

ALABAMA Massage Therapy Licensing Board

REGULAR BOARD MEETING

RSA Plaza Suite 350

Montgomery, Alabama

June 21, 2024

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 8:31 a.m. on Friday, June 21, 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; Sarah “Mandy” Mims, LPN; Gabriel Sapalaran, BSN, RN; Clint Witherington and Executive Officer Peggy Benson. Ms. Karron Armstrong, LPN arrived at 8:37 a.m. Board members absent were Louise O’Keefe, PhD, CRNP, CNE; Tochie Lofton, DNP, ACNR-BC, CMSRN, RN; Deborah “Pepper” Hoover, MSN, FNP, RN; and Cherry Rodgers, LPN.

Staff members attending the meeting were: Honor Ingels, Administrative Director – ABN Center for Nursing Excellence; Alice Maples Henley, Deputy Attorney General/General Counsel; Amy Williams, Attorney; Brad Jones, IT System Specialist Senior; Tonya Smith, Executive Secretary/Recorder; Maxine Hollis, Chief Financial Officer; 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; Howard Kenney, Chief Investigator; Karen Entrekin, AMTLB Special Investigator; Ronnie Morgan, IT System Specialist and Chip Lollar, Special Investigator.

Visitors present: Mr. Matt Bledsole

B. Declaration of Quorum

A quorum of nine Board members was present on Friday, June 21, 2024.

C. Statement of Compliance with Open Meetings Act and active electronic recording in compliance with 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. Prior 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
- VII.A. Education Report

On June 21, 2024, Ms. Buford moved that the Board adopt the Consent Agenda. Ms. Seip seconded. Motion carried without objection.

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

On June 21, 2024, Ms. Seip motioned to move item IX. A.1. before VI. Ms. Mims seconded Motion carried without objection.

II. REVIEW OF MINUTES

A. Board Meeting Minutes as written by prior Board

The minutes written by the prior Board were accepted, as information, on the Consent Agenda.

III. OLD BUSINESS/FOLLOW-UP

A. Board Action Follow-up

Ms. Benson's report on Board Action follow-up Template to be utilized on future reports was accepted, as information, on the Consent Agenda.

IV. BOARD PRESENTATIONS

A. PRESENTATIONS/REVIEW

None

V. FINANCIAL REPORTS

1. Financial Report Board Review

Ms. Hollis shared the Revenue and Expenditure Summary, Revenues, and the Expenditure Budget Comparison as of May 31, 2024.

2. Review and approve 24/25 Operations Plan Revisions

Ms. Hollis reported that the Fiscal Year 2025 Operation Plan will be due in the budget office on July 31, 2024. The proposed budget is typically presented at a Board meeting before the due date so that it can be submitted by the deadline.

On June 21, 2024, Ms. Seip moved that the Board approve the FY 2025 Operation Plan AMTLB Expenditure Budget. Ms. Buford seconded. Motion carried without objection.

VI. REPORTS

A. POLICY (Proposed New Rules)

1. PROPOSED REPEAL OF ALABAMA MASSAGE THERAPY ADMINISTRATIVE CODE CHAPTERS 532-X-1, 532-X-2, 532-X-3, 532-X-4, 532-X-5, 532-X-6, 532-X-7, 532-X-8, AND 532-X-A

Mr. Ingels reported effective June 1, 2024, Alabama Act No. 2023-361 dissolved the Alabama Board of Massage Therapy (ABMT) and reconstituted it as the Alabama Massage Therapy Licensing Board (AMTLB), placing the AMTLB under the management of the ABN Executive Officer and designated staff through September 2026. The Act further establishes the ABN Board as the governing board of the AMTLB, pending appointment of the members of the AMTLB. ABN staff propose repeal of the Alabama Massage Board Therapy Administrative Code in its entirety and promulgation of a new Alabama Massage Therapy Licensing Board Administrative Code in nine chapters, to facilitate the new ministerial arrangement and to implement state statute duly passed by the Alabama Legislature and signed by Governor Ivey, these proposals are excepted from the moratorium on rule promulgation established by Executive Order 735.

