



Alabama Department of Examiners of Public Accounts

Report on the **Board of Massage Therapy** **Montgomery, Alabama**

October 1, 2021 through September 30, 2022

AUDEMUS JURA NOSTRA DEFENDERE
ALABAMA STATE HOUSE

Rachel Laurie Riddle, Chief Examiner



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September 27, 2023

Senator Will Barfoot
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Senator Barfoot:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Massage Therapy in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board of Massage Therapy in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Rodney Wagstaff

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PROFILE

Purpose/Authority

The Alabama Board of Massage Therapy was created by Act Number 1996-661, Acts of Alabama, as a professional therapeutic health service to preserve and protect individual life and health, to promote the public interest and welfare by establishing licensing requirements, and assuring public safety. The Board licenses massage therapists, massage therapy establishments, massage therapy schools, and massage therapy instructors. The Board investigates complaints and inspects massage therapy establishments and massage therapy schools. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-43-1 through 34-43-21.

The following legislation was passed since the last sunset review of this agency:

Act Number 2022-408, Acts of Alabama, related to the Alabama Board of Massage Therapy, to amend Sections 34-43-3, 34-43-6, 34-43-7, 34-43-8, 34-43-9, 34-43-11, 34-43-12, 34-43-14, 34-43-15, 34-43-20, and 34-43-21, *Code of Alabama 1975*, to provide further for definitions; to remove the requirement that no two board members from the same congressional district serve at the same time; to authorize the board to grant the executive director the authority to approve licenses; to require massage therapy establishments and schools to carry liability insurance; to prohibit the advertising of services on sexually explicit websites or online platforms; to revise the requirements for licensure as a massage therapist and establishment licenses; to provide further for the submission of applications for licensure; to substantially revise fees and fines; to authorize the board to adopt a program of continuing education; and to repeal Section 34-43-10, *Code of Alabama 1975*, providing for a massage therapist examination. This Act has been codified in the current statutory authority of the Board.

Act Number 2023-490, Acts of Alabama, relating to the Alabama Sunset Law, to continue the existence and functioning of the Alabama Board of Massage Therapy until October 1, 2024 with certain modifications: To amend Sections 34-43-6, 34-43-9, 34-43-11, 34-43-14, 34-43-15, 34-43-20, and 34-43-21, *Code of Alabama 1975*, as amended by Act Number 2022-408, Acts of Alabama, 2022 Regular Session; to require representation on the board from each Congressional District; to require meetings to be recorded, upon request; to require the publication of proposed rules and related proceedings on the board website; and to cap certain fees charged by the board. This Act went into effect July 1, 2023. A copy of this Act is included in Appendix II of this report.

<u>Characteristics</u>	
Members and Selection	<p>The Board consists of seven members appointed by the Governor, subject to confirmation by the Senate.</p> <p><i>Code of Alabama 1975</i>, Section 34-43-6(b)</p>
Term	<p>Board members serve four-year staggered terms expiring on September 30. No member of the board shall serve more than two full consecutive terms. <i>See Prior Finding 2020-003.</i></p> <p><i>Code of Alabama 1975</i>, Section 34-43-6(b)(c)</p>
Qualifications	<p>Board members shall meet the following qualifications:</p> <ul style="list-style-type: none"> • Five members must be licensees of the Board. • Two shall be public members who shall not be licensed, nor have been licensed in the past, and shall not have any direct financial interest in the massage therapy profession. • Each board member shall be a high school graduate or shall have received a graduate equivalency diploma. • Each member of the Board shall be selected upon personal merit and qualifications, not per membership or affiliation with an association. • Each member of the Board shall be United States citizen and a resident of Alabama for two years immediately preceding the appointment. <p><i>Code of Alabama 1975</i>, Section 34-43-6(b)</p>
Consumer Representation	<p>Two members are public members who shall not be licensed, nor have been licensed in the past, and do not have any direct financial interest in the massage therapy profession.</p> <p>One consumer member currently serving.</p> <p><i>Code of Alabama 1975</i>, Section 34-43-6(b)</p>

Racial Representation	No specific statutory requirement. Two minority members currently serving.
Geographical Representation	Per Act Number 2023-490, Acts of Alabama, effective July 1, 2023, as the terms of members serving on the Board on the effective date of the act expire, or as vacancies occur, new members shall be appointed so that not more than one member from each United States Congressional District in the state is appointed to serve at the same time.
Other Representation	The membership of the Board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 34-43-6(b) Per Act Number 2023-490, Acts of Alabama, effective July 1, 2023, the Governor shall coordinate his or her appointments to assure that the membership of the Board is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.
Compensation	Board members shall not receive compensation for their services, but shall receive the same per diem and allowance as provided to state employees for each day the board meets and conducts business. <i>Code of Alabama 1975</i> , Section 34-43-6(g)
Attended Board Member Training	Two board members attended training in 2022.

<u>Operations</u>	
Administrator	The Board has an emergency contract with Smith-Warren Management Services, Inc. for administrative, management, and logistical support services. Keith Warren, President of Smith Warren Management Services, Inc., serves as the Board's Executive Director. The current contract amount is for \$11,000.00 per month and expires September 29, 2023. <i>Code of Alabama 1975</i> , Section 34-43-6(i)
Location	2777 Zelda Road Montgomery, AL 36106 Office Hours: M-F 8:30 a.m. – 4:30 p.m.
Employees	The Board employs one retired state employee and one exempt/unclassified employee, both part-time, as inspectors.
Legal Counsel	Matt Bledsoe, Assistant Attorney General, an employee of the Attorney General's Office, serves as the Board's legal counsel.
Subpoena Power	The Board does not have subpoena power except as provided by the Administrative Procedures Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.
Internet Presence	http://www.almtbd.alabama.gov
<u>Financial</u>	
Source of Funds	Licensing fees, fines, and penalties.
State Treasury	Yes, Special Revenue Fund 0920. <i>Code of Alabama 1975</i> , Section 34-43-14(c)
Required Distributions	There is no specific statutory requirement related to required distributions.
Unused Funds	The Board retains unused funds at fiscal year-end.

<u>Licensure</u>											
Licensees	<p>Licensees as of August 3, 2023:</p> <table border="1" data-bbox="529 275 1247 468"> <tr> <td>Massage Therapists</td> <td>2,138</td> </tr> <tr> <td>Massage Therapy Establishments</td> <td>696</td> </tr> <tr> <td>Massage Therapy Instructors</td> <td>331</td> </tr> <tr> <td>Massage Therapy Schools</td> <td>14</td> </tr> <tr> <td>Total Licensees</td> <td>3,179</td> </tr> </table> <p><i>Source:</i> Licensing Specialist</p>	Massage Therapists	2,138	Massage Therapy Establishments	696	Massage Therapy Instructors	331	Massage Therapy Schools	14	Total Licensees	3,179
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Licensure Qualifications	<p>Massage Therapists Applicants for licensure shall submit evidence satisfactory to the Board that they have met each of the following requirements:</p> <ul style="list-style-type: none"> • Satisfactorily completed a minimum of 650 hours of instruction. • Successfully passed a national standardized examination approved by the Board. • Completed a criminal history check. • Each applicant for licensure shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government. <p>Massage Therapy Establishments</p> <ul style="list-style-type: none"> • Employ at least one licensed massage therapist who is registered with the board as the individual designated to ensure compliance with state law and administrative rules. Act Number 2023-490, effective July 1, 2023, allows for establishments <u>to contract with or employ</u> at least one licensed massage therapist who is registered with the Board as the individual designated to ensure the establishment follows state law and administrative rules. • Establishments shall only employ licensed massage therapists to perform massage therapy. • Unlicensed massage therapists applying for an establishment license shall be subject to a criminal history check. • An establishment owned by an individual who is not a resident of this state shall be subject to an initial inspection before licensure. <p>Massage Therapy Instructors The Board shall register as a massage therapy instructor any applicant who meets all the following requirements:</p> <ul style="list-style-type: none"> • Is currently licensed as a massage therapist in Alabama. • Has filed a completed application prescribed by the Board and paid a one-time application fee. • Documents three years of experience in the practice of massage therapy. 										

Massage Therapy Schools
 A massage therapy school shall meet the following requirements:

- File a completed application prescribed by the Board with the Board and pay a registration fee.
- Provide documentation of a curriculum which includes a minimum number of required hours of instruction in the subjects required.
- Register annually with the Board.

Code of Alabama 1975, Sections 34-43-9; 34-43-11; 34-43-20(a); and 34-43-20(c)

Examinations

The National Certification Exam for Therapeutic Massage & Bodywork, known as the Massage and Bodywork Licensing Exam (MBLEx), is administered by the Federation of State Massage Therapy Boards (FSMTB). FSMTB contracts with Pearson Vue to develop, administer, and deliver the examinations. Examination fees are paid directly to FSMTB.

Computerized examinations are administered daily at Pearson Vue Test Centers located in Montgomery, Birmingham (2), Mobile, Dothan and Decatur.

Examination Statistics			
FY 2022	# Taken	# Passed	% Passed
First Attempt	136	93	68%
Re-Exam	52	22	42%
Total	188	115	61%
FY 2023*	# Taken	# Passed	% Passed
First Attempt	107	76	71%
Re-Exam	44	20	46%
Total	151	96	64%

*Examination statistics through July 31, 2023

Examination statistics for Alabama schools are included in Appendix III of this report.

Code of Alabama 1975, Section 34-43-9

Source: Executive Director

<p>Reciprocity</p>	<p>The Board may license an applicant if the applicant is licensed or registered in another state, which, in the opinion of the board, has standards or practice or licensure that are equal to or stricter than the requirements imposed by Alabama at the time of licensure in that state.</p> <p>Currently, the Board does not have a formal reciprocity agreement with any state.</p> <p><i>Code of Alabama 1975</i>, Section 34-43-9(b)</p>
<p>Renewals</p>	<p>Massage Therapists and Massage Therapy Establishments</p> <ul style="list-style-type: none"> • Licenses are renewed biennially, on or before the anniversary date of issuance. • Any license not renewed biennially on or before the anniversary date of issuance shall expire. <p>Massage Therapy Schools</p> <ul style="list-style-type: none"> • Register annually. • Submit current curriculum. • Submit list of instructors. <p>Massage Therapy Instructors</p> <ul style="list-style-type: none"> • Instructors register one time. Every instructor teaching massage therapy at a Board approved school located in Alabama must be licensed in Alabama as a massage therapist and register as a massage therapy instructor. <p><i>Code of Alabama 1975</i>, Sections 34-43-13(a); 34-43-20(a)(3); and 34-43-20(b), (c).</p> <p>All renewals are processed online.</p> <p><i>Source:</i> Executive Director</p>
<p>Licensee Demographics</p>	<p>Data not collected by agency.</p> <p><i>Source:</i> Executive Director</p>

Continuing Education	<p>The Board shall adopt a program of continuing education for licensees which shall be a requisite for the renewal of licenses.</p> <p>Massage therapists must complete 16 hours of continuing education within the 24 months preceding the date of renewal of licensure, from providers of courses approved by the Board.</p> <p><i>Code of Alabama 1975</i>, Section 34-43-21(b) <i>Administrative Rule</i> 532-X-6-.01</p> <p>Per Act 2023-490, effective July 1, 2023, the requisite for the renewal of licenses shall not exceed the requirements of a Board-approved nationally recognized board certification organization such as the National Certification Board of Therapeutic Massage and Bodywork.</p> <p>According to the National Certification Board of Therapeutic Massage and Bodywork, a licensee must achieve a minimum of 24 continuing education credits including 3 in Ethics every 2 years as well as pass a criminal background check.</p>
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SIGNIFICANT ISSUES

Significant Issue 2023-001: The Board Chairperson did not recuse herself from the adoption of the Investigative Committee’s recommendation for complaints involving an individual and entity in which she has a direct professional interest. During the January 20, 2023, Board meeting, a complaint involving the Chairperson’s massage therapy school and a complaint involving the co-owner of the Chairperson’s massage therapy school were presented before the Board for review. A motion was made to approve the Investigative Committee’s recommendations of closing the school complaint due to no probable cause and of closing the co-owner’s complaint as unfounded. The minutes reflect the motion was unanimously approved. While the Board’s policy dictates that the Chairperson only votes on motions in the instances of a tie, had there been a tie, the Chairperson would not have been able to vote on the motion at issue. Therefore, the Chairperson should have recused herself from being present or participating in the consideration and adoption of a motion all together in which she has a direct professional interest.

Significant Issue 2023-002: The Board Chairperson executed an emergency contract for administrative, management, and logistical support services with Smith Warren Management Services, Inc. prior to receiving Board approval. The emergency contract in question was dated and acknowledged by the state’s Chief Procurement Officer on September 30, 2022. However, the emergency contract was not presented to the Board and subsequently approved until the October 28, 2022 meeting.

Significant Issues 2023-003: The Board paid Smith-Warren Management Services, Inc. a total of \$11,000.00 for administrative, management, and logistical support prior to entering into an emergency contract. The Board paid Smith-Warren Management Services, Inc. \$11,000.00 for the month of September 2022. The invoice was dated September 1, 2022, and it was paid on September 12, 2022. Additionally, the Board paid for services rendered from August 9, 2022 through August 31, 2022, for which no emergency contract was in effect. The prior emergency contract expired on August 8, 2022, and the subsequent emergency contract did not become effective until September 30, 2022.

Significant Issue 2023-004: Twenty-four payments made to Smith Warren Management Services, Inc. were reviewed. Supporting documentation for twenty of these payments (83%) revealed invoices from Smith-Warren Management Services, Inc. were submitted and paid by the Board prior to services for administrative, management, and logistical support actually being rendered. The invoices were submitted at the beginning of the month for which services were being billed. The invoices were then paid before the end of that same month, prior to the services being fully rendered.

The *Constitution of Alabama of 2022*, Section 93 prohibits the state from lending its credit, or money to any individual or corporation, except as expressly authorized. The payments made to Smith-Warren Management Services prior to services being rendered do not appear to comply with this section of the state’s constitution.

Additionally, the State Department of Finance’s *Fiscal Policy and Procedures Manual* Chapter 6, Section 3(C) states, “Generally, the State does not allow prepayment for goods or services because there is no authorizing statute. *However, there are three exceptions: prepayment to the Federal government, travel advances for Department of Revenue examiners, and advance travel/prepaid travel expense.*” Prepayments for contracted services are not recognized as one of the three exceptions.

Significant Issue 2023-005: The Board did not comply with the Open Meetings Act as it relates to conducting meetings via electronic means. The meeting held on August 5, 2022 had one Board member attending virtually and the meeting held on January 20, 2023 had two Board members attending virtually. The *Code of Alabama 1975*, Section 36-25A-5.1(a)(2) states, “If a member is participating in a meeting of a governmental body by electronic means as authorized in this section, the governmental body shall ensure that means of access to the electronic communication is published in the same manner as the notice of the meeting is published pursuant to this chapter.” A review of the Secretary of State’s website did not reveal the Board’s publishing the means of access to the electronic communication.

Additionally, during the May 3, 2023 meeting, the Board approved a motion to end all virtual meetings of the Board. Discontinuing virtual meetings of the Board could restrict licensees and interested parties who cannot attend meetings in person from observing and offering input on the Board’s official actions.

Significant Issue 2023-006: The Board did not notify the Secretary of State of a vacancy occurring as a result of a resignation in a timely manner. The Board member resigned on January 20, 2023 and the Board notified the Secretary of State on March 23, 2023, sixty-two days after the resignation. The *Code of Alabama 1975*, Section 36-14-17(c) states, “The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy as follows: (2) For a vacancy occurring for any reason other than the expiration of a term, as soon as possible, and in any case within 15 days after the occurrence of the vacancy.”

Additionally, the *Code of Alabama 1975*, Section 34-43-6(d) states, “*Vacancies on the board occurring prior to the expiration of a term shall be filled by the Governor within 30 days of the vacancy to serve for the remainder of the unexpired term.* Each member of the board shall serve until his or her successor has been duly appointed and qualified.”

Significant Issue 2023-007: The Board’s administrative rule regarding inspections of massage therapy establishments conflicts with the *Code of Alabama 1975*, Section 34-43-11(f). According to the *Code of Alabama 1975*, Section 34-43-11(f), only establishments owned by an individual who is not a resident of Alabama are subject to an initial inspection.

Administrative Rule 532-X-3-.04(6) states, “**Upon receipt of an application for a massage therapy establishment license, the Board may cause an initial inspection to be made** of the site to confirm that the establishment meets the above requirements and is to be utilized for massage therapy and not for the purposes unlawful under the massage therapy statutes.” The language in the rule appears to potentially subject all massage therapy establishments to an initial inspection regardless of whether the owner is an individual who is not a resident of Alabama.

Additionally, neither the emergency rules filed with the Legislative Services Agency on July 3, 2023, nor the proposed rule changes filed with the Legislative Services Agency on July 20, 2023 rectify this conflict.

Significant Issue 2023-008: The Board’s administrative rule regarding licensure application approvals conflicts with the *Code of Alabama 1975*, Section 34-43-6(j). Act 2023-490, effective July 1, 2023, amended the *Code of Alabama 1975*, Section 34-43-6(j) to remove the language allowing the Board to grant application approval authority to the Executive Director.

Administrative Rule 532-X-2-.02(2) states, “The Board as a whole shall hold hearings on written allegations of misconduct or violation of the Act; and sit to consider applications for licensure and approval. **The Board may delegate application approval authority to the Executive Director** when all 3 of the following requirements have been met:

- (a) Graduation from an approved Massage Therapy School with a minimum of 650 hours; and
- (b) Successful completion of a Board approved examination; and
- (c) Evidence of possession of a liability insurance policy of no less than \$1 million.

Applications not meeting the above specifications or that contain “yes” answers to any of the questions on page 2 of the application must be presented to the Board for review at the next regularly scheduled Board meeting.”

Neither the emergency rules filed with the Legislative Services Agency on July 3, 2023, nor the proposed rule changes filed with the Legislative Services Agency on July 20, 2023, rectify this conflict. Further, during the June 28, 2023, meeting, the Board approved an application approval policy that still allows the Executive Director to approve applications based on certain criteria.

Significant Issue 2023-009: The Code of Alabama 1975, Section 34-43-20(c) conflicts with the Code of Alabama 1975, Section 34-43-14(a)(5) regarding the registration of massage therapy instructors. The *Code of Alabama 1975*, Section 34-43-20(c) states, “The board shall register as a massage therapy instructor any applicant who meets all of the following requirements: (2) Has filed a completed application prescribed by the board and **paid a one-time application fee pursuant to Section 34-43-14.**”

However, the *Code of Alabama 1975*, Section 34-43-14(a) states, “By rule, the board shall assess and collect the following fees not to exceed: (5) One hundred dollars (\$100) to register **and renew registration** as a massage therapy instructor in this state.” A review of the Board’s cash receipts for fiscal years 2021, 2022, and 2023 (up to July 31, 2023) did not disclose instances of the Board collecting a renewal fee for massage therapy instructor licenses.

Significant Issue 2023-010: Act 2023-490, effective July 1, 2023, amended the Code of Alabama 1975, Section 34-43-14 to remove/reduce the fee amounts the Board could charge for licensure. The Board’s emergency rules filed with the Legislative Services Agency on July 2, 2023 and proposed rule change filed with the Legislative Services Agency on July 20, 2023 are not in compliance with the amended fee amounts. While the *Code of Alabama 1975*, Section 34-43-14(b), allows the Board to charge necessary administrative fees to recoup the costs of performing certain services, the Board should not adopt administrative rules to charge fees not authorized by statute. The Board’s rules include the following fees that are not authorized by statute:

- License Verification Fee of \$10.00.
- Administrative Fee for Establishment Re-Inspection of \$100.00.
- Administrative Fee for Waiver of New Establishment Licensure Fee of \$50.00.

Additionally, the proposed administrative rules will assess the following fees in an amount exceeding the maximum amount set in Act 2023-490:

- Late Renewal Fee of \$50.00 when set maximum amount is \$25.00.
- Expired License Reactivation Fee of \$100.00 when set maximum amount is \$75.00.

The authority to charge specific fees must be included in an agency's enabling statutes. Opinion to Honorable Randall C. Johnson, Director, Alabama Surface Mining Commission, dated June 23, 1987, A.G. Opinion 87-00222 opines, "Where the Legislature has established a sufficiently definite policy, standard or rule an administrative agency may be empowered to deal with the issuing of a license or permit and to fix reasonable fees for such issuance; where the Legislature has not established such a sufficiently definite policy, rule or standard the administrative agency may not be empowered to deal with such issuing of licenses or permits or establishing of fees.

Significant Issue 2023-011: The Board is not in compliance with its complaint handling procedures regarding the execution of consent agreements. A review of the Board's minutes and one hundred and eight executed consent agreements during the sunset review rollover period disclosed the following discrepancies:

- One hundred and eight consent agreements were executed prior to being presented to the Board for approval.
- Ninety-nine consent agreements contained fines that were paid and deposited into the Board's state treasury fund prior to the consent agreement being presented to the Board for approval.

The Board's complaint handling process, displayed on their website, states the following occurs once an investigation is complete:

- The Investigative Committee reviews the complaint and agrees to the appropriate recommendation.
- The Investigative Committee's recommendations are reviewed by the Board at a regular Board meeting.
- The Board votes to accept the recommendation or can vote for a different disposition.
- Complainant is notified of the disposition.

The *Code of Alabama 1975*, Section 34-43-15(a) mandates complaints received by the Board are referred to an Investigative Committee consisting of a Board member, the Executive Director, the Board attorney, and the Board investigator. Only when no probable cause is found can the Investigative Committee unilaterally act upon a complaint without Board approval by dismissing the charges and preparing a written statement of the reasons for the decision.

