



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting

April 12, 2024

The Alabama Board of Massage Therapy met on Friday, April 12, 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 Mr. Foad Araijnejad (member). Three member vacancies existed on the Board. 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), Mike James (Investigator), Ms. Camby Garner (Licensing Specialist), Ms. Angela Warr (Executive Assistant), 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. 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 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 Dale presented a copy of the January 5, 2024, 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. Herfurth made a motion to approve the January 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 not vote on matters unless in case of a tie-vote.

EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director Report and 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.

Mr. Warren also reported on the financial activities of the Board for the period ending March 31, 2024 (reports on file in the Board's Official Book of Minutes).

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 SB137

Mr. Warren reported that should SB137 pass, the Board would need to have a special meeting to approve pending applications and he would need to meet with the Legislature about transitioning of the Board.

MOTION: Ms. Herfurth made a motion to formally request a meeting regarding the transitioning of the Board and the letter would be signed by the Board's Chairperson, Ms. Dale. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

LEGAL COUNSEL REPORT

Mr. Bledsoe presented the Legal Counsel report that included recommendations from an Administrative Law Judge (ALJ) from an administrative hearing regarding a licensee. Mr. Bledsoe presented the ALJ's recommendations in the matter of case 2024-001.01 concerning the respondent, a LMT, and 2024-001.02, concerning the same respondent that held an instructor's license. The ALJ recommended disciplinary action to include a fine assessed, suspension of the instructor license, additional continuing education and the Governor Ivey's office notified of the matter.

MOTION: Ms. Rogers made the motion to accept the recommendations of the ALJ to include \$2,500 fine against the MT license, suspension of the instructor license for 3 months, require additional 15 hours of continuing education focused on ethics and Board's rules and regulations, and submit the Hearing transcript, Exhibits, Recommendation and Final Order to the Governor's office for consideration under Ala. Code 34-43-6(1). The motion was seconded by Mr. Araiinejad and approved by the Board, with Ms. Herfurth abstaining from voting.

Mr. Bledsoe presented the recommendations from the Investigative Committee concerning complaints:

- the following cases be closed as unfounded/no probable cause – cases 2024-029, 2024-033, and 2024-035.
- the following cases be administratively closed – cases 2020-039.01, 2020-039.02, 2020-039.03, 2021-051BR, 2022-057, 2023-004LE and 2024-038BR.01, and 2024-040.
- the following case was founded and issued a cease and desist order in the field – case 2024-038R.02.
- the following cases were founded and letter of concern to be issued – cases 2024-034.02 and 2024-037BR.
- the following cases were founded and surrender of licenses under emergency suspension – cases 2024-005 and 2024-022LE regarding establishment licenses that had been surrender.

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

Mr. Bledsoe continued his report with additional IC recommendations involving offers of a consent agreement:

- Case 2023-058BR to include authority to
MOTION: Ms. Rogers made the motion to accept the IC recommendations to authorize the Executive Director and the Board's Legal Counsel to negotiate settlement on the previously approved consent agreement, with a reduction in fine to \$500. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

MOTION: Ms. Rogers made the motion to accept the recommendations of the IC as presented in the matters of:

- Case 2023-083 – to surrender license, authorize the Executive Director and Board's Legal Counsel to negotiate settlement and if no settlement was reached, to schedule the case for a hearing.
- Case 2023-007 – assess a fine of \$2,500 and one-year probation, require 16 additional CE hours in sexual boundary courses, authorize the Executive Director and Board's Legal Counsel to negotiate settlement and if no settlement was reached, to schedule the case for a hearing.

- Case 2024-030 – place on two-year probation and require 16 additional CE hours in sexual boundary courses and authorize the Executive Director and Board’s Legal Counsel to negotiate settlement and if no settlement reached, to schedule the case for a hearing.
- Case 2024-031 – assess \$2,000 fine against the respondent/school and one-year probation, authorize the Executive Director and Board’s Legal Counsel to negotiate settlement and if no settlement reached, to schedule the case for a hearing.
- Case 2024-032 – assess total of \$7,500 fine and one-year probation, authorize the Executive Director and Board’s Legal Counsel to negotiate settlement and if no settlement reached, to schedule the case for a hearing.
- Case 2024-034.01 – assess \$2,000 fine and one-year probation, authorize the Executive Director and Board’s Legal Counsel to negotiate settlement and if no settlement reached, to schedule the case for a hearing.
- Case 2024-041BR – assess total of \$4,000 fine and one-year probation, authorize the Executive Director and Board’s Legal Counsel to negotiate settlement and if no settlement reached, to schedule the case for a hearing.
- Case 2024-042BR – assess total of \$2,500 fine and one-year probation, authorize the Executive Director and Board’s Legal Counsel to negotiate settlement and if no settlement reached, to schedule the case for a hearing.