On June 21, 2024, Dr. Acker moved that the Board repeal of Alabama Board Massage Therapy Administrative Code Chapters 532-X-1, 532-X-2, 532-X-3, 532-X-4, 532-X-5, 532-X-6, 532-X-7, 532-X-8 and 532-X-A. Ms. Armstrong seconded. Motion carried without objection.

2. **PROPOSED EMERGENCY AND NEW ALABAMA MASSAGE THERAPY LICENSING BOARD CHAPTERS 532-X-1, 532-X-2, 532-X-3, 532-X-4, 532-X-5, 532-X-6, 532-X-7, 532-X-8, 532-X-9**

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Proposed Alabama Massage Therapy Licensing Board Administrative Code:

<u>Chapter</u>	<u>Subject</u>
532-X-1	Organization and Administration
532-X-2	Definitions
532-X-3	Massage Therapist Licensure, Registration, and Standards
532-X-4	Massage Therapy Establishment Licensure and Standards
532-X-5	Massage Therapy Schools and Instructors
532-X-6	Continuing Education
532-X-7	Complaints, Investigations, and Disciplinary Actions
532-X-8	Criminal History Background Check
532-X-9	Massage Therapy Instructor Licensure

On June 21, 2024, Ms. Mims moved that the Board approve, as initial proposal and emergency rule, Alabama Massage Therapy Licensing Board Administrative Code Chapters 532-X-1, 532-X-2, 532-X-3, 532-X-4, 532-X-5, 532-X-6, 532-X-7, 532-X-8 and 532-X-9. Mr. Sapalaran seconded. Motion carried without objection.

B. Executive Officer

1. Report

Ms. Benson's report on the Alabama Massage Therapy Licensing Board was accepted, as information, on the Consent Agenda.

2. FYI

Ms. Benson presented a copy of the AMTLB Authorized Signature for Financial Transactions, a copy of the AMTLB Authorized Signature for Purchase Requests, and a copy of AMTLB Letterhead and a copy of the AMTLB STAARS Voucher Approval for the board members to review.

3. Approval of Education School Guidelines

Ms. Benson reported that there are no current school guidelines for deficiency in meeting the rules and regulations. This guideline will provide action items as we move forward. Ms. Smith was available to answer board questions.

On June 21, 2024, Ms. Armstrong moved that the Board approve the Educational School Guideline. Ms. Seip seconded. Motion carried without objection.

4. Approval of Monitoring Guidelines for Suspension with Conditions

Ms. Henley reported that the guidelines will assist Board staff with compliance monitoring with suspended licensees requiring monitoring. Ms. Migliore was available to answer board questions.

On June 21, 2024, Ms. Seip moved that the Board approve AMTLB Monitoring Guidelines for suspension with conditions. Ms. Buford seconded. Motion carried without objection.

5. Approval of Licensure Guidelines for Temporary Permits

Ms. Henley reported that the Alabama Massage Therapy Licensing Board (AMTLB) will be licensing temporary permits for supervised practice. Act 2024-361 allows for this type of permit to be issued.

On June 21, 2024, Ms. Armstrong moved that the Board approve temporary Licensure guideline. Ms. Buford seconded. Motion carried without objection.

6. Approval Disciplinary Guidelines (disposition)

Ms. Henley reported that during the ordinary course of reviewing cases, various factual scenarios present themselves to Board staff. By having staff guidelines, the Board can provide a more equitable treatment of similarly situated applicants and licensees.

On June 21, 2024, Ms. Armstrong moved that the Board approve the staff guidelines for informal disposition recommendations of applications and disciplinary cases and levying of administrative fines. Ms. Mims seconded. Motion carried without objection.

7. Approval EO Expenditure guideline

Ms. Benson reported that there are no spending guidelines available or this board for the Executive Officer to follow with expenditures.

On June 21, 2024, Dr. Acker moved that the Board approve the Executive Officer (EO) spending parameter guideline to assist with workflow and processes going forward. Ms. Seip seconded. Motion carried without objection.

8. Approval Investigation Guideline

Ms. Henley reported that the Alabama Massage Therapy Licensing Board (AMTLB) is in need of clear guidelines to outline the work process for complaints and investigations as well as the Investigative Committee.