Significant Issue 2023-012: The Board allowed a licensee to renew a massage therapist license prior to fulfilling the requirements mandated in the consent agreement. The consent agreement mandated the licensee to meet the following requirements:

- Pay an administrative fine of \$1,000.00 due by April 21, 2022.
- Attend and provide proof of graduating a "sexual boundary" course by June 20, 2022.
- Complete one-year probationary period.

Based on information contained in the licensee's complaint file and a review of the Board's financial records, the licensee did not provide proof of graduating a Board-approved "sexual boundary course" or pay the \$1,000.00 administrative fine. An email correspondence dated October 11, 2022, between the Board's Legal Counsel, Executive Director, Legal Assistant, Investigator, and an Inspector stated if the licensee did not follow through with the consent agreement, the Board would set a hearing for the original charges. A review of the Board minutes did not disclose an instance of the Board conducting a hearing for the licensee's non-compliance with the consent agreement.

Significant Issue 2023-013: Licensed massage therapists and massage therapy establishments responding to our surveys have a negative perception of the Board regarding how the Board conducts its day-to-day operations. Requests for participation in our surveys were sent to 119 licensed massage therapists and 100 licensed massage therapy establishments. Twenty-seven licensed massage therapists and twenty licensed massage therapy establishments responded. Twenty-four of the twenty-seven licensed massage therapists (88.9%) and fifteen of the twenty licensed massage therapy establishments (75%) stated the Board was the most significant issue currently facing their profession in Alabama. Reasons cited for this perception include:

- Sixteen of the twenty-seven licensed massage therapists (59.3%) and nine of the twenty licensed massage therapy establishments (45%) responded the Board’s laws, rules, or policies are an unnecessary restriction on their practice.
- Eighteen of the twenty-seven licensed massage therapists (66.7%) and nine of the twenty licensed massage therapy establishments (45%) responded licensees are not adequately informed of the Board’s positions, policies, rules, and laws.
- Fifteen of the twenty-seven licensed massage therapists (55.6%) responded the Board does not respond to inquiries in a timely manner.
- Fifteen of the twenty-seven licensed massage therapists (55.6%) responded the Board does not perform licensing and renewals in a timely manner.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved, except for the following:

Finding 2020-003: Board members were not appointed to staggered terms as required by the *Code of Alabama 1975*, Section 34-43-6(c). According to the statute, three board members’ terms should expire September 30, 2021, and four members’ terms should expire September 30, 2023. Currently, all members’ terms expire September 30, 2023.

The *Code of Alabama 1975*, Section 34-43-6(c) states, “Of the initial seven appointees to the board, three members shall be appointed for terms ending September 30, 1997, and four members shall be appointed for terms ending September 30, 1999. Thereafter, successors shall be appointed for terms of four years, each term expiring on September 30.”

Opinion to Honorable D. K. Cooper, D.C., Executive Director of the Alabama Board of Chiropractic Examiners, dated March 29, 1995, A.G. Number 95-00169 states that appointment of Board members to terms other than those originally set forth by statute are not appropriate and defeat the Legislative intent of staggered terms.

Current Status – Unresolved: As of August 22, 2023, the current Board members do not have staggered terms. All Board members’ terms are set to expire September 30, 2023.

QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all six members of the Alabama Board of Massage Therapy requesting participation in our survey. Five participated in our survey. The percentages are based on the number who responded to the question.

1. What are the most significant issues currently facing the Alabama Board of Massage Therapy and how is the Board addressing these issues?

Board Member #1 – “Illegal massage businesses operate and no funds and few laws to protect the licensed massage therapist. We increase fees in 2022 only to have them returned to 1996 fees with HB 192.”

Board Member #2 – “Transparency - there is none with the 2,000 + licensees in Alabama. Complaints from some LMT's are not being investigated, some of which hold merit. The board is not addressing because Executive Director [REDACTED] is in control of the board, instead of the other way around.”

Board Member #3 – “Prostitution/trafficking hiding in the Massage profession. We have 2 investigators to help perform business inspections. We are having licensee's complete background checks on a regular basis. Which was trying to be blocked by [REDACTED] [REDACTED]. Also [REDACTED] is causing all types of issues with our board and is on a personal vendetta to ruin [REDACTED]. I am aware that there has been previous issues with our board and we have worked the last 3 years to make positive changes to our laws, rules and regulations. We are outlining specific massage school education guidelines. We have updated dated language in our laws, rules and regulations. Which [REDACTED] [REDACTED] has worked with [REDACTED] [REDACTED] to remove some of these things. The board also works to hold our executive director accountable by setting guidelines on which license can be approved with out board approval to allow new massage therapist to be able to start work as soon as they meet our requirements. We have also outlined CEU requirements in order to renew license. I understand this board has been outdated with the same members for a very long time and we are working to correct that as well. There is always room for improvement for every board.”

Board Member #4 – “The most significant issues we are facing right now are the set back we are facing base on one massage therapist who is going against every changes we are trying to make. Which prevents us as a board to move forward and grow effectively. This also prevents us from putting our attention where it's needed the most. The board is addressing this by trying to undo all the changes we have made that us a problem for the massage therapist.”

Board Member #5 – “The best they can!”

2. What, if any, changes to the Board’s laws are needed?

Board Member #1 – “Board of massage needs more support from legislation with laws to align with human trafficking/home land security. Only by closing these IMB down or shifting them to another state is the only way ethical therapeutic massage therapist can flourish in the state. Secondly our statute should have provisions to protect the student going to massage school. Some schools operate out of individuals basements. Where is the protection for the student if the school closes before a student graduates?”

Board Member #2 – “Fees do need to be raised on certain items, and eliminated on others. Most of the fees have not been raised in the last twenty years. But there needs to be more public accountability by the executive director.”

Board Member #3 – “We need some form of law that allows the board to immediately suspend or revoke a license in the event of illegal activity, arrest or other issues that warrant this. We do have something in place, but our Lawyer does not like to use this due to not wanting to do anything that will put the criminal case in jeopardy or would require the LE officer to have to testify in our hearing before the criminal case is settled. This is not the only case where we are on hold waiting on the criminal courts.”

Board Member #4 – “The Board should be able to make the necessary changes without having to go back and change it based on a few unsatisfactory options. I strongly feels like once the changes are approved and passed it should be so. Until it is time for another change. This save time and money.”

Board Member #5 – “We have not increased our fee since 1998. It’s really concerning!”

3. Is the Board adequately funded?

No	4	80%
Unknown	1	20%

4. Is the Board adequately staffed?

Yes	2	40%
No	1	20%
Unknown	1	20%
No Opinion	1	20%

5. Does the Board receive regular reports on its operations from the Executive Director?

Yes	5	100%
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6. Has the Board experienced any significant changes to its operations?

Yes	2	40%
No	1	20%
Unknown	2	40%

7. Does the Board plan any significant changes in its operations?

No	2	40%
Unknown	2	40%
No Opinion	1	20%

8. Do you have any other comments you would like to make?

Board Member #1 – “I’m not impressed with our legislative body. I spend over 20 hours at the State house personally this year and most talk around the water cooler was how our Executive Director was disliked by Senate members and that is why our fees were decreased. It’s very disheartening to know real work is being derailed by personal feelings and not public protections.”

Board Member #2 – “At the current time, I am extremely frustrated and embarrassed by the current state of the Alabama Massage Board of Therapy. - Executive Director ██████ is in control of decisions made by this board. Other members look to ██████ for answers at each meeting. - One of the Board Positions has been vacant since December of 2022. Vacancies are supposed to be filled within 30 days of resignation. I doubt very seriously that the Governor even knows that there is a vacancy on the board. - The Board Chairperson, on an email, advised an Alabama LMT (Licensed Massage Therapist) who pays their dues, to "F█████ Off." This is an embarrassment to the other board members, a slap in the face to the LMT, and the public in general. This is not the way a state board should operate. Director ██████ assured the LMT that this would be taken care of, but it has not been. I believe that the Board Chair should step down for such derogatory language. - It is unsubstantiated, but it is reported that one board member has served for nearly 10 years, which is another direct violation of the board regulations. - During the last meeting was the first time that current board members actually voted on new license requests. Only during Covid did the board vote for Director ██████ to approve or disapprove new licenses. And even on this first vote by the board, ██████ can be overheard advising board members how to vote. - Apparently there are numerous licenses that have been issued under "questionable circumstances." One has two active arrest warrants in Alabama since 2020, and their license has not been suspended, as was even renewed in 2022 with first hand knowledge by Director ██████ and his investigators. - Again, everything seems to be at the direction of ██████ ██████”

Board Member #3 – “Any executive director is only as good as the board holds them accountable for. We have asked for board members education. It would be nice if the State offered board members education of what is allowed and not to help us be better members and hold our executive director in check. I do agree that there needs to be changes made and each Executive Director should present its boards with a transparent detailed list of where the funds go that each board pays them directly as well as quarterly expenditures.”

Board Member #4 – “No comment.”

Board Member #5 – “█████ ██████ is doing great job running our board.”

Massage Therapist Questionnaire

A letter was sent to one hundred and nineteen licensees requesting participation in our survey. Twenty-seven participated in the survey. The percentages are based on the number who responded to the question.

1. What do you think is the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 – “That our board doesn't really do anything for us. They seem to be out of touch with what therapists need, as well as what our clients need.”

Respondent #2 – “Excessive regulation without proper Government Oversight. Massage Therapists are facing heavy burdens under the current administration. The contracted Executive Director for our board has controlled board authority up until August 2022. Our board has been kept blind to the severe licensing issues we have in this state. From renewing licenses for those with active warrants, to violating board composition, the Executive Director has been granted too much authority over this Agency and these issues result in more opportunity for him to profit. Massage Therapists are the only profession in Alabama where the word "prostitution" is mentioned directly in our statute. Other professionals are under the assumption in their ethics policies that they are not supposed to "have sex" with their clients/consumers. As a result of this, legislators have "bought in" to the fact that Massage Therapists are dangerous and should be overly regulated to prevent these issues. However, law abiding massage therapists, who hold highly to their ethics, would like to see an avenue to remove this degrading language from our respected industry. In fact, we would like to see laws written that give us better opportunities to report solicitors who harrass us electronically and in person. Massage Therapists are NOT interested in sleeping with our clients, CRIMINALS are and this is where the reporting needs to take place. Furthermore, the board is acting above its authority under [REDACTED] as they issues fines to unlicensed individuals rather than contacted law enforcement where this action is a class C Mis. In fact, [REDACTED] issues liceses to criminals after he fines them. This can be found in MANY of the disciplinary action reports. Licensed professionals who are law abiding and ethical are being trampled on under the "guise" of consumer protection while [REDACTED] continues to issue, renew, overlook licenses who are directly violating statute. A look into the disciplinary actions will show that [REDACTED] and his "team" have failed to perform their duties to protect consumers under this excessively high contract. From 2013-2020 [REDACTED] KNEW there was no background checks being performed under [REDACTED] ([REDACTED] of [REDACTED] [REDACTED] [REDACTED]) when the MBLEX exam was required. However, rather than adovocating in legislation to correct this issue, under HIS direction and the direction of [REDACTED] (legal counsel AG), these licenses were issued anyway, leaving consumers exposed to criminals. The [REDACTED] has been compromised and there are hundreds, if not thousands of test scores being revoked due to false transcripts, school revocations, and fake applicants, yet UNDER [REDACTED] [REDACTED]'s direction there was no action taken to secure safety for consumers for 7 consecutive years. Frankly, [REDACTED] [REDACTED] has had the authority to issue these licenses without a vote of the board and while doing so, he has, himself, approved licenses for individuals who were involved in Trafficking operations and prostitution. Massage Therapists deserve a direct line to Government Oversight, and it is clear that [REDACTED] [REDACTED] is not performing the duties allotted to him in these "emergency" contracts. Act2023-490 changed many of these issues, (no meeting minutes for 2 yrs while the law changed, not knowing if your license was pending, mandating that complaints be cross reported with ALEA when there is a sex act, the list goes on) However, [REDACTED] [REDACTED] has swayed this board to write rules and vote for things that supercede the laws written. [REDACTED] [REDACTED] REFUSES to allow for virtual meetings and

convinced the board to vote not to have them in May 2023. We have 2100+ LMTs and countless consumers who cannot attend a meeting in person, the law changed that the recording of a meeting shall be done with a 24 hr request, yet [REDACTED] [REDACTED] stated that "the minutes are the recording of the meeting" and mentioned that Legal Counsel (AG [REDACTED] [REDACTED]) interpreted the new statute to mean such. There are fees in the Emergency rules that are not allotted in statute (like many of his other boards). Investigators have been hired without a salary or expenses set by the board in the minutes, this is a violation of statute. The newest investigator is the wife to a former police chief who used \$750,000 of jail food money for his private funds. There should be undinable ethics in our investigators. The behavior of our current board chair is absolutely unprofessional and embarrassing, whent the sitting board chair campaigns to sunset their own board by asking others to vote to "stop" a sunset bill, it begs to wonder if this chair is competent enough to be in this position. For years this board has mentioned having a "low fund", but not once have they visted the 56% contract held my [REDACTED] [REDACTED]. Why? A strong board would know that this amount is excessive. The list continues, but I feel that until this contract is ripped from [REDACTED] and [REDACTED] and a new board appointment, LMTS of AL have no chance”

Respondent #3 – “The fee increase, the inability to get anyone on the phone when we call. The board chair telling all LMTs that we need to suck it and shut up, and if we do not like what she has to say or do then we can find another career. [REDACTED] [REDACTED] and the fees we pay [REDACTED] and [REDACTED]. The inconsistent minutes, I've been on a zoom meeting with the board and nothing that was discussed was ever added to the meetings minutes afterwards. The absolute unprofessional behavior that [REDACTED] [REDACTED] and [REDACTED] [REDACTED] have displayed over the course of the past two years regarding the fee increases. I think the board needs to be dis-mantled and restarted, I think [REDACTED] needs to be fired from managing our board. He has done nothing to help LMTs in this state.”

Respondent #4 – “Currently we are dealing with the financial impact of covid and the economic crisis. I also feel that we have an incompetent board resulting in licenses being awarded to individuals that are not qualified and properly vetted topractice this profession.”

Respondent #5 – “The lack of concern for our profession and attempting to increase fees for an issue that isn't our issue is just wrong. I don't think that the present board has considered the issues that we experience because they don't talk to us as individuals and the individuals are not being represented in this state. We are not the cause of trafficking, we are not the main profession that has trafficking. We are not responsible for the wrongdoing that use our profession as a haven to break the law. We shouldn't be responsible for paying to have it policed when law enforcement should be doing this. If we are going give and executive director the amount that we are along with fees for administrative jobs then these funds should go towards these things. I haven't received a license on time once since I moved to this state and one renewal year I never received my license at all after numerous attempts and inquiries as to when I would get it. I still to this day have never received that physical license. The only way I received my license this renewal period was having to contact the board on their FB page to get any response. Strangely, the investigator showed up to my place of work shortly thereafter, coincidence? The unprofessional behavior and posting of inaccurate information by our board and executive director over the most recent legislative procedures are just inexcusable. All of this plays into the unprofessional light that is cast on the already flawed impression that the folks in this state have on our profession. It is just unacceptable- it is time to clean house and put individuals in that office that will do the work and not just take the money!!”

Respondent #6 – “ [REDACTED] [REDACTED] and the current incompetent board members and investigators I will start with the worst of four complaints I have filed. MAS 2022-[REDACTED] [REDACTED] [REDACTED] E-[REDACTED] My client told me about her friend who had posted on Facebook that she had been 'molested and robbed' at a local massage establishment. I read the post and was shocked. I commented that she should file a complaint on our board website. I looked up the establishment on ALBMT website and did not find a license for that establishment so I filed a complaint based on that. I got an email from [REDACTED] [REDACTED] to call him - this was a Saturday. After finishing work I called him. There was a lot of noise in background and being a Saturday football day I asked if it was a good time, should I call back Monday. He replied "No, it's all good I know exactly why you are calling. That establishment is licensed, it's just the website is screwed up. But let me tell you about those places down there in Mobile. They used to be run by the [REDACTED] Mafia and targeted 60ish white men. It's run by the [REDACTED] Mafia now and Im not sure what their target is". I was speechless. I explained the lady's post again and that I only filed complaint the way I did so that the establishment would be looked into for her description of illegal touch. He told me to send the link and he would look into it. I did send that link. During the board meeting that I was watching on zoom, [REDACTED] [REDACTED] was asked about the complaint I filed and said " yes a therapist in Mobile was just scoping out her competition and thought this establishment was unlicensed but they are licensed. It's all good". I was livid! That was not my complaint and I highly doubt he followed up with the real reason due to his admission of this area being controlled by the [REDACTED] Mafia! Also- if you look up this establishment on the website the license number is now there but there is no address. I would think an address is important for consumers and investigators. Complaint MAS 2023-[REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] - No Establishment License It was brought to my attention that this place was offering Massage services and LMT [REDACTED] [REDACTED] was the LMT there. He is the son of [REDACTED] [REDACTED], former Massage Board Member and current [REDACTED] board member. Instead of a fine, this business was given a chance to get a license and "be in compliance" while a business in Mobile with the same issue was fined \$5000.00 (MAS 2023 [REDACTED]) it is obvious nepotism played a part in this complaint. Third Complaint - MAS 2023 - [REDACTED] [REDACTED] [REDACTED] No establishment number and advertising illegal services online (happy ending negotiable) I did receive acknowledgement of this complaint but never heard an outcome or if there was an investigation because as of today that business is still advertising illegal services online (Facebook) I have supporting documentation on all of these if needed. I also called in a complaint in 2020 about a new chiropractor advertising massage services on website. Each therapist was listed on the website but no license info. I was told I would need to file a formal complaint. I did and then I got a phone call from [REDACTED] [REDACTED] asking if I wanted him to pursue as a formal complaint because if he did I would have to go to Montgomery for a hearing, or he could just check in on them next time he was in town. I opted for him to just check in. After he checked on the therapists he called me to tell me that all the therapists were in fact licensed, there were just "name issues" and that would be fixed. I checked the website a couple weeks later and of the 5 original LMTs listed on the website, there were now only two. They two did have license numbers. I do not think they all had licenses as I was told but I had no way to confirm and now realize this complaint was handled wrong. Until the fees were raised without any notification, I had very little contact from the Board. I thought [REDACTED] [REDACTED] was the Board. There was no access to information. I had no idea there was a way to apply for a board position although now it seems [REDACTED] [REDACTED] has handpicked each board member to follow his command. Until recently I do not believe the actual board chair knew how to even conduct a board meeting as [REDACTED] did all the talking in the two board meetings I watched via zoom. She even had to ask him questions about protocol. They have one board member who has expertise and knowledge in human trafficking and his skills have gone unused by this board and investigators. He is the only board member who wants to help yet he has been kept in the dark to my knowledge. Two board

members work together and one of them has served on the board for 14 years - 6 over the maximum allowed. [REDACTED] states that no one else applied. No one else knows how to apply or that vacancies are open. [REDACTED] and this current board has failed to communicate any pertinent information to the licensees.”

Respondent #7 – “There is a lack of oversight and transparency. The director runs the board like it is at his discretion without regard to the protection of the public. Licensees are kept in the dark and treated like we are a bother. There are no live recordings or streaming of board meetings. The way the board asserts its self into combating human trafficking puts a burden on law abiding citizens to financially support law enforcement that should be handled by law enforcement”

Respondent #8 – “Illicit massage businesses, human trafficking massage business Establishment, which the Alabama Massage Board continues to renew their license over and over again, as these businesses are allowed to continue to operate for years!”

Respondent #9 – “I think that the public needs to be educated about legitimate massage (licensed). I also think that massage therapy students need to be taught more about business (and what licenses are required). From what I also understand there are differences in what schools are teaching and what is legal (regarding draping laws). I think that this all needs to be clarified.”

Respondent #10 – “The lack of knowledge by the public on what we as massage therapists actually do. And that we have no support from our Board that we fund and is funded by the taxpayers of this State.”

Respondent #11 – “Difficulty finding employees due to burdensome regulations.”

Respondent #12 – “Can't think of anything”

Respondent #13 – “Sex workers and human trafficking needs to be addressed. LMT needs to be seen as a medical necessity.”

Respondent #14 – “Cost of licensure and insurance to operate.”

Respondent #15 – “NA”

Respondent #16 – “Not being seen as a professional. MASSAGE THERAPY is a profession. WE are constantly being linked with human trafficking and "happy endings". AND our own Massage Board is not representing us. They are looking out for themselves. They have been allowed to go unregulated and just do whatever they want without any restriction or consequence. The Board should be accountable. I am extremely curious as to how [REDACTED] and [REDACTED] has continued to get away with their extortionate fees and very poor service. I believe it is time to take a deep delve into the financial aspects of the ABMT. We deserve answers and we deserve a Board that represents Licensed Massage Therapists.”

Respondent #17 – “Google [REDACTED] [REDACTED] massage”

Respondent #18 – “Being overcharged by a useless board. This board should personally be disbanded bc they will take your money and then don't want to issue refunds even though they admit that you are owed one. Plus what is the real point of the board. They don't actually go around and fine anyone.”

Respondent #19 – “Unlicensed providers, there are several businesses in the greater Birmingham area that offer massage services by individuals who are not certified or licensed massage professionals. These individuals and businesses take advantage of the fact the state laws and regulations focus more on the professional who are registered in the system, while they are being overlooked. They are allowed to practice without penalty. Making it harder for the professional to build and maintain their reputation, clientele and business as a whole.”

Respondent #20 – “Only meeting 3/4 times a year but getting paid for all year”

Respondent #21 – “making sure that Massage Therapist are licensed”

Respondent #22 – “No positive leadership from the state board in trying to give massage therapy a healthy beneficial image. The only thing presently coming out of the state board is "the sex trade industry" and other illicit activities. I thought law enforcement personnel handled these problems. This is one of the biggest challenges to overcome--the public mindset about massage and it doesn't help when the state board doesn't work to present a positive image. It gives the public the wrong impression of massage therapy. Massage therapy should be managed on a state level, while promoting it much like the state promotes tourism.”

