



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting

May 31, 2024

The Alabama Board of Massage Therapy met on Friday, May 31, 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 Araiinejad (member attending virtually). Three member vacancies existed on the Board. Others present were Mr. Keith Warren (Executive Director), Ms. Karen Entrekin (Board Investigator), Ms. Karen Harlow (Legal Assistant), Mr. Dennis Trammell (Investigator), Ms. Camby Garner (Licensing Specialist), Mr. Brannon Littleton (Chief Financial Officer), 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 10:02 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 final meeting of the Board.

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 April 12, 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 April meeting minutes as presented. The motion was seconded by Ms. Rogers and, following a roll call vote, 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 before the Board.

EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director Report (copy available in official Book of Minutes) and reported on the current number of licensees as of May 30, 2024. He also reported on the status of complaints for FY 2022 through FY 2024, along with assessed administrative fines from FY 2020 through FY 2024 to include a recent fine received this week for an adjusted total of \$295,600 in paid fines and \$33,500 in outstanding fine. Mr. Warren reported that the Board's licensee records, complaints, and statements of financial activities ending May 31, 2024, would be transferred to the Board of Nursing for the new Alabama Massage Therapy Licensing Board.

Mr. Warren also reported on the financial activities of the Board for the period ending April 30, 2024 (reports on file in the Board's official Book of Minutes).

MOTION: Ms. Rogers made the motion to accept the financial report as presented. The motion was seconded by Ms. Herfurth and, following a roll call vote, unanimously approved by the Board.

LEGAL COUNSEL REPORT

Mr. Warren reported that Mr. Bledsoe was on vacation and not available to present the Legal Counsel report. Mr. Warren presented recommendations from the Investigative Committee (copy available in official Book of Minutes).

MOTION: Ms. Rogers made the motion to approve the IC recommendations to ratify the consent agreements previously approved by the Board regarding:

Board approved terms on October 27, 2023 concerning cases 2022-005BR, 20203-050, 2023-057BR, 2023-074BR, 2023-081, 20223-086 and 2023-088;

Board approved terms on January 5, 2024 concerning cases 2024-013LE, 2024-014LE, 2024-018BR.01, 2024-019BR.01, 2024-020BR.01, 2024-026BR.01, and 2024-027BR.01;

Board approved terms on April 12, 2024 concerning cases 2024-004BR.01, 2024-004BR.02, 2024-004BR.03, and 2024-004BR.04.

The motion was seconded by Mr. Araiinejad and, following a roll call vote, the motion was approved by the Board with Ms. Herfurth abstained from voting as an IC member.

Mr. Warren reported that an Administrative Hearing was held concerning two complaints, cases 2024-028 and 2024-036, involving one respondent. A copy of the Administrative Law Judge (ALJ) recommendations was provided to the Board prior to the meeting to review. The ALJ recommended a \$10,000 fine and the 3-year suspension of the respondent's LMT license. Mr. Warren reported that the respondent was arrested by the Montgomery City Police, when he appeared for the hearing at the Board's office, due to pending criminal charges.

MOTION: Ms. Rogers made the motion to accept the ALJ's recommendation to fine the respondent \$10,000 and to change the suspension of his license to revocation of his LMT license. The motion was seconded by Ms. Dale and, following a roll call vote, the motion was approved by the Board with Ms. Herfurth abstained from voting as an IC member.

OLD BUSINESS

Chairperson Dale called for any old business and there were none.

NEW BUSINESS

Ratify Approval of LMT Renewal Applications

Mr. Warren presented a list of LMT licenses that had been renewed since the last Board meeting in April.

MOTION: Ms. Rogers made the motion to ratify the approval of LMT renewal licenses by the Executive Director. The motion was seconded by Ms. Herfurth and, following a roll call vote, unanimously approved by the Board.

Ratify Approval of Establishment Renewal Applications

Mr. Warren presented a list of establishment licenses that had been renewed since the last Board meeting in April.

MOTION: Ms. Rogers made the motion to ratify the approval of establishment renewal licenses by the Executive Director. The motion was seconded by Ms. Herfurth and, following a roll call vote, unanimously approved by the Board.

Review 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). Mr. Warren reported that the schools and students were appreciative of the Board conducting a final meeting to consider their applications for licensure to prevent further delays in being eligible to work.

Instructor Initial Applications

MOTION: Ms. Herfurth made the motion to approve the instructor application submitted by EB as presented. The motion was seconded by Ms. Rogers and, following a roll call vote, unanimously approved by the Board.

MT Initial Applications from graduates from in-state schools

A total of 19 applications were reviewed from graduates from in-state schools.

MOTION: Ms. Dale made the motion to approve the 17 LMT application requests from graduates of in-state schools submitted by OB, HP, TG, LC, AF, JG, RG, SG, QH, BH, HH, DL, TP, KP, CR, MV and SB, along with conditional approval of LS pending receipt of professional liability coverage and VP pending receipt of evidence of school attendance dates. The motion was seconded by Ms. Rogers and, following a roll call vote, unanimously approved by the Board.

