



## ALABAMA BOARD OF MASSAGE THERAPY

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### MINUTES Board Meeting

January 5, 2024

The Alabama Board of Massage Therapy met on Friday, January 5, 2024, at the Board's office located at 2777 Zelda Road in Montgomery, Alabama. The following Board members were in attendance: Ms. Denise Dale (Board Chair), Ms. Stefanie Herfurth (Board Vice Chair), Ms. Mary Rogers (member), and Ms. Stephanie Dobbins (member). Member absent was Mr. Foad Araiinejad (member). Two Board member vacancies existed due to resignations. Others present were Mr. Keith Warren (Executive Director), Mr. Matt Bledsoe (Board Legal Counsel), Ms. Karen Entrekin (Board Investigator), Ms. Karen Harlow (Legal Assistant), Mr. Dennis Trammell (Investigator), Ms. Camby Garner (Licensing Specialist), Ms. Angela Warr (Executive Assistant), Mr. Patrick McWhorter (Legislative Advocate) and Ms. Renee' Reames (recording secretary) and other public guests who attended in-person and virtually.

Ms. Dale, Board Chairperson, called the meeting to order at 10:08 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 Dale 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 Dale presented a copy of the October 27 regular Board meeting minutes, along with the November 7, 2023 emergency 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. Herfurth made a motion to approve the September and November meeting minutes as presented. The motion was seconded by Ms. Rogers and the motion was unanimously approved by the Board (minutes available for viewing in the Board's Official Book of Minutes). It was noted that Chairperson Dale would vote on matters of a tie-vote.

#### EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director Report to include the financial activities of the Board for the period ending December 31, 2023 (reports on file in the Board's Official Book of Minutes). He reminded the members that the adjusted licensing fees would be collected beginning in January 1, 2024. He reported that new staff had been employed at Smith Warren in the finance department and he introduced Ms. Angela Warr, Executive Assistant, who worked in administration.

Mr. Warren reported on the current number of licensees, along with a report on the status of complaints for FY 2020 through FY 2024, along with assessment of administrative fines. He reported on the number of establishment inspections completed for the same reporting periods.

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

Update on Board Operations:

Mr. Warren commented on Board discussions at the last meeting about scheduling a Board meeting to discuss Board operations. The Board concurred with the recommendation to conduct an orientation meeting on March 11, 2024, at a central location, tentatively at the Pelham Civic Center, and offer continuing education credits for licensees and class credits for massage therapy school students attending the meeting. Mr. Warren reported that more information about the orientation meeting would be sent to the board members and schools and posted on the Board's website.

Update on Administrative Services Contract:

Mr. Warren reported that no additional information has been received regarding guidance from the Sunset Committee concerning the Board and no information was available about the approval of the administrative services contract. Mr. Warren deferred further comments until later in the meeting about providing services pending the Governor's approval of the contract.

Update on Interstate Massage:

Mr. Warren reported that should the Board be interested in joining the Interstate Massage Compact, legislative sponsor would need to be identified for a proposed bill submitted in the 2024 legislation session. He explained that a total of 7 states were required to establish the Compact and 2 states had already joined. The Board discussed the requirements of the proposed Compact regarding number of educational hours for licensees and examination.

LEGAL COUNSEL REPORT

Mr. Bledsoe presented the Legal Counsel report that included the following recommendations from the Investigative Committee that:

the following cases be closed as unfounded/no probable cause:

- MAS 2023-102; MAS 2023-103; MAS 2024-003; MAS 2024-003BR.
- MAS 2024-011; MAS 2024-016LE; and MAS 2024-01.7

the following cases be closed as no jurisdiction:

- MAS 2024-008; 2024-009 and 2024-010.

the following cases be closed as in compliance:

- 2024-006 and MAS 2024-025.

He presented cases with multiple respondents and indicated that a cease and desist had been issued in the field:

- MAS 2024-018BR.02; MAS 2024-019BR.02; MAS 2024-019BR.03.
- MAS 2024-020BR.02; MAS 2024-020BR.03; MAS 2024-021BR.02.
- MAS 2024-026BR.02; MAS 2024-026BR.03; MAS 2024-026BR.04.
- MAS 2024-027BR.02; MAS 2024-003.02; and MAS 2024-003.03.

He recommended that a consent agreement offer be made in the following cases, with the Executive Director and Board Legal Counsel authorized to negotiate terms on behalf of the Board: 2024-018.01; MAS 2024-019.01; MAS 2024-020BR.01; MAS 2024-021BR.01; MAS 2024-026BR.01 and MAS 2024-027BR.01. The terms of each case were reviewed (a copy of the Investigative Committee recommendations regarding terms can be viewed in the Board's official Book of Minutes).

Mr. Bledsoe recommended the following cases be scheduled for a hearing: MAS 2023-083; MAS 2023-086 and MAS 2023-088; MAS 2023-094; MAS 2024-024; and MAS 2024-012.

Mr. Bledsoe recommended emergency suspension in the matter of cases MAS 2024-023, MAS 2024-022LE, MAS 2024-005 and MAS 2024-015 and a hearing would be held in accordance with the Administrative Procedures Act.