Respondent #23 – “The “parlor” stigma surrounding the massage profession is a significant issue. Therapeutic massage is incredibly beneficial in so many ways. I believe spreading education about therapeutic massage and the many benefits will be helpful to further reduce this stigma.”

Respondent #24 – “Our current state board members and staff seem content to allow [REDACTED], who oversees the board, to create rules without abiding by the legal guidelines set by the state of Alabama. [REDACTED] and the board president have conducted themselves unprofessionally and (it would appear) illegally by putting fees and guidelines in place without following the rule of law. As a result our profession is at risk of being disrespected and dismissed at the state legislative level.”

Respondent #25 – “A competent massage board who works on behalf of the LMTs and the consumers. Not one that is out for personal financial gain or self interests when making rules & laws that benefit their massage school and the 3rd party's bottom line. With all the money this board and it's 3rd party has taken in they could have been doing grass roots campaigns educating the public about the difference between LMTs and human trafficking. local municipalities are creating ordinance as if it were our fault that sex workers hide illicit behavior in the guise of massage therapy. But this board and it's 3rd party states that is not what they do, that it is up to us to educate the public and local officials & law enforcement. We must get from underneath this 3rd party contract, they do nothing for us nor the public outside of the bare basics. During COVID they did not help us at all and would not even support us if we stated they (massage board) required us & public to wear masks while under the Governor's special orders.”

Respondent #26 – “I feel the Fees Structure could use a little improvement (some fees are unnecessary), as well as the professional attitude of [REDACTED]. She lacks professionalism, record keeping skills, nor does she communicate effectively or efficiently on the processes or status of licensure. Additionally, the renewal application and for initial licensure process on the website is redundant and confusing.”

Respondent #27 – “I have no concerns”

2. Do you think regulation of your profession by the Alabama Board of Massage Therapy is necessary to protect the public welfare?

Yes	17	63%
No	8	29.6%
Unknown	1	3.7%
No Opinion	1	3.7%

3. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	16	59.3%
No	8	29.6%
Unknown	3	11.1%

4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?

Yes	6	22.2%
No	18	66.7%
Unknown	1	3.7%
No Opinion	2	7.4%

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	19	70.4%
No	5	18.5%
No Opinion	3	11.1%

6. Does the Board respond to your inquiries in a timely manner?

Yes	7	25.9%
No	15	55.6%
Unknown	5	18.5%

7. Has the Board performed your licensing and renewal in a timely manner?

Yes	8	29.6%
No	15	55.6%
No Opinion	4	14.8%

8. Do you have any other comments you would like to make?

Respondent #1 – “We need a better system than what we currently have. As a therapist, my goal is to help as many clients get out of pain and have a better quality of life as possible. Part of the issue is that our state does not recognize Medical Massage, nor are the schools teaching enough for it. I had to go to FL for training in Medical Massage. The way [REDACTED] [REDACTED], and our Board Chair, would respond to therapists was absolutely unbecoming of someone in their positions. Whether it be through email, or on the now deleted Facebook page they had. We were not informed of the fee increases until after they had established them. Our board should be keeping us informed of their actions.”

Respondent #2 – “In April 2022 when ACT2022-408 was signed in to law, LMTs were unaware that the board was even meeting. We were not made aware of the legislative intentions of this board to make changes that trippled our fee caps. RNS pay 100/yr for licensing with a 4yr degree. Massage Therapy is a CERTIFICATE program for occupational licenses and asking us to pay \$300 for our license is absurd. Of course, the fee amount was \$200 and not the full cap amount, but the implications from this board is that the fees needed to increase to "combat" sex trafficking. THIS IS NOT THE JOB Of the board of massage! Illegal acts are the job of those trained to address them. This board has overstepped its civil authority on more than 1 occassion. As someone from a family with limited financial means, I urge legislative officials to take a deep look into the governing authority for our agency. Private contracts like [REDACTED] [REDACTED] are crippling the workforce and creating barriers that we should not have to face "just to be able to work". [REDACTED] [REDACTED] makes 1.7million PER YEAR off of these contracts and niave board members like those for this agency are blind to the severe issues taking place. I have filed complaints on those who were violating statute only to see them swept under the rug because of the "connection" they have with this board. We have a board member who goes to church with [REDACTED], a Board member who is on their 14th term, and 2 board members that work together at the same business. [REDACTED] [REDACTED] and [REDACTED] [REDACTED] both serve as board members for the [REDACTED] (Mblex exam), therefore, they have a vested interest in NOT reporting the issues that are taking place through this federation. SEVERAL states across the US are pulling away from [REDACTED] due to the lack of accuracy and testing. SEVERAL states across the US are returning to a state licensing exam. I imagine soon that this board, under [REDACTED]'s direction will begin to advocate for a "Impact/Compact" law to be passed through [REDACTED] oversight, and I assure you, other states are not interested in this process THROUGH [REDACTED] as there are too many issues for unauthorized criminals being allowed in the states already. Please understand that in order for the massage profession to move forward and perform the duties in a law abiding manner, we need to void this current contract, replace all board members (except [REDACTED]. [REDACTED]), migrate under actual government oversight and rectify these outlandish issues. We want to massage our clients, we want to be respected as Professionals, and we want Legislative Officials to stop assuming that Massage is a sexual opportunity by putting these demeaning languages in our statute. Massage is therapy.....It is not sex work. There is no such thing as a "massage parlor" those are called brothels who are performing sex acts under the name of massage therapy. Reputible massage clinics are established all over this state, I own 2 and I own a Continuing Education Center, I feel it is time the board begin their duties of consumer education, remove this language, and be housed under a Management facility that will actually advocate for our profession to be respected. Thank You”

Respondent #3 – “Please fire this current board and board chair, let's restart with a new and improved board. Please release the contract that [REDACTED] [REDACTED] company holds over our board, he has poorly managed our funds for his personal gain.”

Respondent #4 – “I think major cities need to be more involved and informed about massage laws , rules and regulations.”

Respondent #5 – “I DO NOT feel like this current Board has the best interest for every professional Massage Therapist in Alabama in mind when they make changes that give schools the breaks on fees and increase our fees illegally by 100% at a time when everyone is struggling to keep their doors open!! They respond to inquiries when and if they decide to and are unprofessional in their actions when they are asked to provide information by law. They use their position for personal gain and have acted extremely unprofessional when replying to other professional groups. This does NOT reflect professionalism and I for one am tired of their childish behavior when they are supposed to be acting on my behalf. It has been absolutely ridiculous watching their actions over the past year.”

Respondent #6 – “Communication with the board members is non-existent. They have deleted the Facebook page because they were being asked questions that they couldn't or wouldn't answer from licensees. [REDACTED] [REDACTED] even stated in a board meeting that if we couldn't afford the fee increase then we should look for another job. This was her response to our comments that we were coming off failed business due to covid and a 100% increase in license fees was too much. Now we have asked for board meetings to be recorded on zoom for the LMTs that are working during the meeting. The board decided to terminate zoom meetings saying if we want to hear a board meeting we can personally attend. They are making it extremely difficult for licensees to be informed. I have been an LMT for 18 years. I love my job. But if this board and [REDACTED] [REDACTED] are allowed to continue I will be forced to find another profession as I will not be controlled by [REDACTED] [REDACTED] greed. We pay a license fee for the opportunity to work in the State of Alabama - not to make [REDACTED] [REDACTED] a rich man. Thank you for this opportunity to speak my grievances.”

Respondent #7 – “The director and board members repeatedly treat licensees without transparency and respect. The board acts outside of their mission. They expect law abiding massage therapists to fund human trafficking law enforcement. They raised our fees and investigate law abiding therapists and ignore blatant inappropriate behaviors”

Respondent #8 – “I believe this board could make improvements. And stop renewing illicit massage businesses over and over again again, year after year, while they enforce the laws on good standing existing massage businesses. This is unjust and completely wrong to punish the good massage businesses while they do nothing to punish and fine and shut down illicit human trafficking massage businesses!”

Respondent #9 – “When corresponding with the AL board the last 5 years, at times I have received no reply to an email and have had to resend several times (to the email listed on the website). At that same time, no one was answering the phones (not during covid lockdown). I have also corresponded with [REDACTED] [REDACTED] asking questions and he said he would be checking with the legal counsel or legislature and get back to me, he never did.”

Respondent #10 – “I do believe this Board needs sunseting and if we need to have all these regulations and rules, it needs o be revamped from scratch. Under [REDACTED], it is unprofessional, not above board on certain issues by allowing others to skirt the rules while others do not. This Board does not even follow its own rules most of the time and seems to thumb their noses when called to the carpet by examiners.”

Respondent #11 – “I support de-regulation. This is one of the few jobs where one can make a good living without a college degree and I see no reason for extensive rules and bureaucracy for the sake of bureaucracy.”

Respondent #12 – “N/a”

Respondent #13 – “The Board has to make sure that our profession is protected and make sure we are NOT associated in any way with sex workers. I worked to hard to get where I am today.”

Respondent #14 – “Not at this time.”

Respondent #15 – “NA”

Respondent #16 – “It's well overdue that the contract of [REDACTED] and [REDACTED] be looked at. [REDACTED] and the other Board members need to be accountable for their actions. A financial overhaul is required. AND as massage therapists it should not be down to us to "police" human trafficking or have to pay for it. Please, let's get this profession, the Board it deserves and recognition. Thank you.”

Respondent #17 – “Not currently”

Respondent #18 – “Like i said the board is useless and could definitely be done without them.”

Respondent #19 – “There need to be more done about the unlawful practice of massage therapy in the state. This is a threat to the public and licensed practitioners.”

Respondent #20 – “No”

Respondent #21 – “no”

Respondent #22 – “Managing the state board should be investigated into other alternative ways to manage the state massage therapy. Also open up the opportunity for other individuals or companies to manage the state board. I am a licensed practical nurse. It is easy to get my required CEUs for nursing and less expensive. Also, to get my state licenses as a nurse is less expensive. I make a lot more money as a nurse yet it is more trouble-some and expensive to operate my massage therapy business.”

Respondent #23 – “No further comments. I look forward to beginning my career in therapeutic massage.”

Respondent #24 – “It took me over a year to get an updated teaching certification document with my legal name printed correctly. In the 14 years I have been in the profession we have had to wait sometimes weeks to get our license renewal documentation. As a massage school owner this is a challenge I have had to address and overcome with students as well as the massage community in Huntsville.”

Respondent #25 – “I believe we should have mandatory CEUs, but the hours should not be increased nor should any changes be made to where they require us to only attend them in person at a massage school. I believe this board is laying the groundwork to do something of this nature only to benefit their massage school and bottom line. [REDACTED] of [REDACTED], [REDACTED] organization, [REDACTED] of [REDACTED] [REDACTED] and the Alabama Board of Massage with it's 3rd party contract that [REDACTED] holds is working together for their benefit. While we were going through all the drama this past year, [REDACTED] nor the [REDACTED] made the public aware of changes and the financial hardship tripling our fees would have on LMTs. Instead they fought it every inch of the way and spread misinformation to the Alabama consumers. The board under [REDACTED] [REDACTED]'s guided hand has not updated their renewal process properly. They are still over charging us for a late fee and reactivation fee. If you need your license reactivated they are charging for both, even though I have brought this to their attention in December 2022 and [REDACTED] [REDACTED] said he would have it fixed and that he would refund me the \$25 I have not received the refund. You should ask every therapist who has had to reinstate their license about this over charge. We need to cancel this 3rd party contract and be placed under the secretary of state. You can not trust [REDACTED] [REDACTED]'s company. I have watched and listened to him during the hearings and he has not been truthful many times. They do not inspect every massage establishment during the year. I have been inspected 1 time in my 15 years of practice. He states it isn't bout the money, and that he happened to get a few new boards dumped in his lap for some reason, but yet he sued [REDACTED] [REDACTED] and the [REDACTED] [REDACTED], as reported by the Alabama Daily News. "Well known Montgomery lobbyist [REDACTED] [REDACTED] got a contract

to manage the state's [REDACTED], a contract [REDACTED] had previously held. [REDACTED]'s [REDACTED] also got contracts with the [REDACTED] and the [REDACTED], for all of which she was paid \$86,873 in 2020, according to state spending records. Not appreciating the step onto his turf, [REDACTED] sued the [REDACTED] and [REDACTED] in March, saying she's not qualified under the state's bid law to win the board's contract for administrative and management work. "[REDACTED] failed to meet a mandatory and material specification in the request to bid because [REDACTED] has not, was not, and is not a full-time management firm with a minimum of five years' experience as required in the bid specifications," the lawsuit filed in Montgomery Circuit Court said. "[REDACTED] intentionally concealed and affirmatively misled the Board as to [REDACTED]'s non-compliance with the bid specifications. Plaintiffs request a declaratory judgment that the contract is void and a temporary restraining order, preliminary injunction, and permanent injunction enjoining the Defendants from executing and/or performing their obligations under the contract." And his actions now after the reversal of the fees is pure contempt for the laws and process. He and the board refuses to record the meetings, they refuse to have any social media pages for the ease and benefit of LMTs and the consumer for updates and a way of communication about new laws, proposed rule changes, updates about cbd products."

Respondent #26 – “Just more organization, professionalism and attentiveness please.”

Respondent #27 – “No comments”

Massage Therapy Establishment Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Twenty participated in the survey. The percentages are based on the number who responded to the question.

1. What do you think is the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 – “Unknown”

Respondent #2 – “That the board was of no help to us during or after Covid lockdown when our business was struggling to get our clients back. They didn’t help us secure unemployment nor did they fight for us to be essential workers. To me the greatest issue is that the board doesn’t care about doing their job as long as we keep paying for our license.”

Respondent #3 – “Not aware of any significant issues”

Respondent #4 – “Our massage therapy board has in the past been highly unreliable and unable to answer questions and concerns involving various practitioner questions for legal info and what we can and can’t do. They have made errors in sending out the wrong license or not being to explain if something was okay within the area. I don’t feel I can rely on them.”

Respondent #5 – “Everything is perfect”

Respondent #6 – “Human tracking being allowed to call their offices or services massage”

Respondent #7 – “The most significant issue will be the fact that we have members that have been on the board for a while. I am talking about [REDACTED] and [REDACTED]. When we have members that have been on a board for a while, they are not bringing new ideas and do not want to progress. They think inside the box not outside. I have attended some of the board meetings and it seems like [REDACTED] is the biggest issue — aside from her being good friends with [REDACTED] and both go to the same church. [REDACTED] does not want massage therapists to use cupping or other IASTM devices. As we continue to move forward and new technology will be available, we need newer generations of massage therapists to fill in the seats. Another issue will be a widely discussed topic: non-invasive body sculpting/ body contouring. Other states, including MS, have legalize non-invasive body sculpting practice for massage therapists with advanced training and without MD supervision. Preventing this will eschew massage therapists into venturing to nursing or aesthetician professions. Nurses and massage therapists alike have studied the body system as a whole — making them adequately equipped to perform body sculpting. Having a hands-on course in body sculpting for massage therapists will further help educate the massage therapists. Lastly, the board is not doing enough to investigate aesthetician that are performing lymphatic drainage massage and advertising the modality. My understanding this is out of the scope of practice for them. Furthermore, there are many non-licensed massage therapists that advertise as massage therapists without having a license and will advertise the ‘extra services’. I have reported some but nothing has been done.”

Respondent #8 – “Lack of schools”

Respondent #9 – “Massage therapists must continue to have licenses and be verified by the state. This is the best way to protect the profession and continue to provide legal massage therapy which changes the public perspective over the long term. The most significant issue that I face as a massage therapist is public perception, which can only be changed by providing positive experiences that are respectful in a safe environment. The less we are regulated, by having completed licenses, the more likely it is that public perception will shift towards a more negative viewpoint of massage. I do think it punishes those of us in the industry that are doing everything right when prices increase dramatically, and having us pay for a fifty dollar background check is a bit of an ask. Maybe there is a way to decrease the cost of these background checks by working with a different company. The board should be separated from policing, and instead be responsible for timely license renewals and periodic inspections of licensed establishments. Once inspected we should have a certificate that might last every five years. I have had conversations with the public about what they can do to avoid bad actors in the massage community, for instance by reporting such facilities to the local PD. We as massage therapists should not be expected to pay for programs that would navigate taking down such operations. Bigger issues like human trafficking and prostitution should have budgets from the state and local police departments and should not coincide with professionals in the massage industry. I have had no issues with the AL Board of Massage, and I think it confused a great many of us when reading the proposed Sunset Bill. I read the bill and my understanding was that this proposal would shut down the Board (which is NOT something I wanted to happen, we need the Board to continue operating as massage therapists). I did not understand that it was a regulatory bill that gets proposed and passed every few years. We need the Board of Massage, and I am relying on there being an active Board in the state of Alabama because I have a business that I rely on. My plan is to maintain and grow my business as a Women owned business that pays its taxes and does everything by the book so that I can create more income and have the security that I need while I go back through school. The way I see it, those of us that have been operating correctly and are professional massage therapists do not deserve to have the Board shut down and potentially lose their careers. I have put everything into being a professional massage therapist and it has been eye opening to meet so many amazing clients that trust me to help take care of their health in the ways that I am able. It's unsettling to have the thought of such losses hanging over our heads. I will say too that I have never been inspected. I have been in operation for almost ten years and have every license that is necessary to operate, but it would be nice to have someone come in and inspect us from the Board and give us a certificate that we can have on the wall. It might make it easier for the public as well as law enforcement to navigate where to go and who is operating with good intentions.”

Respondent #10 – “Sexual solicitors harassing law abiding therapists and endangering the public and professionals. People posing as massage therapists and practicing without a license and not being charged or arrested for this even though it is a crime and these individuals often injure or assault members of the public and give law abiding professionals a bad name. Our board has failed to publish these findings to protect the public and prevent further harm”

Respondent #11 – “Gosh I really don't know. I live in a bubble really and don't pay much attention to the world around me. I personally don't feel like there are any issues that I'm facing as an LMT.”

Respondent #12 – “There aren't any issues facing my profession.”

Respondent #13 – “There are not enough licensed massage therapists. This puts a burden on the schedules of the good therapists out here working full time that would eventually like to slow down or retire.”

Respondent #14 – “Trying to build a business”

Respondent #15 – “The most significant issue facing the Therapeutic Massage profession is the archaic ideology about what practitioners do that is held by those with the authority to regulate the field. LMTs are Healthcare Workers and Personal Care Service Providers. We have a specialized skill-set of evidence based protocols that are proven to provide relief from muscle tension, stress, pain and swelling. We are an integral part of disease and surgical recovery, in addition to wellness and regular maintenance care of the communities we serve. LMTs are NOT sex workers. The myriad of derogatory terms meant to negatively stigmatize our profession are still emblazoned in the regulations and legislation meant to oversee it. We are accused of being prostitutes, said to work in lounges or parlors, and held responsible for policing human trafficking. In a civilization where we think in words, I believe that it is time to update the verbiage and concepts of the regulations, and legislation they are based on, to reflect current industry standards and terminology. Another big issue is the mismanagement of the funds collected by the board to such a degree that, to remedy the financial hemorrhaging, the "best plan" that the board could imagine was to try to raise license fees by 300-500%. Thankfully, that was stopped by the recent legislative session. A better organized budget WITH TRANSPARENCY to those it affects (namely the LMTs in Alabama) is desperately needed. The lack of support by the Alabama Board of Massage Therapy for the practitioners in the field has been abhorrent. It seems the board held its licensees in contempt most of the time and, until recently, refused to share the goings on of the board in any way (i.e. board meeting minutes not being published, holding only closed meetings, actively pursuing hostile interactions with licensees, etc.) There are some administrative issues as well. For example: a Massage Establishment must seek a new establishment license if/when it moves to a new location. Yet the old license is not terminated, prorated and refunded, or set as inactive when the new license is obtained. This can lead to existing licenses remaining on locations that the practitioner and/or establishment is still liable for despite following current regulations. And, of course, having the folks who answer the phones at the board need to have the information needed to answer questions, not just forward the caller to a random voicemail box that may or may not ever be listened to or answered.”

Respondent #16 – “The main issues are that our board and its executive director have been more concerned with pushing higher fees than properly manning and regulating the board. Some of our board chair members and the executive director were pushing to strip our board from existence, yet still remain in their position on the board. They have also displayed conduct unbecoming of board members and executive director positions on social media when questioned about anything. They belittled the professionals they’re overseeing. The very people we are supposed to be trusting to oversee and represent our profession, have been working against our profession. They were publicly trashing the main person that was actually advocating in the best interest for our profession. They even requested therapists to join in their efforts to sunset the board, by protesting with massages for the senate right before their vote. [REDACTED] [REDACTED] laughed at an inappropriate interaction, instead of advocating the seriousness of his offensive questioning during one HB192 meeting. Another one of the most significant issue facing our profession, is the lack of confirmation of documentation by our board and the investigative tactics by our investigators. We have licensed therapists that shouldn’t be licensed due to forged transcripts. Establishment licenses granted to establishments that should have been investigated for sex trafficking by law enforcement professionals, instead of fined by our board and then granted a license. The investigators use traumatizing tactics when there are other means of gathering information. I know this first hand because I was falsely accused of being a sex worker by a lady going through a divorce, and her husband got a massage from me. Her and her friends posted those accusations all over social media and continually harassed me to get a bigger settlement in her divorce. She also reported me to the board of massage therapy. The investigator, [REDACTED] [REDACTED], sent several

men into my business (on top of the ones I was already dealing with from the social media backlash) looking for sexual favors, which he told me he did after the fact when none of them were successful in gaining said favors, yet the only thing that cleared my name, wasn't even linked to the men they had sent in to further traumatize me over this false allegation, it was looking at the messages in my phone. I was sexually harassed, and treated like a sex worker for no reason. I am not the only one either. Our investigators have victimized numerous licensed professionals over the years. As licensed professionals, we deserve to be treated as such. I was severely traumatized to the point of contemplating suicide over the way I was being treated just trying to maintain the career I believe in and am passionate about, and our investigators senselessly added to that trauma without necessity. Then they want to grossly increase our fees to make us pay for further victimization under the guise of protecting the public from sex trafficking. Who is protecting our licensed professionals from victimization by our own supposed protectors? Why do our investigators have to send men/women in to add to the trauma of possible victims of sex trafficking when there are other ways to gather information? And why are the businesses that are caught operating without licenses or licensed massage therapist being fined by the board instead of being reported to law enforcement for actual criminal investigations, including but not limited to, sex trafficking/prostitution? We have so many questions that are left unanswered by our board chair and executive director, and then we are called trouble makers for advocating for ourselves. We deserve better. We deserve the same professionalism that we are expected to give the public, by the ones in charge of enforcing that public protection. We deserve for our board and the executive director to properly communicate important information in an honest, ethical, professional, and timely manner. There are many issues that our profession as a whole faces in Alabama, but these are the most significant, in my opinion.”

