



Alabama Massage Therapy Licensing Board
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New AMTLB Administrative Code

Alabama Act No. 2024-361, which made sweeping changes to Alabama's massage therapy statute, necessitates complete revision of the Alabama Massage Therapy Licensing Board Administrative Code. Accordingly, the Alabama Board of Nursing, which temporarily is acting as the AMTLB, has repealed and replaced the entire AMTLB Administrative Code by Emergency Rules, effective June 21, 2024. The changes are pending as permanent rule proposals, which will take effect later this year. Attached are the Emergency Rules. We encourage all licensees to read and familiarize themselves with the rules attached to this message.

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency repeal and replace is a correct copy as promulgated and adopted on Friday, June 21, 2024.

AGENCY NAME: Alabama Board of Massage Therapy

RULE NO. AND TITLE: Chapter 532-X-1 General Provisions

EXPIRATION DATE OF RULE: Saturday, October 19, 2024

NATURE OF EMERGENCY: Alabama Act No. 2024-361, which took effect on June 1, 2024, requires the Board of Nursing to immediately assume management of the Alabama Massage Therapy Licensing Board (AMTLB). The Act further requires extensive revision of the AMTLB Administrative Code to implement.

STATUTORY AUTHORITY: §34-43A-6

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

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Peggy Benson
Peggy Benson, AL

Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

REC'D & FILED
JUN 21, 2024
LEGISLATIVE SVC AGENCY

~~ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE~~

~~CHAPTER 532-X-1
GENERAL PROVISIONS~~

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~~532-X-1-.01 Message Therapy Licensure.~~

~~Licensure is required for a person to practice Massage Therapy as defined by law, in the State of Alabama.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-4.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001.~~

~~532-X-1-.02 Definitions.~~

~~(1) In addition to those definitions contained in Code of Ala. 1975, §34-43-4, the following definitions apply in connection with these rules.~~

~~(a) "Act" refers to 1996 Ala. Act No. 96-661.~~

~~(b) "Course" is any outline or play of study, or portion of a plan or program of instruction involving the imparting of knowledge, skills, or attitudes for the purpose of preparing the individual for gainful employment in an occupation nor vocation, or continuing the individual's education in said occupation or vocation, whether conducted in person, by mail, or by any other method.~~

~~(c) "Curriculum" is a group of organized programs.~~

~~(d) "Deny" is to refuse the issuance of a license upon initial application review or upon license renewal review.~~

~~(e) "Establishment" is a site, premises, business or operation where massage therapy is practiced by a licensed massage therapist. Any massage therapy business which engages~~

~~in or carries on, as the whole or part of its services, the practice of massage therapy not at a fixed location but at a location designated by the customer, client, or service, is an on-site or out-call massage therapy establishment.~~

~~(f) "Examination" as approved by the Board and is offered by a national organization.~~

~~(g) "Massage Therapist" is a person licensed under this Act who practices massage therapy or touch modalities upon a patron of either gender for compensation, working to alleviate pain, reduced stress, and instigate the normalization of the soft tissue, muscles, tendons, ligaments, and connective tissue of the patron. A massage therapist shall not be designated as a "massage parlor" employee.~~

~~(h) "Massage Therapy" is the profession in which the practitioner applies massage techniques and related touch therapy modalities with the intention of positively affecting the health and well being of the client as defined in the Act. Massage Therapy does not include diagnosis except to the extent of determining whether massage therapy is indicated. Massage Therapy may be applied in response to physician, osteopathic, chiropractic, podiatric, or other prescription by a licensed practitioner in that field acting within the scope of his or her profession.~~

~~(i) "Native American Healer" is a person who can establish by information, contained on his or her birth certificate, by tribal records or by other reliable records, that he or she is an American Indian or Alaskan Native, having origins in any of the original peoples of North America, as definite in Code of Ala. 1975, Section 25-1-10, and who practices traditional healing techniques.~~

~~(j) "School" is any institution, agency, business, or organization offering or administering a plan, course, or curriculum for the purpose of preparing individuals for gainful employment in an occupation, vocation, or continuing education of individuals in their occupation or vocation, whether conducted in person, by mail, or by any other method.~~

~~(k) "Supervised Massage" is the viewing or monitoring of a student demonstrating hands-on massage therapy by a licensed massage therapy instructor of Alabama licensed massage therapist.~~

~~(l) "Student of Massage Therapy" is any person currently enrolled in an Alabama massage therapy school program approved by the Board.~~

~~(m) "Scope of Practice" a licensed massage therapist (LMT) shall only perform the massage, bodywork and techniques for which they have been trained as stated on their transcript from massage therapy school/program or continuing education provider certificate.~~

~~(n) "Intergluteal Cleft" or gluteal cleft, also known by a number of synonyms, including natal cleft, or cluneal cleft, is the groove between the buttocks that runs from just below the sacrum to the perineum, so named because it forms the visible border between the external rounded protrusions of the gluteus maximum muscles.~~

~~(o) "Buttock" is either of the two round fleshy parts that form the lower rear of human trunk.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-6.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed February 10, 2012; effective March 16, 2012. **Amended:** Published September 29, 2023; effective November 13, 2023.~~

~~**532-X-1-.03 Applicability And Exemptions.**~~

~~(1) A student rendering massage therapy services in a massage therapy school environment under supervision of a licensed massage therapy instructor or an Alabama licensed massage therapist.~~

~~(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, are exempt from compliance with the Act and these rules and regulations, provided they do not represent or advertise themselves as massage therapists.~~

~~(3) A person giving massages to his or her immediate family is exempt from compliance with the Act and these rules and regulations, provided they do not represent themselves to the public as a massage therapist.~~

~~(4) A visiting massage therapy instructor from another state, territory or country engaged in teaching, who is in compliance~~

~~with the licensure requirements and regulations in his or her place of residence, and does not teach more than one hundred (100) hours of continuing education per year, is exempt from compliance the Act and these rules and regulations, provided they do not advertise or practice massage therapy for the general public.~~

~~(5) Member of the Massage Therapy Emergency Rescue Team (MERT) or another nationally or internationally recognized disaster relief association is exempt from compliance with the Act and these rules and regulations during a time declared by the Governor to be a city, county or state emergency, and for a period not to exceed thirty (30) days after such declaration of emergency unless further extended by the Board. The relief association shall not advertise its practice of massage therapy services except in relation to the declared emergency and the association.~~

~~(6) Native American healers practicing traditional healing practices are exempt from compliance with the Act and these rules and regulations, provided they do not represent or advertise themselves as massage therapists. If a Native American healer is reported to the Board as either failing to meet the definition of a Native American healer, or as practicing massage therapy rather than traditional healing practices, such Native American healer shall submit to the Board at their request documentation of status as a Native American or evidence of the traditional nature of the healing practice challenged.~~

~~(7) Except as set forth above, the Act and these rules and regulations apply to any person who advertises or holds himself or herself out to the public as a massage therapist, or who performs massage therapy in the State of Alabama~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §§34-43-4, 34-43-5.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006.~~

ALABAMA MESSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

CHAPTER 532-X-1
ORGANIZATION AND ADMINISTRATION

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<u>532-X-1-.01</u>	<u>Implementation of Alabama Massage Therapy</u> <u>Licensing Act.</u>

The Alabama Massage Therapy Licensing Act, Code of Ala. 1975, §§34-43A-1, et seq. provides that licensure is required for any person practicing or offering to practice massage therapy in this state, for compensation. The act creates a Massage Therapy Licensing Board with regulatory authority, dictates the Board's composition and qualifications, methods of appointment and term of office. The act specifies Board functions and duties thus providing for the implementation of the Massage Therapy Licensing Act through the adoption of rules.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-1, et seq.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.02

Composition Of The Board.

1. The Alabama Massage Therapy Licensing Board is composed of seven (7) licensed massage therapists and two at large members.

a. Three of the licensed massage therapists are to be appointed by the Governor.

b. Two of the licensed massage therapists are to be appointed by the Lieutenant Governor.

c. Two of the licensed massage therapists are to be appointed by the Speaker of the Alabama House of Representatives.

d. One of the at large members is to be appointed by the Lieutenant Governor from a list of three individuals submitted by the Minority Leader of the Alabama Senate.

e. One of the at large members is to be appointed by the Speaker of the Alabama House of Representatives from a list of three individuals submitted by the Minority Leader of the Alabama House of Representatives.

2. The at large members shall not, at any time, have had a financial interest in the massage therapy profession.

3. One of the at large members shall have extensive knowledge of sex trafficking and related law enforcement efforts to defeat sex trafficking.

4. The seven active massage therapist licensee members of the board shall be appointed so that not more than one active licensee member from each United States Congressional District in the state is appointed to serve at the same time.

5. Of the initial nine appointees to the board, three members shall be appointed for terms of two years, three members shall be appointed for terms of three years, and three members shall be appointed for terms of four years as determined by lottery. Thereafter, successor terms shall be appointed for terms of four years, expiring on June 30.

6. No member can serve more than two consecutive terms.

7. 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.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-5.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed February 10, 2012; effective March 16, 2012. **Amended:** Published September 29, 2023; effective November 13, 2023. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.03 **Officers Of The Board.**

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(1) The Board shall elect from its members a chair and vice chair. Following the Board's initial meeting in 2024, the election of officers shall be held at the October meeting each year.

(2) The vice chair shall fill any vacancy in the office of the president. The chair shall appoint a member to fill a vacancy in the office of vice chair. The chair's appointment is subject to Board approval.

(3) The duties of the officers shall be as follows:

a. The chair shall preside at meetings of the Board, appoint members to serve on committees as may be created, and serve as ex officio member of all committees.

b. The vice chair shall preside in the absence of the chair and shall assume the duties of the chair when necessary.

(4) The elected officers of the Board comprise the Board's Executive Committee. The Executive Committee is responsible for:

a. Approving the Board meeting agenda with the executive officer.

b. Facilitating evaluation of the Executive Officer.

c. Assuring Board representation at legislative hearings, meetings, sunset reviews, and requested public presentations.

d. Participation in orientation of newly appointed Board members.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43-5.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.04 **Meetings Of The Board.**

(1) The Board shall meet six times annually, including an annual meeting in October of each year, and ascertain the presence of a quorum of a majority of the current appointed Board members prior to conducting the business of the Board. The Board may hold additional meetings at the discretion of the chair and four additional members of the Board.

a. Meeting notices shall be posted on the Secretary of State's web site as required by the Alabama Open Meetings Act.

b. The Board may post meetings on the Board's website.

(2) A majority of the current appointed members of the Board shall constitute a quorum at any meeting.

(3) Requests to present information to the Board during a Board meeting shall be directed to the Executive Officer at least fourteen days prior to the meeting.

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(4) The executive director employed by the Board shall keep a record of all meetings. The minutes shall be transcribed and presented for approval or amendment at the next regular meeting. The minutes or a true copy thereof, certified by a majority of the Board, shall be open to public inspection. The minutes shall reflect:

a. The time and place of each meeting of the Board.

b. Announcement of a quorum.

c. A statement of compliance with the Alabama Open Meetings Act.

d. Names of the Board members present and those who may be absent.

i. Late arrivals or early departures shall be documented in the minutes.

ii. Any Board member's absence during deliberation or action on agenda items.

e. All official acts of the Board.

f. The vote of the individual Board members except when the votes are unanimous. When requested by a dissenting Board member, specific reasons for the dissenting vote shall be recorded in the minutes.

(5) A roll call vote may be taken upon the request of a Board member.

(6) All meetings of the Board shall be held in compliance with the Alabama Open Meetings Act.

