

ALABAMA Massage Therapy Licensing Board

REGULAR BOARD MEETING

RSA Plaza Suite 350

Montgomery, Alabama

July 18, 2024

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 10:28 a.m. on Thursday, July 18, 2024.

The following members were present: Victoria Lavender, MSN, RN, President; Janice Seip, CRNA, Vice-President; Cynthia Buford, LPN, Secretary; Sabria Danielle Baker, RN; Kristi Acker, PhD, DNP, CRNP, FAANP; Karron Armstrong, LPN Sarah “Mandy” Mims, LPN; Clint Witherington; Louise O’Keefe, PhD, CRNP, CNE; Tochie Lofton, DNP, ACNR-BC, CMSRN, RN; Deborah “Pepper” Hoover, MSN, FNP, RN; Cherry Rodgers, LPN and Executive Officer Peggy Benson. Board members absent was Gabriel Sapalaran, MSN, BSN, RN.

Staff members attending the meeting were: Honor Ingels, Administrative Director – ABN Center for Nursing Excellence; Alice Maples Henley, Deputy Attorney General/General Counsel; Patrick Samuelson, Senior Assistant General Counsel; Amy Williams, Attorney; Joyce Jeter, MSN, RN, Director of Practice, CE and Licensure; Bernadette Powe, EdD, Regulatory Education Administrator; Brad Jones, IT System Specialist Senior; Tonya Smith, Executive Secretary/Recorder; Maxine Hollis, Chief Financial Officer; Tina Betts, MSN, RN, Legal Nurse Consultant; Abby Migliore, MSN, RN, Administrative Director for Discipline/Compliance Monitoring; Pamela Smith, DNP, MSN, RN, Administrative Director of Education Programs; Christi Melton, MSN, RN, Director of Nursing Education; Karen Entrekin, AMTLB Special Investigator; Jennifer Hobbs, MSN, APRN, FNP, NP-C, Nurse-Consultant APN/Discipline; and Ronnie Morgan, IT System Specialist

Visitors present: Mr. Hal Richardson with AGILE.

B. Declaration of Quorum

A quorum of twelve Board members was present on Thursday, July 18, 2024.

C. Statement of Compliance with Open Meetings Act and active electronic recording in compliance with ACT 2024-361

Prior notice of the meeting was posted on the Secretary of State's website in accordance with the Alabama Open Meetings Act.

D. Review of Full Agenda

1. Additions, Modifications, Reordering

None

2. REORDERING, MODIFICATION, OR ADOPTION AND APPROVAL OF CONSENT AGENDA

- II.A. June 21, 2024, Board Meeting Minutes
- III.A. Board Action Follow-up
- VI.A.1. Executive Officer Report
- VI.A.2. FYI
- VI.B.1. General Counsel Report - None
- VII.A. Education Report - None

On July 18, 2024, Ms. Seip moved that the Board adopt the Consent Agenda. Dr. O'Keefe seconded. Motion carried without objection.

3. REORDERING, MODIFICATIONS, ADDITIONS, OR ADOPTION OF FULL AGENDA

On July 18, 2024, Ms. Seip moved that the Board adopt the Full Agenda as amended. Ms. Mims seconded. Motion carried without objection.

II. REVIEW OF MINUTES

A. June 21, 2024, 1.Board Meeting Minutes

The minutes of June 21, 2024, Board meeting was accepted on the Consent Agenda.

III. OLD BUSINESS/FOLLOW-UP

A. Board Action Follow-up

Ms. Benson's report on the Board Action Follow-up was accepted, as information, on the Consent Agenda.

IV. BOARD PRESENTATIONS

A. PRESENTATIONS/REVIEW

1. None

V. FINANCIAL REPORTS

1. None

VI. REPORTS

A. Executive Officer

1. Report

None

2. FYI

Ms. Benson presented a copy of a written comment for Emergency Rules.

3. **YES ANSWER AND BACK GROUND GUIDELINE**

Mr. Samuelson gave a brief report of the AMTLB “Yes” Answer and/or Positive Background Check Guideline. A copy was presented to the Board to review.