Respondent #17 – “Raising licensing fees to fund third party board. Police force should have jurisdiction to control sex trafficking. I don't agree with our fees being raised to fund this. Lack of oversight governing our current board and director. My following are answers are specifically chosen based on this board and the lack of oversight governing it.”

Respondent #18 – “Unlicensed individuals practicing massage”

Respondent #19 – “Updated state and city codes Communication with the board considering updates, fees and pending status transparency”

Respondent #20 – “ Staffing/Hiring employees Training and keeping employees Economy/inflation standings and consumer spending”

2. Do you think regulation of your profession by the Alabama Board of Massage Therapy is necessary to protect the public welfare?

Yes	14	70%
No	3	15%
No Opinion	3	15%

3. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	8	40%
No	9	45%
Unknown	1	5%
No Opinion	2	10%

4. Are you adequately informed by the Board of changes to and interpretations of the Board’s positions, policies, rules, and laws?

Yes	9	45%
No	9	45%
Unknown	2	10%

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	16	80%
No	3	15%
No Opinion	1	5%

6. Does the Board respond to your inquiries in a timely manner?

Yes	9	45%
No	6	30%
Unknown	5	25%

7. Has the Board performed your licensing and renewal in a timely manner?

Yes	15	75%
No	4	20%
No Opinion	1	5%

8. Do you have any other comments you would like to make?

Respondent #1 – “No”

Respondent #2 – “None”

Respondent #3 – “None”

Respondent #4 – “We should not be monitored by a private sector It's ridiculous and they are not good at assisting practitioners. We need people who care about the practice and want to help new and seasoned massage therapists understand laws, regulations and be able to answer any questions. Or at least willing to help find answers if they don't know.”

Respondent #5 – “I think we can add reflexology license like Tennessee, that can help people have more choices to work.”

Respondent #6 – “I support having a license board, I would like to know what or ex director does with our \$, not personal what he pays for for our board like employees. Our board is not pd”

Respondent #7 – “NA”

Respondent #8 – “No.”

Respondent #9 – “I am a smaller operation in the Birmingham community that operates as a private massage therapist. I have had time to build a client base and relationships with regular clients, but I also do take online appointments from people who may be new to massage or new to the area. I am lucky to have found this profession and see so many people's positive experiences with massage. Many people come back to me because I make a true effort every time to help them with their pain and keep them comfortable. People need environments like these for their mental health, for their physical health. People need these relaxing environments because it's a crazy world and sometimes you just want to feel safe and cared for. As much as the public needs to feel safe and cared for in such a personal space as a massage studio, we as massage therapists also need to feel safe. We need to feel cared for and we need to have someone we can call when there is an issue that needs to be taken care of or navigated together. Most of my problem clients have never even stepped foot in my door because I have a great screening process built into my business. New clients have to book me online because I just hardly ever answer my phone, and booking online requires them to use a credit card which will be attached to their personal identifiers. From what I have seen solicitors back off when I ask for their name or any personal information from them, and it makes it easier to keep them out of my office. But there is a reason that I don't answer my phone, and it's because half of the time it's a scam call or someone from out of town (or in town!) trying to figure out how to ask if I provide ‘special’ services. Honestly, I'm sick of it and I do feel like if there was a stronger Board, with a community of massage therapists that are more united, we may have a stronger front to deal with the solicitation. I implore you to maintain operations of the AL board of Massage and make it feasible for massage therapists to keep up their licenses. We are relying on the Boards’ continuance as a profession, and massage therapists are overall the most genuine and caring group of individuals who are doing the best that we can to provide a nurturing space for healing. We want to be separated from the ugliness of prostitution that people might relate to us and cannot be divided from it without the help of licenses and policy. The public that I see comes to me for massage from all walks of life. I work with the elderly as much as I work with young professionals and athletes. People deserve massage and massage therapists deserve to be seen as respectable. I pay taxes, abide by the law, treat people with respect and a caring attitude and yet I feel like the business that I created might fail because of the state not seeing the merit of massage therapy. If this was to be the case- then in my mind it will be one more failure as a southern woman who has had less opportunity to flourish. I love the state I am in because my family is here, my business is here, and I am trying to go back to school here to become a Physical Therapist so that I might help people more and carry what I have learned from massage in relating to people and helping them with their bodies further. Please do not disregard the profession of massage therapy, and please help us make it better and safer for those of us who are performing massage.”

Respondent #10 – “We pay a very large sum for board management and yet despite the very affordable tools we provide our clients to access information it is not reflected on our board website. Human trafficking is used as an excuse to charge more but they are not actively working with trafficking task forces or massage therapists to combat this problem. They have not been utilizing duly appointment board members placed on the board for this specific purpose and rather than use their experience and expertise excluded them. Poorly written draping laws confuse new therapists, experienced professionals and the public as to what is legal and should be expected although we have clear guidelines that use bony landmarks to describe in detail. People caught practicing without a license are often fined but to our knowledge law enforcement not notified so that legal action can be taken to protect the public. While some aspects of license renewal are timely others such as updating to the states site is not which can be a problem for a law abiding therapists awaiting a paper copy in the mail. While some inquiries may be responded to in a timely manner those involving following up on known infractions often are not even followed up at all. Investigators have called people endangering the public rather investigate and take action and not reported to law enforcement those who have broken the law or published to the public unlicensed individuals and those with licenses who have broken the law making it dangerous for the public as well as difficult for potential employers. There has not been a set fee schedule for infractions and those fees seem to be made up as they go varying wildly for the same infractions. We want to support local law enforcement but to do that our board has to let them do their job not just take money from these places and let them keep doing what they are doing. Most of us have no problem paying for a job well done but the current state has us all asking where on earth is all the money going because the job hasn't been being done.any of us have applied for board positions and yet we find that they were never submitted to the governor for her to choose from. We have many members who have been in the board far longer than legally allowed. There have been dishonest and divisive communication from the board to many professional organizations and about many of those organizations. Including the human trafficking task force (stating they couldn't publish those who were reported and claims were founded for illegal behavior because the trafficking task force asked them not to. That was not true.) There have been cases where those practicing without a massage license were also practicing medicine without a license. They were founded and yet no action taken that was published although fines were apparently issued and paid. While posing as a massage therapist is a misdemeanor practicing medicine without a license is a felony and rightfully so.”

Respondent #11 – “No”

Respondent #12 – “None at all.”

Respondent #13 – “I wish there was a better way for the board to keep up with individual licensees, whose establishment license they are working under. I have hired several and let several go and do not get a response from the board when I inform them of the change. It matters because if these therapists do not go get their own establishment license, they are still showing as working under mine and I do not need or want that kind of liability on my business. I do not feel I have a direct contact with the board anymore.”

Respondent #14 – “No comment”

Respondent #15 – “I think that the Alabama Board of Massage has some updating to do in order to keep up with current trends”

Respondent #16 – “I feel like [REDACTED] [REDACTED] and his third party company should be removed from their position on our board. We should be overseen by our government, and not a third party contractor that is more focused on finding reasons and/or excuses to make more money from our revenue, than getting our board into compliance. His company is the largest expense from our licensing revenue, and I feel we would have better handling if our board were directed by our government, instead of the third party contractor.”

Respondent #17 – “The Alabama Board of Massage Therapy needs a complete overhaul, new director, new board members, more transparency, less control and needs to be governed more closely itself.”

Respondent #18 – “Massage Therapy needs to be regulated and inspections of Massage establishments should be done in a regular basis. Improper massage can injure individuals as well as cause permanent damage if INDIVIDUAL performing the massage is not thoroughly trained. Also, this is an industry where sex trafficking can easily slip through without notice. Hence the reason for more "pop in" inspections. I am not opposed to more strict regulations/ inspections”

Respondent #19 – “Thank you for trying to help bring attention to areas of need”

Respondent #20 – “It would be helpful if the board had more resources for small business owners such as, accepting insurance payments, enrolling and paying all appropriate business taxes, setting up account with Department of Labor, and other requirements for massage businesses and/or independent contractors.”

Complainant Questionnaire

A letter was sent to thirty-nine complainants requesting participation in our survey. Eleven participated in the survey. The percentages are based on the number who responded to the question.

1. Was receipt of your complaint acknowledged?

Yes	8	72.7%
No	2	18.2%
Unknown	1	9.1%

2. Approximately how long after filing your complaint did the Board contact you?

Within 15 days	9	81.8%
Within 30 days	1	9.1%
More than 30 days	1	9.1%

3. Did the Board communicate the results of the investigation into your complaint to you?

Yes	6	54.5%
No	4	36.4%
Unknown	1	9.1%

4. Do you think the Board did everything it could to resolve your complaint?

Yes	5	45.5%
No	5	45.5%
Unknown	1	9.1%

5. Do you have any additional comments you would like to make?

Respondent #1 – “I never received the results in writing like I was told I would. I was told by the investigator that the Board put the therapist in question on probation for exposing private areas and improper draping. The investigator also told me that he knew they were trafficking people, but couldn’t do anything about it. This was also after the investigator informed me that the Board had received a call from the [REDACTED] Police Dept only a day or 2 before my own complaint because someone (not me) had filed a report against this same business! It seems to me that these incidents should have warranted the business having their establishment license revoked; even on a temporary basis for a more thorough investigation to take place. Nothing was done. The business is still operational and I have heard more complaints of indecent exposure and physical harm from their “walk the back” massage techniques.”

Respondent #2 – “Considering the known issues with massage parlors, the quick response was great. Communication was excellent.”

Respondent #3 – “They never tried to contact me unless it was through email, and I don’t know the results of the investigation”

Respondent #4 – “When you have so many complaints from different ppl verifying the same misconduct it’s difficult to understand when they’re ignored. A predatory therapist is still practicing and that’s ineffective as a board and as an entity that should protect the public.”

Respondent #5 – “N/A”

Respondent #6 – “This complaint was made against the sitting board chair who had knowingly been violating draping laws in her massage program for more than 20 years. The Executive Director was made aware of this issue, through email, on July 3rd 2022. He was informed that this violation by forcing students to intentionally violate our draping laws through exposing the buttocks (one cheek at a time) and performing skin on skin massage to an area that was, according to statute, to remain "covered at ALL TIMES during the massage", was very unethical and unprofessional. [REDACTED] personally informed the Board Chair of this complaint: Rather than informing me to file an official complaint (at the time the only complaint you could file was specifically named "consumer complaint", so I didn't know there was a different process for this and I was under the impression that only "consumers" could file complaints) Two days later, She personally texted me a very unprofessional text, implying that since I received a scholarship for a portion of my education at her school, that until I gave her a check for that scholarship award to "pay her back" for the "free" education i received that there was nothing "ethical" about me. I did not receive any instruction whatsoever from the Executive Director, AG office, legal assistant, or anyone else from this management company, or any member of our board on the process for this. From 7/6/2022-8/5/2022 I emailed [REDACTED], [REDACTED] (AG legal counsel) multiple times about the issue and no one informed me of any specific process, in fact, NO ONE RESPONDED to me AT ALL. I went as far as to send previous cases where these violations were penalized. I emailed on 7/28, 8/2, 8/4, 8/17, 8/22 --No One RESPONDED to me! Also during this time, I had emailed [REDACTED] and [REDACTED] NUMEROUS times regarding other issues and no one updated me on the process for my complaint or even took notice of the complaint. I also sent a text message to [REDACTED], board investigator and asked him not to allow this to go without action, as in the past, a complaint was filed on the Co-Owner of the School with the board chair for not having an establishment license and there was no action taken. I did not want to see that happen again. This Investigator TOLD [REDACTED] I had texted him, then [REDACTED] then emailed another Massage Therapist in Alabama and made the statement that I was "trying to manipulate a member of his staff to join my efforts". When the claim went unmentioned in the 8/5/2022 meeting and I had still received nothing from the board about the issue, I reached out to [REDACTED] to ask why it wasn't being addressed or handled properly. His email reply to me contained a copy of the information I gave him on 7/2/2022, he even highlighted my statement of this violation that I sent him. At the top of the email he stated "you havent filed a complaint with this office". This was the FIRST attempt from this board/[REDACTED] to reached UNTIL late August 2022. In fact, rather than [REDACTED] following protocol in statute for this issue, he purposefully did not inform the "investigative committee" legal counsel, or anyone of the claim. He intentionally created a scheme with the Board chair to avoid the consequences of the valid complaint, that if filed on anyone else would have resulted in disciplinary action.(I encourage the Examiners office to review previous cases where draping violations and massaging the buttocks were mentioned in the disciplinary and fine process.) It was not until AUGUST 23RD 2022 that I was given the process for an "official" complaint against the Board chair! By this time, I had other LMTs who were willing to testify that they too, were FORCED to break statute at that school. I told [REDACTED] this information in a phone call conversation, that "I" made "to him". To date, NONE of those LMTs were contacted and [REDACTED] NEVER asked me for the list. To date, [REDACTED] has never called me to ask questions about this case or this violation in order to "investigate" the claims. The complaint wasn't mentioned in the October 2022 board meeting, I've yet to see a statement or report from the "investigative committee" (that did not exist until may 2023). [REDACTED] made leading statements and questions in the meeting as asked about the buttocks specifically, Board member [REDACTED] [REDACTED] said that it was a violation to undrape and

massage the exposed buttocks, however, [REDACTED] [REDACTED] had the board to "interpret" this and said "I ask that no owner of a massage school answer these questions" (the board chair is the ONLY board member that owns a school. On January 20th the board met and allowed us to "hear" the meeting only. During this meeting, the board chair's case number was brought up, But NO information about the complaint was stated, just that it was dismissed because there "wasnt enough evidence". The board chair actively participated in the vote to "accept" the legal report. On January 23rd, the Board Chair posted a picture of her "dismissed complaint" and defamed me in MULTIPLE posts and comments, while making fun of the fact that when we were forced to do this in class that I actually THREW UP! The claim was not investigated and was intentionally covered up under this board, the investigators, [REDACTED] [REDACTED], and the Contracted Management Company. In fact, I encourage the Examiners office to reach out to the consumer board member and ask if they were even aware of the complaint made AGAINST the chair of the board! Issues like this VERIFY that we need a NEW BOARD under Government and NOT under this contract. Consumer protection is obviously NOT top priority of this current administration!"

Respondent #7 – “[REDACTED] [REDACTED] – No Establishment Number Found, Social Media posting about Illegal Touching One of my clients is friends with a lady who had made a social media post about her experience at a local massage establishment. I read the post and the lady claims her breasts were exposed and massaged without her consent. I commented on the lady’s post advising her to file a complaint with the Alabama Board of Massage. I looked up this establishment on the ALBMT website (09/2022) and could not find an establishment number, so I filed a complaint based on this information. On October 1, 2022, I received an email from Investigator [REDACTED] [REDACTED] asking to me to call him at my earliest convenience regarding this complaint. This was a Saturday. After working that morning, I called [REDACTED] [REDACTED] that afternoon around 3:00 pm. When he answered the phone, I could hear lots of “noise” in the background. I recognized he must be with others watching a football game and I therefore asked if it was a good time to continue the call or should I call back on Monday. He replied “no, its all good. I know exactly why you are calling, and I know all about the establishment you have filed a complaint on. They do indeed have a license; they are all good. The website is screwed up and that’s why you couldn’t find the establishment number. But let me tell you about those places “down there”. They used to be run by the [REDACTED] Mafia and they targeted 60ish white males. They are now run by the [REDACTED] Mafia and Im not sure what the target market is yet, but they are good, they have a license.’ I told him I filed the complaint based on the missing establishment license number but the reason I came across it was because of the Facebook posting by a consumer. It was the only way I could bring it to the attention of the investigators to get investigated. He told me to send him the link to the woman's Facebook post and he would look into it. At that point the phone call ended. I never received an acknowledgment letter of the complaint being filed with a case number. During the next board meeting which I was watching and recording on zoom – this complaint was addressed by [REDACTED] [REDACTED] acknowledging it by saying “yeah a therapist in Mobile was scoping out her local competition and thought this place was unlicensed but they are”. I was LIVID!!! That was NOT why I filed that complaint and I had even emailed him the same posting from the lady's Facebook page explaining why I had filed the complaint with the establishment license, as I was not the consumer and could not file one on her behalf. Now I do realize she could have embellished her account of the story on Facebook, but I am guessing he never contacted her to find out. That was not mentioned during the board meeting, He just blames my complaint on me scoping out competition. I got a letter from [REDACTED] [REDACTED] in December informing me that my complaint (MAS 2022-[REDACTED]) had been closed. [REDACTED] [REDACTED] did have an active license - # [REDACTED] and there was no sufficient evidence to substantiate my complaint. If you look at the board meeting minutes in October 2022 - this case lists this complaint as "violation of unlicensed LMT unfounded" That was not what this case involved - it had to do with NO ESTABLISHMENT

LICENSE. Previous to me calling attention to this, I had printed out a list of ALL establishments listed on the website in July 2022 and [REDACTED] [REDACTED] was not on this list. As of today, [REDACTED] [REDACTED] is listed on the ALBMT website but without any address information. How is that effective for a consumer looking up a business on this website? I believe this info was only entered after I filed this complaint and indeed has some sort of ties to a Mafia as [REDACTED] [REDACTED] originally told me in a phone conversation. Why is there NO ADDRESS INFO on the website? It is very concerning to me that the original complaint was filed by me based on the lady who posted on Facebook being inappropriately touched in this establishment. When [REDACTED] [REDACTED] "educated" me on the [REDACTED] and [REDACTED] Mafia operating "these establishments in Mobile" I was even more concerned with what the massage board found to be "not sufficient evidence". [REDACTED] [REDACTED] verbally ACKNOWLEDGED illegal activity!!! And this was not the first time he had said this to me. In a past inspection at my office I asked [REDACTED] [REDACTED] why an establishment in town that was known for illegal sexual activity was known to exist his answer was - " well there's not much I can do when I am walking in the front door and the women are running out the back door. If they are unlicensed I have no idea who they are. I can fine the establishment, they pay the fine and return to business as usual." I asked if the [REDACTED] Police Dept could not help. He replied "half the police dept uses the services there. Just be glad a place like that exists so they aren't coming to your business". Again, [REDACTED] [REDACTED] is aware of illegal activity and admitted there was nothing he could do as the State Investigator for the Alabama Board of Massage Therapy. It's infuriating that a board whose purpose is to protect consumers is failing to do its job. I have also filed two other complaints since this one, involving establishment licenses. One was resolved and I received an acknowledgment letter. The other was filed in March 2023 and I have not received a letter of resolve on that one (MAS 2023-[REDACTED])”

Respondent #8 – “No.”

Respondent #9 – “NO”

Respondent #10 – “ No”

Respondent #11 – “The business continued to offer services without a license. The only thing that came out of this was hard feelings. The lady is my neighbor and because my name was given to her, it caused a lot of drama with a lot of people. It could have turned dangerous, because you never know how someone may react. There should be a way to file complaints without sharing the individual's information. Many professionals don't report for this reason.”

APPENDICES

Appendix I: Applicable Statutes

Section 34-43-1 Short Title.

This chapter shall be cited as the "Alabama Massage Therapy Licensure Act."
(*Acts 1996, No. 96-661, p. 1060, §1.*)

Section 34-43-2 Legislative Findings And Intent.

Massage therapy is declared by the Legislature to be a professional therapeutic health service. The Legislature finds that in the practice of massage therapy, there is a necessity to preserve and protect individual life and health, to promote the public interest and welfare by establishing licensure requirements and assuring public safety. It is the intent of this chapter to establish a regulatory agency and procedures that will ensure that the public is protected from the unprofessional, improper, unauthorized, and unqualified practice of massage therapy. All persons engaged in the practice of massage therapy in this state shall meet the requirements set forth in this chapter.

(*Acts 1996, No. 96-661, p. 1060, §2; Act 2000-704, p. 1430, §1.*)

Section 34-43-3 Definitions.