Mr. Bledsoe presented terms of the consent to offer in case 2024-013.01 for violations of two unlicensed massage therapists and onsite residence and recommended that the Board authorize the Board's Legal Counsel and Executive Director to negotiate terms on behalf of the Board and, if the Respondent was not in agreement, a hearing would be scheduled.

He also reported that a hearing had been set before an Administrative Law Judge in the matter of case MAS 2024-001.

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

The Board discussed a complaint case regarding Jen Shin Do modality.

MOTION: Ms. Herfurth made the motion that it was the determination of the Board that Jen Shin Do was a bodywork modality in massage therapy. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

The Board also discussed Shiatsu techniques in bodywork.

MOTION: Ms. Herfurth made the motion that it was the determination of the Board that Shiatsu was a bodywork modality in massage therapy. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

#### OLD BUSINESS

##### Update on Scheduling Sunset Committee Meeting:

Chairperson Dale indicated that there was no additional information from the Sunset Committee, as reported earlier in the Executive Director's report.

##### Code of Ethics Committee Report:

Chairperson Dale reported that the Code of Ethics Committee activities were postponed until further notice.

#### NEW BUSINESS

##### Application Deadline Approval:

Mr. Warren requested that the Board confirm a deadline for licensing applications to be received in advance of Board meetings. The Board discussed preparing the applications for the Board to consider for approval at an upcoming meeting. Mr. Warren indicated that the application deadline would be posted on the Board's website to coincide with Board meeting dates and the massage therapy schools would be made aware of the deadlines.

MOTION: Ms. Herfurth made the motion that the Board adopt a two-week deadline prior to Board meetings as the deadline to accept applications. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

Approval of Administrative Services Invoices:

Chairperson Dale deferred the matter to later in the meeting.

Update on Attorney General (AG) Opinion Request:

Mr. Bledsoe reported that a copy of the approved October meeting minutes would be sent with the request to the AG's office.

Approval of Administrative Services Invoices for October, November and December, 2023:

Mr. Warren reported that the Administrative Services Contract was still pending release by the Contract Review Committee, and the invoices had not been submitted for payment pending guidance from the Sunset Committee. He requested that the Board approve the invoices for October, November and December for administrative services provided by Smith Warren Management Services, so that they could be submitted for payment, pending the Governor's approval of the contract. He explained that the October invoice was at the old contract rate and November-December invoices were at the current rate in the pending contract.

MOTION: Ms. Dobbins made the motion to approve the October, November and December invoices for administrative services at the rate of payment reported by Mr. Warren. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

Review and Approval of Applications:

Mr. Warren and Ms. Garner presented applications for Board review and Board action.

- Administrative request to close application due to incomplete applications  
FM initial application on 4/23/22; failed to provide official score transferred to Board.  
AH initial application on 3/28/22; failed to provide transcript and official score report.  
ES initial application on 10/17/22; failed to provide transcript and official score report.  
BBT initial establishment application on 8/24/22; failed to submit establishment insurance.  
IEWM initial establishment application on 3/22/23; failed to provide evidence of residence/ID.  
MOTION: Ms. Herfurth made the motion to approve the recommendation to close the applications as presented. The motion was seconded by Ms. Dobbins and unanimously approved by the Board.
  
- School Initial Application – none to report.
- School Renewals by S-132, S-108 and S-102.  
MOTION: Ms. Herfurth made the motion to approve the school renewal applications as presented. The motion was seconded by Ms. Rogers and unanimously approved by the Board, with Ms. Dobbins recusing from voting.
  
- Instructor Initial Application – none to report.
  
- MT Initial Applications from graduates from in-state schools.  
A total of 20 applications were reviewed: AD, NJ, EV, CW, KMH, LT, MS, AM, JL, WA, MW, GS, MS, MM, JG, CB, KC, JC, CC, and ZH.  
MOTION: Ms. Herfurth made the motion to approve the application requests from graduates of in-state schools as reviewed. The motion was seconded by Ms. Rogers and unanimously approved by the Board.
  
- MT Initial Applications from graduates from out-of-state schools.  
MOTION: Ms. Herfurth made the motion to approve the application received from YC, QS, RT, JC, LA, KG, SW, HS, JS, NA, HB, ST, TS, WL, LP, MM, HC, YL, AD, LC, YL, WW, and LW. The motion was seconded by Ms. Dobbins and unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to approve the application from LC, pending verification of the school (East West Institute). The motion was seconded by Ms. Dobbins and unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to conditionally approve the application from JH pending receipt of a clear background history. The motion was seconded by Ms. Dobbins and unanimously approved by the Board.

- Establishment applications transfer to new addresses.

MOTION: Ms. Dobbins made the motion to approve the transfer address for E-3728 and E-1785. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

- Establishment Initial Applications from owners that reside in the State (list available in Board's official Book of Minutes).

