



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting Friday, December 14, 2012

The Alabama Board of Massage Therapy met on Friday, December 14, 2012, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama, in order to conduct business. The following members were in attendance: Mr. Michael Stephens, Chair, Mr. Lance Gilliland, Vice Chair, Mr. Foad Araiinejad, member, Ms. Gwen Motley, member and Mr. Willie DeVold, member. Members not in attendance were Ms. Donna Sertell and Ms. Angel Stacey. Also in attendance were Mr. Keith Warren (Executive Director), Mr. Bill Garrett (Legal Counsel), Mr. Randy Barrows (Administrator), Ms. Renee' Reames (Executive Secretary to Mr. Warren) and Ms. Elizabeth Bridewell, LaserTouchOne Representative. A quorum was established and the meeting was called to order at 10:21 a.m.

Public notice of this meeting was published on the Secretary of State's web site at www.sos.alabama.gov in accordance with the requirements of the Alabama Open Meetings Act and advertised on the Board's web site at www.almtbd.alabama.gov.

The minutes from the October 12, 2012 meeting were presented to the Board members for their review. Ms. Motley made a motion to approve the minutes as presented (available for viewing in the Board's Official Book of Minutes). The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Mr. Warren presented the Executive Director's Report, to include the Financial Report (payment vouchers and deposits available for viewing in the Board's Official Book of Minutes), and current number of licensees. Ms. Motley made the motion to approve the Executive Director Report and Financial Report as presented. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Mr. Warren reported that Rule 532-x-2-.02 Board Duties, had been published in the *Administrative Monthly* (rule available for viewing in the Board's Official Book of Minutes) and no comments were received from the public. Ms. Motley made a motion to approve the proposed Rule 532-X-2-.02 as presented for Final adoption. The motion was seconded by Mr. Gilliland and unanimously approved by the Board.

Ms. Motley made a motion to renew the Administrative Service Contract with Warren and Company for one year. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Mr. Warren reported on legislative activities on behalf of the Board, noting that with the assistance of the Alabama Chapter of the American Massage Therapy Association, he hoped that the proposed bill can be pre-filed before the Legislature goes into session in February. He reported that the proposed changes in the statute would also include modifications to the appeal process by designating the Montgomery County Circuit Court.

Mr. Warren reported that a Consent Agreement had been accepted by Ms. Yi Sok, which stipulated a fine of \$3000 for violations of the massage therapy Practice Act and Administrative Code. Mr. Gilliland made a motion to approve the Consent Agreement with stipulations as presented. The motion was seconded by Ms. Motley and unanimously approved by the Board.

Mr. Warren reported that a Consent Agreement had been accepted by Mr. James Carmichael, which stipulated a fine of \$1000 and to cease and desist offering massage therapy services until licensed by this Board. Mr. Warren reported that the fine has been paid by Mr. Carmichael. Mr. Gilliland made a motion to approve the Consent Agreement with stipulations as presented. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Mr. Warren reported that a Consent Agreement had been accepted by Mr. Philip Padgett, which stipulated a fine of \$2000 and to apply for licensing. Mr. Warren reported that Mr. Padgett has amended the Agreement to include that he would not apply for licensing nor practice. Mr. Araiinejad made a motion to approve the Consent Agreement, with amended stipulations, as presented. The motion was seconded by Ms. Motley and unanimously approved by the Board.

Ms. Elizabeth Bridewell was introduced and presented a demonstration and information regarding the LaserTouchOne device, that combines low-level laser therapy and micro-current electrical stimulation. Ms. Bridewell reported that the medical device had been approved by the FDA. Topics on safety, cardiac and device training were presented and discussed during a conference call with Dr. Okky Oei, co-developer of the device and Medical Director of Renewal Technologies, which markets the device.

The Board recessed at 11:08 a.m. and reconvened at 11:14 a.m. to resume the business meeting.

Mr. Warren submitted for the Board's approve the Board meeting dates for 2013. Ms. Motley made a motion to approve the 2013 Board meeting dates as presented. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Ms. Motley made a motion to approve the new applications for Massage Therapist licenses as presented (a list of the approved applications is available for viewing in the Board's official Book of Minutes). The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Ms. Motley made a motion to approve the applications for Massage Therapy Instructor licenses as presented (a list of the approved applications is available for viewing in the Board's official Book of Minutes). The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Ms. Motley made a motion to approve the applications for Massage Therapy School renewal applications as presented to the Board (a list of the approved applications is available for viewing in the Board's official Book of Minutes). The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Ms. Motley made a motion to approve the Continuing Education Provider applications as presented (a list of the approved applications is available for viewing in the Board's official Book of Minutes). The motion was seconded by Mr. Gilliland and unanimously approved by the Board, with abstention from Mr. Araiinejad.

Mr. Warren presented a request, received by email, requesting exemption from taking the national exam due to financial hardship. It was the consensus of the Board to deny the request for exemption based on current statute and rule requirements.

Mr. Warren reported that annual election of officers was due. Ms. Motley made a motion to elect Mr. Stephens as Board chair. Ms. Motley amended her motion to include Mr. Gilliland as Vice Chair, and re-elect the current officers. The amended motion was seconded by Mr. Araiinejad. There were no further nominations and the motion was unanimously approved by the Board.

The Board continued discussions regarding the medical device, LaserTouchOne. The statute excluded the use of laser therapy, as defined in the definition of therapeutic massage and related touch therapy modalities. The Board discussed proposing a change in the statute to allow the use of laser therapy vs. the potential abuse in the use of therapeutic devices if the restriction was removed from the statute.

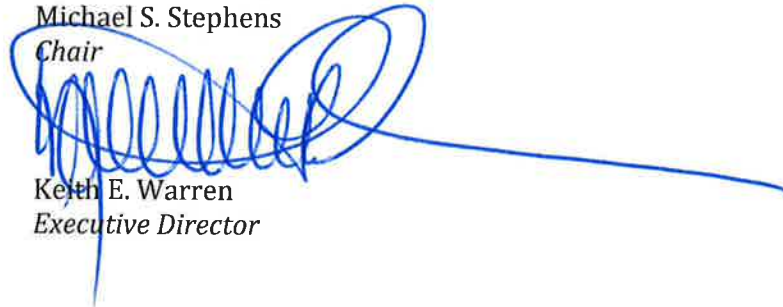
The next meeting of the Board will be February 8, 2013.

There being no further business, Ms. Motley made a motion to adjourn the meeting at 11:31 a.m. The motion was seconded by Mr. Araiinejad and unanimously approved by the Board.

Respectfully Submitted,



Michael S. Stephens
Chair



Keith E. Warren
Executive Director