On July 18, 2024, Dr. O’Keeffe moved that the Board approve the Yes Answer and/or Positive Background Check Guideline. Ms. Seip seconded. Motion carried without objection.

4. **Authorization to spend money on Potential LMS APPLICATION SYSTEM AGREEMENT/CONTRACT**

Ms. Benson reported that the AMTLB currently has a program in need of extensive work, and we have not been able to receive a cost analysis of the changes needed to move from a hybrid paper/electronic system to a fully electronic application system. The current contract ends 09/30/2024. The agency must be able to move forward with a plan in place and begin work immediately for implementation.

On July 18, 2024, Dr. Acker moved that the Board approve authorization to spend up to \$25,000.00 on the procurement of a new application system for AMTLB. Ms. Lofton seconded. Motion carried without objection.

B. Executive Committee

1. None

C. Legal Division

1. General Counsel/Deputy Attorney General Reports N/A
2. Investigations Report N/A

3. LEGAL AND DISCIPLINARY FORMS AND SHELLS

Ms. Henley reported that the staff continue to create forms and shells to implement the new requirements for the AMTLB. The inspection forms for initial inspection and complaint inspection will enable the persons conducting the inspections to track compliance with the rules for establishments. The investigative committee case report form will accurately record the activities of the investigative committee. The Consent to Revocation shells for LMTs and Establishments will enable staff to obtain an agreement from licensees to the revocation of the licenses while ensuring that the revocation is considered a publicly available disciplinary action, and the licensees are aware of the implications of their decisions. The Stayed Suspension- Practice Restrictions LMT Shell will give the staff a mechanism to operationalize monitoring of LMTs whose violations support a need for monitored practice.

On July 18, 2024, Ms. Seip moved that the Board approve the forms and shells for use by the legal staff of the AMTLB. Ms. Buford seconded. Motion carried without objection.

VII. AMTLB EDUCATION PROGRAMS

A. Education Report

A written report on massage education was accepted, as information, on the Consent Agenda.

B. Program Termination Report if indicated.

VIII. POLICY (Proposed New Rules)

NONE

IX. LICENSURE APPROVALS

A. RENEWAL APPROVAL ALL

Ms. Jeter reported that the renewals for June 21-July 17, 2024, were granted in compliance with approved Board policies.

Applicant	Name	LICENSE TYPE	License Status	Fee Type/Paid	Met Requirements
1	Julia F Savol (#4051)	MT	Active	Massage Therapist Renewal (\$100)	Yes
2	Christine Childress (#3944)	MT	Active	Massage Therapist Renewal (\$100); Late Fee (\$25)	Yes
3	Aaron Gutierrez Therapeutic Massage & Bodywork (#E-3147)	Establishment	Active	Establishment Renewal (\$50), Late Fee (\$25)	Yes
4	Kathy L. Johnson (#2593)	MT	Active	Massage Therapist Renewal (\$100)	Yes
5	Argelia Martinez (#4807)	MT	Active	Massage Therapist Renewal (\$100)	Yes
6	Donna J. Ruttkay (#5004)	MT	Active	Massage Therapist Renewal (\$100)	Yes

On July 18, 2024, Ms. Seip moved that the Board approve the ratification of massage therapy renewal applications. Ms. Buford seconded. Motion carried without objection.

B. INITIAL LICENSURE APPROVAL (ALL)

Ms. Jeter reported that the Initial Licensure Massage Therapists and Establishments meet the requirements of licensure in the AMBLT Administrative Code.

Applicant	Name	License Type	License Status	Fee Type/Paid	Met Requirements
1	Hannah Kathleen Reaves	MT	Pending Print	Massage Therapist License (\$100)	Yes
2	Change Peng	MT	Pending Print	Massage Therapist License (\$100)	Yes
3	Alicia Hooks (# I-443)	MT Instructor	Pending Board Approval	Massage Therapist (\$100)	Yes
4	Corrado Ponzini	MT	Pending Board Approval	Massage Therapist (\$100)	Yes
5	Gillian Franklin	Temporary MT Permit	Pending Board Approval	Massage Therapist (\$50)	Yes

On July 18, 2024, Dr. O’Keeffe moved that the Board approve the issuance of initial licensure per application. Ms. Armstrong seconded. Motion carried without objection.