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

Mr. Bledsoe reported on the following cases that violations were found and had previously been set for hearing and rescheduled to a new hearing date:

- Case 2024-028 and 2024-036 involved emergency suspension of licenses and respondent had voluntarily surrendered the licenses only during the suspension period and the Board would go forth with a hearing.
- Case 2024-015LE involved emergency suspension of license and the Board would go forth with a hearing.
- Case 2024-039LE involved emergency suspension of license and the Board would go forth with a hearing.
- Cases 2024-028 and 2024-036 with the same respondent that involved an emergency suspension of licenses.

OLD BUSINESS

Update on Request for Attorney General Opinion:

Mr. Bledsoe reported that he did not have an update from the Attorney General’s office about the Request for Opinion concerning the Board continuing with the previous activities to consider and approve consent agreements after negotiations with the respondent.

NEW BUSINESS

Ratification of LMT Renewals:

Mr. Warren presented a list of licensed massage therapists (LMTs) that had renewed their license.

MOTION: Ms. Rogers made the motion to ratify the approval of LMT renewal licenses by the Executive Director. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Ratification of Establishment Renewals:

MOTION: Ms. Rogers made the motion to ratify the approval of Establishment renewal licenses by the Executive Director. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Review and Approval of Applications:

Mr. Warren and Ms. Garner presented applications for the Board's review and action (list available in Board's official Book of Minutes).

- Administrative request to close due to incomplete applications:

OJ initial application on 4/13/23; failed to provide transcript and official score report.

CT initial application on 9/27/22; failed to provide transcript and official score report.

MOTION: Ms. Herfurth made the motion to approve the recommendation to close the applications submitted by OJ and CT as presented. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

- Background Check Reviews:

MOTION: Ms. Herfurth made the motion to approve the applications submitted by ZDQ, AP, and NC as reviewed, and conditionally approve RS's application pending receipt of additional information about the circumstances of the recent criminal charges, and request more information about the facts and circumstances concerning BNA's background history as discussed during the Board's January meeting. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

- Instructor Initial Applications

MOTION: Ms. Herfurth made the motion to approve the recommendation to approve the 3 instructor applications submitted by LA, HH and KT as presented. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to notify AH that she did not meet the years of experience required for instructor's license. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

- LMT Renewal Applications

MOTION: Ms. Rogers made the motion to deny the renewal application submitted by SY based on invalidated MBLEx results of February 28, 2024. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

MOTION: Ms. Rogers made the motion to deny the CE request submitted by RM and that the renewal application remain pending until appropriate CE topics were submitted. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

- MT Initial Applications from graduates from in-state schools:

A total of 33 applications were reviewed: JH, KF, JG, MM, KS, AM, KP, BE, RA, TA, KB, FB, RC, JC, SF, RG, HG, SG, SG, PH, TH, BH, KJ, TK, KL, SN, AP, CR, AS, TV, DW, DW, and EW.

MOTION: Ms. Rogers made the motion to approve the 33 application requests from graduates of in-state schools as reviewed. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.

MOTION: Ms. Rogers made the motion to conditionally approve the applications from JH pending receipt of a certificate of insurance, and TT pending receipt of background history, and IT pending receipt of certificate of insurance. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.

Chairperson Dale called a 5-minute recess of the Board at 10:48 a.m.

Chairperson Dale reconvened the Board meeting at 10:53 a.m.

- Initial CE Provider Application:

MOTION: Ms. Herfurth made the motion to deny the CE provider application from ZF based on lack of course outline. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

- Initial Application Reconsideration

MOTION: Ms. Herfurth made the motion to reconsider applicant QZ and the applicant would need to reapply for LMT license. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

- Initial Applications from graduates from out-of-state schools:

MOTION: Ms. Rogers made the motion to approve the LMT applications from LPW, SRH, JF, JS, CT, KR, KP, DW, CR, KB, JC, YJ, AF, CG, EC, DP, MG, HB, QC, AH, LM, WS, JO, KR, TS, XH, DL, DQ, JW, JW, SW, SZ, ZZ, LZ and JL, with exception to ZP whose application was denied due to lack of transcript hours. The motion was seconded by Ms. Herfurth and unanimously approved by the Board.