(7) Meetings of the Board, except executive sessions, may be openly recorded provided the recording does not disrupt the conduct of the meeting. Requests to record Board meetings, or portions thereof, shall be directed to the executive director at least 15 minutes prior to the beginning of the meeting to allow assistance with placement of equipment and personnel. Any disruption in the conduct of the meeting shall be addressed by either the executive director, the chair, or the Board members.

(8) Upon the written request of any individual, submitted to the board at least 24 hours in advance of a scheduled meeting, the meeting shall be recorded electronically, and a copy of the recording shall be made available, upon request, for 30 calendar days following the date of the recording.

(9) Board meetings shall be conducted in accord with Robert's Rules of Order except as provided by law.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-5.

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.05

Information.

Members of the general public may obtain information, make submissions or requests to the Executive Director, Alabama Massage Therapy Licensing Board, P.O. Box 301011, Montgomery, Alabama 36130.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §§34-43A-6, 41-22-4.

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.06 **Rules.**

All rules of the Board shall be adopted, amended or repealed in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, §§41-22-1, et seq.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §§34-43A-6(a)(6), 41-22-5.

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.07

Petition For Adoption, Amendment, Or Repeal Of A Rule.

(1) Any interested person may petition the Board requesting the adoption of a new rule or the amendment or repeal of an existing rule. The petition shall be in writing and shall include:

- a. The name and address of the petitioner.
- b. An exact statement of the proposed additional rule or amendment or identification of the rule to be repealed.
- c. The pertinent facts, data, opinions, or arguments in support of the petitioner's position.

(2) Within sixty days after submission of a petition, the Board shall initiate rule-making proceedings or shall deny the petition in writing on the merits, stating its reasons for the denial; provided, however, that the Board may by written notice extend said period for thirty days when a regularly scheduled meeting occurs beyond the 60-day period.

(3) A petition requesting adoption, amendment, or repeal of a rule shall not be considered by the Board if the subject of the petition is the same or similar to the subject presented in another petition considered by the Board within the previous twelve months.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §41-22-8.

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.08

Declaratory Rulings.

Any person(s) substantially affected by a rule may petition the Board for a declaratory ruling with respect to the validity of a rule or the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the Board.

(1) The petition shall be in writing and shall include:

- a. The name and address of the petitioner.

b. A statement of facts sufficient to show that the person seeking relief is substantially affected by the rule.

c. The rule, statute or order and the reasons for the questions.

(2) Failure of the Board to issue a declaratory ruling within forty-five days of date of receipt of request shall constitute a denial of the request.

(3) Circumstances in which rulings shall not be issued include but are not necessarily limited to:

a. Lack of jurisdiction.

b. Lack of clarity of the issue presented.

c. No clear answer determinable.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §41-22-11.

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.09

Public Inspection of Rules.

(1) All rules and other written statements of policy or interpretations formulated, adopted or used by the Board in the discharge of its functions shall be made available for public inspection and copying.

(2) All final orders, decisions and opinions of the Board shall be available for public inspection and copying except those expressly made confidential or privileged by statute or order of the court.

(3) Public records referenced in this rule may be obtained using the process described in rule 532-X-1-.10 and subject to the fees described in rule 532-X-1-.11.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §41-22-4.

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.10 **Public Records and Rosters.**

(1) The minutes of the Board, except those portions authorized by law to be kept confidential, the name of licensees, and other records determined to be public, shall be open to public inspection.

(2) Members of the public who wish to either examine or obtain a public record(s) may do so in accordance with the following:

a. The examination of a public record(s) shall be in the office of the Board and under the supervision of the executive officer or an authorized designee.

b. Public records may be requested using the Board's public records request form. Questions may be directed to the Board's public records coordinator.

c. A fee shall be assessed for costs incurred in searching and producing records as described in rule 532-X-1-.11.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.11 **Schedule of Fees.**

(1) Fees and fines are non-refundable.

(2) Fees are valid for 12 months from date of receipt.

(3) Fees and fines may be paid by electronic means using a credit or debit card, if available. Other means of payment may be cashier's check, business check, money order, or certified check. The board may, at its discretion and subject to established guidelines, require that a single fee be paid by a combination of both electronic and other means.

(4) Personal checks are only acceptable when the individual applicant's or licensee's name is imprinted on the check. Personal checks that are not acceptable forms of payment are:

a. Counter checks.

b. Third-party checks.

c. On out-of-state banks.

d. Fines.

(5) Payment, regardless of method, that is not honored by the financial institution may result in disciplinary action and reporting to the appropriate authorities for prosecution.

(6) At its discretion, the Board may require that a fee or fine be paid using certified funds.

(7) The statutory bad check charge applies to any personal check returned by the financial institution for insufficient funds.

(8) The following schedule of fees and charges shall apply:

a. One hundred dollars (\$100) for an initial massage therapist license.

b. One hundred dollars (\$100) for a biennial license renewal postmarked or received at the office of the board on or before the expiration date of the license.

c. One hundred dollars (\$100) for an initial, and fifty dollars (\$50) for any renewal of, a massage therapy establishment license.

d. One hundred fifty dollars (\$150) for an initial registration, and any renewal registration, as a massage therapy school in this state.

e. One hundred dollars (\$100) to register and renew registration as a massage therapy instructor in this state.

f. Seventy-five dollars (\$75) to reactivate an expired license.

g. Twenty-five dollars (\$25) shall be added to any license fees not postmarked or received at the office of the board on or before the expiration date of the license.

h. Ten dollars (\$10) for a duplicate license certificate or a name change on a license certificate.

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(9) The following necessary administrative fees shall be charged by the board:

a. Public records requests:

i. Document retrieval and preparation: \$5.00 for the first hour or any portion thereof \$20.00 per each additional hour or any portion thereof

ii. per page fees: \$0.50 per page for copies produced on standard 8.5 X 11 paper

iii. Actual costs: Any costs incurred while processing or responding to a request, including but not limited to hardware necessary for producing electronic records, specialty paper, and costs incurred to search electronic databases.

b. Fifty dollars (\$50) for a roster

c. Twenty-five dollars (\$25) for a criminal history background check

d. Fifty dollars (\$50) for a Temporary Supervisory Permit

e. Twenty-five dollars (\$25) for a Therapist Registration to Establishment

f. Thirty-five dollars (\$35) for verification of licensure.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-12

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.12 **Notice Requirements.**

(1) The applicant or holder of any license, registration or approval issued by the board shall notify the Board in writing of any requested name change. Appropriate legal documents shall be submitted prior to changing the name. The legal documents required for a name change are one of the following:

a. Marriage certificate.

b. Divorce decree substantiating the name change.

c. Probate court records effecting a legal name change.

(2) The applicant or holder of any license, registration or approval issued by the board shall notify the Board in writing of

any change in the reported address. The address of record is the last known address provided to the Board. Establishments shall further comply with standards for address changes of licensed massage therapy establishments.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §§34-43A-6.

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.13 Verification of Licensure.

Upon receipt of an electronic written request and payment of the required fee, the Board's designee shall provide written verification of Alabama licensure.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §§34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.14 Board Business to Be Conducted in English.

All business of or with the Alabama Massage Therapy Licensing Board, including, but not limited to, submission of applications and supporting documentation, shall be conducted in English.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-1-.15 Transition.

(1) Any individual or entity who was licensed, accredited or registered by the former Alabama Board of Massage Therapy on June 1, 2024, and whose license, accreditation or registration was due to be renewed in the month of June 2024, shall have until July 31, 2024, to renew said license, accreditation or registration.

(2) There shall be no further temporary extension of renewal.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §§34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency repeal and replace is a correct copy as promulgated and adopted on Friday, June 21, 2024.

AGENCY NAME: Alabama Board of Massage Therapy

RULE NO. AND TITLE: Chapter 532-X-2 The Board

EXPIRATION DATE OF RULE: Saturday, October 19, 2024

NATURE OF EMERGENCY: Alabama Act No. 2024-361, which took effect on June 1, 2024, requires the Board of Nursing to immediately assume management of the Alabama Massage Therapy Licensing Board (AMTLB). The Act further requires extensive revision of the AMTLB Administrative Code to implement.

STATUTORY AUTHORITY: §34-43A-6

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE: Peggy Sellers Benson
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Peggy Benson

Peggy Benson, AL

Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

REC'D & FILED
JUN 21, 2024
LEGISLATIVE SVC AGENCY

~~ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE~~

~~CHAPTER 532-X-2
THE BOARD~~

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~~532-X-2-.01 Board Composition And Officers.~~

~~(1) The Board shall consist of seven members, of whom five will be licensed massage therapists and two will be public members. The Board members shall serve no more than two consecutive full terms of four years each. The Board will elect a chairperson and vice chairperson from the members of the Board annually at the October regular session meeting.~~

~~(2) Qualifications of the Board members are as set forth in the act.~~

~~(3) The Board shall meet quarterly and ascertain the presence of a quorum of a majority of the current appointed board members prior to conducting the business of the Board. The chairperson shall call meetings in addition to the quarterly meetings when in his or her discretion he or she deems it proper, or upon written request of any three members of the Board.~~

~~(4) The vice chairperson shall assume the duties of the chairperson when the chairperson is unable to carry them out. In the event of a vacancy in the position of chairperson during the year for which that position was filled at the October meeting, the vice chairperson shall act as a chairperson of the Board for the remainder of that year.~~

~~(5) Where the positions of chairperson and vice chairperson both become vacant during the year for which these positions were filled at the October meeting, leaving a quorum of the Board remaining, the remaining Board members shall elect by majority vote an interim chairperson for the remainder of that year.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-6.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14,~~

~~2006. **Amended:** Filed April 20, 2009; effective May 25, 2009.
-**Amended:** Filed February 10, 2012; effective March 16, 2012.
-**Amended:** Published September 29, 2023; effective November 13, 2023.~~

~~532-X-2-.02 **Board Duties.**~~

~~(1) The Board shall consider and act upon proposals by continuing education providers; review of the rules and regulations; proposed budget; applications for employment; public information requests or offerings.~~

~~(2) 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.~~

~~(3) The Board shall cause a complete record of all licensed massage therapists in the State of Alabama to be maintained in its office. A roster of massage therapists licensed by the Board shall be compiled annually, containing the names and address of the licensees. The annual roster shall be made available to person requesting a copy, upon payment of a reasonable fee set by the Board after assessment of the costs of publication, distribution and handling costs. Payment of the fee must be tendered at the time of the request, and shall be by money order, certified check, or cashier's check.~~

~~(4) The Board shall supply a copy of the statutes governing the practice of massage therapy in Alabama which are in force at the time to each applicant for licensure and to each person licensed under said statutes and these rules and regulations.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-7.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed April 20, 2009; effective May 25, 2009.~~

~~**Amended:** Filed February 10, 2012; effective March 16, 2012.~~

~~**Amended:** Filed December 17, 2012; effective January 21, 2013.~~

~~**Amended:** Published October 31, 2019; effective December 15, 2019.~~

~~**532-X-2-.03 Seal.**~~

~~(1) The seal of the Board shall contain the name of the Board and State of Alabama. The seal shall be affixed to all licenses issued by the Board.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §§34-43-6, 34-43-7.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001.~~

ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE

CHAPTER 532-X-2
THE BOARD (REPEALED)

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532-X-2-.01 Definitions

532-X-2-.01 Definitions.

For purposes of these rules, the following terms shall have the following meanings:

(1) ADVERTISE: To distribute a card, flier, sign, or device to any individual or entity, or allow any sign or marking on any building, radio, television, or to publicize by any other means designed to attract public attention.

(2) BOARD: The Alabama Massage Therapy Licensing Board (AMTLB) created by Alabama Act No. 2024-361.

(3) BUTTOCK: Either of the two round fleshy parts that form the lower rear of the human trunk.