C. Licensure Report

1. None

X. CONTINUING EDUCATION

A. None

XI. DISCIPLINARY CASES – Executive Session, to follow completion of Agenda, July 18, 2024

On July 18, 2024, Ms. Seip moved that the Board enter into Executive Session to discuss the general reputation and character, professional competence, and physical or mental conditions of specific applicants and licenses. Ms. Buford seconded. Motion carried with all in favor: (Cherry Rodgers, Clint Witherington, Kristi Acker, Sabria Danielle Baker, Louise O’Keeffe, Karron Armstrong, Deborah ‘Pepper’ Hoover, Tochie Lofton, and Sarah “Mandy” Mims).

Ms. Lavender estimated that the Board would reconvene at 11:30 a.m.

The Board reconvened in open session at 11:27 a.m.

Ms. Seip recused herself from the voting and discussion of all the Consent Orders.

A. CONSENT ORDERS

1. Watson, Rush – LMT 6252 (Active)

Mr. Watson signed a Consent Order that would revoke his LMT license, Mr. Watson forfeits all rights, title, and privilege of practicing massage therapy in the State of Alabama.

On July 18, 2024, Ms. Buford moved that the Board accept the Consent Order. Ms. Hoover seconded. Motion carried without objection.

2. Jia, Xue – LMT 5747 (Active)

Ms. Jia signed a Consent Order that would place her LMT license on probation for one (1) year and require her to pay a \$500.00 fine. Should Ms. Jia be found guilty of violating any part of the Alabama Board of Massage Therapy's laws, rules, and regulations. Ms. Jia is subject to the Board's action to suspend or revoke her license.

On July 18, 2024, Ms. Armstrong moved that the Board accept the Consent Order. Dr. O'Keefe seconded. Motion carried without objection.

3. Jia, Xue – LMT 5747 (Active)

Ms. Jia signed a Consent Order that would place her LMT license on probation for one (1) year and require her to pay a \$500.00 fine. Should Ms. Jia be found guilty of violating any part of the Alabama Board of Massage Therapy's laws, rules, and regulations, Ms. Jia is subject to the Board's action to suspend or revoke her license.

On July 18, 2024, Ms. Armstrong moved that the Board accept the Consent Order. Dr. O'Keefe seconded. Motion carried without objection.

4. Jia, Xue – LMT 5747 (Active)

Ms. Jia signed a Consent Order that would place her LMT license on probation for one (1) year and require her to pay a \$2,000.00 fine. Should Ms. Jia be found guilty of violating any part of the Alabama Board of Massage Therapy's laws, rules, and regulations, Ms. Jia is

subject to the Board's action to suspend or revoke her license.

On July 18, 2024, Ms. Armstrong moved that the Board accept the Consent Order. Dr. O'Keefe seconded. Motion carried without objection.

1. Discipline Committee Recommendations.

XII. NEXT MEETING DATE – August 16, 2024, 770 Washington Avenue, RSA Plaza, Montgomery, Alabama, Suite 350

XIII. OTHER

A. AMTLB EO Update

Ms. Benson reported:

1. Staff are still working on policies and guidelines.
2. Found an office in the RSA Union Building, hopefully will be able to move in by the first of the year of 2025.
3. Staff are working hard every day; transition is getting better.

B. NEW BOARD MEMBERS APPOINTED FOR AMTLB

Ms. Benson reported that there have been six members appointed for AMTLB Board so far, waiting on three more.

XIV. BOARD MEETING DEBRIEFING

A. New Board Members (How can we help?)

None

B. Meeting Process: What can we improve/change?

None

XVI. ADJOURNMENT

The AMTLB Board meeting adjourned at 11:41 a.m. on Thursday, July 18, 2024.

Victoria Lavender, MSN, RN
President

Cynthia Buford, LPN
Secretary

Submitted by: _____
Tonya Smith Recorder 07/24