Initial Applications from graduates from out-of-state schools

A total of 11 applications were reviewed from graduates from out-of-state schools.

MOTION: Ms. Dale made the motion to deny the initial LMT application from JL due to lack of hours detailing educational courses. The motion was seconded by Ms. Herfurth and, following a roll call vote, unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to deny the initial LMT application from XM due to lack of school transcript to support the examination which was taken prior to attending school. The motion was seconded by Ms. Dale and, following a roll call vote, unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to deny the initial LMT application from LC due to lack of school transcript to support the examination which was taken before attending school. The motion was seconded by Ms. Rogers and, following a roll call vote, unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to deny the initial LMT application from JW due to lack of school transcript to support the examination which was taken before attending school. The motion was seconded by Ms. Dale and, following a roll call vote, unanimously approved by the Board.

MOTION: Ms. Herfurth made the motion to approve the initial LMT applications submitted by AMH, MD, JC, MR, SS, BB and PY. The motion was seconded by Ms. Dale and, following a roll call vote, unanimously approved by the Board.

Establishment license transferred to a new address

MOTION: Ms. Dale made the motion to approve the transfer address for E-3830 as requested. The motion was seconded by Ms. Herfurth and, following a roll call vote, was unanimously approved by the Board.

Establishment Initial Applications from owners that reside in the State

MOTION: Ms. Rogers made the motion to approve the 12 establishment applications:

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| Eternal Rose Massage Therapy | Healing Massage |
| Lyons Therapeutics | Integrative Massage of Alexander City LLC |
| Holistic Kneads LLC | Movement Myotherapy Massage |
| Ruhe Bhava Wellness LLC | Simplemente Bella LLC |
| Solstice Day Spa LLC | SPA Massage and Wellness LLC |
| The Zen Den | Top Body Massage |

and conditionally approve the following initial establishment applications pending inspection:

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|-------------------------------|---------------------------------|
| Good Mong Kok Massage | Ascension Mobile Massage |
| Be Balanced Wholistic Day Spa | Connections Health and Wellness |

Fabulous Massage Inc.
Remedy Skin Esthetics
Wellness Massage Center and Spa LLC

Massage By Breeze
Simplicity Spa Life LLC
Wolff Therapy

The motion was seconded by Ms. Dale and, following a roll call vote, unanimously approved by the Board.

School Renewal Application

The massage therapy (MT) school renewal application from ASM was reviewed by the members attending onsite. The Board was concerned that the content of the coursework did not meet the Board's requirements in developing MT skills and posed possible harm to the public. The curriculum hours were discussed and compared to the initial application submitted for licensure.

MOTION: Ms. Rogers made a motion to table review of the renewal application from ASM and provide the school director with a copy of the Board's recommended template for a breakdown of educational requirements based on 650 education hours. The motion was seconded by Ms. Herfurth and, following a roll call vote, unanimously approved by the Board.

ANNOUNCEMENTS

Update on Legislative Activities

Mr. Warren reported that the Interstate Massage Therapy Compact did not pass the Legislature this recent session. He commented on the creation of a new Alabama Massage Therapy Licensing Board under the management of the Alabama Board of Nursing. He reported that May 31, 2024, was the last day of operation for the Alabama Board of Massage Therapy and he thanked the Board members for their service. He indicated that all Board financial and administrative records, licensee files, and complaint files would be transferred to the Board of Nursing. The Board thanked Mr. Warren and the staff for their service.

ADJOURNMENT

MOTION: Ms. Herfurth made the motion to adjourn the meeting. The motion died for lack of a second.

OTHER BUSINESS

Request to Reduce School Curriculum

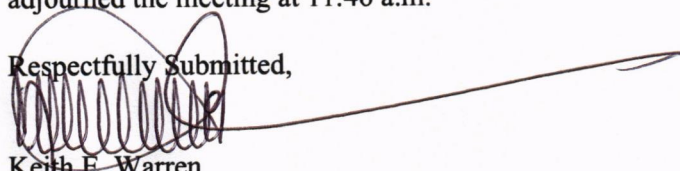
Mr. Richard Denney requested the Board's consideration to reduce the 750-hour curriculum for the massage therapy school S-102. Mr. Denney explained that the reduction in hours from 750 to 650 was required to maintain Department of Education funding for the school by not exceeding the Board's requirements.

MOTION: Ms. Herfurth made the motion to authorize the Executive Director to send a letter to Mr. Denney notifying him that the school was approved to reduce the curriculum hours in compliance with the Board's 650-hour requirements and to provide Mr. Denney with a copy of the Board's recommended template with a breakdown of educational requirements, and Mr. Denney to submit a new curriculum for Board approval. The motion was seconded by Ms. Dale, and following a roll call vote, the motion was unanimously approved by the Board.

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,


Keith E. Warren
Executive Director

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Approved by the Board on _____