(4) CLIENT: Any person who receives massage therapy for compensation. This includes any patient or other patron receiving massage therapy or treatment, as well as patients receiving massages for a medically diagnosed reason or prescription.

(5) COURSE: Any on-line or in person program of study, or portion of a plan or program of instruction involving the imparting of knowledge, skills, or attitudes for the purpose of preparing the individual for gainful employment in an occupation nor vocation, or continuing the individual's education in said occupation or vocation, whether conducted in person, by mail, or by any other method.

(6) CURRICULUM: is a plan of course subjects of study to meet educational program learning needs.

(7) DENY: is to refuse the issuance of a license upon initial application review or upon license renewal review.

(8) ESTABLISHMENT: is a site, premises, business or operation where massage therapy is practiced by a licensed massage therapist.

(9) EXAMINATION: The National Certification Board for Therapeutic Massage and Bodywork Examination or the Federation of State Massage Therapy Board's Massage and Bodywork Licensing Examination administered by an independent agency or another nationally or internationally accredited examination administered by an independent agency approved by the board, or state examination administered by the board. The national or state examination administered by the board. The national examination shall be accredited by the National Commission for Certifying Agencies.

(10) EXECUTIVE OFFICER/EXECUTIVE DIRECTOR: The Executive Officer or Executive Director of the Alabama Massage Therapy Licensing Board. These terms may be used interchangeably during the period of temporary management of the board by the Alabama Board of Nursing.

(11) INTERGLUTEAL CLEFT/GLUTEAL CLEFT: The groove between the buttocks that runs from just below the sacrum to the perineum, so named because it forms the visible border between the external rounded protrusions of the gluteus maximus muscles.

(12) LICENSE: The credential issued by the board which allows the holder to engage in the safe and ethical practice of massage therapy.

(13) MASSAGE THERAPIST (MT): An individual licensed pursuant to this chapter who practices or administers massage therapy or related touch therapy modalities to a patron for compensation. A massage therapist shall not be designated or referred to as a "massage parlor" employee.

(14) MASSAGE THERAPY (MT) ESTABLISHMENT: A site, premises, or business where massage therapy is practiced by a massage therapist.

(15) MESSAGE THERAPY INSTRUCTOR: A massage therapist who is approved by the board to teach the practice of massage therapy.

(16) MESSAGE THERAPY or RELATED TOUCH THERAPY MODALITIES:

a. 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.

b. The term includes 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, and any massage, movement therapy, massage technology, myotherapy, massotherapy, oriental massage techniques, structural integration, acupressure, or polarity therapy.

c. The term massage therapy may include the external application and use of herbal or chemical preparations and lubricants including, but not limited to, salts, powders, liquids, nonprescription creams, cups, mechanical devices such as T-bars, thumpers, body support systems, heat lamps, hot and cold packs, salt glow, steam cabinet baths, or hydrotherapy.

d. The term does 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.

(17) MESSAGE THERAPY (MT) SCHOOL: A school, approved by the board, where massage therapy is taught and which is one of the following:

a. If located in Alabama, 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, recognized by the board and by a regionally recognized professional accrediting body.

c. A postgraduate training institute accredited by the Commission on Massage Therapy Accreditation.

(18) NATIVE AMERICAN HEALER: A person who can establish by information, contained on his or her birth certificate, by tribal records or by other reliable records, that he or she is an American Indian or Alaskan Native, having origins in any of the original peoples of North America, as definite in Code of Ala. 1975, Section 25-1-10, and who practices traditional healing techniques.

(19) SUPERVISED PRACTICE: Practice by the holder of a temporary permit which occurs only at the preidentified licensed massage therapy establishment and under the supervision of the preidentified licensed massage therapist who is physically present at the establishment when the practice occurs.

(20) PROFESSIONAL BOUNDARY VIOLATION: Acts in which the massage therapist uses his professional position to take advantage of the vulnerability of a client, or his family, to include but not be limited to actions that result in personal gain at the expense of the client or client's family, a nontherapeutic personal involvement or sexual conduct with a client or client's family.

(21) SCHOOL/PROGRAM: is any institution, agency, business, or organization offering or administering a plan, course, or curriculum for the purpose of preparing individuals for gainful employment as a massage therapist in an occupation or vocation, or continuing education of individuals in their occupation or vocation, whether conducted in person, by mail, or by any other method.

(22) SCOPE OF PRACTICE: A licensed massage therapist (LMT) shall only perform the massage, bodywork and techniques for which they have been trained as stated on their transcript or through documented continuing education, and which are legal to be performed in Alabama.

(23) 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 patron.

(24) STUDENT: Any individual who is enrolled in a massage therapy school.

(25) SUPERVISED MESSAGE: The viewing or monitoring of a student demonstrating hands-on massage therapy by a licensed massage therapy instructor.

(26) ON-SITE OR OUT-CALL MESSAGE THERAPY SERVICES: The practice of massage therapy not at a fixed location but at a location designated by the customer, client, or service.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed April 20, 2009; effective May 25, 2009.

Amended: Filed February 10, 2012; effective March 16, 2012.

Amended: Published September 29, 2023; effective November 13, 2023. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency repeal and replace is a correct copy as promulgated and adopted on Friday, June 21, 2024.

AGENCY NAME: Alabama Board of Massage Therapy

RULE NO. AND TITLE: Chapter 532-X-3 Licensure Process and Requirements

EXPIRATION DATE OF RULE: Saturday, October 19, 2024

NATURE OF EMERGENCY: Alabama Act No. 2024-361, which took effect on June 1, 2024, requires the Board of Nursing to immediately assume management of the Alabama Massage Therapy Licensing Board (AMTLB). The Act further requires extensive revision of the AMTLB Administrative Code to implement.

STATUTORY AUTHORITY: §34-43A-6

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE: Peggy Sellers Benson
PO Box 303900
Montgomery, AL 36130
(334) 293-5200
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Peggy Benson
Peggy Benson, AL

Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

REC'D & FILED
JUN 21, 2024
LEGISLATIVE SVC AGENCY

~~ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE~~

~~CHAPTER 532-X-3
LICENSURE PROCESS AND REQUIREMENTS~~

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~~532-X-3-.01 **Massage Therapist Licensure Qualifications.**~~

~~(1) Licensure applicants must be eighteen years of age or older on the date the applications for licensure is submitted to the Board.~~

~~(2) The applicant must not have knowingly performed massage therapy, whether for compensation or not, at or for a sexually oriented business, and must not have been convicted of or entered a plea of nolo contendere to a crime involving prostitution or other sexual offense within a three year period before submitting the application for licensure.~~

~~(3) The applicant must complete an application on the forms approved by the Board, and shall pay for all fees as set forth below, in a timely manner.~~

~~(4) The applicant shall cause the approved school which the applicant attended to provide an original transcript of the applicant's satisfactory completion of the required course of instruction or curriculum, where the applicant is relying on the education requirement satisfaction for application to take the examination for licensure. If original transcripts are not available due to unusual circumstances, the school should so certify to the Board, and the Board may approve submission of alternate documents that substantiate the applicant's satisfaction of the education requirements.~~

~~(5) An applicant who is licensed or registered to practice massage therapy in another state or sovereign state and wishes to obtain licensure in Alabama must meet the minimum requirements set forth by the Board for licensure.~~

~~(6) Each first-time applicant for licensure must both complete the education requirements and take a board approved examination.~~

~~(7) The education requirements for eligibility to apply for licensure are as follows as referenced in 532-X-3-.05:~~

~~(b) The Board requires 650 hours of a supervised course of instruction:~~

~~(8) To permit animal massage by a massage therapist under the direction of prescription of a licensed veterinarian, the applicant must graduate from a nationally approved program and complete a minimum of 100 hours of postgraduate training and education in animal anatomy, pathology, and physiology for the type of animal on which the therapist will perform therapeutic massage.~~

~~(9) Pass a criminal history check.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-9.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed April 20, 2009; effective May 25, 2009.~~

~~**Amended:** Filed February 10, 2012; effective March 16, 2012.~~

~~**Amended:** Published October 31, 2019; effective December 15, 2019. **Amended:** Published September 29, 2023; effective November 13, 2023.~~

~~532-X-3-.02 Application Deadlines (Repealed 12/14/06).~~

~~(Repealed)~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-10.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Repealed:** Filed November 9, 2006; effective December 14, 2006.~~

~~532-X-3-.03 Application And License.~~

~~(1) The Board shall adopt and make available an application form. On the return of the form the Board by the applicant, the form~~

~~shall remain the property of the Board. The Board will notify the applicant that their application was received and is pending approval. No application received by facsimile will be accepted.~~

~~(2) Two color photographs of the applicant must accompany the application, two by two inches in size, taken within the previous six months, showing a frontal view of the applicant's head and shoulders.~~

~~(3) All applications must be submitted in English, type or printed in black ink.~~

~~(4) In the event that a school submits an official transcript or approved documents in lieu of official transcripts that are not in the English language, the documents must be translated into English by the school by means of a translator who appends a sworn affidavit certifying that the translation is a true, correct and complete translation of the original document, and that the translator is competent in both English and the language of the document. Where an applicant causes the school to submit an official transcript which is not in English or translated into English as set forth above, and the Board notifies the applicant of the lack of translation, the applicant may request the Board to allow him or her to provide a certified and sworn translation at his or her own expense.~~

~~(5) A massage therapist licensed in the State of Alabama shall 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), and shall give evidence of coverage or application for this coverage with the application for licensure or renewal of license, or at any other time the Board may request.~~

~~(6) After consideration of the application and supporting documents, the Board shall issue a license to each person qualified as a massage therapist, a license to each qualified massage establishment, or a license to each person qualified as a massage therapy instructor. To be qualified for licensure as a massage therapist, an applicant shall have successfully completed the educational requirements and passed the examinations provided for in these rules, or shall have met the alternative requirements found in Section 34-43-9(2), (3), or (4), Code of Ala. 1975, and shall have given evidence of insurance coverage or application for coverage as stated above. Such massage therapy license grants all professional rights, honors and privileges relating to the practice of massage therapy.~~

~~(7) Each licensed massage therapist and massage therapy instructor shall publicly display his or her license. Each~~

~~licensed massage therapy establishment shall post in plain and public view its license, and cause the licenses of each massage therapist who practices in the establishment to be publicly displayed, either as a group or individually.~~

~~(8) A license issued by the Board to a massage therapist, a massage therapy instructor, or massage therapy establishment remains the property of the Board and shall be surrendered upon demand of the Board.~~

~~(9) A change of name of the individual massage therapist or massage therapy instructor, or the name or ownership of a massage therapy establishment must be reported to the Board within 30 days. A ten-dollar (\$10) fee shall be charged for a license to be issued in the new name, and this fee should be submitted with the notice of name change, by money order, or by cashiers or certified check.~~

~~(10) The Board registers massage therapy schools, however, such registration shall not be construed as a license to practice massage therapy in regard to any instructor or student at the registered school. Each instructor must be individually licensed.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-9.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed April 20, 2009; effective May 25, 2009.~~

~~**Amended:** Filed February 10, 2012; effective March 16, 2012.~~

~~**Amended:** Published September 29, 2023; effective November 13, 2023.~~

~~532-X-3-.04 Establishment Licensure.~~

~~(1) Each massage therapy establishment and on-site or out-call establishment as defined in these rules and regulations shall obtain a license to operate from the Board. A licensed owner, employee, or contractor may perform on-site or out-call massage therapy so long as the client knows the massage therapist owns, is employed by, or contracted from a licensed establishment.~~

~~(2) The applicant for licensure of the establishment shall be the owner, lessee, or legal possessor of the establishment.~~