For purposes of this chapter, the following terms shall have the following meanings:

- (1) ADVERTISE. Distributing a card, flier, sign, or device to any person or organization, or allowing any sign or marking on any building, radio, television, or by advertising by any other means designed to attract public attention.
- (2) BOARD. The Alabama Board of Massage Therapy created pursuant to this chapter.
- (3) BOARD-APPROVED MASSAGE THERAPY SCHOOL. A school where massage therapy is taught which is one of the following:
 - a. If located in Alabama, is approved by the board as meeting the minimum established standards of training and curriculum as determined by the board.
 - b. If located outside of Alabama, is recognized by the board and by a regionally recognized professional accrediting body.
 - c. Is a postgraduate training institute accredited by the Commission on Accreditation for Massage Therapy.
- (4) ESTABLISHMENT. A site, premises, or business where massage therapy is practiced by a licensed massage therapist.
- (5) EXAMINATION. A National Certification For Therapeutic Massage and Bodywork Examination or Federation of State Massage Therapy Boards Massage and Bodywork Licensing Examination administered by an independent agency or another nationally or internationally accredited exam administered by an independent agency per approval of the board. The examination will be accredited by the National Committee for Certifying Agencies. The board retains the right to administer a written, oral, or practical examination.
- (6) LICENSE. The credential issued by the board which allows the licensee to engage in the safe and ethical practice of massage therapy.
- (7) MASSAGE THERAPIST. A person licensed pursuant to this chapter who practices or administers massage therapy or touch therapy modalities to a patron for compensation.
- (8) MASSAGE THERAPY INSTRUCTOR. A licensed massage therapist approved by the board to teach the practice of massage therapy.
- (9) PERSON. Any individual, firm, corporation, partnership, organization, association, or other legal entity.

(10) SEXUALLY ORIENTED BUSINESS. A sex parlor, massage parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult motel, or other commercial enterprise which has the offering for sale, rent, or exhibit, or the exhibit of, items or services intended to provide sexual stimulation or sexual gratification to the customer.

(11) STUDENT OF MASSAGE THERAPY. Any person currently enrolled in an Alabama massage therapy school program approved by the board.

(12) THERAPEUTIC MASSAGE AND RELATED TOUCH THERAPY MODALITIES. The mobilization of the soft tissue which may include skin, fascia, tendons, ligaments, and muscles, for the purpose of establishing and maintaining good physical condition. The term shall include effleurage, petrissage, tapotement, compression, vibration, stretching, heliotherapy, superficial hot and cold applications, topical applications, or other therapy that involves movement either by hand, forearm, elbow, or foot, for the purpose of therapeutic massage. Massage therapy may include the external application and use of herbal or chemical preparations and lubricants such as salts, powders, liquids, nonprescription creams, mechanical devices such as T-bars, thumpers, body support systems, heat lamps, hot and cold packs, salt glow, steam cabinet baths, or hydrotherapy. The term includes any massage, movement therapy, massage technology, myotherapy, massotherapy, oriental massage techniques, structural integration, acupressure, or polarity therapy. The term shall not include laser therapy, microwave, injection therapy, manipulation of the joints, or any diagnosis or treatment of an illness that normally involves the practice of medicine, chiropractic, physical therapy, podiatry, nursing, midwifery, occupational therapy, veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or naturopathics.

(Acts 1996, No. 96-661, p. 1060, §3; Act 2000-704, p. 1430, §1; Act 2011-169, p. 324, §3; Act 2017-383, §3; Act 2022-408, §1.)

Section 34-43-4 Regulated Activities.

Except as specifically provided by this chapter, beginning January 1, 1997, no person may do any of the following unless licensed pursuant to this chapter:

- (1) Advertise that he or she performs therapeutic massage or related touch therapy modalities.
- (2) Hold himself or herself out to the public as a massage therapist, using any name or description denoting himself or herself as a massage therapist, or purporting to have the skills necessary to perform massage therapy.
- (3) Practice massage therapy.

(Acts 1996, No. 96-661, p. 1060, §4.)

Section 34-43-5 Exemptions.

(a) The following persons, offices, or establishments shall be exempt from this chapter:

- (1) A student of massage therapy who is rendering massage therapy services under the supervision of a licensed massage therapy instructor, or any other supervisory arrangement recognized and approved by the board, including, but not limited to, a temporary permit. The student shall be designated by title clearly indicating the training status of the student.
- (2) Qualified members of other professions who are licensed and regulated under Alabama law while they are in the course of rendering services within the scope of their license or regulation, provided that they do not represent themselves as massage therapists.
- (3) A person giving massages to his or her immediate family.
- (4) Visiting massage therapy instructors from another state, territory, or country teaching massage therapy, provided that the massage therapy instructor is licensed or registered as required in his or her place of residence. Visiting massage instructors teaching continuing education courses may teach in the state up to 100 hours per year without an Alabama license. One hundred hours of continuing education instruction or more shall require licensure.

(5) Members of the Massage Emergency Rescue Team (MERT) or any other nationally or internationally recognized disaster relief association who practice massage therapy in the state only during a time declared by the Governor to be a city, county, or state emergency. These therapists may work in the state for a period of time approved by the board.

(6) Native American healers using traditional healing practices, provided, however, Native American healers who use these practices but apply for a license pursuant to this chapter shall comply with all licensure requirements.

(7) A person acting under the supervision of a physician, a physical therapist, or a chiropractor within the scope of their license or regulation, provided that they do not represent themselves as massage therapists.

(8) The office of a chiropractor, physician, or physical therapist who employs or contracts with a massage therapist. It is the specific intent of this subdivision that a chiropractor, physician, or physical therapist and his or her office not be required to be licensed as an establishment under this chapter or be required to obtain any exemption under this chapter from the board.

(b) Nothing in this chapter shall be construed to permit massage therapists licensed under this chapter to administer, dispense, or prescribe drugs, or engage in the practice of medicine in any manner, including, but not limited to, diagnosing or prescribing drugs for mental, emotional, or physical diseases, illnesses, or injuries.

(Acts 1996, No. 96-661, p. 1060, §5; Act 2000-704, p. 1430, §1; Act 2009-741, p. 2218, §1.)

Section 34-43-6 Alabama Board Of Massage Therapy.

(a) There is created the Alabama Board of Massage Therapy. The purpose of the board is to protect the health, safety, and welfare of the public by ensuring that licensed massage therapists, massage therapy schools, and massage therapy instructors meet prescribed standards of education, competency, and practice. To accomplish this mission, the board shall establish standards pursuant to this chapter to complete all board functions in a timely and effective manner and to provide open and immediate access to all relevant public information. The board shall communicate its responsibilities and services to the public as part of its consumer protection duties. The board shall develop and implement a long range plan to ensure effective regulation and consumer protection.

(b) The board shall consist of seven members appointed by the Governor, subject to confirmation by the Senate. No member of the board shall serve more than two full consecutive terms. The members initially appointed to the board shall be appointed not later than July 16, 1996. Five of the members initially appointed to the board shall have been actively engaged in the practice of massage therapy for not less than three consecutive years prior to the date of their appointment to the board. Successor members to these initial five appointees shall be licensees of the board. Two members shall be public members who shall not be licensed, nor have been licensed in the past, and shall not have any direct financial interest in the massage therapy profession. Each board member shall be a high school graduate or shall have received a graduate equivalency diploma. Each board member shall be selected upon personal merit and qualifications, not per membership or affiliation with an association. Each board member shall be a citizen of the United States and this state and a resident of this state for two years immediately preceding the appointment. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(c) Of the initial seven appointees to the board, three members shall be appointed for terms ending September 30, 1997, and four members shall be appointed for terms ending September 30, 1999. Thereafter, successors shall be appointed for terms of four years, each term expiring on September 30.

(d) Vacancies on the board occurring prior to the expiration of a term shall be filled by the Governor within 30 days of the vacancy to serve for the remainder of the unexpired term. Each member of the board shall serve until his or her successor has been duly appointed and qualified.

- (e) At the first meeting, and annually thereafter in the month of October, the board shall elect a chair and vice chair from its membership.
- (f) The board shall hold its first meeting within 30 days after the initial members are appointed. The board shall hold meetings during the year as it determines necessary, two of which shall be the biannual meetings for the purpose of reviewing license applications. Additional meetings may be held at the discretion of the chair or upon written request of any three members of the board. A quorum of the board shall be a majority of the current appointed board members.
- (g) Board members shall not receive compensation for their services, but shall receive the same per diem and allowance as provided to state employees for each day the board meets and conducts business.
- (h) The board shall adopt the rules necessary to implement this chapter pursuant to the Administrative Procedure Act.
- (i) The board may employ, and at its pleasure discharge, an executive secretary and other officers and employees which may be necessary, including an attorney, to implement this chapter. The board shall also outline the duties and fix the compensation and expense allowances of the employees.
- (j) An affirmative vote of a majority of the members of the board shall be required to grant, suspend, or revoke a license to practice massage therapy or a license to operate a massage therapy establishment. The board may grant authority to the executive director to approve licenses.
- (k) The board shall be financed only from income accruing to it from fees, licenses, other charges and funds collected by it, and any monies that are appropriated to it by the Legislature.
- (l) Each board member shall be accountable to the Governor for the proper performance of his or her duties as a member of the board. The board shall report to the Governor annually and at other times as requested by the Governor. The Governor shall investigate any complaints or unfavorable reports concerning the actions of the board and take appropriate action thereon, including removal of any board member for misfeasance, malfeasance, neglect of duty, commission of a felony, incompetence, or permanent inability to perform official duties. A board member may be removed at the request of the board after failing to attend two consecutive properly noticed meetings.
- (m) Members of the board are immune from liability for all good faith acts performed in the execution of their duties as members of the board.
- (n) Appointees to the board shall take the constitutional oath of office and file it in the office of the Governor before undertaking any duties as a board member. Upon receiving the oath, the Governor shall issue a certificate of appointment to each appointee.
- (Acts 1996, No. 96-661, p. 1060, §6; Act 2000-704, p. 1430, §1; Act 2007-201, p. 242, §3; Act 2011-169, p. 324, §3; Act 2022-408, §1.)*

Section 34-43-7 Powers And Duties Of Board.

- (a) By rule, the board shall make provisions to do all of the following:
- (1) Examine and qualify for examination applicants for licensure and issue a license to each successful applicant.
 - (2) Adopt a seal, which shall be affixed to all licenses issued by the board.
 - (3) Prescribe application forms for examination and licensure and assess and collect fees pursuant to this chapter.
 - (4) Maintain a complete record of all licensed massage therapists and annually prepare a roster of the names and addresses of the licensees. A copy of this roster shall be made available to any person requesting it, upon payment of a fee set by the board in an amount sufficient to cover the costs of its publication and distribution.

- (5) Provide for the investigation of persons who may be violating this chapter.
 - (6) Adopt and revise rules pursuant to the Administrative Procedure Act, including the adoption of rules concerning unprofessional conduct.
 - (7) Provide a copy of this chapter to all persons licensed under this chapter and to all applicants for licensure.
 - (8) Adopt rules that require massage therapists, massage therapy establishments, and massage therapy schools to carry professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars (\$1,000,000). The massage therapist shall produce evidence of coverage upon request of the board.
 - (9) Have other powers necessary and proper for the performance of official duties.
 - (b) By rule, the board may do any of the following:
 - (1) Accept or deny the application of any person applying for licensure as a massage therapist upon an affirmative vote of a majority of the board.
 - (2) Establish criteria for certifying massage therapy instructors.
 - (3) Adopt an annual budget and authorize necessary expenditures from fees and other available appropriations, provided, in no event shall the expenditures of the board exceed the revenues in any fiscal year.
 - (4) Adopt a code of ethics.
 - (5) Provide for the inspection of the business premises of any licensee during normal business hours.
 - (6) Establish a list of approved massage therapy schools.
- (Acts 1996, No. 96-661, p. 1060, §7; Act 2022-408, §1.)*

Section 34-43-8 License Required; Sexually Oriented Businesses; Limitations On Advertising Or Offers Of Service.

- (a) No person may perform the duties of a massage therapist unless he or she possesses a current license issued pursuant to this chapter.
 - (b) A licensed massage therapist may not perform massage therapy, whether or not for compensation, for a sexually oriented business.
 - (c) A licensed massage therapist shall not advertise or offer to perform services outside the scope of his or her expertise, experience, and education for clients who are ill, or those with physical dysfunction(s), unless such services are performed in conjunction with a licensed physician, physical therapist, or chiropractor.
 - (d) A licensed massage therapist or licensed massage therapy establishment may not advertise or offer to perform services on any sexually explicit website or online platform that promotes prostitution, sexually explicit services, or human trafficking.
- (Acts 1996, No. 96-661, p. 1060, §8; Act 2022-408, §1.)*

Section 34-43-9 Application For License; Licensure Requirements.

(a) A person desiring to be licensed as a massage therapist shall apply to the board on forms provided by the board. Unless licensed pursuant to subsection (b), applicants for licensure shall submit evidence satisfactory to the board that they have met each of the following requirements:

(1) Satisfactorily completed a minimum of 650 hours of instruction. By rule of the board, the minimum 650 hours shall consist of the following: 100 hours of anatomy and physiology to include 35 hours of myology, 15 hours of osteology, 10 hours of circulatory system, and 10 hours of nervous system, with the remaining 30 hours to address other body systems at the discretion of the school; 250 hours of basic massage therapy, the contradistinctions of massage therapy, and related touch therapy modalities, to include a minimum of 50 hours of supervised massage; 50 hours to include business, hydrotherapy, first aid, cardiopulmonary resuscitation, and professional ethics; and 250 hours of electives to be determined by the school. The board may adopt a rule to further increase the minimum number of hours of instruction required for licensure, not to exceed the number of hours recommended by the National Certification Board for Therapeutic Massage and Bodywork. Before performing therapeutic massage on an animal, a massage therapist shall graduate from a nationally approved program and complete at least 100 hours of postgraduate training and education in animal anatomy, pathology, and physiology for the type of animal upon which the massage therapist wishes to perform therapeutic massage.

(2) Successfully passed a national standardized examination approved by the board.

(3) Completed a criminal history check.

(4) Paid all applicable fees.

(b) Notwithstanding the requirements in subdivisions (1) and (2) of subsection (a), the board may license an applicant if the applicant is licensed or registered in another state, which, in the opinion of the board, has standards of practice or licensure that are equal to or stricter than the requirements imposed by this chapter at the time of licensure in that state.

(c) Notwithstanding any other provision of this section to the contrary, each applicant for licensure shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(d) The board may notify each applicant of the acceptance or rejection of his or her application. If the application is rejected, the board shall list the reasons for rejection.

(Acts 1996, No. 96-661, p. 1060, §9; Act 2000-704, p. 1430, §1; Act 2001-1103, 4th Sp. Sess., p. 1166, §1; Act 2008-129, p. 185, §3; Act 2022-408, §1.)

Section 34-43-10 Massage Therapist Examination.

THIS SECTION WAS REPEALED IN THE 2022 REGULAR SESSION BY ACT 2022-408 EFFECTIVE JULY 1, 2022. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT.

(a) In the event that a massage therapist's examination is required, it shall be conducted at the times and places and under the supervision determined by the board. The board shall notify each applicant of the time and place of the examination.

(b) The board may determine by rule the scope, form, and content of the examination, which shall consist of a written examination and a practical examination or oral interview. The examination shall adequately measure the knowledge of the applicant of the practice of massage therapy. Professional testing services may be utilized.

(c) An applicant shall successfully pass the examination in order to be eligible for licensure as a massage therapist. The board shall notify each applicant in writing of the results of the examination. Any applicant who fails to pass the examination may take the examination again upon application and payment of an additional examination fee. No applicant shall be allowed to take the examination more than twice in a two-year period.

(d) All examinations shall be conducted in a manner so that the applicants are known to the board by number until the examination is completed and the grade determined. A record of each examination shall be filed with the board office and available for inspection for a period of two years following the examination.

(Acts 1996, No. 96-661, p. 1060, §10; Act 2000-704, p. 1430, §1.)

Section 34-43-11 Licensing Of Establishments; Initial Inspection.

(a) Establishments shall be licensed by the board. A sexually oriented business may not be licensed as an establishment and shall not operate as an establishment licensed pursuant to this chapter.

(b) Establishments shall employ only licensed massage therapists to perform massage therapy.

(c) Each establishment shall employ at least one licensed massage therapist who is registered with the board as the individual designated to ensure the establishment follows state law and administrative rules.

(d) An establishment license issued pursuant to this chapter is not assignable or transferable.

(e) Each unlicensed massage therapist applying for an establishment license shall be subject to a criminal history check. No licensed massage therapist shall be subject to an additional criminal history check when applying for an establishment license.

(f) An establishment owned by an individual who is not a resident of this state shall be subject to an initial inspection before licensure. The amount of the initial inspection fee shall be determined by rule of the board.

(Acts 1996, No. 96-661, p. 1060, §11; Act 2000-704, p. 1430, §1; Act 2022-408, §1.)

Section 34-43-12 Application Forms; Issuance Of License; Display Of License.

(a) Applications for licensure or renewal shall be on forms provided by the board and shall be accompanied by the proper fee. A two-by-two photograph, taken no more than six months earlier, showing a frontal view of the head and shoulders of the applicant, shall be submitted with the application. All documents shall be submitted in English.

(b) Each applicant for licensure shall be subject to a criminal history check. Refusal to consent to a criminal history check constitutes grounds for the board to deny the applicant's application for licensure.

(c) The board shall issue a license to each person who qualifies to be a massage therapist and to each qualified massage therapy establishment. To be qualified for a license as a massage therapist the applicant shall successfully pass the examination, pay the examination fee, pass the criminal history check pursuant to rules adopted by the board, pay the criminal history check fee, and pay the license fee. A license grants all professional rights, honors, and privileges relating to the practice of massage therapy.

(d) Each licensed therapist shall display his or her license in the manner specified by the board. Each establishment shall post its license in plain sight and the license of each massage therapist who practices in the establishment.

(e) A license is the property of the board and shall be surrendered upon demand of the board.

(Acts 1996, No. 96-661, p. 1060, §12; Act 2018-506, §11; Act 2022-408, §1.)

Section 34-43-13 License Renewal; Reinstatement.

(a) Each license shall be renewed biennially, on or before the anniversary date, by forwarding to the board a renewal application accompanied by the renewal fee. Each applicant for renewal for licensure shall be subject to a criminal history check. Any license not renewed biennially on or before the anniversary date shall expire.

(b) Each licensee, upon application for renewal of a license, shall do both of the following:

(1) Submit evidence of satisfactory completion of the continuing education requirements contained in Section 34-43-21.

(2) Consent to a criminal history check. Refusal to consent to a criminal history check constitutes grounds for the board to deny the licensee's application for renewal of the license.

(c) Licenses are valid for two years from the date of issuance. An individual whose license has expired and who has ceased to practice massage therapy for a period of not longer than five years may have his or her license reinstated upon payment of a renewal fee and a late fee and submission of a renewal application and evidence satisfactory to the board that the applicant has fulfilled continuing education requirements, passed a criminal history check pursuant to rules adopted by the board, paid the criminal history check fee, and passed the examination.

(d) Subsequent to an official complaint, the board may request a criminal background check of the licensee through the district attorney of the circuit in which the licensee is located.

(Acts 1996, No. 96-661, p. 1060, §13; Act 2000-704, p. 1430, §1; Act 2018-506, §11.)

Section 34-43-14 Alabama Board Of Massage Therapy Fund.

(a) By rule, the board shall assess and collect the following fees not to exceed:

(1) Two hundred fifty dollars (\$250) for the initial massage therapist license.

(2) Three hundred dollars (\$300) for all biennial license renewals postmarked or received at the office of the board by the date in which the license expires.

(3) Three hundred dollars (\$300) for the initial, and any renewal of, an establishment license.

(4) Five hundred dollars (\$500) for the initial registration, and any renewal registration, as a massage therapy school in this state.

(5) Two hundred fifty dollars (\$250) to register and renew registration as a massage therapy instructor in this state.

(6) One hundred fifty dollars (\$150) to reactivate an expired license.

(7) One hundred dollars (\$100) shall be added to all license fees not post-marked or received by the board before the expiration date of the license.

(8) Twenty-five dollars (\$25) to verify a license.

(9) Twenty-five dollars (\$25) for a duplicate license certificate or a name change on a license certificate. The board may issue a duplicate certificate only after receiving a sworn letter from the massage therapist that the original certificate was lost, stolen, or destroyed. The records of the board shall reflect that a duplicate certificate was issued.

(10) A fee, set by the board, for the criminal history check.

(11) A fee, set by the board, for an establishment inspection.

(b) Necessary administrative fees may be charged by the board, including, but not limited to, reasonable costs for copying, labels, and lists. Examination and license fees may be adjusted as the board shall deem appropriate.

(c) There is hereby established a separate special revenue trust fund in the State Treasury to be known as the Alabama Board of Massage Therapy Fund. All receipts collected by the board under this chapter are to be deposited in this fund and used only to carry out this chapter. Such receipts shall be disbursed only by warrant of the state Comptroller, upon itemized vouchers approved by the chair of the board; provided that no funds shall be withdrawn except as budgeted and allotted according to the provisions of Sections 41-4-80 to 41-4-96, inclusive, 41-19-1, and 41-19-12, as amended, and only in amounts as stipulated in the general appropriations bill or other appropriations bills.

(Acts 1996, No. 96-661, p. 1060, §14; Act 2018-506, §11; Act 2022-408, §1.)

SECTION 34-43-15 Complaints; Grounds For Suspension, Revocation, Etc., Of License; Penalties; Rulemaking Authority.

(a) Any person may file with the board a written complaint regarding an allegation of impropriety by a licensee, establishment, or person. Complaints shall be made in the manner prescribed by the board. Complaints received by the board shall be referred to a standing investigative committee consisting of a board member, the Executive Director, the board attorney, and the board investigator. If no probable cause is found, the investigative committee may dismiss the charges and prepare a statement, in writing, of the reasons for the decision.

(b) If probable cause is found, the board shall initiate an administrative proceeding. Upon a finding that the licensee has committed any of the following instances of misconduct, the board may suspend, revoke, or refuse to issue or renew a license or impose a civil penalty after notice and opportunity for a hearing pursuant to the Administrative Procedure Act:

(1) The license was obtained by means of fraud, misrepresentation, or concealment of material facts, including making a false statement on an application or any other document required by the board for licensure.

(2) The licensee sold or bartered or offered to sell or barter a license for a massage therapist or a massage therapy establishment.

