ratification. Mrs. Rogers made a motion to approve the licenses as issued. The motion was seconded by Ms. Mastin and unanimously approved by the Board.

Under other business, Mr. Bledsoe requested the Board seek an Attorney General's Opinion regarding the Board's authority to delegate the approval of applications under the Administrative Procedures Act. Mr. Araiinejad made a motion to request the Attorney General's Opinion regarding this matter. The motion was seconded by Ms. Mastin and unanimously approved by the Board.

The Board discussed preparation for the Sunset Committee meeting scheduled for Thursday, September 28, 2023.

The Chair announced the attendance for the FSMTB Annual Meeting, September 28 – 30, 2023, in San Diego, California. Chair Dobbins will serve as the delegate and Mr. Warren and Mr. Araiinejad will attend as FSMTB Board of Directors.

There being no further business, Ms. Mastin made a motion to adjourn the meeting at 11:27 a.m. The motion was seconded by Mrs. Rogers and unanimously approved by the Board.

Keith E. Warren
Executive Director
September 11, 2023