~~(3) In the event the licensed establishment sold, subleased, or legal possession of the establishment is changed, the new owner, lessee, or legal possessor of the establishment shall be required to apply for and obtain a new license within sixty (60) days of the change of ownership, lessee, or legal possess. The establishment license is not assignable or transferable.~~

~~(4) The owner of an establishment may petition the Board to waive a new establishment fee when they apply for a new establishment license due to circumstances where a current licensed establishment is changing locations and they do not intend to change the name or ownership of the establishment. The Board will waive the new establishment license fee when the establishment owner can show:~~

~~(a) The request is made prior to a change in ownership of the current establishment's address;~~

~~(b) The establishment is changing addresses for reasons that are out of their control;~~

~~(c) The request must be made at least twelve (12) months before the establishment license expires;~~

~~(d) The person seeking the waiver must provide documentation;~~

~~(e) The person seeking the waiver must pay a fifty (\$50) administrative fee.~~

~~(5) Each massage therapy establishment shall be subject to an inspection by the Board at any time during normal business hours and must demonstrate:~~

~~(a) current professional and general liability insurance coverage for bodily injury and property damage for the establishment in the amount of at least one million dollars (\$1,000,000);~~

~~(b) compliance with state and local fire and safety requirements;~~

~~(c) a fire extinguisher in good working condition;~~

~~(d) provision for extermination of vermin, insects, termites, and rodents;~~

~~(e) laundering or sanitation of all equipment and linens or other materials furnished for use of the customer or client, prior to reuse, if applicable;~~

~~(f) maintenance of equipment in a safe and sanitary condition;~~

~~(g) adequate toilet and lavatory facilities with running water, equipped with toilet tissue, soap dispenser with soap or other hand cleansing materials, sanitary towels or hand-~~

~~drying devices, waste receptacle, with adequate lighting and ventilation sufficient to remove objectionable odors;~~

~~(h) adequate and sanitary shower facilities if the establishment maintains a whirlpool bath, sauna, hot tub, spa, steam cabinet or steam room; the shower, if any, is to be equipped with soap, sanitary cloth towels, and adequate lighting and ventilation;~~

~~(i) clean drape material (towel, sheet, blanket, linen) for draping clients during the massage, use of which shall be explained to the client prior to the massage, and which shall cover the intergluteal cleft and genitals of a male client at all times during the massage, and which shall cover the intergluteal cleft, breasts, and genitals of a female client at all times during the massage.~~

~~(j) the massage shall not intentionally expose the intergluteal cleft and genitals of a male/female client or breasts of a female client.~~

~~(6) 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.~~

~~(7) Inspections may be initiated by the Board at any time during reasonable business hours after licensure of the establishment, which may include but are not limited to determining whether the establishment is in compliance with the rules governing the establishment's operation, facilities, personnel, safety, sanitary requirements, and review of existing insurance coverage. Failure to cooperate with such inspection may lead to disciplinary action.~~

~~(8) No massage therapy establishment owner, lessee, or legal possessor shall knowingly engage in or permit any person or persons to engage in sexual activity in that owner's massage establishment or to use that establishment to make arrangements to engage in sexual activity in any other place.~~

~~(9) Each massage therapy establishment applicant shall pass a criminal history check unless the applicant is a licensed massage therapist and has passed a criminal history check.~~

~~(10) If an establishment fails an inspection, they must correct the violations outlined on the inspection report and be re-~~

~~inspected within 30 days along with submitting a re-inspection fee approved by the Board.~~

~~(11) An establishment that is owned by an individual, company, or corporation residing outside of the State of Alabama must be inspected prior to opening the establishment and pay an inspection fee approved by the Board.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §§34-43-7.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed April 20, 2009; effective May 25, 2009.~~

~~**Amended:** Filed February 10, 2012; effective March 16, 2012.~~

~~**Amended:** Published October 31, 2019; effective December 15, 2019. **Amended:** Published August 31, 2022; effective October 15, 2022. **Amended:** Published September 29, 2023; effective November 13, 2023.~~

~~532-X-3-.05 **Massage Therapy School, Massage Therapy Instructor Requirements.**~~

~~Definitions:~~

~~"Course of Student" is defined as all coursework required to complete a massage therapy program at a board approved massage therapy school that meets or exceeds the subject area requirements.~~

~~"Subject of Course of Student" is defined as a specific area of focus comprised of a portion of a course of student. A subject may span multiple courses offered as a part of the course of study. A course of study should include, but is not limited to, all core classes and electives listed in the chart above.~~

~~"Class" is defined as a series of lessons and lectures required in the subject area or subject areas offered as part of the course of study.~~

~~"Classroom Hour" is defined as the number of hours lectured per course. A classroom hour should be limited to a minimum of 50 minutes of any one clock hour during which a student participates in a course or series of courses in the presenence of a faculty member offered by a board approved massage therapy school.~~

~~"Hybrid Learning" is defines as education in which the face-to-face classroom experience is combined with or replaced by an online experience that includes synchronous and asynchronous~~

~~interactions with students and instructors, and lessons and assessments that can be completed digitally or in person.~~

~~"Online learning" refers to instruction that is delivered electronically through various multimedia and internet platforms and applications. It is used interchangeably with other terms such as web-based learning, distance learning, e-learning, computer-assisted instruction, and internet-based learning.~~

~~"Instruction Hour" is defined as no less than 50 minutes of a clock hour in which a student participates in a class offered by an approved course of study. Instruction hours may include classes where the delivery is in person, hybrid or online learning. Any and all coursework considered to be a "hands-on" course of student, including massage lab, clinical practicum, massage events off campus, field trips, or a guest speaker for a specific course, a student is required to attend in person.~~

~~"Graduate" is defined as a student who has completed a course of study at a board approved massage therapy school.~~

~~"Certification" is defined as an official document attesting to a status or level of achievement. A student who graduates from a board approved massage therapy program will gain an "industry-recognized" certification. An example of certification is:~~

~~Course Requirements and Clock Hours~~

~~Anatomy and Physiology, Kinesiology — 150 hours~~

~~Pathology — 40 hours~~

~~Massage Therapy and Practice — 120 hours~~

~~Professional Ethics — 15 hours~~

~~Alabama Rules & Regulations — 5 hours~~

~~Business — 25 hours~~

~~Spa/Hydrotherapy — 25 hours~~

~~Clinical Practicum — 50 to 100 hours~~

~~CPR/First Aid — 5 hours~~

~~-~~

~~Electives — 210 to 250 hours~~

~~Pregnancy Massage, Sports Massage, Geriatric Massage, Self-Care, Reflexology, Deep Tissue, Neuromuscular Massage, Esalen, Rolfing, Spa Therapy/Massage, Thai Massage, Thiatsu, Cupping Massage, IASTM, Kinesio Taping, Therapeutic Exercise, Chair Massage, Acupressure, Orthopedic Massage/Assessment, Myofascial Release/Unwinding, Medical Massage, and Lomi Lomi.~~

~~-~~

~~(1) The Board shall establish a list of approved massage therapy schools, and graduation from the massage therapy curriculum of an approved massage therapy school shall satisfy the education requirements of an applicant for licensure.~~

~~(2) A massage therapy school located outside of the State of Alabama which is recognized by a regional professional accrediting body, or which is an accredited postgraduate training institute may be recognized by the Board as an approved massage therapy school. A copy of the massage therapy curriculum at such school must be submitted with the transcript of a student graduating from the school to qualify a student of the school for satisfaction of the education requirements of an applicant for Alabama licensure.~~

~~(3) A massage therapy school located outside of the State of Alabama may seek to be approved and registered by the Board in the same manner as a massage therapy school located in the State of Alabama.~~

~~(4) A massage therapy school located in the State of Alabama must meet the requirements for approval, and file a completed application for approval of the Board, with the registration fee, to qualify its students to satisfy the education requirements for licensure. The massage therapy school must apply directly to the Board of Massage Therapy for approval, and submit the following information:~~

~~(a) sample transcript and diploma;~~

~~(b) copy of curriculum, catalog, or other course description;~~

~~(c) faculty credentials;~~

~~(5) A massage therapy school approved by the Board must register annually with the Board, submitting a renewal form, the renewal fee, a current curriculum, and a list of instructors of massage therapy who teach or supervise at the school. Should a change in ownership, curriculum, faculty or~~

~~staff, or address of the school occur during the year subsequent to obtaining approval of the Board, the school must notify the Board of such change within 30 days of the school's authorization of the proposed change or of implementation of the change, whichever is sooner.~~

~~(6) The Board must consider continued approval of a massage therapy school after a change of ownership, curriculum, or faculty, or staff.~~

~~(7) In the event a massage therapy school submits an annual renewal form with current curriculum which does not meet the minimum standards set forth in the Alabama massage therapy statutes and approved by the Board applicable at that time, the Board shall send a deficiency notice to the school and suspend the approval of the school. The school shall have six months in which to correct the deficiency and submit a renewal form with fee and copy of the conforming curriculum. Approval of a massage therapy school may be withdrawn by the Board if the massage therapy school modifies its curriculum without notice to the Board, or falls below the minimum standards required by the statutes and these rules and regulations; or if the school violates any standard applicable to the accreditation of the school by the Board of education; or violates any applicable rule or regulation of the Board of Massage Therapy.~~

~~(8) An instructor of massage therapy course work teaching at a Board approved school located in Alabama must be licensed in Alabama as a massage therapy instructor unless the course is a continuing education course being taught by a visiting instructor who does not teach more than 100 hours of continuing education per year.~~

~~(9) To qualify as a massage therapy instructor, an applicant:~~

~~(a) must be currently licensed as an Alabama massage therapist and maintain a current license;~~

~~(b) should possess training and experience in the field of study,~~

~~(c) have at least 3 years experience in the field of massage and be supported by management in their professional development and teaching skills,~~

~~(d) academic study such as anatomy, physiology and business and related sciences can be taught by a non-massage therapist professional that has experience in the field.~~

~~(10) To apply as a massage therapy instructor, an applicant must:~~

~~(a) submit the application from;~~

~~(b) document three years of experience in the practice of massage therapy, which documentation may include:~~

~~1. City business licenses showing the occupation as a massage therapist;~~

~~2. Internal Revenue Service tax returns listing the occupation as massage therapist;~~

~~3. Records or correspondence regarding advertisement as a massage therapist;~~

~~4. Affiliations with professional organizations;~~

~~5. Appointment books kept in the ordinary course of business;~~

~~6. Statements from personal knowledge by persons not related to the applicant, which may include: notarized statements of clients; statements of licensed professional associates consulted in relation to the practice of massage therapy; statements of business associates consulted in relation to the practice of massage therapy, such as bankers, brokers, attorneys.~~

~~(10) Guidelines for Supervised Student Clinicals~~

~~(a) 50 hour minimum~~

~~(b) 100 hour maximum~~

~~(c) Performed on the school premise~~

~~(d) Performed under the direct supervision of licensed massage therapist employed by the school.~~

~~(e) During the clinical session, the licensed massage therapist must have direct access to the student/client.~~

~~(f) The client must have full knowledge that the massage therapy session is being performed by a student therapist prior to beginning the session.~~

~~(g) The student therapist shall receive no compensation for any massage therapy session.~~

~~(h) Student may receive clinical hour credit for performing business related tasks such as answering telephones, returning telephone calls, booking therapy appointments, computer or file data entry, laundry of linens if the school provides linens for student clinical use and any other business-related tasks which will aide the students in future massage work environments.~~

~~(i) Student clinicals may not include manual labor on the school premise unrelated to every day clinical sessions.~~

~~(j) Students may not be required to clean the school premise beyond the normal sanitation procedures inclusive to treatment rooms and the immediate office space (i.e., appointment desk area, copy station and client waiting room) used during clinical sessions.~~