On June 21, 2024, Mr. Sapalaran moved that the Board approve AMTLB Investigation/Complaint Guideline. Ms. Seip seconded. Motion carried without objection.

9. Approval of Board Guidelines for business processes

Ms. Benson reported that the guidelines allow staff to know the business process post board meetings to continue with workflow and licensee notification on legal matters.

On June 21, 2024, Dr. Acker moved that the Board approve the AMTLB Post Meeting Discipline Processing Guidelines, AMTLB Reinstatement Suspended License and Fee Guidelines and the ABMT Release from Monitoring. Ms. Buford seconded. Motion carried without objection.

10. Approval of Board Action Plan for restructuring operations, infrastructure, and reorganization of AMTLB

Ms. Benson reported that Act 2024-361 requires numerous changes and process development to facilitate these business procedures and ensure compliance with statute.

On June 21, 2024, Mr. Sapalaran moved that the Board approve the action plan developed for the Alabama Massage Therapy Licensing Board. Ms. Armstrong seconded. Motion carried without objection.

11. Approval of Sunset Committee Action Plan

Ms. Benson presented a copy of the Sunset Committee Action Plan to review and approve. She noted the action plan did not address the numerous comments received on the sunset survey but related only to the identified significant issues.

On June 21, 2024, Ms. Baker Seip moved that the Board approve the Sunset Committee Action Plan. Mr. Sapalaran seconded. Motion carried without objection.

12. Approval AMTLB Social Media/Communication Plan

Ms. Benson reported that this will allow a consistent plan in communication to assist with meeting ACT 2024-361 requirements. Ms. Benson discussed the need for a strategic plan development once the new board AMTLB is appointed.

On June 21, 2024, Ms. Baker moved that the Board approve the AMTLB Communication Plan. Ms. Buford seconded. Motion carried without objection.

13. Approval of Contracts

A. RSA AMTLB Space Agreement

Ms. Benson reported that this agency has no space currently and must be able to function independently of ABN. Ms. Benson noted to the board that this contract was in draft format and would be finalized at a later date.

On June 21, 2024, Ms. Armstrong moved that the Board approved the contract with RSA Union for office space, noting that potential changes would be forthcoming. Ms. Buford seconded. Motion carried without objection.

B. Clear Approval Background Agreement

Ms. Benson presented a copy of the Clear Background Agreement to be reviewed and approved. Ms. Benson noted that adding CLEAR would further assist the board with meeting the FBI background information until the law is changed to meet the FBI required language.

On June 21, 2024, Dr. Acker moved that the Board approve agreement with Clear for background information's. Ms. Armstrong seconded. Motion carried without objection.

C. Govenda Board Governance Agreement

Ms. Benson presented a copy of the Govenda Board Governance Agreement to be reviewed and approved.

On June 21, 2024, Ms. Buford moved that the Board approve contract with Govenda for Board Meetings. Mr. Sapalaran seconded. Motion carried without objection.

D. ALEA Background MOA

Ms. Benson presented a copy of the ALEA Background Memorandum of Agreement to be reviewed and approved. Ms. Benson noted that the FBI provisions in law will need to be rewritten to be able to complete the Federal FBI background checks and that ALEA would allow the Board to partially meet the requirements stipulated in ACT 2024-361.

On June 21, 2024, Ms. Seip moved that the Board approve MOA with ALEA for background checks. Ms. Baker seconded. Motion carried without objection.

E. Thentia Application System

Ms. Benson presented a copy of the Thentia Contract to be reviewed and approved if she decides to move forward with a new application system.

On June 21, 2024, Ms. Seip moved that the Board approve Statement of Work Contract with Thentia if Executive Officer proceeds. Ms. Armstrong seconded. Motion carried without objection.

14. Approval Board Member appointment to Disciplinary Committee

Ms. Benson reported that Act 2024-361 requires a board member to participate on the disciplinary committee.

Ms. Seip volunteered to participate on the disciplinary committee.

On June 21, 2024, Mr. Sapalaran moved that the Board approve Ms. Seip to be appointed to the AMTLB Disciplinary Committee. Ms. Armstrong seconded. Motion carried without objection.