(3) The licensee has engaged in unprofessional conduct that has endangered or is likely to endanger the health, safety, and welfare of the public, as defined by the rules of the board. As used in this subdivision, unprofessional conduct includes, but is not limited to, allowing any individual to remain in a massage therapy establishment overnight.

(4) The licensee has been convicted of a felony or of any crime arising out of or connected with the practice of massage therapy.

(5) The licensee has violated or aided and abetted in the violation of this chapter.

(6) The licensee is adjudicated as mentally incompetent by a court of law.

(7) The licensee uses controlled substances or habitually and excessively uses alcohol.

(8) The licensee engaged in false, deceptive, or misleading advertising.

(9) The licensee engaged in or attempted to or offered to engage a client in sexual activity, including but not limited to genital contact, within the client-massage therapist relationship.

(10) The licensee has knowingly allowed the massage therapy establishment to be used as an overnight sleeping accommodation.

(11) The licensee had a license revoked, suspended, or denied in any other territory or jurisdiction of the United States for any act described in this section.

(c)(1) A person governed by this chapter who has a reasonable belief that another massage therapist has engaged in or attempted to or offered to engage a client in sexual activity, as provided in subdivision (9) of subsection (b), shall inform the board in writing within 30 calendar days from the date the person discovers this activity. Upon finding that a person has violated this subsection, the board may do any of the following:

a. Impose an administrative fine of not more than twenty-five thousand dollars (\$25,000).

b. Suspend or revoke the person's license to practice massage therapy.

(2) Upon a finding that a person has violated this subsection three or more times, the board shall impose a mandatory license suspension for a period of no less than three years and a fine of twenty-five thousand dollars (\$25,000).

(d) Any person who has been convicted of, or entered a plea of nolo contendere to, a crime or offense involving prostitution or other sexual offenses is ineligible to hold a license as a massage therapist for a period of at least three years after the entry of the conviction or plea. The board retains the right to revoke a license indefinitely if the licensee is proven guilty of a crime or of sexual misconduct. Reinstatement of licensure is contingent upon proof of weekly counseling by a licensed professional counselor.

(e) An establishment where a person has been convicted of, or entered a plea of nolo contendere to, an offense involving prostitution or any other type of sexual offense may not receive a license for a massage therapy establishment for a period of three years after the date of conviction or entry of the plea. The board shall revoke the establishment license of any establishment which the board determines is a sexually oriented business. The board may revoke an establishment license if a person is convicted of, or enters a plea of nolo contendere to, any crime involving prostitution or any other sexual offense against a client which occurred on the premises of the establishment. The violation is attached to the address of the establishment.

(f)(1) Upon finding a person, governed by this chapter, performing massage therapy without having obtained a license, the board may do any of the following:

a. Impose an administrative fine of not more than twenty-five thousand dollars (\$25,000).

b. Issue a cease and desist order.

c. Petition the circuit court of the county where the act occurred to enforce the cease and desist order and collect the assessed fine.

(2) Any person aggrieved by any adverse action of the board must appeal the action to the Circuit Court of Montgomery County in accordance with the Alabama Administrative Procedure Act.

(g) The board shall present any incident of misconduct to the local district attorney for review and appropriate action.

(h) The board may adopt rules to implement and administer this section.

(Acts 1996, No. 96-661, p. 1060, §15; Act 2000-704, p. 1430, §1; Act 2018-506, §11; Act 2022-408, §1.)

Section 34-43-16 Use Of Words "Massage" Or "Bodywork" Or Other Advertising Descriptions By Non-Licensed Persons.

A person who does not hold a license as a massage therapist, physical therapist, chiropractor, or athletic trainer, or a license for an establishment, shall not use the words "massage" or "bodywork" on any sign or other form of advertising describing services performed by the person or at the establishment. Any advertisement by a massage therapist or establishment shall contain the license number of the therapist or establishment. Under no circumstances may a sexually oriented business hold itself out as offering massage therapy services.

(Acts 1996, No. 96-661, p. 1060, §16.)

Section 34-43-17 Criminal Penalties.

Any person who violates this chapter shall be guilty of a Class C misdemeanor.

(Acts 1996, No. 96-661, p. 1060, §17.)

Section 34-43-18 Injunction; Civil Penalty.

(a) In addition to the criminal penalties prescribed by this chapter, the board may seek an injunction against any person or establishment in violation of this chapter.

(b) In an action for an injunction, the board may demand and recover a civil penalty of fifty dollars (\$50) per day for each violation, reasonable attorney fees, and court costs.

(Acts 1996, No. 96-661, p. 1060, §18.)

Section 34-43-19 Construction With Other Regulations.

(a) Except as otherwise provided in subsection (b), this chapter shall supersede any regulation adopted by a political subdivision of the state related to the licensing or regulation of massage therapists and massage therapy establishments.

(b) This section shall not affect:

(1) Local regulations relating to zoning requirements or occupational license taxes pertaining to massage therapists and massage therapy establishments.

(2) Local regulations that do not relate to the practice of massage therapy by qualified persons.

(c) A county, or a municipality within its jurisdiction, may regulate persons licensed pursuant to this chapter. Regulation shall be consistent with this chapter. This section shall not be construed to prohibit a county or municipality from regulating persons not licensed pursuant to this chapter.

(Acts 1996, No. 96-661, p. 360, §19.)

Section 34-43-20 Massage Therapy Schools; Instructors.

(a) To be approved by the board, a massage therapy school shall meet the following requirements:

(1) File a completed application prescribed by the board with the board and pay a registration fee as specified in Section 34-43-14.

(2) Provide documentation of a curriculum which includes a minimum number of required hours of instruction in the subjects required pursuant to Section 34-43-9.

(3) Register annually with the board by filing a renewal form accompanied with the renewal fee pursuant to Section 34-43-14, and submit a current curriculum and a list of instructors.

(b) Every instructor teaching course work titled massage therapy at a board approved school located in Alabama shall be licensed in Alabama as a massage therapist and registered as a massage therapy instructor. Instructors who are not teaching massage therapy do not need to be registered. Any adjunct instructors shall be dually licensed in the state where they reside, be nationally certified, or both.

(c) The board shall register as a massage therapy instructor any applicant who meets all of the following requirements:

(1) Is currently licensed as a massage therapist in Alabama.

(2) Has filed a completed application prescribed by the board and paid a one-time application fee pursuant to Section 34-43-14.

(3) Documents three years of experience in the practice of massage therapy. The documentation may be considered by the board on a case-by-case basis.

(4) Any other requirements adopted by rule of the board.

(Acts 1996, No. 96-661, p. 360, §20; Act 2022-408, §1.)

Section 34-43-21 Sunset Provision; Continuing Education.

(a) The board is subject to the Alabama Sunset Law of 1981, and is classified as an enumerated agency pursuant to Section 41-20-3. The board shall automatically terminate on October 1, 2007, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

(b) The board shall adopt a program of continuing education for licensees which shall be a requisite for the renewal of licenses issued pursuant to this chapter.

(Acts 1996, No. 96-661, p. 1060, §21; Act 2000-704, p. 1430, §1; Act 2004-76, p. 101, §3; Act 2022-408, §1.)

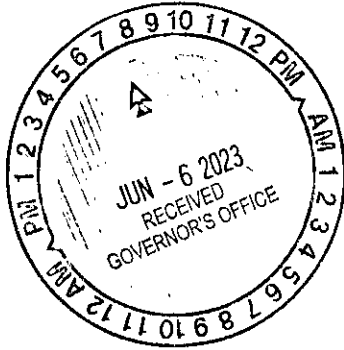
Appendix II: Legislative Act Not Yet Codified

HB192 ENROLLED



ACT #2023 - 490

- 1 U9HEXX-2
- 2 By Representative Reynolds
- 3 RFD: Conference Committee on HB192
- 4 First Read: 23-Mar-23
- 5 2023 Regular Session





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1 Enrolled, An Act,

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4 Relating to the Alabama Sunset Law; to continue the
5 existence and functioning of the Alabama Board of Massage
6 Therapy until October 1, 2024, with certain modifications: To
7 amend Sections 34-43-6, 34-43-9, 34-43-11, 34-43-14, 34-43-15,
8 34-43-20, and 34-43-21, Code of Alabama 1975, as amended by
9 Act 2022-408, 2022 Regular Session; to require representation
10 on the board from each Congressional District; to require
11 meetings to be recorded, upon request; to require the
12 publication of proposed rules and related proceedings on the
13 board website; and to cap certain fees charged by the board.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Pursuant to the Alabama Sunset Law, the
16 Sunset Committee recommends the continuance of the Alabama
17 Board of Massage Therapy until October 1, 2024, with the
18 additional recommendation for statutory change as set out in
19 Section 3.

20 Section 2. The existence and functioning of the Alabama
21 Board of Massage Therapy, created and functioning pursuant to
22 Sections 34-43-1 to 34-43-21, inclusive, Code of Alabama 1975,
23 is continued until October 1, 2024, and those code sections
24 are expressly preserved.

25 Section 3. Sections 34-43-6, 34-43-9, 34-43-11,
26 34-43-14, 34-43-15, 34-43-20, and 34-43-21 of the Code of
27 Alabama 1975, as amended by Act 2022-408, 2022 Regular
28 Session, are amended to read as follows:

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"§34-43-6

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(a) There is created the Alabama Board of Massage Therapy. The purpose of the board is to protect the health, safety, and welfare of the public by ensuring that licensed massage therapists, massage therapy schools, and massage therapy instructors meet prescribed standards of education, competency, and practice. To accomplish this mission, the board shall establish standards pursuant to this chapter to complete all board functions in a timely and effective manner and to provide open and immediate access to all relevant public information. The board shall communicate its responsibilities and services to the public as part of its consumer protection duties. The board shall develop and implement a long range plan to ensure effective regulation and consumer protection.

(b) The board shall consist of seven members appointed by the Governor, subject to confirmation by the Senate. No member of the board shall serve more than two full consecutive terms. The members initially appointed to the board shall be appointed not later than July 16, 1996. Five of the members initially appointed to the board shall have been actively engaged in the practice of massage therapy for not less than three consecutive years prior to the date of their appointment to the board. Successor members to these initial five appointees shall be licensees of the board. Two members shall be public members who shall not be licensed, nor have been licensed in the past, and shall not have any direct financial interest in the massage therapy profession. Each board member

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57 shall be a high school graduate or shall have received a
58 graduate equivalency diploma. Each board member shall be
59 selected upon personal merit and qualifications, not per
60 membership or affiliation with an association. Each board
61 member shall be a citizen of the United States ~~and this state~~
62 and a resident of this state for two years immediately
63 preceding the appointment. The Governor shall coordinate his
64 or her appointments to assure that the membership of the board
65 ~~shall be~~ is inclusive and ~~reflect~~ reflects the racial, gender,
66 geographic, ~~urban/rural~~ urban, rural, and economic diversity
67 of the state. As the terms of members serving on the board on
68 the effective date of the act amending this subsection expire,
69 or as vacancies occur, new members shall be appointed so that
70 not more than one member from each United States Congressional
71 District in the state is appointed to serve at the same time.

72 (c) Of the initial seven appointees to the board, three
73 members shall be appointed for terms ending September 30,
74 1997, and four members shall be appointed for terms ending
75 September 30, 1999. Thereafter, successors shall be appointed
76 for terms of four years, each term expiring on September 30.

77 (d) Vacancies on the board occurring prior to the
78 expiration of a term shall be filled by the Governor within 30
79 days of the vacancy to serve for the remainder of the
80 unexpired term. Each member of the board shall serve until his
81 or her successor has been duly appointed and qualified.

82 (e) At the first meeting, and annually thereafter in
83 the month of October, the board shall elect a chair and vice
84 chair from its membership.

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85 (f) The board shall hold its first meeting within 30
86 days after the initial members are appointed. The board shall
87 hold meetings during the year as ~~it~~ the board determines
88 necessary, two of which shall be the biannual meetings for the
89 purpose of reviewing license applications. Additional meetings
90 may be held at the discretion of the chair or upon written
91 request of any three members of the board. A quorum of the
92 board shall be a majority of the current appointed board
93 members. Upon the written request of any person, submitted to
94 the board at least 24 hours in advance of a scheduled meeting,
95 the meeting shall be recorded.

96 (g) Board members shall not receive compensation for
97 their services, but shall receive the same per diem and
98 allowance as provided to state employees for each day the
99 board meets and conducts business.

100 (h) The board shall adopt the rules necessary to
101 implement this chapter pursuant to the Administrative
102 Procedure Act. Proposed rules, and a schedule of proceedings
103 relating to their adoption, shall be conspicuously posted and
104 routinely updated on the website of the board.

105 (i) The board may employ, and at its pleasure
106 discharge, an executive secretary and other officers and
107 employees which may be necessary, including an attorney, to
108 implement this chapter. The board shall also outline the
109 duties and fix the compensation and expense allowances of the
110 employees.

111 (j) An affirmative vote of a majority of the members of
112 the board shall be required to grant, suspend, or revoke a

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113 license to practice massage therapy or a license to operate a
114 massage therapy establishment. ~~The board may grant authority~~
115 ~~to the executive director to approve licenses.~~

116 (k) The board shall be financed only from income
117 accruing to ~~it~~ the board from fees, licenses, other charges
118 and funds collected by ~~it~~ the board, and any monies that are
119 appropriated to ~~it~~ the board by the Legislature.

120 (l) Each board member shall be accountable to the
121 Governor for the proper performance of his or her duties as a
122 member of the board. The board shall report to the Governor
123 annually and at other times as requested by the Governor. The
124 Governor shall investigate any complaints or unfavorable
125 reports concerning the actions of the board and take
126 appropriate action thereon, including removal of any board
127 member for misfeasance, malfeasance, neglect of duty,
128 commission of a felony, incompetence, or permanent inability
129 to perform official duties. A board member may be removed at
130 the request of the board after failing to attend two
131 consecutive properly noticed meetings.

132 (m) Members of the board are immune from liability for
133 all good faith acts performed in the execution of their duties
134 as members of the board.

135 (n) Appointees to the board shall take the
136 constitutional oath of office and file it in the office of the
137 Governor before undertaking any duties as a board member. Upon
138 receiving the oath, the Governor shall issue a certificate of
139 appointment to each appointee."

140 "§34-43-9



141 (a) A person desiring to be licensed as a massage
142 therapist shall apply to the board on forms provided by the
143 board. Unless licensed pursuant to subsection (b), applicants
144 for licensure shall submit evidence satisfactory to the board
145 that they have met each of the following requirements:

146 (1) Satisfactorily completed a minimum of 650 hours of
147 instruction. By rule of the board, the minimum 650 hours shall
148 consist of the following: 100 hours of anatomy and physiology
149 to include 35 hours of myology, 15 hours of osteology, 10
150 hours of circulatory system, and 10 hours of nervous system,
151 with the remaining 30 hours to address other body systems at
152 the discretion of the school; 250 hours of basic massage
153 therapy, the contradistinctions of massage therapy, and
154 related touch therapy modalities, to include a minimum of 50
155 hours of supervised massage; 50 hours to include business,
156 hydrotherapy, first aid, cardiopulmonary resuscitation, and
157 professional ethics; and 250 hours of electives to be
158 determined by the school. The board may adopt a rule to
159 further increase the minimum number of hours of instruction
160 required for licensure, not to exceed the number of hours
161 recommended by the National Certification Board for
162 Therapeutic Massage and Bodywork. Before performing
163 therapeutic massage on an animal, a massage therapist shall
164 graduate from a nationally approved program and complete at
165 least 100 hours of postgraduate training and education in
166 animal anatomy, pathology, and physiology for the type of
167 animal upon which the massage therapist wishes to perform
168 therapeutic massage.

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169 (2) Successfully passed a national standardized
170 examination approved by the board.

171 (3) Completed a criminal history check.

172 (4) Paid all applicable fees.

173 (b) Notwithstanding the requirements in subdivisions
174 (1) and (2) of subsection (a), the board may license an
175 applicant if the applicant is licensed or registered in
176 another state, which, in the opinion of the board, has
177 standards of practice or licensure that are equal to or
178 stricter than the requirements imposed by this chapter at the
179 time of licensure in that state.

180 (c) Notwithstanding any other provision of this section
181 to the contrary, each applicant for licensure shall be a
182 citizen of the United States or, if not a citizen of the
183 United States, a person who is legally present in the United
184 States with appropriate documentation from the federal
185 government.

186 (d) The board ~~may~~ shall notify each applicant that his
187 or her application has been received and is pending and shall
188 also notify each applicant of the acceptance or rejection of
189 his or her application. If the application is rejected, the
190 board shall list the reasons for rejection."

191 "§34-43-11

192 (a) Establishments shall be licensed by the board. A
193 sexually oriented business may not be licensed as an
194 establishment and shall not operate as an establishment
195 licensed pursuant to this chapter.

196 (b) Establishments shall contract with or employ only

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197 licensed massage therapists to perform massage therapy.

198 (c) Each establishment shall contract with or employ at
199 least one licensed massage therapist who is registered with
200 the board as the individual designated to ensure the
201 establishment follows state law and administrative rules.

202 (d) An establishment license issued pursuant to this
203 chapter is not assignable or transferable. The board, by rule,
204 shall provide for the waiver of a new establishment license
205 fee under circumstances where a licensee is moving locations
206 and there is no change in the name or ownership of the
207 establishment.

208 (e) Each unlicensed massage therapist applying for an
209 establishment license shall be subject to a criminal history
210 check. No licensed massage therapist shall be subject to an
211 additional criminal history check when applying for an
212 establishment license.

213 (f) An establishment owned by an individual who is not
214 a resident of this state shall be subject to an initial
215 inspection before licensure. ~~The amount of the initial~~
216 ~~inspection fee shall be determined by rule of the board."~~

217 "\$34-43-14

218 (a) By rule, the board shall assess and collect the
219 following fees not to exceed:

220 (1) ~~Two hundred fifty dollars (\$250)~~ One hundred
221 dollars (\$100) for the initial massage therapist license.

222 (2) ~~Three hundred dollars (\$300)~~ One hundred dollars
223 (\$100) for all biennial license renewals postmarked or
224 received at the office of the board by the date ~~in~~ on which

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225 the license expires.

226 (3) ~~Three hundred dollars (\$300)~~ One hundred dollars
227 (\$100) for the initial, and fifty dollars (\$50) for any
228 renewal of, an establishment license.

229 (4) ~~Five hundred dollars (\$500)~~ One hundred fifty
230 dollars (\$150) for the initial registration, and any renewal
231 registration, as a massage therapy school in this state.

232 (5) ~~Two hundred fifty dollars (\$250)~~ One hundred
233 dollars (\$100) to register and renew registration as a massage
234 therapy instructor in this state.

235 (6) ~~One hundred fifty dollars (\$150)~~ Seventy-five
236 dollars (\$75) to reactivate an expired license.

237 (7) ~~One hundred dollars (\$100)~~ Twenty-five dollars
238 (\$25) shall be added to all license fees not post-marked or
239 received by the board before the expiration date of the
240 license.

241 ~~(8) Twenty-five dollars (\$25) to verify a license.~~

242 ~~(9) Twenty-five dollars (\$25)~~ (8) Ten dollars (\$10) for
243 a duplicate license certificate or a name change on a license
244 certificate. The board may issue a duplicate certificate for
245 each establishment on file with the board where the massage
246 therapist practices massage therapy. The board may issue
247 additional duplicate certificates only after receiving a sworn
248 letter from the massage therapist that ~~the~~ an original
249 certificate was lost, stolen, or destroyed. The records of the
250 board shall reflect that a duplicate certificate was issued.

251 ~~(10) A fee, set by the board, for the criminal history~~
252 ~~check.~~

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253 ~~(11) A fee, set by the board, for an establishment~~
254 ~~inspection.~~

255 (b) Necessary administrative fees may be charged by the
256 board, including, but not limited to, reasonable costs for
257 copying, labels, and lists. Examination and license fees may
258 be adjusted ~~as by rule of the board shall deem appropriate.~~

259 (c) There is ~~hereby~~ established a separate special
260 revenue trust fund in the State Treasury to be known as the
261 Alabama Board of Massage Therapy Fund. All receipts collected
262 by the board under this chapter ~~are to~~ shall be deposited in
263 this fund and used only to carry out this chapter. ~~Such~~
264 ~~receipts~~ Receipts shall be disbursed only by warrant of the
265 state Comptroller, upon itemized vouchers approved by the
266 chair of the board; ~~provided that no.~~ No funds shall be
267 withdrawn except as budgeted and allotted according to ~~the~~
268 ~~provisions of~~ Sections 41-4-80 to 41-4-96, inclusive, 41-19-1,
269 and 41-19-12, as amended, and only in amounts as stipulated in
270 the general appropriations bill or other appropriations
271 bills."

272 "§34-43-15

273 (a) Any person may file with the board a written
274 complaint regarding an allegation of impropriety by a
275 licensee, establishment, or person. Complaints shall be made
276 in the manner prescribed by the board. Complaints received by
277 the board shall be referred to a standing investigative
278 committee consisting of a board member, the Executive
279 Director, the board attorney, and the board investigator. If
280 no probable cause is found, the investigative committee may

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281 dismiss the charges and prepare a statement, in writing, of
282 the reasons for the decision.

283 (b) If probable cause is found, the board shall
284 initiate an administrative proceeding. Upon a finding that the
285 licensee has committed any of the following instances of
286 misconduct, the board may suspend, revoke, or refuse to issue
287 or renew a license or impose a civil penalty after notice and
288 opportunity for a hearing pursuant to the Administrative
289 Procedure Act:

290 (1) The license was obtained by means of fraud,
291 misrepresentation, or concealment of material facts, including
292 making a false statement on an application or any other
293 document required by the board for licensure.

294 (2) The licensee sold or bartered or offered to sell or
295 barter a license for a massage therapist or a massage therapy
296 establishment.