~~(k) Students may not be required to perform building maintenance, lawn care, facility housekeeping including bathrooms, floors or anything that does not apply to the education and career goal of a student.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-1.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 1, 2005; effective December 6, 2005. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed April 20, 2009; effective May 25, 2009. **Amended:** Filed February 10, 2012; effective March 16, 2012. **Amended:** Published September 29, 2023. effective November 13, 2023.~~

~~532-X-3-.06 **Fee Schedule.**~~

~~(1) Fees for applications, licensure, and services by the Board shall be as stated in Section 34-43-14, Code of Ala. 1975, as may be further amended by statute, and in addition administrative fees may be charged as follows, effective January 1, 2023:~~

- ~~(a) Massage Therapist Initial License Fee ————— \$100.00~~
- ~~(b) Massage Therapist License Renewal Fee ————— \$100.00~~
- ~~(c) Massage Therapist Renewal Late Fee ————— \$ 25.00~~
~~——— (Less than one year past expiration)~~

- ~~(d) Massage Therapist Reinstatement Fee ————— \$ 75.00~~
~~———— (More than one year past expiration)~~
- ~~(e) Establishment License Initial Fee ————— \$100.00~~
- ~~(f) Establishment License Renewal Fee ————— \$ 50.00~~
- ~~(g) Establishment Re-Inspection Fee ————— \$100.00~~
- ~~(h) Massage Therapy School Initial and ————— \$150.00~~
~~———— Renewal~~
- ~~(i) Massage Therapy Instructor Initial and ————— \$100.00~~
~~———— Renewal~~
- ~~(j) Duplicate License Fee ————— \$ 10.00~~
- ~~(k) License Roster Fee ————— \$ 50.00~~
- ~~(l) Background Check Fee paid by applicant/licensee~~

~~(2) All fees are nonrefundable.~~

~~(3) Fees must be received at the Office of the Alabama Board of Massage Therapy on or before the proper due date, and in the proper form of payment for applications or renewals to be considered timely filed.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-14.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed April 20, 2009; effective May 25, 2009.~~

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~~29, 2023; effective November 13, 2023.~~

~~532-X-3-.07 Code Of Ethics — Massage Therapy Schools.~~

~~(1) This Code of Ethics is a summarized statement of standards by which state licensed massage therapy schools (hereinafter referred to as "Educators") agree to conduct their practices and an acknowledgement of the principles of acceptable, ethical and professional behavior.~~

~~(2) General Standards:~~

~~(a) Any Educator licensed by the Board is required to be knowledgeable regarding the ethical, legal and regulatory aspects of the profession of massage therapy, must be skilled in applying that knowledge and must make students aware of their responsibilities as massage therapists. Licensed Educators will conduct education in an ethical manner and serve as role models for professional behavior.~~

~~(b) Licensed Educators will educate only in those areas in which they have become qualified through education, certification and professional affiliations in order to ensure that all students are adequately instructed in massage therapy techniques.~~

~~(c) Licensed Educators will accurately inform the public and other health care providers of the scope and limitations of their discipline and that of their students.~~

~~(d) Licensed Educators do not discriminate against or refuse professional service to anyone on the basis of race, gender, religion, national origin, or sexual orientation.~~

~~(e) Licensed Educators are required to clearly define and maintain ethical, professional and social relationship boundaries with their students. Educators must acknowledge that they exert both power and influence over the students under their care and control and that they must, therefore, be vigilant to maintain appropriate student-teacher boundaries and take responsibility for the power differential that exists between instructors and students.~~

~~(f) Licensed Educators must maintain and improve their professional knowledge and competency to teach massage therapy through continuing education.~~

~~(g) Licensed Educators will orient prospective students to their program expectations prior to admission, including, but not limited to, the following items:~~

- ~~1. the type and level of skill required for successful completion of the training;~~
- ~~2. a current and accurate description of the program content, training goals and objectives;~~
- ~~3. the subject matter to be covered;~~
- ~~4. the basis for evaluation;~~

- ~~5. the training components that encourage self-growth as part of the training process;~~
- ~~6. the supervision and site requirements for required clinical field experiences;~~
- ~~7. student evaluation and dismissal policies and procedures;~~
- ~~8. up-to-date employment prospects for graduates; and~~
- ~~9. the availability of course and program information to all interested parties.~~

~~(h) Educators do not teach the use of techniques or procedures that require specialized training, licensure or expertise, including, but not limited to, laser therapy, 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, occupational therapy, veterinary medicine, acupuncture, osteopathy, orthopedics, hypnosis or naturopathic.~~

~~(i) Educators do not serve as counselors to students over whom they hold administrative, teaching or evaluative roles unless this is a brief role associated with a training experience.~~

~~(3) Criminal Acts:~~

~~(a) An Educator should abide by federal, state and local laws and statutes. Unethical conduct includes conviction of a felony or of any crime arising out of or connected with the practice of massage therapy and/or the habitual use of controlled substances or the habitual and excessive use of alcohol. As used herein, "conviction" includes a finding or nolo verdict of guilt, a plea of guilty, or a plea of contendere.~~

~~(4) Abuse of Students:~~

~~(a) An Educator should always maintain a professional relationship with all students, both in and outside the classroom. Unethical conduct includes, but is not limited to:~~

- ~~1. committing any act of abuse, including physical and emotional abuse;~~
- ~~2. committing or soliciting any unlawful sexual act;~~

~~3. committing any act of sexual harassment; and/or~~

~~4. soliciting, encouraging or consummating a romantic or inappropriate relationship with a student (including dating a student) by written, verbal or physical means.~~

~~(5) Alcohol and Drugs:~~

~~(a) An Educator shall refrain from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to:~~

~~1. being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using or consuming illegal or unauthorized drugs and/or alcohol; and/or~~

~~2. furnishing alcohol or illegal/unauthorized drugs to any student or allowing a student to consume alcohol or illegal/unauthorized drugs while on school premises or while at a school-sponsored activity.~~

~~(6) Misrepresentation or Falsification:~~

~~(a) An Educator should exemplify honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to:~~

~~1. falsifying, deliberately misrepresenting or omitting information regarding the evaluation of students, including improper administration of any standardized tests (changing test answers, copying or teaching identified test items, unauthorized reading of the test to students, etc.);~~

~~2. falsifying, deliberately misrepresenting or omitting reasons for terminating students; and/or~~

~~3. falsifying, deliberately misrepresenting or omitting information submitted in the course of an official inquiry/investigation.~~

~~(7) Student Funds:~~

~~(a) An Educator entrusted with student funds and property should honor that trust with a high level of honesty, accuracy and responsibility. Unethical conduct includes, but is not limited to, failing to account for funds collected from students.~~

~~(8) Advertising:~~

~~(a) All licensed massage training programs and institutions are expected to exhibit integrity and responsibility in advertising and in student recruitment. Responsible self-regulation requires rigorous attention to the principles of ethical practice. The following requirements pertain to all advertising and promotional materials used by all forms of media, including, but not limited to, print, broadcast medium, internet, data transfer technologies, and video or audio tape. The following requirements further pertain to all program and institutional materials that are distributed to prospective students or to members of the general public, irrespective of the originally intended purpose of those materials.~~

~~1. All printed, written, and/or spoken statements and representations regarding massage therapy schools and programs shall be clear, factually accurate and current. Supporting information shall be kept on file by the sponsoring school or program administrator and shall be readily available for review, including, but not limited to the following:~~

~~(i) Policies concerning admission, financial aid, curriculum, schedules and all other areas affecting the education and well-being of students shall be honestly and clearly stated in publications promoting the school.~~

~~(ii) Procedures, dates and requirements for application, admission, financial aid, and other responsibilities and opportunities directly affecting students shall be clearly stated and shall be generally available to prospective and current students.~~

~~(iii) Policies regarding student admission and standing, evaluation of student progress, and the operation of certificate or diploma programs shall be readily available to current and prospective students.~~

~~(iv) A description of tuition, fees, and other charges, as well as all policies pertaining thereto, shall be clearly described in the program's published literature. The total cost of the program shall be clearly stated.~~

~~2. Catalogs, advertising and promotions shall clearly distinguish existing and recognized programs from those that are prospective or hypothetical.~~

~~3. All advertising and promotional materials shall include the correct name and location of the program and the parent institute.~~

~~4. All advertising promoting student clinical sessions will clearly indicate that services provided by students are offered under the supervision of a licensed massage therapist by using the phrase, "under the supervision of" or "supervised by a licensed massage therapist." Students may not use personal advertisements for such services, but student names may be included in an Educator's advertisement, provided that the students' intern status is clearly disclosed in the ad.~~

~~5. All school and program advertising and promotional materials shall clearly disclose that they offer solely training, and not employment, in massage therapy. No overt or implied claim or guarantee of individual employment shall be made at any time therein~~

~~6. Advertisements or any other type of recruitment materials shall not claim that students receive compensation for attending school or for providing student services.~~

~~7. No program shall use the term "accredited" unless it indicates the agency or organization by which it is accredited.~~

~~8. No program shall issue any certificate or diploma or confer any degree that misrepresents the course of study or instruction covered or completed or the accomplishments or standing of the student receiving such certificate, diploma or degree.~~

~~9. The program shall not falsely represent its facilities in photos, illustrations, computerized images, or by other means.~~

~~10. Programs that utilize placement statistics and/or state examination pass rates in advertising, promotional literature and/or verbal presentations shall use corroborative data from reliable and current sources, e.g., state agencies, previous calendar year statistics, etc. to back its claims.~~

~~(9) Confidential Information:~~

~~(a) All Educators should comply with state and federal laws relating to the confidentiality of student records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to, sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status and/or income, and assessment/testing results.~~

~~(10) Disciplinary Action:~~

~~(a) The Alabama Board of Massage Therapy is authorized to suspend, revoke, or refuse to issue or deny a school license, and to issue a reprimand or warning when made aware of possible improprieties by licensed Educators, as stated herein, via written complaint. The Board will give notice and opportunity to be heard to the Educator charged with the alleged impropriety in accordance with the Alabama Administrative Procedure Act and the Rules and Regulations of the Alabama Board of Massage Therapy. For a minor incorrect practice by an Educator, the Board may provide notice and an opportunity to cure the incorrect practice. The Educator may request a formal or informal hearing before the Board regarding any impropriety, delinquency, incorrect practice, or deficiency.~~

~~(b) Licensed Educators will adhere to and follow all policies, procedures, rules, regulations, codes and requirements promulgated in accordance with Alabama law regarding the practice of massage therapy (Act No. 96-661) and the amendments thereto.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-14.~~

~~**History: New Rule:** Filed May 19, 2004; effective June 23, 2004.~~

ALABAMA MESSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

CHAPTER 532-X-3
MESSAGE THERAPIST LICENSURE

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532-X-3-.01 Massage Therapist License Required.

Unless otherwise exempt under the law, no individual may do any of the following in Alabama unless he or she is licensed as a massage therapist:

(1) Advertise that he or she performs massage therapy 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.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14,

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13, 2023. **Repealed and New Rule (ER):** Filed June 21, 2024;
effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-3-.02 Exemptions.

The following individuals, offices, and establishments are exempt
from licensure:

(1) A student who is rendering massage therapy services under the
supervision of a massage therapy instructor. A student shall be
designated by title clearly indicating his or her training
status.

(2) A qualified member of another profession who is licensed and
regulated under state law while in the course of rendering
services within the scope of his or her license, provided that
the individual does not represent himself or herself as a massage
therapist.

(3) An individual providing massages to his or her immediate
family.

(4) An individual offering massage therapy instruction who is
visiting from another state, territory, or country, provided that
the individual is licensed or registered as required in his or
her place of residence. A visiting instructor may teach
continuing education courses in this state for up to 100 hours
per year without being licensed by the board. A visiting
instructor who teaches continuing education courses in this state
for 100 hours or more per year is required to be licensed by the
board.