15. Approval of State Seal for AMTLB

Ms. Benson reported that Act 2024-361 requires Board approval.

On June 21, 2024, Ms. Mims moved that the Board approve the AMTLB State Seal. Mr. Sapalaran seconded. Motion carried without objection.

16. Approval Licensing Certificates

Ms. Benson reported that the Alabama Massage Therapy Licensing Board is required to issue licenses/certificates, affixed with the official seal, to massage therapists, massage therapy schools, massage therapy establishments, and massage therapy instructors. The statute requires preprinted sequentially numbered paper which is not practicable for the Board licensing system. This will be addressed in future statutory changes. Board staff requests approval of the certificate templates to be generated from the AMTLB licensing management system and mailed to licensees upon approval of their applications. A Copy of the certificate was review for approval.

On June 21, 2024, Ms. Mims moved that the Board approve the AMTLB Licensing Certificate as presented. Mr. Sapalaran seconded. Motion carried without objection.

17. Approval of Board Member Job duties

Ms. Benson reported that the Board member duties and responsibilities are listed requiring the signature of the board member to allow for consistent knowledge transfer related to the role of a board member.

On June 21, 2024, Ms. Seip moved that the Board approve Board Member Job Duties Document. Ms. Armstrong

seconded. Motion carried without objection.

18. Approval AMTLB Emergency Operations Plan

Ms. Benson reported that there is no emergency plan for this agency should a disaster strike causing a complete shutdown of services. Ms. Benson noted that final edits would occur to this document as needed and other agency information such as risk management insurance were finalized.

On June 21, 2024, Ms. Baker moved that the Board approve the AMTLB Emergency Operations Plan. Dr. Acker seconded. Motion carried without objection.

19. Approval Complaints priority List

Ms. Benson reported that the agency has no compliant priority listing for assignment of complaints.

On June 21, 2024, Ms. Buford moved that the Board approve the Legal Case Priority List. Ms. Seip seconded. Motion carried without objection.

20. Review of AMTLB Inventory Received from Warren and Associates

Ms. Benson reported that the Board staff picked up 52 boxes from the prior MTB administered by Warren and Associates.

21. Approval of AMTLB Board Meeting Dates

Ms. Benson presented a copy of the Alabama Massage Therapy Licensing Board (AMTLB) Meeting Dates to be reviewed and approved.

On June 21, 2024, Ms. Buford moved that the Board approve 2024 AMTLB Board Meeting Schedule, July 18th to follow ABN Meeting, August 16th, September 20th to follow ABN Meeting, October 18 Annual Meeting and November 14th. Ms. Armstrong seconded. Motion carried without objection.

C. Legal Division

1. General Counsel/Deputy Attorney General Reports

N/A

2. Investigations Report

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

VII. AMTLB EDUCATION PROGRAMS

A. Education Report

N/A

B. Program Termination Report if indicated.

N/A

C. Education Program Documents (Application, Qualifications, Checklist, Verification forms for website)

Ms. Smith reported Act 2024-361 requires changes to the MT School process; currently no guidelines exist.

On June 21, 2024, Ms. Buford moved that the Board approve the documents submitted by Board Staff to ensure compliance with new rules for educational programs. Ms. Seip seconded. Motion carried without objection.

D Reduction of Hours Mr. Denney Request

Ms. Smith mentioned a request from Mr. Richard Denney, co-owner of Blue Cliff Career College, to lower the massage program hours down to the state minimum of six hundred fifty (650) hours upon the condition that the configurations of the hours comply with the currently enforced required hours.

On June 21, 2024, Dr. Acker moved that the Board approve for non-substantive change of curriculum to lower total program hours from seven hundred fifty (750) to six hundred fifty (650) clock hours with right to revert back to the seven hundred fifty (750) hours is the US DOE requirement changes. Ms. Armstrong seconded. Motion carried without objection.

VIII. POLICY (Proposed New Rules)

N/A POLICY TEMPORARILY MOVED TO VI A 1 TO FACILITATE AGENDA

IX. LICENSURE

A. Application Approval MT

1. Ratify Renewals prior to June 1, 2024

Ms. Benson reported that during the 2024 May 31st Massage Therapy Board Meeting ten massage therapist applications for renewal were Not approved and four business establishments (listed below). These applications need to be approved today.