297 (3) The licensee has engaged in unprofessional conduct
298 that has endangered or is likely to endanger the health,
299 safety, and welfare of the public, as defined by the rules of
300 the board. ~~As used in this subdivision, unprofessional conduct~~
301 ~~includes, but is not limited to, allowing any individual to~~
302 ~~remain in a massage therapy establishment overnight.~~

303 (4) The licensee has been convicted of a felony or of
304 any crime arising out of or connected with the practice of
305 massage therapy.

306 (5) The licensee has violated or aided and abetted in
307 the violation of this chapter.

308 (6) The licensee is adjudicated as mentally incompetent

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309 by a court of law.

310 (7) The licensee uses controlled substances or
311 habitually and excessively uses alcohol.

312 (8) The licensee engaged in false, deceptive, or
313 misleading advertising.

314 (9) The licensee engaged in or attempted to or offered
315 to engage a client in sexual activity, including, but not
316 limited to, genital contact, within the client-massage
317 therapist relationship.

318 (10) The licensee has knowingly allowed the massage
319 therapy establishment to be used as an overnight sleeping
320 accommodation.

321 (11) The licensee had a license revoked, suspended, or
322 denied in any other territory or jurisdiction of the United
323 States for any act described in this section.

324 (c) (1) A person governed by this chapter who has a
325 reasonable belief that another massage therapist has engaged
326 in or attempted to or offered to engage a client in sexual
327 activity, as provided in subdivision ~~(9) of subsection~~ (b) (9),
328 shall inform the board in writing within 30 calendar days from
329 the date the person discovers this activity. Upon finding that
330 a person has violated this subsection, the board shall alert
331 local law enforcement and may do any of the following:

332 a. Impose an administrative fine of not more than
333 ~~twenty-five thousand dollars (\$25,000)~~ ten thousand dollars
334 (\$10,000) according to a disciplinary infraction fine schedule
335 adopted by rule of the board.

336 b. Suspend or revoke the person's license to practice



HB192 Enrolled

337 massage therapy.

338 (2) Upon a finding that a person has violated this
339 subsection three or more times, the board shall impose a
340 mandatory license suspension for a period of no less than
341 three years and a fine of ~~twenty-five thousand dollars~~
342 ~~(\$25,000)~~ ten thousand dollars (\$10,000).

343 (d) Any person who has been convicted of, or entered a
344 plea of nolo contendere to, a crime or offense involving
345 prostitution or other ~~sexual offenses~~ offense is ineligible to
346 hold a license as a massage therapist for a period of at least
347 three years after the entry of the conviction or plea. The
348 board retains the right to revoke a license indefinitely if
349 the licensee is proven guilty of a crime or of sexual
350 misconduct. Reinstatement of licensure is contingent upon
351 proof of weekly counseling by a licensed professional
352 counselor.

353 (e) An establishment where a person has been convicted
354 of, or entered a plea of nolo contendere to, an offense
355 involving prostitution or any other type of sexual offense may
356 not receive a license for a massage therapy establishment for
357 a period of three years after the date of conviction or entry
358 of the plea. The board shall revoke the establishment license
359 of any establishment which the board determines is a sexually
360 oriented business. The board may revoke an establishment
361 license if a person is convicted of, or enters a plea of nolo
362 contendere to, any crime involving prostitution or any other
363 sexual offense against a client which occurred on the premises
364 of the establishment. ~~The violation is attached to the address~~

HB192 Enrolled



365 ~~of the establishment.~~

366 (f) (1) Upon finding a person, who is governed by this
367 chapter, performing massage therapy without having obtained a
368 license, the board may do any of the following:

369 a. Impose an administrative fine of not more than
370 ~~twenty-five thousand dollars (\$25,000)~~ ten thousand dollars
371 (\$10,000).

372 b. Issue a cease and desist order.

373 c. Petition the circuit court of the county where the
374 act occurred to enforce the cease and desist order and collect
375 the assessed fine.

376 (2) Any person aggrieved by any adverse action of the
377 board ~~must~~ shall appeal the action to the Circuit Court of
378 Montgomery County in accordance with the Alabama
379 Administrative Procedure Act.

380 (g) The board shall present any incident of misconduct
381 to the local district attorney for review and appropriate
382 action.

383 (h) The board may adopt rules to implement and
384 administer this section."

385 "§34-43-20

386 (a) To be approved by the board, a massage therapy
387 school shall meet all of the following requirements:

388 (1) File a completed application prescribed by the
389 board with the board and pay a registration fee as specified
390 in Section 34-43-14.

391 (2) Provide documentation of a curriculum which
392 includes a minimum number of required hours of instruction in

HB192 Enrolled



393 the subjects required pursuant to Section 34-43-9.

394 (3) Register annually with the board by filing a
395 renewal form, accompanied with by the renewal fee pursuant to
396 Section 34-43-14, and submit a current curriculum and a list
397 of instructors.

398 (b) Every instructor teaching course work titled
399 massage therapy at a board approved school located in Alabama
400 shall be licensed in Alabama as a massage therapist and
401 registered as a massage therapy instructor. Instructors who
402 are not teaching massage therapy do not need to be registered.
403 Any adjunct instructors shall be dually licensed in the state
404 where they reside, or be nationally certified, or both.

405 (c) The board shall register as a massage therapy
406 instructor any applicant who meets all of the following
407 requirements:

408 (1) Is currently licensed as a massage therapist in
409 Alabama.

410 (2) Has filed a completed application prescribed by the
411 board and paid a one-time application fee pursuant to Section
412 34-43-14.

413 (3) Documents three years of experience in the practice
414 of massage therapy. The documentation may be considered by the
415 board on a case-by-case basis.

416 ~~(4) Any other requirements adopted by rule of the~~
417 ~~board."~~

418 "\$34-43-21

419 (a) The board is subject to the Alabama Sunset Law of
420 1981, and is classified as an enumerated agency pursuant to

HB192 Enrolled



421 Section 41-20-3. The board shall automatically terminate on
422 October 1, 2007, and every four years thereafter, unless
423 continued pursuant to the Alabama Sunset Law.

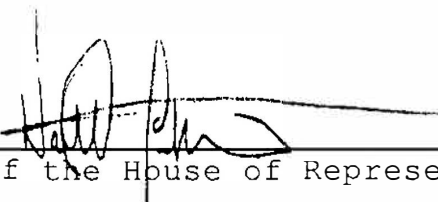
424 (b) The board shall adopt a program of continuing
425 education for licensees which shall be a requisite for the
426 renewal of licenses issued pursuant to this chapter and not
427 exceed the requirements of a board-approved nationally
428 recognized board certification organization such as the
429 National Certification Board of Therapeutic Massage and
430 Bodywork."

431 Section 4. This act shall become effective on July 1,
432 2023, following its passage and approval by the Governor, or
433 its otherwise becoming law.



HB192 Enrolled

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Speaker of the House of Representatives



President and Presiding Officer of the Senate

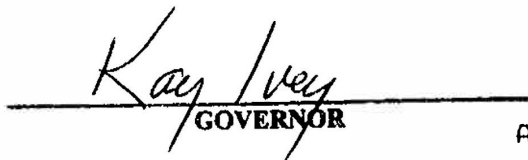
House of Representatives

I hereby certify that the within Act originated in and was passed by the House 06-Apr-23.

John Treadwell
Clerk

Senate	<u>18-Apr-23</u>	Amended and Passed
House	<u>03-May-23</u>	Passed, as amended by Conference Committee
Senate	<u>06-Jun-23</u>	Passed, as amended bu Conference Committee

APPROVED 6-14-2023
TIME 9:30 AM


GOVERNOR

Alabama Secretary Of State

Act Num....: 2023-490
Bill Num....: H-192

Recv'd 06/14/23 02:06pmSLF

SPONSOR

Remolds

DIST. NO. 21

HOUSE ACTION

SENATE ACTION *FRED*

O-SPONSORS

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DATE: 3-23 2023
 RD 1 RFD BA&C

REPORT OF STANDING COMMITTEE
 This bill having been referred by the House to its standing committee on BA&C was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) w/sub this 21 day of Apr 2023.
[Signature], Chair

DATE: 4-5 2023
 RF RD 2 CAL

DATE: 20
 RE-REFERRED RE-COMMITTED
 Committee

DATE: 20
 RE-REFERRED RE-COMMITTED
 Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 192
 YEAS 91 NAYS 0
JOHN TREADWELL,
 Clerk

FURTHER HOUSE ACTION (OVER)

DATE: 20
 R D1 RFD

This Bill was referred to the Standing Committee of the Senate on FRED and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) w/sub 1 w/eng sub by a vote of years 12 nays abstain this 12 day of Apr 2023.
21 Judges, Chair

DATE: 4-13 2023
 RF FAV SUBU RD2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 192
 YEAS 37 NAYS 0
PATRICK HARRIS,
 Secretary

DATE: 4-18-23 RD 3 at length
 PASSED PASSED AS AMENDED

YEAS 29 NAYS 4
 And was ordered returned forthwith to the House
PATRICK HARRIS,
 Secretary

DATE: 20
 INDEFINITELY POSTPONED YEAS NAYS

DATE: 20
 RECONSIDERED YEAS NAYS

FURTHER SENATE ACTION (OVER)

Appendix III: Examination Results by Alabama Educational Institutions

Better Bodies Massage Institute - Opelika			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	8	5	63%
Re-Exam	2	2	100%
All	10	7	70%
Fiscal Year 2023*			
First Time	7	5	71%
Re-Exam	2	2	100%
All	9	7	78%

Birmingham School of Massage – Birmingham			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	36	21	58%
Re-Exam	19	7	37%
All	55	28	51%
Fiscal Year 2023*			
First Time	17	14	82%
Re-Exam	12	3	25%
All	29	17	59%

Blue Cliff Career College - Mobile			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	14	10	71%
Re-Exam	3	1	33%
All	17	11	65%
Fiscal Year 2023*			
First Time	10	8	80%
Re-Exam	3	3	100%
All	13	11	85%

Bluewater Institute for Massage Therapy – Sheffield			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	11	8	73%
Re-Exam	4	0	0%
All	15	8	53%
Fiscal Year 2023*			
Fiscal Year 2023*	# Taken	# Passed	% Passed
First Time	4	3	75%
Re-Exam	4	1	25%
All	8	4	50%
Body Logic School of Cosmetology and Esthetics, LLC – Birmingham			
Fiscal Year 2023*	# Taken	# Passed	% Passed
First Time	9	5	56%
Re-Exam	3	3	100%
All	12	8	67%

Dothan Massage School – Dothan			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	7	6	86%
Re-Exam	2	1	50%
All	9	7	78%
Fiscal Year 2023*			
Fiscal Year 2023*	# Taken	# Passed	% Passed
First Time	5	4	80%
Re-Exam	3	2	67%
All	8	6	75%

Madison School of Massage Therapy – Madison			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	11	10	94%
Re-Exam	3	0	0%
All	14	10	71%
Fiscal Year 2023*			
Fiscal Year 2023*	# Taken	# Passed	% Passed
First Time	4	3	75%
Re-Exam	2	1	50%
All	6	4	67%

Massage Therapy Institute – Decatur			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	9	9	100%
Re-Exam	2	2	100%
All	11	11	100%
Fiscal Year 2023*			
Fiscal Year 2023*	# Taken	# Passed	% Passed
First Time	17	14	82%
Re-Exam	1	1	100%
All	18	15	83%

Massaged Life & Wellness Academy – Tuscaloosa			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	2	0	0%
Re-Exam	2	0	0%
All	4	0	0%
Fiscal Year 2023*			
First Time	4	2	50%
Re-Exam	1	0	0%
All	5	2	40%

Montgomery School of Bodywork and Massage – Montgomery			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	13	8	62%
Re-Exam	5	2	40%
All	18	10	56%
Fiscal Year 2023*			
First Time	6	4	67%
Re-Exam	3	0	0%
All	9	4	44%

North Alabama Wellness School			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	5	3	60%
Re-Exam	6	4	67%
All	11	7	64%
Fiscal Year 2023*			
First Time	10	7	70%
Re-Exam	2	1	50%
All	12	8	67%

Northeast Alabama Community College – Rainesville			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	6	2	33%
Re-Exam	1	1	100%
All	7	3	43%

Southern Union State Community College – Opelika			
Fiscal Year 2022	# Taken	# Passed	% Passed
First Time	3	3	100%
Re-Exam	1	1	100%
All	4	4	100%
Fiscal Year 2023*			
Fiscal Year 2023*	# Taken	# Passed	% Passed
First Time	7	5	71%
Re-Exam	2	2	100%
All	9	7	78%

Wiregrass School of Massage Therapy – Dothan			
Fiscal Year 2023*	# Taken	# Passed	% Passed
First Time	4	2	50%
Re-Exam	2	1	50%
All	6	3	50%

*: Examination statistics through July 31, 2023.

Appendix IV: Board Members



ALABAMA BOARD OF MASSAGE THERAPY

**2777 Zelda Road
Montgomery, AL 36106
334-420-7232
334-263-6115 fax
www.almtbd.alabama.gov**

August 3, 2023

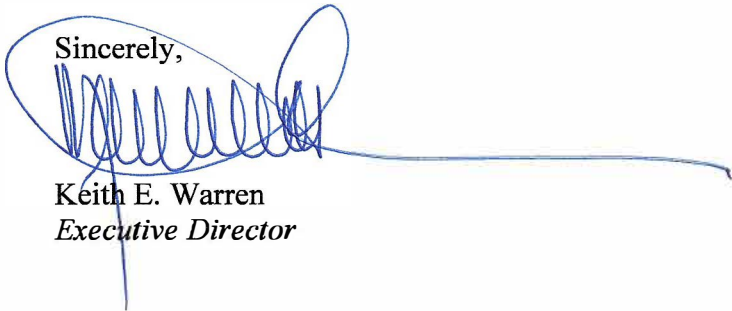
Mr. Rodney Wagstaff
Examiners of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104

Dear Mr. Wagstaff,

Please find the following members that were appointed and have served during the audit period disclosed in your engagement letter dated July 14, 2023.

Please let me know if you have any questions or need any additional information. Thank you for your assistance in this matter.

Sincerely,



Keith E. Warren
Executive Director

Appendix IV: Board Members

<u>Board Member</u>	<u>Appointment Date</u>	<u>Appointment Expiration</u>
Stephanie Dobbins, <i>Chair</i> Gardendale, Alabama Sixth Congressional District	March 5, 2020	September 30, 2023
Stefanie Herfurth, <i>Vice-Chair</i> Vinemont, Alabama Fourth Congressional District	March 5, 2020	September 30, 2023
Foad Araiinejad, <i>Chair</i> Montgomery, Alabama Third Congressional District	March 5, 2020	September 30, 2023
Mary Rogers Montgomery, Alabama Second Congressional District	March 5, 2020	September 30, 2023
Denise Mastin Dale Huntsville, Alabama Fifth Congressional District	March 5, 2020	September 30, 2023
Darren Beams Northport, Alabama Seventh Congressional District	March 5, 2020	September 30, 2023
First Congressional District - Vacant		

Appendix V: Board's Response to Significant Issues/Prior Findings

ALABAMA BOARD OF MASSAGE THERAPY



2777 Zelda Road
Montgomery, AL 36106
334-420-7232
334-263-6115 fax
www.almtbd.alabama.gov

September 7, 2023

Dixie B. Thomas
Director of Operational Audits
Examiners of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, Alabama 36130

Dear Mrs. Thomas,

Please find below the responses to the significant issues/prior finding for the most recent Suset Audit.

Significant Issue 2023-001: The Chairperson did not recuse herself from the adoption of the Investigative Committee's recommendation for complaints involving an individual and entity in which she has a direct professional interest.

Response:

"Only when no probable cause is found can the Investigative Committee unilaterally act upon a complaint without Board approval by dismissing the charges and preparing a written statement of the reasons for the decision." The Chairman is not a member of the Investigative Committee. Further, the Board announced at the beginning of the meeting that the meeting would proceed under Robert's Rules of Order. Robert's Rules of Order state that the Chairman does not vote unless there is a tie. When there is a tie, the Chairman may choose to vote or abstain from voting. When the vote is carried unanimously as it was in this case, the question of abstention never arises. Please see attached.

Significant Issue 2023-002: The Board Chairperson executed an emergency contract for administrative, management, and logistical support services with Smith Warren Management Services, Inc. prior to receiving Board approval.

Response:

The statute enacting the Board of Massage therapy states in pertinent part as follows:

"There is created the Alabama Board of Massage Therapy. The purpose of the board is to protect the health, safety, and welfare of the public by ensuring that licensed massage therapists,

massage therapy schools, and massage therapy instructors meet prescribed standards of education, competency, and practice. To accomplish this mission, the board shall establish standards pursuant to this chapter to complete all board functions in a timely and effective manner and to provide open and immediate access to all relevant public information. The board shall communicate its responsibilities and services to the public as part of its consumer protection duties. The board shall develop and implement a long-range plan to ensure effective regulation and consumer protection.”

Ala. Code § 34-43-6(a)

Ala. Code § 34-43-6(f) States: The board shall hold its first meeting within 30 days after the initial members are appointed. The board shall hold meetings during the year as it determines necessary, two of which shall be the biannual meetings for the purpose of reviewing license applications. Additional meetings may be held at the discretion of the chair or upon written request of any three members of the board. A quorum of the board shall be a majority of the current appointed board members.

Because the Board is charged with, “complet[ing] all board functions in a timely and effective manner,” and the Chairman has the discretion to call a meeting, her decision to enter into the emergency contract was appropriate. The emergency was approved by a separate agency as noted and later ratified by the Board at an official meeting. Failing to enter into the contract would have been a dereliction of the board’s duties to protect the public as set forth in Ala. Code § 34-43-6(a).

Significant Issue 2023-003: The Board paid Smith Warren Management Services, Inc. a total of \$11,000.00 for administrative, management, and logistical support prior to entering into an emergency contract.

Response:

The factual assertions in this significant issue are incorrect. The Board entered into a previously bid contract with Warren and Company, Inc. on November 1, 2015. That contract was renewed five times and expired on October 31, 2020. (See attached Ex. A) On August 7, 2020, an emergency letter was presented to the Director of Purchasing for approval that stated: “the Board will not have an administrative services contract...after October 31, 2020.” The letter states that the emergency should not last more than twelve months. (Ex. B) That letter was approved on September 4, 2020. On August 6, 2021, an emergency letter was presented to the Director of Purchasing for approval that stated: “the Board will not have an administrative services contract...after October 31, 2021.” The letter states that the emergency should not last more than twelve months. (Ex. C) That letter was approved on August 9, 2021. On September 30, 2022, an emergency letter was presented to the Chief Procurement Officer for approval that stated: “the Board will not have an administrative services contract...after October 31, 2023.” The letter states that the emergency should not last more than twelve months. (Ex. D) That letter was approved on September 30, 2022.

The documentation provided shows that each contract began on November the 1st of each year due to the previous contract expiring on October 31st of each year. Therefore, the Board and Warren and Company have been under contract for administrative services from November 1, 2015 up to and through the present date.

Significant Issue 2023-004: Twenty-four payments made to Smith Warren Management Services, Inc. were reviewed. Supporting documentation for twenty of these payments (83%) revealed invoices from Smith Warren Management Services, Inc. were submitted and paid by the Board prior to services for administrative, management, and logistical support actually being rendered.

Response:

As stated in two previous Sunset Audits and Hearings, this is a long-term practice that is being corrected. Mrs. Thomas discussed this issue with me on Friday, August 4, 2023, to correct this matter immediately. I swiftly issued the attached memorandum to the Smith Warren Finance and Accounting Department to correct this practice.

This significant issue has been corrected. For example, the September 2023 Invoice for services will be submitted for payment on October 1, 2023, and the first day of the following month hence forth.

Significant Issue 2023-005: The Board did not comply with the Open meetings Act as it relates to conducting meetings via electronic means.

Response:

The Board started posting the link to the Secretary of State's website meeting notice for the Board for its May 2023 meeting. The Board will ensure all meeting information posted on the website is also posted on the Secretary of State's website.

Virtual Meetings - There is no statute or rule that requires the Board to meet virtually or to provide a live feed of a board meeting when the members of the board can establish a quorum to meet in person. The meeting notices are posted in advance of the meetings and all citizens of the State of Alabama are invited to attend the meeting. Attendees may record the meeting by any means they desire so long as it does not interfere with the meeting. Members of the public may also broadcast the meeting.

Significant Issue 2023-006: The Board did not notify the Secretary of State of a vacancy occurring as a result of a resignation in a timely manner. The Board member resigned on January 20, 2023, and the Board notified the Secretary of State on March 23, 2023, sixty-two days after the resignation.

Response:

The Board will report resignations within the 30-day requirement outlined in the statute. This will be corrected with future resignations.

Significant Issue 2023-006: The Board’s administrative rule regarding inspections of massage therapy establishments conflict with the *Code of Alabama 1975*, Section 34-43-11 (f).

Response:

There is no conflict with the rule. Ala. Code § 34-43-7(b) states in pertinent part:

“(b) By rule, the board may do any of the following: . . .

(5) Provide for the inspection of the business premises of any licensee during normal business hours.”

Based on the Board’s broad powers to provide for the inspection of any licensee, so long as the inspection is done during normal business hours, the Board may adopt a rule that states: “Upon receipt of an application for a massage therapy establishment license, the Board may cause an initial inspection to be made of the site to confirm that the establishment meets the above requirements and is to be utilized for massage therapy and not for the purposes unlawful under the massage therapy statutes.”

Significant Issue 2023-008: The Board’s administrative rule regarding licensure application approvals conflicts with the *Code of Alabama 1975*, Section 34-43-6(j). Act 2023-490, effective July 1, 2023, amended the *Code of Alabama 1975*, Section 34-43-6(j) to remove the language allowing the Board to grant application approval authority to the Executive Director.