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

(6) A Native American healer using traditional healing practices.
A Native American healer who applies to the board for a massage
therapist license shall comply with all licensing requirements.

(7) An individual acting under the supervision of a physician, a physical therapist, or a chiropractor within the scope of his or her license, provided that the individual does not represent himself or herself as a massage therapist.

(8) The office of a chiropractor, physician, or physical therapist which employs or contracts with a massage therapist who is exempt from an establishment license.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: **New Rule:** Filed January 29, 2001; effective March 5, 2001. **Repealed:** Filed November 9, 2006; effective December 14, 2006. **New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-3-.03

Qualifications for Licensure as a Massage Therapist.

(1) No individual may perform the duties of a massage therapist unless he or she holds a valid license issued by the board.

—

(2) To be licensed as a massage therapist, an individual shall:

(a) Have successfully completed a minimum of 650 hours of instruction which shall consist of all of the following:

i. One hundred hours of anatomy and physiology, including 35 hours of myology, 15 hours of osteology, 10 hours of circulatory system, and 10 hours of nervous system, with the remaining 30 hours addressing other body systems at the discretion of the massage therapy school.

ii. Two hundred fifty hours of basic massage therapy, the contradistinctions of massage therapy, and related touch therapy modalities, including a minimum of 50 hours of supervised massage.

iii. Fifty hours of business, hydrotherapy, first aid, cardiopulmonary resuscitation, professional ethics, and state massage therapy laws.

iv. Two hundred fifty hours of electives as determined by the massage therapy school.

(b) Have successfully passed either the Massage and Bodywork Licensing Examination (MBLEx) or the Board Certification

Examination for Therapeutic Massage and Bodywork (BCETMB). The board may approve other state exams on a case-by-case basis.

(c) Complete a criminal history background check pursuant to Section 34-43A-13(c) of the Code of Alabama.

(d) Pay all applicable fees.

(e) Provide proof of coverage demonstrating that the applicant possesses professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars.

(f) Satisfy the requirements of Code of Alabama § 31-13-7 related to citizenship or lawful presence.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed April 20, 2009; effective May 25, 2009.

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532-X-3-.04 Application Process for Initial Licensure.

(1) The applicant shall submit to the board:

a. A completed application on a board-approved form.

b. Required fees.

c. Proof of coverage demonstrating that the applicant possesses professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars.

d. The fingerprint card and form (see Chapter 532-X-8)

e. A completed Citizenship or Lawful Presence Checklist and supporting documentation.

f. A two by two-by-two-inch photograph showing a frontal view of the head and shoulders of the applicant taken no more than six months earlier than the date of submission.

(2) A primary source official school transcript shall be submitted to the board and shall indicate the date of the applicant's completion of the program and/or the date the degree/certificate was conferred.

—

(3) Primary source verification shall be submitted of the applicant having successfully passed either the Massage and Bodywork Licensing Examination (MBLEx) or the Board Certification Examination for Therapeutic Massage and Bodywork (BCETMB).

—

(4) The applicant may be subject to an initial in-person board hearing, as determined by the board.

—

(5) An affirmative vote of a majority of the members of the board is required to grant an initial license to practice massage therapy.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed April 20, 2009; effective May 25, 2009.

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532-X-3-.05

Application Process for Massage Therapist Initial Licensure by Endorsement from Another Jurisdiction.

(1) The applicant shall submit to the board:

a. A completed application on a board-approved form.

b. Required fees.

c. Proof of coverage demonstrating that the applicant possesses professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars.

d. The fingerprint card and form (see Chapter 532-X-8)

e. A completed Citizenship or Lawful Presence Checklist and supporting documentation.

f. A two by two-by-two-inch photograph showing a frontal view of the head and shoulders of the applicant taken no more than six months earlier than the date of submission.

—

(2) Primary source verification of licensure in another state in the United States, together with proof that at the time of the applicant's original licensure in the other state of licensure, the requirements for the applicant to obtain that license were equal to or stricter than those qualifications for licensure described in these rules.

—

(3) The applicant may be subject to an initial in-person board hearing, as determined by the board.

—

(4) An affirmative vote of a majority of the members of the board is required to grant an initial license to practice massage therapy.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 1, 2005; effective December 6, 2005. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed April 20, 2009; effective May 25, 2009.

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532-X-3-.06

Massage Therapist License Renewal.

(1) Each massage therapist license shall be renewed biennially, on or before the anniversary date of the license.

(2) Any massage therapist license not renewed biennially on or before the anniversary date shall expire.

(3) The applicant shall submit to the board:

- a. A completed application on a board-approved form.
- b. Required fees.
- c. Proof of coverage demonstrating that the applicant possesses professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars.
- d. The fingerprint card and form (see Chapter 532-X-8)
- e. If the applicant's United States citizenship has not previously been established pursuant to the requirements of Code of Alabama § 31-13-7, a completed Citizenship or Lawful Presence Checklist and supporting documentation.
- f. A two by two-by-two-inch photograph showing a frontal view of the head and shoulders of the applicant taken no more than six months earlier than the date of submission.
- g. Evidence of satisfactory completion of sixteen hours of continuing education which meets the requirements of Chapter 532-X-6.

(4) An affirmative vote of a majority of the members of the board is required to deny an application for renewal of a license to practice massage therapy.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. Amended: Filed April 20, 2009; effective May 25, 2009.

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29, 2023; effective November 13, 2023. Repealed and New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-3-.07

Massage Therapist Reinstatement of Expired License.

(1) An individual whose massage therapist license has expired and who has ceased to practice massage therapy for a period of no more than five years may apply to reinstate the massage therapist license.

(2) To apply to reinstate an expired license, the applicant shall submit:

a. A completed application on a board-approved form.

b. A reactivation fee and all other required fees.

c. Proof of coverage demonstrating that the applicant possesses professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars.

d. The fingerprint card and form (see Chapter 532-X-8)

e. If the applicant's United States citizenship has not previously been established pursuant to the requirements of Code of Alabama § 31-13-7, a completed Citizenship or Lawful Presence Checklist and supporting documentation.

f. A two by two-by-two-inch photograph showing a frontal view of the head and shoulders of the applicant taken no more than six months earlier than the date of submission.

g. Evidence of satisfactory completion of sixteen hours of continuing education which meets the requirements of Chapter 532-X-6.

h. Primary source verification of having successfully passed either the Massage and Bodywork Licensing Examination (MBLEEx) or the Board Certification Examination for Therapeutic Massage and Bodywork (BCETMB).

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed May 19, 2004; effective June 23, 2004.

Repealed and New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-3-.08

Temporary Permit for Supervised Practice.

(1) A first-time applicant for an Alabama massage therapist license may apply for a temporary permit for supervised practice.

(2) A temporary permit for supervised practice may be issued by board staff only when all of the following requirements are met:

(a) The applicant for a temporary permit has submitted a complete application for initial licensure as a massage therapist.

(b) The applicant's application and supporting materials do not reveal any grounds for denial of a massage therapist license.

(3) Practice under a Temporary Permit for Supervised Practice is limited as follows:

(a) The application for a temporary permit must identify the name and license number of the licensed massage therapy establishment at which the supervised practice will occur and the name, license number and signature of the licensed massage therapist who agrees to provide onsite supervision to the temporary permit holder.

(b) The holder of the temporary permit may practice only at the identified licensed massage therapy establishment and may practice only when the identified supervising licensed massage therapist is present at the licensed massage therapy establishment.

(4) A Temporary Permit for Supervised Practice expires on the earliest of:

(a) 120 days

(b) Licensure as a massage therapist in Alabama

(c) Denial of a massage therapist license

(5) An individual may receive only one Temporary Permit for Supervised Practice per lifetime.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-3-.09

Licensed Massage Therapist Registration to Licensed Massage Therapy Establishment.

(1) Beginning on October 1, 2024, prior to providing massage therapy services at or for any licensed massage therapy establishment, a licensed massage therapist shall register with the board that the licensed massage therapist will perform massage services at or for the licensed massage therapy establishment.

(2) The licensed massage therapist shall complete and submit to the board a separate registration form for each licensed massage

therapy establishment at or for which the licensed massage therapist will perform massage therapy services.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-3-.10 **Special Circumstances.**

(1) Any applicant for initial licensure who possesses an active, unencumbered license in another state and who is the eligible spouse of a service member or other qualified individual, as defined in Section 31-1-6, Code of Ala. 1975, shall:

—

(a) Be eligible to apply for a service member spouse temporary permit, which shall be valid for 365 days.

(b) Be exempt from payment of the initial licensure fee provided for in Section 532-X-1-.11 of these rules.

(c) The applicant is required to substantiate his or her eligibility by providing the following:

1. A marriage certificate substantiating marriage to the service member.

2. Official documentation of the qualified service member or other qualified individual's relocation to the state.

(2) When a licensed massage therapist who is actively serving in the military is deployed at the time of their biennial renewal, the license shall not lapse, provided that the following conditions are met:

(a) The license was active at the time of deployment.

(b) The licensee provides the Board a copy of the military activation or deployment orders, or other proof of active military service, in advance of deployment.

(c) The licensee renews the license no later than December 31 of the next year following return from deployment.

(3) In the event that a licensed massage therapist who is actively serving in the military and deployed at the time of their biennial renewal fails to notify the Board prior to deployment, the license shall lapse, if not renewed. However, the license may be reinstated or renewed without penalty or payment of the reinstatement or late renewal fee(s) under the following conditions:

(a) The license was active at the time of deployment.

(b) The application for reinstatement or renewal is made while still in the armed services or no later than six months after discharge from active service or return to inactive military status.

(c) A copy of the military activation orders or other proof of active military service accompanies the application.

(d) The renewal fee is paid.

(e) If the required continuing education contact hours were not earned for renewal during the earning period, the licensed nurse shall be required to complete the required continuing education hours needed for renewal no later than six months after discharge from active service, return to inactive military status, or return from deployment.

(4) The continuing education contact hours used to renew the license under paragraphs (2) or (3) may not be used for the next license renewal.

(5) The continuing education contact hours for the next license renewal may not be prorated.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-3-.11 **Code of Ethics for Licensed Massage Therapists.**

(1) The licensed massage therapist shall comply with the following code of ethics. Violations of the code of ethics may result in disciplinary action.

(a) The licensee must comply with all legal requirements in applicable jurisdictions. The licensee shall:

1. Obey all local, state, and federal laws.

2. Refrain from any behavior that results in illegal, discriminatory, or unethical actions.

3. Accept responsibility for the licensee's own actions.

4. Upon reasonable belief that another massage therapist has violated Chapter 43A of Title 34 of the Code of Alabama, and any amendments thereto, or the Alabama Massage Therapy Licensing Board Administrative Code, inform the Alabama Massage Therapy Licensing Board within thirty (30) calendar days after the date the licensee discovers the activity.

5. Maintain accurate and truthful records.

6. Comply with Chapter 43A of Title 34 of the Code of Alabama, and any amendments thereto, and the Alabama Massage Therapy Licensing Board Administrative Code.

7. Perform only those services which are within the scope of practice of a licensed massage therapist in Alabama and for which the licensed massage therapist is qualified through education, certifications, and professional affiliations.

8. Accurately inform clients, the public, and other health care providers of the scope and limitations of the licensee's discipline.

(2) In the licensee's professional role, the licensee shall:

(a) treat each client with respect, dignity, and worth.

(b) use professional verbal, nonverbal, and written communications.

(c) provide an environment that is safe and comfortable for the client and which, at a minimum, meets all legal requirements for health and safety.

