



ALABAMA BOARD OF MASSAGE THERAPY

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MINUTES Board Meeting April 6, 2018

The Alabama Board of Massage Therapy met on Friday, April 6, 2018, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business. The following Board members were in attendance: Mr. Lemar Storey (Chair), Mr. Lance Gilliland (Vice Chair), Mr. Foad Araiinejad (member), Ms. Gwen Motley (member) and Mr. Michael Stephens (member). Member absent was Mr. Willie DeVold. Also in attendance were Mr. Randy Barrows (Board Administrator), Mr. Matt Bledsoe (Legal Counsel), Mr. Mike James (Investigator/Inspector), Ms. Jennifer Love (Legal Assistant) and Ms. Renee' Reames (Executive Secretary to Mr. Warren, and serving as recording secretary). Guests were also in attendance at the Board meeting. A quorum of the members of the members were present and the meeting was called to order at 10:05 a.m. by Mr. Storey, Board Chairman.

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 web site at www.almtbd.alabama.gov.

The minutes from the January 5, 2018 Board meeting were presented to the Board for their approval. A copy of the minutes was provided to the Board members prior to the meeting for their review. Mr. Gilliland made a motion to approve the January minutes as presented. The motion was seconded by Ms. Motley and unanimously approved by the Board (available for viewing in the Board's Official Book of Minutes).

Mr. Barrows, Board Administrator, presented the Executive Director's Report, to include the FY 2018 Financial Report as of March 31, 2018 (detailed report on file in the Board's Official Book of Minutes.). Also reported were the total number of licensees and complaints received during FY 2017 and 2018.

Mr. Barrows presented the Administrator's Report containing a list of administrative activities accomplished by the staff since the last Board meeting, along with a list of inspections conducted by Mr. James during this period (report available for viewing in the Board's Official Book of Minutes).

Ms. Araiinejad made a motion to approve the Financial Report as presented. The motion was seconded by Mr. Gilliland and unanimously approved by the Board.

Mr. Bledsoe presented the Legal Counsel Report. He submitted for the Board's approval a Consent Agreement (case 2017-019), citing violations concerning a school's curriculum, which

resulted in a disciplinary fine and probationary period. Following a review of the Consent Agreement, Mr. Gilliland made a motion to approve the Consent Agreement as submitted. The motion was seconded by Ms. Motley and unanimously approved by the Board.

Mr. Bledsoe also submitted for the Board's approval a Consent Agreement (case 2018-009), concerning an unlicensed massage therapist who was advertising and operating an unlicensed establishment. He explained that a cease and desist was issued to the individual and a disciplinary fine assessed for the violations. Following a review of the Consent Agreement, Ms. Motley made the motion to approve the Consent Agreement as submitted. The motion was seconded by Mr. Gilliland and unanimously approved by the Board.

Mr. Bledsoe reported on case MAS 2017-017 concerning advertising violation without an establishment license and these advertisements were made via groupson sales. He reported that the Respondent had requested to make incremental payments to the Board for disciplinary fine. Ms. Motley made the motion to assess \$250 in disciplinary fine to be paid in incremental payments, with the understanding that the groupson sales would be refunded or provided in services, and a second offense would result in a one-year probationary period. The motion was seconded by Mr. Gilliland. Mr. Araiinejad amended Ms. Motley's motion to increase to the disciplinary fine to \$300. Ms. Motley agreed with the amended motion. The amended motion was seconded by Mr. Gilliland. Chairman Storey called for a vote on the amended motion and the Board unanimously agreed and the motion passed. Chairman Story called for a vote on the original motion as amended and the motion passed unanimously by the Board.

Mr. Bledsoe reported that the Legislature had passed a Human Trafficking Act and was approved by Governor Ivey (Act 2018-506). He explained that the Act affected the Board's statute and the Board would need to review their rules for changes in accordance with this new Act. He reviewed key areas concerning criminal history background checks on new licensees, ethical guidelines to report violations, and establishing a standing committee when cases occurred of a sexual nature, etc. He also commented on the Board's responsibility and relationship with the offices of the District Attorneys. Mr. James commented on prostitution advertisements and attempts to operate under the guise of massage therapy. Mr. Barrows indicated that a copy of the new Act would be distributed electronically to the Board members, and the Board discussed addressing the rule changes over the next several Board meetings.

Mr. Barrows presented applications for the Board's review and approval. Ms. Motley made the motion to ratify the Executive Director's approval of massage therapist applications. The motion was seconded by Mr. Gilliland and unanimously approved by the Board.

Mr. Araiinejad made the motion to approve the instructor applications as presented by Mr. Barrows. The motion was seconded by Mr. Gilliland and unanimously approved by the Board.

Mr. Gilliland made a motion to approve the school renewal applications and the new application from Dothan Massage School as presented by Mr. Barrows. The motion was seconded by Ms. Motley and unanimously approved by the Board.

Ms. Motley made a motion to approve the CE Provider application. The motion was seconded by Mr. Stephens and unanimously approved by the Board.

The Board reviewed the massage therapist applications submitted by individuals who had attended out-of-state schools, etc. Following a review, Mr. Stephens made a motion to approve the applications as presented by Mr. Barrows. The motion was seconded by Ms. Motley and unanimously approved by the Board.

Chairman Storey called for comments from the floor and the Board indicated that any new rules or amendment to existing rules would be addressed in future Board meetings and advertised for public comment.

Mr. Bledsoe reported that disciplinary action by the Board at their last meeting resulted in the highest fine assessed by the Board and the case had been appealed and the matter was pending before the Circuit Court.

Mr. Gilliland announced that the annual meeting of FSMTB was scheduled in October and Chairman Storey asked the Executive Director to distribute information electronically to the Board before the next Board meeting.

Chairman Storey announced that the next meeting of the Board was scheduled July 13, 2018.

There being no further business, Mr. Gilliland made the motion to adjourn. The motion was seconded by Mr. Stephens and unanimously approved by the Board. Mr. Storey adjourned the meeting at 10:50 a.m.

Respectfully Submitted,

Lemar Storey
Chair

Keith E. Warren
Executive Director

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