Response:

Ala. Code § 34-43-6(i) states, “The board may employ, and at its pleasure discharge, an executive secretary . . . to implement this chapter. The board shall also outline the duties and fix the compensation and expense allowances of the [executive secretary].” There is nothing in the Board’s statute that prohibits the Board from delegating authority to the executive secretary of the Board including the authority to issue licenses to applicants that meet certain requirements. The Board must have the authority to delegate these duties to the executive secretary or be out of compliance with Ala. Code § 31-1-6.

Significant Issue 2023-009: The *Code of Alabama 1975*, Section 34-43-20(c) conflicts with the *Code of Alabama 1975*, Section 34-43-14(a)(5) regarding the registration of massage therapy instructors.

Response:

The Board will remove this renewal fee for instructors at its September 11, 2023, meeting. There are published rule amendments and will include the repeal of the renewal fee in the final adoption at the meeting for certification.

This significant issue will be resolved during the month of September.

Significant Issue 2023-010: Act 2023-490, effective July 1, 2023, amended the *Code of Alabama 1975*, Section 34-43-14 to remove/reduce the fee amounts the Board could charge for licensure. The Board's emergency rules filed with the Legislative Service Agency on July 2, 2023, and proposed rules change filed with the Legislative Service Agency July 20, 2023 are not in compliance with the amended fee amounts.

Response:

Ala Code § 34-43-14(b) states: "Necessary administrative fees may be charged by the board, including, but not limited to, reasonable costs for copying, labels, and lists. Examination and license fees may be adjusted as the board shall deem appropriate." The Board, by statute has the authority to charge administrative fees, and the fees adopted by the Board are within the range of fees outlined by the legislature in the Board's statute.

The Board will correct the Late Renewal Fee and the Expired License Reactivation Fee at its September 11, 2023, meeting to include in the final adoption and certification. This part of the significant issue will be resolved during the month of September.

Significant Issue 2023-011: The Board is not in compliance with its complaint handling procedures regarding the execution of consent agreements.

Response:

Ala Code § 41-22-12(f) states: "Unless precluded by statute, informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order, or default or by another method agreed upon by the parties in writing." The Board is not precluded by statute from entering into informal dispositions of any contested case. When the Investigation Committee determines that probable cause of a violation exists, pursuant to Ala. Code § 41-22-12(f), the inspector, executive director, or attorney for the Board begins to negotiate an informal disposition to the matter. When an agreement is made, it is memorialized in writing, as required by statute, cited above. Each agreement has a statement that the agreement is subject to Board approval. No agreement is signed by any representative of the Board until a vote to approve the agreement has been made by the Board.

The Board will stop depositing the fines prior to the approval of the consent agreement by the Board. Please note, this will increase the number of checks returned for insufficient funds and create more financial processes with this change.

Significant Issue 2023-012: The Board allowed a licensee to renew a massage therapist license prior to fulfilling the requirements mandated in the consent agreement.

Response:

The staff created a system within the licensure database to flag licensees with disciplinary action and eliminate their eligibility to renew online. They receive a message to contact the Board Office regarding their renewal.

The licensee has been notified of non-compliance of the consent agreement and will be on the next Board meeting schedule.

Significant Issue 2023-14: Licensed massage therapists and massage therapy establishments responding to our surveys have a negative perception of the Board regarding how the Board conducts its day-to-day operations.

There have been many unhappy licensees with the board's operations and communications. The Board, Executive Director and Staff have made great efforts to increase response time with emails, telephone calls, meeting summaries, emails blasts to licensees, posting information on the website. Additional staff has been hired to answer incoming calls and more will be added in the fall of 2023.

Email blasts that are posted on the website:

October 7, 2022 – Board Report

November 23, 2022 – Federation of State Boards of Massage Therapy Human Trafficking Report

December 16, 2022 – Board Report

January 6, 2023 – Human Trafficking Awareness Month – Article

January 23, 2023 – Open Meetings Act Information

March 15, 2023 – Response to Statement of Mismanagement and Board Misrepresentation

April 1, 2023 – Federation of State Boards of Massage Therapy Support Letter

August 2, 2023 – Act 2023-490 – Rule Revisions and Board Update

August 3, 2023 – Sunset Notice

September 1, 2023 – August Board Update

Status of Prior Findings/Significant Issues:

Finding 2020-003: Board members were not appointed to staggered terms as required by the *Code of Alabama* 1975, Section 34-43-6(c). According to the statute, three board members' terms should expire September 30, 2021, and four members' terms should expire September 30, 2023. Currently, all members' terms expire September 30, 2023.

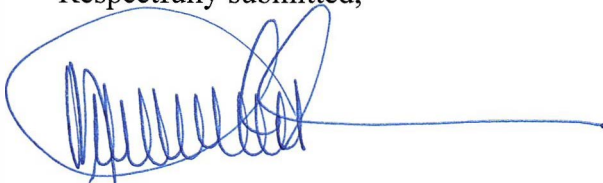
Response:

The Governor's Office and the Board's Executive Director are currently working to revise the expiration dates of the current members serving. I have attached the draft letters that should be signed by Governor Ivey in the upcoming weeks. The Governor's Office is also receiving applications for appointments and reappointments and the expiration dates will be staggered to comply with the statute.

There were two reasons these expiration dates were not in compliance. When appointments were made in September 2019, some positions had expiration dates of 2011, some were 2017 and a new congressional district requirement was added which was not part of the 1996 enabling statute. In the Governor's Office efforts to make appointments with new members, the staggered expiration date was overlooked by all parties involved in the process. This significant issue is being corrected.

The attachments are referenced to the specific significant issue for your convenience. Please let me know if you have any questions or need any additional information or documentation. As always, thank you for all your assistance and cooperation during this process. We greatly appreciate everything your office does to ensure we are fulfilling our duties in protecting the public.

Respectfully submitted,



Keith E. Warren

Executive Director

cc: Stephanie Poss Dobbins, *Chair*
J. Matthew Bledsoe, *Board Counsel*

Verification by Show of Hands. In very small assemblies where everyone present can clearly see everyone else, an inconclusive voice vote may sometimes be verified satisfactorily by a show of hands if no member objects. A show of hands is not a division, however, and it is not always as effective in causing a maximum number of members to vote when some have not done so. In small meetings, a voice vote can be retaken by a show of hands at the initiative of the chair; or, during the same time that it is in order to demand a division, any member can call out, “Mr. President, may we have a show of hands?” In either case, any other member still has the right to demand a division, which requires the chair to take a rising vote. The chair can also immediately take a rising vote in response to a request for a show of hands.

Chair’s Vote As Part of the Announcement, Where It Affects the Result. If the presiding officer is a member of the assembly or voting body, he has the same voting *right* as any other member. Except in a small board or a committee, however—unless the vote is secret (that is, unless it is by ballot; 45)—the chair protects his impartial position by exercising his voting right only when his vote would affect the outcome, in which case he can either vote and thereby change the result, or he can abstain. If he abstains, he simply announces the result with no mention of his own vote. In a counted rising vote (or a count of hands) on a motion requiring a majority vote for adoption, the outcome will be determined by the chair’s action in cases where, without his vote, there is (a) a tie, or (b) one more in the affirmative than in the negative.* Since a majority in the affirmative is necessary to adopt the motion in the case mentioned, a final result in the form of a tie rejects it. When there is a tie without the chair’s vote, the

*For a discussion of the conditions under which the chair’s vote affects the result in the case of motions requiring a two-thirds vote for adoption, see page 406.

1 chair can vote in the affirmative, and such a vote adopts the
motion; but if the chair abstains from voting, the motion is
lost. When there is one more in the affirmative than in the
negative without the chair's vote, the motion is adopted if
5 the chair abstains; but if he votes in the negative, the result is
thereby tied and the motion is lost.

(For additional information regarding the procedures
used in voting, see 44 and 45.)

10 **Adoption of a Motion or Action Without a Motion,
by Unanimous Consent**

In cases where there seems to be no opposition in routine
business or on questions of little importance, time can often
15 be saved by the procedure of *unanimous consent*, or as it was
formerly also called, *general consent*. Action in this manner is
in accord with the principle that rules are designed for the
protection of the minority and generally need not be strictly
enforced when there is no minority to protect. Under these
20 conditions, the method of unanimous consent can be used
either to adopt a motion without the steps of stating the ques-
tion and putting the motion to a formal vote, or it can be used
to take action without even the formality of a motion. To ob-
tain unanimous consent in either case, the chair states that "If
25 there is no objection ... [or, "Without objection ..."]," the
action that he mentions will be taken; or he may ask, "Is there
any objection to ... ?" He then pauses, and if no member calls
out, "I object," the chair announces that, "Since there is no
objection ...," the action is decided upon. If any member ob-
30 jects, the chair must state the question on the motion, allow
any desired debate (unless it is an "undebatable" parlia-
mentary motion—see 6 and tinted pp. 42–43), and put the
question in the regular manner. Or—if no motion has been
made—the chair must first ask, "Is there a motion to ... [stat-
35 ing the proposed action]"; or he must at least put the ques-
tion, assuming such a motion. If an objection is made with



**State of Alabama
Department of Finance
Division of Purchasing
Master Agreement
Modification**

Significant Issue 2023-003

CONTRACT INFORMATION

MASTER AGREEMENT NUMBER: MA 365 160000000031

NOT TO EXCEED AMOUNT:

Begin Date: 11/01/2015

Procurement Folder: 701

Expiration Date: 10/31/2020

Procurement Type: Master Agreement

Solicitation Number:

Replaces Award Document:

Award Date:

Replaced by Award Document:

Modification Date: 10/24/19

Version Number: 7

CONTACT INFORMATION

REQUESTOR:

Jennifer Loretz
334-242-7370
jennifer.loretz@purchasing.alabama.gov

ISSUER:

Jennifer Loretz
334-242-7370
jennifer.loretz@purchasing.alabama.gov

BUYER:

Jennifer Loretz
334-242-7370
jennifer.loretz@purchasing.alabama.gov

CONTRACT DESCRIPTION

Administrative Services, Board of Massage Therapy (TA904)
Originally awarded in SNAP TA904 4013361,

Ship To:

Bill To:

REASON FOR MODIFICATION

5th and final renewal of contract.

VENDOR INFORMATION

Name /Address:

VC000057748: Warren & Company, Inc.
2777 Zelda Road
Montgomery AL 36106

Contact:

Keith E. Warren
3342699990
Hope@Warrenandco.Com

COMMODITY / SERVICE INFORMATION

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
1	0	MO	\$11,000.000000	\$0.00			\$0.00	\$0.00

96102050000 - DO NOT USE. Use 5- or 7-digit code.
Administrative Management and Logistical Support
Administrative services for the Massage Therapy Licensure Board.

All terms, conditions, and any amendments to solicitation are part of this contract as if fully reproduced herein .

Approved:

Purchasing Director

STATE OF ALABAMA
 Department of Finance - Office of State Comptroller
 Montgomery, AL 36130-2602

7144221

BANK CODE : 05

CATEGORY : 365

VENDOR : VC000057748

WARRANT NUMBER : 1020505910

WARRANT DATE : 08/08/2022

PAYMENT DOCUMENT

CD	DEPT	ID	INVOICE NUMBER	INV.LN NO.	INV.DT	DESCRIPTION	AMOUNT
GAX	365	2200003782	MAS AUGUST 1, 2022		08/01/2022		11,000.00

Significant Issue 2023-003

Page TOTAL : 11,000.00

TOTAL : 11,000.00

7144221



State of Alabama
 Department of Finance
 Office of State Comptroller
 Montgomery, Alabama 36130-2602

Warrant Number

1020505910

Date of Issue	Net Amount
08-08-2022	\$*****11,000.00

Eleven Thousand And 00/100 Dollars

PAY TO THE ORDER OF:

Warren & Company, Inc.
 2777 Zelda Road
 Montgomery AL 36106

VOID AFTER ONE YEAR

Hayden O. Baxter

STATE COMPTROLLER



ALABAMA BOARD OF MASSAGE THERAPY

2777 Zelda Road
Montgomery, AL 36106
334-420-7232
334-263-6115 fax
www.almtbd.alabama.gov

copy to agency
8/9/21
JB

August 6, 2021

Significant Issue 2023-003

Mr. Michael Jones
Director of Purchasing
State of Alabama
100 North Union Street, Suite 192
Montgomery, AL 36130

STATE OF ALABAMA
DIVISION
OF PURCHASING
2021 AUG -6 PM 2:38

RE: Emergency Contract Services Approval

Dear Mr. Jones:

The Alabama Board of Massage Therapy ("Board") desires to enter an emergency contract with Warren & Company, Inc. for administrative services. The emergency consists of the Board not having an administrative services contract to provide administrative, management and logistical support services after October 31, 2021.

This emergency declaration is hereby invoked under Section 41-16-23, Code of Alabama 1975, and a description of the applicable bases for this emergency declaration is cited below. The Alabama Board of Massage Therapy was created pursuant to Section 34-43-1, Code of Alabama 1975, to administer the provision of this Act.

This emergency affects the safety of the citizens of Alabama based on the authority the Board licenses and regulates the massage therapy profession, provides for inspections of massage therapy establishments, and conducts investigations of complaints received from the public. The Board also works closely with local, state, and federal law enforcement agencies regarding human trafficking and illegal operations disguising under the operations of massage therapy.

The Board estimates that the emergency will last no longer than twelve months. The estimated total cost of the proposed emergency contract is \$11,000 per month plus costs, and the contractor associated with these administrative services is Warren & Company, Inc.

Thank you in advance for your assistance with this request.

Sincerely,

Foad Araiinejad
Board Chair

MAJ
8/9/21
Posted
8/9/21
JB

Warren & Company, Inc.
2777 Zelda Rd
Montgomery, AL 36106
Phone 334/269-9990
Fax 334/263-6115



WARREN & COMPANY

Significant Issue 2023-003

Alabama Board of Massage Therapy
2777 Zelda Rd
Montgomery, AL 36106

<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
August 1, 2022	Professional Services Rendered	\$ 11000.00

INVOICE: MAS August 1, 2022

TOTAL AMOUNT DUE

\$11000.00

VCUST: VC000057748

I HEREBY CERTIFY THE ARTICLE(S) AND OR SERVICE(S) LISTED ON THIS DOCUMENT
WERE RECEIVED ON August 2022 IN THE PROPER CONDITION, ARE THE KIND AND
QUANTITY ORDERED AND APPROPRIATE PURCHASING POLICY AND PROCEDURES WERE

FOLLOWED.

RECEIVED BY: Ray Gunte

DATE: 8/1/22

STATE OF ALABAMA
 Department of Finance - Office of State Comptroller
 Montgomery, AL 36130-2602

7194247

BANK CODE : 05
CATEGORY : 365

VENDOR : VC000057748

WARRANT NUMBER : 1020571328
WARRANT DATE : 09/13/2022

PAYMENT DOCUMENT

CD	DEPT	ID	INVOICE NUMBER	INV.LN NO.	INV.DT	DESCRIPTION	AMOUNT
GAX	365	2200004193	MAS SEPTEMBER 1, 2022		09/01/2022		11,000.00

Significant Issue 2023-003

Page TOTAL : 11,000.00
 TOTAL : 11,000.00

7194247



State of Alabama
 Department of Finance
 Office of State Comptroller
 Montgomery, Alabama 36130-2602

Warrant Number
 1020571328

Date of Issue	Net Amount
09-13-2022	\$*****11,000.00

Eleven Thousand And 00/100 Dollars.....

PAY TO THE ORDER OF:
 Warren & Company, Inc.
 2777 Zelda Road
 Montgomery AL 36106

VOID AFTER ONE YEAR

Heather D. Baxter

STATE COMPTROLLER



ALABAMA BOARD OF MASSAGE THERAPY

2777 Zelda Road
Montgomery, AL 36106
334-420-7232
334-263-6115 fax
www.almtbd.alabama.gov

copy to agency
8/9/21
JB

August 6, 2021

Significant Issue 2023-003

Mr. Michael Jones
Director of Purchasing
State of Alabama
100 North Union Street, Suite 192
Montgomery, AL 36130

STATE OF ALABAMA
DIVISION
OF PURCHASING
2021 AUG -6 PM 2:38

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The Board estimates that the emergency will last no longer than twelve months. The estimated total cost of the proposed emergency contract is \$11,000 per month plus costs, and the contractor associated with these administrative services is Warren & Company, Inc.

Thank you in advance for your assistance with this request.

Sincerely,

Foad Araiinejad
Board Chair

MAJ 8/9/21
posted
8/9/21
JB

Warren & Company, Inc.
2777 Zelda Rd
Montgomery, AL 36106
Phone 334/269-9990
Fax 334/263-6115



Significant Issue 2023-003

Alabama Board of Massage Therapy
2777 Zelda Rd
Montgomery, AL 36106

<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
September 1, 2022	Professional Services Rendered	\$ 11000.00

INVOICE: MAS September 1, 2022

TOTAL AMOUNT DUE **\$11000.00**

VCUST: VC000057748

I HEREBY CERTIFY THE ARTICLE(S) AND OR SERVICE(S) LISTED ON THIS DOCUMENT
WERE RECEIVED ON September 2022 IN THE PROPER CONDITION, ARE THE KIND AND
QUANTITY ORDERED AND APPROPRIATE PURCHASING POLICY AND PROCEDURES WERE

FOLLOWED
RECEIVED BY: Loe Jester
DATE: 9/4/22

SMITH WARREN

MANAGEMENT SERVICES

2777 Zelda Road • Montgomery, Alabama 36106 • Phone: (334) 269-9990 • Fax (334) 263-6115

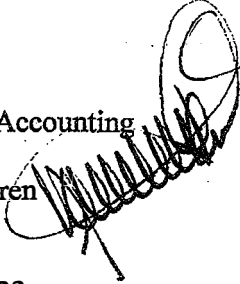
MEMORANDUM

TO: Finance and Accounting

FROM: Keith E. Warren
President

DATE: August 4, 2023

RE: Administrative Services Invoices



Effective immediately, please submit administrative service invoices for a month on the first day following the month the services are provided. This will ensure all services are rendered prior to the invoices of said services are submitted for payment as directed by the Alabama Examiners of Public Accounts.

Also, please contact the Comptroller's Office regarding an electronic funds transfer form to complete which is a preferred method of payment for vendors.

Please ensure we are in full compliance with all requirements in the State of Alabama Fiscal Policies and Procedures Manual (2/2021 current edition).

Thank you for your assistance in this matter.

DRAFT
Prior Finding 2020-003

November 13, 2019
(REVISED September 5, 2023)

Mr. Foad Araiinejad
8169 Longneedle Place
Montgomery, Alabama 36117

Dear Mr. Araiinejad:

By this letter, I hereby reappoint you to the Alabama Board of Massage Therapy, effective immediately. This appointment is subject to Senate confirmation. You will serve as a representative of the Third Congressional District. Your term of service will expire September 30, 2021.

As one of my appointees, you will be making important decisions that directly affect the citizens of Alabama. I have made honesty and integrity a priority in my Administration, and I know that you will embody these two virtues while serving the people of Alabama. Please plan to attend all meetings within reason, be a good steward of the taxpayers' money, and work in your position to instill trust in state government. The responsibility that comes with this appointment is not to be taken lightly. I trust that you will rise to the occasion and set a standard for others to follow.

I appreciate you serving in this capacity, and I am confident you will render valuable service to the citizens of Alabama.

Sincerely,

Kay Ivey
Governor

KI/nl/em

cc: Mr. Keith Warren, Executive Director
Ms. Michele Brown
Ms. Nita Carter

DRAFT
Prior Finding 2020-003

November 13, 2019
(REVISED September 5, 2023)

Mr. Darren Beams
3801 Trevor S. Phillips Avenue
Tuscaloosa, Alabama 35401

Dear Mr. Beams:

By this letter, I hereby appoint you to the Alabama Board of Massage Therapy, effective immediately. This appointment is subject to Senate confirmation. You will serve as a representative of the Seventh Congressional District. Your term of service will expire September 30, 2021.

As one of my appointees, you will be making important decisions that directly affect the citizens of Alabama. I have made honesty and integrity a priority in my Administration, and I know that you will embody these two virtues while serving the people of Alabama. Please plan to attend all meetings within reason, be a good steward of the taxpayers' money, and work in your position to instill trust in state government. The responsibility that comes with this appointment is not to be taken lightly. I trust that you will rise to the occasion and set a standard for others to follow.

I appreciate you serving in this capacity, and I am confident you will render valuable service to the citizens of Alabama.

Sincerely,

Kay Ivey
Governor

KI/nl/em

cc: Mr. Keith Warren, Executive Director
Ms. Michele Brown
Ms. Nita Carter

DRAFT
Prior Finding 2020-003

November 13, 2019
(REVISED September 5, 2023)

Ms. Stephanie Dobbins
512 Foxfire Drive
Gardendale, Alabama 35071

Dear Ms. Dobbins:

By this letter, I hereby appoint you to the Alabama Board of Massage Therapy, effective immediately. This appointment is subject to Senate confirmation. You will serve as a representative of the Sixth Congressional District. Your term of service will expire September 30, 2021.

As one of my appointees, you will be making important decisions that directly affect the citizens of Alabama. I have made honesty and integrity a priority in my Administration, and I know that you will embody these two virtues while serving the people of Alabama. Please plan to attend all meetings within reason, be a good steward of the taxpayers' money, and work in your position to instill trust in state government. The responsibility that comes with this appointment is not to be taken lightly. I trust that you will rise to the occasion and set a standard for others to follow.

I appreciate you serving in this capacity, and I am confident you will render valuable service to the citizens of Alabama.

Sincerely,

Kay Ivey
Governor

KI/nl/em

cc: Mr. Keith Warren, Executive Director
Ms. Michele Brown
Ms. Nita Carter