(d) use standard precautions to ensure professional hygienic practices and maintain a level of personal hygiene appropriate for practitioners in the therapeutic setting.

(e) wear clothing that is clean and professional.

(f) obtain voluntary and informed consent from the client prior to initiating the session.

(g) If applicable, conduct an accurate needs assessment, develop a plan of care with the client, and update the plan as needed.

(h) Use appropriate draping to protect the client's physical and emotional privacy.

(i) The massage therapist shall utilize clean drape material (towel, sheet, blanket, linen) for draping clients during the massage, use of which shall be explained to the client prior to the massage, and which shall cover the intergluteal cleft and genitals of a male client at all times during the massage, and which shall cover the intergluteal cleft, breasts, and genitals of a female client at all times during the massage.

1. The massage therapist shall not intentionally expose the intergluteal cleft and genitals of a male/female client or breasts of a female client.

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2. The massage therapist shall not inappropriately touch the mouth, or genitals of a male/female client or breasts of a female client.

—

(j) Acknowledge the limitations and contraindications of massage therapy, referring to other state licensed healthcare providers when deemed appropriate.

(k) seek other professional advice when needed.

(l) respect the traditions and practices of other professionals and foster collegial relationships.

(m) Maintain professional boundaries with clients.

(n) The licensed massage therapist shall adhere to ethical boundaries and perform the professional roles designed to protect both the client and the practitioner, and safeguard the therapeutic value of the relationship.

(o) The licensed massage therapist must recognize the licensee's influential position with the client and not exploit the relationship for personal or other gain.

1. Recognize and limit the impact of transference and counter-transference between the client and the licensee;

2. Avoid dual or multidimensional relationships that could impair professional judgment or result in exploitation of a client, student, employee, supervisee, mentee, trainee, or anyone else with whom a power differential exists;

(p) Refrain from practicing under the influence of alcohol, drugs, or any illegal substance.

(q) Ensure that every appointment for massage therapy services is recorded in an appointment book (whether paper or electronic) which is available at the massage therapy establishment to which the licensed massage therapist is registered and through which the service will be performed.

1. Appointments shall be documented prior to commencement of the massage therapy services.

2. There shall be no undocumented massage therapy appointments.

3. Documentation of appointments shall be maintained on the premises of the licensed massage therapy establishment and available for inspection.

4. Documentation shall include the name of the client(s) who will receive massage therapy services at the appointment, the name of the licensed massage therapist(s) performing the massage therapy services, the location at which the massage therapy services will occur, the type and duration of the massage therapy services to be performed, and the date and time at which the massage therapy services will occur.

(r) Respect state licensed healthcare providers whose intent is to promote the health and healing of their clients.

(s) Conduct their business and professional activities with integrity.

(t) Refuse to unjustly discriminate against clients or other state licensed healthcare professionals, respecting the inherent worth of all persons.

(u) Acknowledge the confidentiality of all client information, respecting each client's right to privacy, unless disclosure is required by law, court order, written release to third parties by the client, or in the event it is objectively necessary to protect the public.

(v) Refrain from engaging in any sexual conduct, behavior, or activities involving a client, even if the client attempts to sexualize the relationship.

(w) Respect the client's right to refuse, modify, or terminate treatment.

(x) Have the right to refuse treatment to any person for reasonable and just cause.

(y) Provide treatment in an environment that ensures the comfort and privacy of the client.

(z) Respect the client's autonomy with regard to privacy, disclosure, beliefs, and emotional expression.

(aa) Through continuing education, maintain and improve professional knowledge and competency.

(bb) Adhere to and follow all policies, procedures, rules, regulations, codes, and requirements promulgated by Alabama laws regarding the practice of massage therapy, Act No. 2024-361, and amendments thereto.

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(3) The licensee shall respect the client's dignity and right to privacy. The licensee shall:

(a) protect the confidentiality of the client's identity and information in all conversations, advertisements, and any and all other matters unless disclosure of identifiable information is requested by the client in writing, is medically necessary, or is required by law;

(b) protect the interests of clients who are minors or clients who are unable to give voluntary and informed consent by obtaining prior written permission from a legal guardian;

(c) solicit only information that is relevant to the professional client/therapist relationship;

(d) securely retain client files for a minimum period of four years from the termination of the therapeutic relationship; and

(e) dispose of client files in a secure manner.

(4) The licensee shall practice with honesty, integrity, and lawfulness. The licensee shall:

(a) provide a physical setting that is safe and meets all applicable legal requirements for health and safety;

(b) maintain adequate progress notes for each client session, if applicable;

(c) accurately and truthfully inform the public of services provided;

(d) honestly represent all professional qualifications and affiliations;

(e) include the license number of the licensee or establishment on any advertisements.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-3-.12 Prohibited Activities.

(1) A massage therapist may not administer, dispense, or prescribe drugs, or engage in the practice of medicine in any manner including, but not limited to, nutrition, diagnosing or prescribing drugs for mental, emotional, or physical disease, illness, or injury.

(2) A massage therapist 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.

(3) A massage therapist may not perform massage therapy for a sexually oriented business, shall be subject to all sections of Article 3 of Chapter 12 of Title 13A.

(4) A massage therapist may not advertise or offer to perform services outside the scope of his or her expertise, and education for any client who is ill or has a physical dysfunction, unless the services are performed in conjunction with a licensed physician, physical therapist, or chiropractor.

(5) a massage therapist or 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.

(6) A massage therapist may not perform therapeutic massage on an animal unless the massage therapist has graduated from a nationally approved program and completed at least 100 hours of postgraduate training and education in animal anatomy, pathology, and physiology for the specific type of animal upon which he or she will perform therapeutic massage. A massage therapist shall not commence performing therapeutic massage on an animal until the massage therapist has filed with the board documentation of the education and training required for therapeutic massage on the specific type of animal.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency repeal and replace is a correct copy as promulgated and adopted on Friday, June 21, 2024.

AGENCY NAME: Alabama Board of Massage Therapy

RULE NO. AND TITLE: Chapter 532-X-4 Examination Process

EXPIRATION DATE OF RULE: Saturday, October 19, 2024

NATURE OF EMERGENCY: Alabama Act No. 2024-361, which took effect on June 1, 2024, requires the Board of Nursing to immediately assume management of the Alabama Massage Therapy Licensing Board (AMTLB). The Act further requires extensive revision of the AMTLB Administrative Code to implement.

STATUTORY AUTHORITY: Section 34-43A-6

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

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Peggy Benson
Peggy Benson, AL

Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

REC'D & FILED
JUN 21, 2024
LEGISLATIVE SVC AGENCY

~~ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE~~

~~CHAPTER 532-X-4
EXAMINATION PROCESS~~

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~~532-X-4-.01 Examinations.~~

~~(1) The Board may approve any national standardized examination.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-10.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Published September 29, 2023; effective November 13, 2023.~~

ALABAMA MESSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

CHAPTER 532-X-4
MESSAGE THERAPY ESTABLISHMENT LICENSURE AND STANDARDS

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532-X-4-.01 Message Therapy Establishment License Required.

(1) No massage therapy establishment shall operate in Alabama without a license issued by the board.

(2) There shall be a physical location for each licensed massage therapy establishment.

(3) A licensed massage therapy establishment may provide on-site or out-call services as defined in these rules, provided that:

(a) Such services are provided by a licensed massage therapist who is registered to the licensed massage therapy establishment.

(b) The client is made aware that the licensed massage therapist performing the services is the owner of or is employed by or contracted from the licensed massage therapy establishment.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Published September 29, 2023; effective November 13, 2023. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-4-.02

Requirements for Licensed Massage Therapy Establishments.

(1) A licensed massage therapy establishment must demonstrate and maintain the following requirements:

(a) Right to occupy the premises as demonstrated by a deed, lease, or other document establishing lawful possession in the name of the sole proprietor, corporation, limited liability company, or partnership that holds a massage therapy establishment license.

(b) Proof of coverage demonstrating that the licensed massage therapy establishment possesses professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars.

(c) Compliance with state and local fire and safety requirements.

(d) A fire extinguisher in good working condition.

(e) Provision for extermination of vermin, insects, termites, and rodents.

(f) Laundering or sanitation of all equipment and linens or other materials furnished for use of the customer or client, prior to reuse, if applicable.

(g) Maintenance of equipment in a safe and sanitary condition.

(h) Adequate toilet and lavatory facilities with running water, equipped with toilet tissue, soap dispenser with soap or other hand cleansing materials, sanitary towels or hand-drying devices, waste receptacle, with adequate lighting and ventilation sufficient to remove objectionable odors.

(i) Adequate and sanitary shower facilities if the establishment maintains a whirlpool bath, sauna, hot tub, spa, steam cabinet or steam room; the shower, if any, is to be equipped with soap, sanitary cloth towels, and adequate lighting and ventilation.

(j) Clean drape material (towel, sheet, blanket, linen) for draping clients during the massage.

(k) Documentation of all massage therapy appointments, whether the appointments are provided at the licensed massage therapy establishment or are out-call or onsite appointments.

1. Appointments shall be documented prior to commencement of the massage therapy services.

2. There shall be no undocumented massage therapy appointments.

3. Documentation of appointments shall be maintained on the premises of the licensed massage therapy establishment and available for inspection.

4. Documentation shall include the name of the client(s) who will receive massage therapy services at the appointment, the name of the licensed massage therapist(s) performing the massage therapy services, the location at which the massage therapy services will occur, the type and duration of the massage therapy services to be performed, and the date and time at which the massage therapy services will occur.

5. Maintain current and post appointment calendar records on site for a minimum of three (3) years.

6. Provide for the secure storage of confidential client information.

(2) A massage therapy establishment shall contract with or employ only licensed massage therapists to perform massage therapy.

(3) Effective October 1, 2024, a massage therapy establishment shall ensure that, prior to permitting a licensed massage therapist to perform massage therapy at or for a massage therapy establishment, the licensed massage therapist is registered with the board to perform massage therapy at or for the licensed massage therapy establishment.

(4) A massage therapy establishment shall ensure, at all times, that one licensed massage therapist is registered with the board as the designee who will ensure that the massage therapy establishment complies with state law and all administrative rules.

(5) Any advertisement by a massage therapy establishment shall include the license number of the massage therapy establishment.

(6) Each massage therapy establishment shall prominently post its license and the license of each massage therapist who practices within the massage therapy establishment in plain sight at the massage therapy establishment.

(7) A licensed massage therapy establishment shall not be used as an overnight sleeping accommodation. A licensed massage therapy establishment may petition the board for an exception to this

requirement if the establishment is also the residence of a sole proprietor licensee and the licensed massage therapy establishment demonstrates that the overnight sleeping accommodations are used only by the sole proprietor or the sole proprietor's immediate family.

(8) A licensed massage therapist who is an owner, employee, or contractor of a licensed massage therapy establishment may perform on-site or out-call massage therapy so long as the client knows the massage therapist owns, is employed by, or contracted from a licensed establishment. When performing on-site or out-call massage therapy services, the licensed massage therapist shall take the following items to the appointment:

(a) A copy of the massage therapy establishment license and a copy of the massage therapist license for the licensed massage therapist performing the massage therapy services.

(b) All sanitized equipment necessary to perform the massage therapy services.

(c) Clean drape material (towel, sheet, blanket, linen) for draping clients during the massage.

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(9) If the physical location of a massage therapy establishment has been shut down by the board or by local, state, or federal law enforcement, the physical location is permanently prohibited from being licensed or operating as a massage therapy establishment.

(10) A 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.

(11) A sexually oriented business may not operate as a massage therapy establishment or be licensed by the board.

(12) A licensed massage therapy establishment shall comply with the Code of Ethics for Licensed Massage Therapy Establishments.

(13) A licensed massage therapy establishment shall comply with all state, federal, and local laws.