- Initial Application from graduates from out-of-state schools with conditional consideration:

MOTION: Ms. Rogers made the motion to conditionally approve the application from JK and CZ pending receipt of a clear background history. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

- Establishment license transferred to a new address:

MOTION: Ms. Herfurth made the motion to approve the transfer address for E-2694 and E-3720 as requested. The motion was seconded by Ms. Rogers and unanimously approved by the Board.

- Establishment Initial Applications from owners that reside in the State:

MOTION: Ms. Rogers made the motion to approve the 21 establishment applications:

Bliss & Balance Bodywork	Boyds Body Therapy
Charm's Massage House LLC	Gulf Shores Massage Therapy
Hidden Zen with Gwen	Jamie Wyatt, OMP
Ki Wi Spa	Massage Therapy by Jade
Massage Therapy by Shelby, LLC	Massage Matters Fairhope
Pro Massage and Bodywork	Pure Life Massage Therapy and Spa
R3 Massage	Relax & Recover Therapeutic Massage
Relaxi Club LLC	Riparian Massage
Shun Massage	The Experience Massage Therapy
The Healing Hive	Tyler Heining LMT (Ohatchee)
Tyler Heining (Anniston)	

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

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

ADM Title Service LLC submission of professional liability coverage and ID.

AL First Gorp Inc submission of professional liability coverage.

Andrews Massage and Wellness submission of professional liability coverage.

Birmingham Massage and Skin submission of professional liability coverage.

Bright Sun Spa LLC submission of professional liability coverage and ID.

BV Medical Solutions submission of ID.

Doris Day Spa submission of professional liability coverage.

Dreams Massage and Spa LLC submission of professional liability coverage, clear background history and ID.

Eastern Massage LLC submission of ID.
Epiphany Bio-Energetic Medicine submission of general liability coverage.
Fairhope Massage & Bodywork LLC submission of ID.
Foya Massage Spa Inc. submission of ID.
Image Makers Salon submission of professional liability coverage, clear background history and ID.
Jun Spa submission of professional liability coverage.
Lotus Massage submission of ID.
Mockingbird Day Spa submission of professional liability coverage.
New Star Sauna submission of ID.
New Sunflower Massage Inc submission of professional liability coverage and ID.
Oxford Massage submission of professional liability coverage and ID.
Oxford SPA submission of professional liability coverage and ID.
Quiet Life Massage and Wellness submission of professional liability coverage.
Regan's Therapeutic Massage submission of professional liability coverage and ID
Restoration Massage LLC submission of ID.
Restorative Massage submission of ID.
Revive Massage Therapy LLC submission of ID.
Spirit Speaks submission of ID.
Yummy Massage & Spa submission of ID.
Ziyi Massage LLC submission of ID.

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

ANNOUNCEMENTS AND OTHER BUSINESS

Chairperson Dale reminded the members that the next meeting of the Alabama Board of Massage Therapy, to conduct regular business, was scheduled for May 31, 2024, at 10:00 a.m.

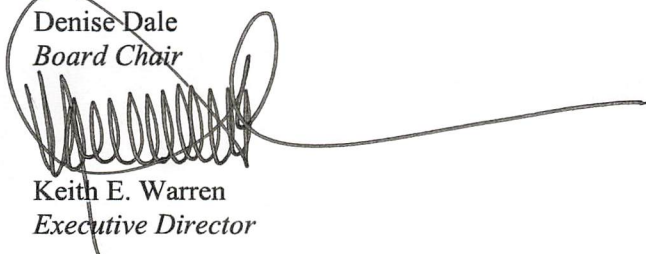
ADJOURNMENT

MOTION: There being no further business, Ms. Herfurth made the motion that the meeting be adjourned. The motion was seconded by Ms. Rogers and unanimously approved by the Board. Chairperson Dale adjourned the meeting at 11:46 a.m.

Respectfully Submitted,



Denise Dale
Board Chair



Keith E. Warren
Executive Director

Approved by the Board on May 31, 2024 /rr 