Name	License Status	Fee Type/Paid	Met Requirements
Markie Merritt Woods (#4474)	Pending Print	Massage Therapist License Fee (\$100)	Yes
Rama S. Khalsa (#238)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Jacqueline Yvette Robbins (#2166)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Samantha Nuckols (#3514)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Judy C. Smith (#375)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Hannah Kathryn Boswell (#5519)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Lucindy M. Rawls (#5985)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Kelly A. Wilkinson (#5486)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Manning Elizabeth Price (#5989)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Michael L. Disko (#3841)	Pending Print	Massage Therapist Renewal Fee (\$100); Late Fee (\$25)	Yes
Jennifer L Parker (#3148)	Pending Print	Massage Therapist Renewal Fee (\$100); Late Fee (\$25)	Yes

April Elaine Bramblett (#5526)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Greg James Watson (#4458)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Ian B. Krusinski (#4265)	Pending Print	Massage Therapist Renewal Fee (\$100); Late Fee (\$25)	Yes
Sharell M Lewis (#5895)	Pending Print	Massage Therapist Renewal Fee (\$100); Late Fee (\$25)	Yes
Alleha V. Scott (#4033)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Lyndsey M. Atchley Langley (#4492)	Pending Print	Massage Therapist Renewal Fee (\$100); Reactivation Fee (\$25)	Yes
Lianping Deng (#4806)	Pending Print	Massage Therapist Renewal Fee (\$100); Late Fee (\$25)	Yes
Randall O. Holm (#5009)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Julianna Taylor Jackson (#5012)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Kuk Yuang Whechel (#1078)	Pending Print	Massage Therapist Renewal Fee (\$100)	Yes
Better Bodies Massage (#E-3063)	Pending Print	Establishment License – Renewal (\$50)	Yes
Gwen’s A Southern Spa (#E-1853)	Pending Print	Establishment License – Renewal (\$50)	Yes
Basic Kneads (#E-1168)	Pending Print	Establishment License – Renewal (\$50)	Yes
A Work in Progress (#E-3114)	Pending Print	Establishment License – Renewal (\$50)	Yes

On June 21, 2024, Mr. Sapalaran moved that the Board approve the ratification of massage therapy renewals licensure renewal

**and renewal for establishments. Ms. Armstrong seconded.
Motion carried without objection.**

X. CONTINUING EDUCATION

A. N/A

**XI. NEXT MEETING DATE – July 18, 2024, to follow ABN Meeting 770
Washington Avenue, RSA Plaza, Montgomery, Alabama, Suite 350**

XII. OTHER

A. AMTLB EO Update

Ms. Benson gave a brief update on the listed below:

1. Investigators team members introduction.
2. Many issues to plan and execute to turn this agency into an independent agency. Continue to evaluate long-term staffing needs and functions.
3. Applications – added 3 legal regulatory questions.
4. Reminder the Contracts are subject to finalization and tweaking due to financial situation.
5. Act 2024-361 changes are needed to be addressed in an action plan in near future.
6. Access to information continues to be an issue with the former Board issues
7. Strategic plans will need to be developed.
8. Communication plan to include briefing on major changes and code of ethics will be sent to appropriate areas.
9. AMTLB Notices to all local, state law enforcement agency's
10. Plan official updates to Public Examiner's office as well as Sunset Committee.
11. Continue to work on application system changes to incorporate new law requirements which will incur a cost going forward.
12. Will look at interagency agreements with ABN to resolve specific issues for this Board IE legal, application management and monitoring. Work in progress.
13. Education and training of staff on-going
14. Board orientation planning with requirements outlined in a formal document.
15. School site visits for compliance
16. Schools will need to submit Annual reports.

XIII. BOARD MEETING DEBRIEFING

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

N/A

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

N/A

XIV. ADJOURNMENT

The AMTLB Board meeting adjourned at 11:00 a.m. on Friday, June 21, 2024.

Victoria Lavender, MSN, RN
President

Cynthia Buford, LPN
Secretary

Submitted by: _____
Tonya Smith Recorder 03/24