MOTION: Ms. Dobbins made the motion to approve the 23 establishment applications:

Shoals Medical Massage Therapy	Alchemy Healing Touch
Rose Health Spa	Wellness SPA
Wagging Tails LLC dba Squeeze Massage	Massage Works Huntsville
Rapha Wellness Center	Yuying Massage & Foot Care
Dothan Day Spa, LLC	Diamond Nails
AH Spas LLC	Body Wellness Massage
Heavenly Hands Massage Therapy	Miraculous Massages
In Touch	IndigoWoman Therapeutics
Kimbul Studios LLC	Kinetic Bodywork & Massage
One Eighty Wellness Spa	Serenity Wellness
Still Waters	The Essential Massage
	Therapeutic Massage by Shanta Marie

MOTION: Ms. Dobbins made the motion to approve the initial establishment applications as present. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to conditionally approve the following initial establishment applications pending receipt of documents:

Omnia Massage LLC submission of professional liability coverage.

A Touch of Blush submission of professional liability coverage.

Healing U submission of professional/general liability coverage.

Country Club of Birmingham submission of background history.

Massage by Myranda submission of address.

Sol Therapeutic submission of professional liability coverage.

Studio 31 LLC submission of professional liability coverage.

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

- Establishment Initial Applications from owners that reside out-of-state (list available in Board's official Book of Minutes).

MOTION: Ms. Rogers made a motion to approve initial establishment applications:

Yummy Massage & Spa	ROSE SPA Massage
SaSa's Healing	Massage Envy of Mountain Brook

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

MOTION: Ms. Dobbins made the motion to conditionally approve the initial establishment applications:

Grace Spa AL LLC pending submission of general liability coverage.

Hoover Reflexology Massage Spa pending submission of professional liability coverage.

HongKong Massage LLC pending submission of professional liability coverage.

Momiji Momiji LLC pending submission of professional liability coverage.

Mountain Brook Club pending submission of professional liability coverage and background history.

Natural Spa pending submission of background history.

TangYang Massage & Spa LLC pending submission of professional liability coverage.

Yi Massage LLC pending submission of professional liability coverage.

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

Review and Ratification of Renewal Licenses (list available in the Board's Official Book of Minutes).

MOTION: Ms. Rogers made the motion to approve the renewal applications for massage therapist licenses issued as of October 27, 2023, to January 2, 2024. The motion was seconded by Ms. Dobbins and unanimously approved by the Board.

MOTION: Ms. Rogers made the motion to conditionally approve the renewal applications for massage therapist received between October 27, 2023, to January 2, 2024, pending receipt of documents to complete the application. The motion was seconded by Ms. Dobbins and unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to approve the establishment renewal applications for establishment licenses issued as of October 27, 2023, to January 2, 2024. The motion was seconded by Ms. Dobbins and unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to conditionally approve the establishment renewal applications received between October 27, 2023, to January 2, 2024, pending receipt of documents to complete the application. The motion was seconded by Ms. Dobbins and unanimously approved by the Board.

MOTION: Ms. Dobbins made the motion to deny approval of the renewal application from RJ based on the continuing education credits in nursing were not consistent with the Board's requirements. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion that the Board enter into Executive Session, for approximately 35 minutes, to discuss the good name and character of 5 applicants. The motion was seconded by Ms. Dobbins, and Mr. Bledsoe certified the purpose of the Executive Session. Following a roll call vote by Mr. Warren, the motion was unanimously approved by the Board. Chairperson Dale called the Board into Executive Session at 11:53 a.m.

MOTION: Ms. Dobbins made the motion to exit the Executive Session. The motion was seconded by Ms. Herfurth, and following a roll call vote, the motion was unanimously approved by the Board. Chairperson Dale reconvened the business meeting at 12:27 p.m.

MOTION: Ms. Herfurth made the motion to hold the renewal application from HDG pending additional information regarding the pending litigation. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to hold the renewal application of BA and request more information about the facts and circumstances concerning the background history. The motion was seconded by Ms. Dobbins and unanimously approved by the Board.

MOTION: Ms. Dobbins made the motion to approve the LMT renewal application from MAC and future background history consideration on this matter shall be approved. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.

MOTION: Ms. Dobbins made the motion to approve the LMT renewal application from LN and future background history consideration on this matter shall be approved. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to approve the LMT renewal application from BB and future background history consideration on this matter shall be approved. The motion was seconded by Ms. Dobbins and unanimously approved by the Board.

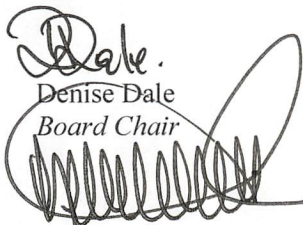
ANNOUNCEMENTS AND OTHER BUSINESS

Chairperson Dale reminded the members that the next regularly scheduled meeting of the Alabama Board of Massage Therapy was April 5, 2024, at 10:00 a.m.

ADJOURNMENT

MOTION: There being no further business, Ms. Herfurth made the motion that the meeting be adjourned. The motion was seconded by Ms. Dobbins and unanimously approved by the Board. Chairperson Dale adjourned the meeting at 12:31 p.m.

Respectfully Submitted,

  
Denise Dale  
Board Chair

Keith E. Warren  
Executive Director

Approved by the Board on April 12, 2024 /rr 