(14) A licensed massage therapy establishment which provides only on-site or out-call massage therapy services and which does not provide any massage therapy services on the premises of the

message therapy establishment may request exemption from the requirements of paragraph (1)(c), (d), (h) and (i).

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-4-.03

Massage Therapist Establishment Initial License Application.

(1) An applicant for a massage therapy establishment license shall be the owner, lessee, or legal possessor of the physical establishment.

(a) If the massage therapy establishment is owned, leased, or legally possessed by a sole proprietor (individual person, sole owner/officer of a corporation, or sole member of a limited liability company), the individual who is a sole proprietor shall apply for the massage therapy establishment license and shall be considered the "applicant" for all purposes in these rules.

(b) If the massage therapy establishment is owned, leased, or legally possessed by a partnership, corporation, or limited liability company, each owner/director/officer of a corporation, each partner in a partnership, and each member of a limited liability company, shall be considered the "applicant" for all purposes in these rules.

(c) The applicant requesting an initial establishment license shall present in person their application to the Board for consideration and/or approval.

(2) An applicant for a massage therapy establishment license shall submit:

(a) A completed application on a Board-approved form.

(b) Required fees.

(c) Proof of the applicant's right to occupy the premises as demonstrated by a deed, lease, or other document establishing lawful possession in the name of the sole proprietor, corporation, limited liability company, or partnership applying for a massage therapy establishment license.

(d) Proof of coverage demonstrating that the applicant possesses professional and general liability insurance with an "A" rated or

better insurance carrier in the amount of at least one million dollars.

(e) The fingerprint card and form (see Chapter 532-X-8)

1. An applicant for a massage therapy establishment license, who is a massage therapist and has completed a criminal history background check pursuant to Chapter 532-X-8 within the preceding two years, is exempt from completing a criminal history background check.

(3) If the applicant's United States citizenship has not previously been established pursuant to the requirements of Code of Alabama § 31-13-7, a completed Citizenship or Lawful Presence Checklist and supporting documentation.

(4) A two-by-two-inch photograph showing a frontal view of the head and shoulders of the applicant taken no more than six months earlier than the date of submission.

(5) If the establishment will be operated under a name other than that of the sole proprietor, corporation, limited liability company, or partnership, the name under which the establishment will be operated must be identified and will be included on the establishment license when issued.

(a) The physical location of a proposed massage therapy establishment shall be subject to an initial inspection by the board before a massage therapy establishment license is granted to the applicant.

(b) An affirmative vote of a majority of the members of the board shall be required to grant a license to operate a massage therapy establishment.

(c) A massage therapy establishment license is not assignable or transferable.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-4-.04

Massage Therapy Establishment License Renewal.

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(1) Each massage therapy establishment license shall be renewed biennially, on or before the anniversary date of the license.

(2) Any massage therapy establishment license not renewed biennially on or before the anniversary date shall expire.

(3) The licensed massage therapy establishment shall submit to the Board:

(a) Proof of the massage therapy establishment's right to occupy the premises as demonstrated by a deed, lease, or other document establishing lawful possession in the name of the sole proprietor, corporation, limited liability company, or partnership applying for a massage therapy establishment license.

(b) Proof of coverage demonstrating that the licensed massage therapy establishment possesses professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars.

(c) The fingerprint card and form (see Chapter 532-X-8)

1. A licensed massage therapist establishment applying for renewal who is also a licensed massage therapist and who has completed a criminal history background check pursuant to Chapter 532-X-8 within the preceding two years, is exempt from completing a criminal history background check.

(d) If the applicant's United States citizenship has not previously been established pursuant to the requirements of Code of Alabama § 31-13-7, a completed Citizenship or Lawful Presence Checklist and supporting documentation.

(e) A two-by-two-inch photograph showing a frontal view of the head and shoulders of the applicant taken no more than six months earlier than the date of submission.

(f) If the establishment operates under a name other than that of the sole proprietor, corporation, limited liability company, or partnership, the name under which the establishment operates must be identified and will be included on the establishment license when issued.

(4) An affirmative vote of a majority of the members of the board shall be required to deny the renewal of a license to operate a massage therapy establishment.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-4-.05

Licensed Massage Therapy Establishment Change of Location.

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(1) If the holder of a massage therapy establishment license moves the location of the massage therapy establishment without changing either the name or ownership of that massage therapy establishment, the board shall waive the new establishment license fee, provided that the holder of the massage therapy establishment license provides the following documentation:

(a) Proof of the massage therapy establishment's right to occupy the new premises as demonstrated by a deed, lease, or other document establishing lawful possession in the name of the sole proprietor, corporation, limited liability company, or partnership applying for a massage therapy establishment license.

(b) Proof that the licensed massage therapy establishment has vacated the prior location or is required to vacate the prior location by a date-certain within sixty (60) days of the request.

(2) The expiration date of the massage therapy establishment license shall not change.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-4-.06

Code of Ethics for Licensed Massage Therapy Establishments.

(1) The license massage therapy facility must comply with all legal requirements in the applicable jurisdictions and meet the established code of ethics include in this chapter. Violations of the code of ethics may result in disciplinary action. A licensed massage therapy establishment shall:

(a) Have a sincere commitment to provide the highest quality of care in the furtherance of public protection to those who seek professional services and provide a physical setting that is safe and meets all applicable legal requirements for health and safety.

(b) Maintain required liability insurance and honestly represent all professional qualifications and affiliations.

(c) Disclose a schedule of fees in advance of the session.

(d) Make financial arrangements in advance which are clearly understood by, and safeguard the best interests of, the client or consumer.

(e) Follow Generally Accepted Accounting Principles and file all applicable municipal, state, and federal taxes.

(f) Maintain accurate financial records, contracts and legal obligations, appointment records, tax reports, and receipts, adhering to any state or federal laws.

(g) Respect the client's right to be treated with informed and voluntary consent. The licensed massage therapist and establishment shall ensure that consent is obtained and record the informed consent of the client, or client's advocate, before providing treatment.

(h) Respect the client's right to refuse, modify, or terminate treatment, regardless of prior consent given.

(i) Keep accurate and complete records on all employees working at the facility and be able to provide those records when requested.

(j) Accurately and truthfully represent the qualifications of all massage therapists who work at the facility, including education and professional affiliations, and ensure that they provide only those services they are qualified to perform.

(k) Accurately inform clients, other health care practitioners, and the public of the scope and limitations of their discipline. Acknowledge the limitations of and contraindications for massage and bodywork and refer clients to appropriate health professionals as applicable.

(l) Conduct their business and professional activities with honesty, integrity, and respect the inherent worth of all persons. Maintain adequate client records for each client session.

(m) Advertise in a manner that is honest, dignified, accurate, and representative of services provided and remain consistent with applicable local, state, and federal laws, as well as national standards of practice. P

(n) Promote his/her business with integrity and avoid potential and actual conflicts of interest.

(o) Advertise in a manner that is not misleading to the public.

(p) Comply with all laws regarding sexual harassment, human trafficking, and the practice of massage therapy, and does not discriminate against clients and/or health professionals.

(q) Safeguard the confidentiality of the client's identity and information in all conversations, advertisements, and all other matters, unless disclosure of identifiable information is requested by the client in writing, is medically necessary, or is required by law.

(r) Be accountable and responsible to not exploit the trust and dependency of others, including clients, employees, independent contractors, and coworkers.

(s) Ensure that massage therapist(s) working in the establishment are appropriately draping and providing treatment in a way that ensures the safety, comfort, and privacy of the client or the profession.

(t) Exercise the right to refuse to treat any person or part of the body for a just and reasonable cause.

(u) Avoid any interest, activity, or influence which might conflict with the practitioner's obligation to act in the best interests of the client or the profession.

(v) Respect the client's boundaries regarding privacy, disclosure, exposure, emotional expression, beliefs, as well as the client's reasonable expectations of professional behavior.

(w) Refuse any gifts or benefits that are intended to influence a referral, decision, or treatment, or that are purely for personal gain and not for the good of the client.

(x) Cause the massage therapist(s) who are working in the establishment to be fully clothed and to wear professional attire while providing massage therapy services.

(y) Monitor and prevent non-licensed person(s) from providing massage therapy services in the establishment.

(z) Immediately report any concerns about an unlicensed, illegal, or un reputable establishment to the board.

(aa) Document all massage therapy appointments, whether the appointments are provided at the licensed massage therapy establishment or are out-call or onsite appointments.

1. Appointments shall be documented prior to commencement of the massage therapy services.

2. There shall be no undocumented massage therapy appointments.

3. Documentation of appointments shall be maintained on the premises of the licensed massage therapy establishment and available for inspection.

4. Documentation shall include the name of the client(s) who will receive massage therapy services at the appointment, the name of the licensed massage therapist(s) performing the massage therapy services, the location at which the massage therapy services will occur, the type and duration of the massage therapy services to be performed, and the date and time at which the massage therapy services will occur.

5. Maintain current and post appointment calendar records on site for a minimum of three (3) years.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency repeal and replace is a correct copy as promulgated and adopted on Friday, June 21, 2024.

AGENCY NAME: Alabama Board of Massage Therapy

RULE NO. AND TITLE: Chapter 532-X-5 Compliance and Disciplinary Action

EXPIRATION DATE OF RULE: Saturday, October 19, 2024

NATURE OF EMERGENCY: Alabama Act No. 2024-361, which took effect on June 1, 2024, requires the Board of Nursing to immediately assume management of the Alabama Massage Therapy Licensing Board (AMTLB). The Act further requires extensive revision of the AMTLB Administrative Code to implement.

STATUTORY AUTHORITY: §34-43A-6

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

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Peggy Benson
Peggy Benson, AL

Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

REC'D & FILED
JUN 21, 2024
LEGISLATIVE SVC AGENCY

~~ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE~~

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532-X-5-.04	Discipline And Injunctions (Repealed 5/25/09)

~~532-X-5-.01 Complaints.~~

~~(1) Any person may file a written and signed complaint regarding an allegation of impropriety by a licensee, establishment or person. Complaints should be referred to a standing investigative committee consisting of a Board member, the Executive Director, the Board attorney, and the Board investigator. After consideration by the investigative committee, the Board may give notice of an administrative hearing pursuant to the Alabama Administrative Hearing Act and to Sections 34-43-11 and 34-43-15 of the Code of Ala. 1975. 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. The statement shall be mailed to the accused party and the complaining party by registered or certified mail.~~

~~(2) For a minor violation of this chapter, the licensee, establishment or person may be given notice and an opportunity to cure the violation. The Board may enter into an informal disposition of any case by an agreed settlement or consent order.~~

~~(3) A licensee, establishment or person may request an informal or formal hearing before the Board, or may decline a hearing afforded to the licensee, establishment or person. The right to decline a hearing afforded by the Board is a personal right which is to be exercised by the licensee or person and not by his attorney or other representative acting alone, and must be exercised in writing. The party requesting a hearing is responsible for obtaining the services of any payment of the cost of the court reporter's fee, of any.~~

~~(4) The violations set forth in Sections 34-43-1, et seq. are examples of improprieties and delinquencies but not an exhaustive~~

~~list, for which the Board may suspend, fine, revoke or refuse to grant or renew a license.~~

~~(5) The Board will conduct disciplinary proceedings pursuant to the Alabama Administrative Procedures Act.~~

~~(6) The Board may institute a civil action for an injunction with penalties and costs against any person alleged to be in violation of Sections 43-34-1, et seq. The Board may present the misconduct to the local District Attorney for review and appropriate action.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §§34-43-7, 34-43-15, 34-43-17, 34-43-18.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Repealed and New Rule:** Filed April 20, 2009; effective May 25, 2009. **Repealed and New Rule:** Filed February 10, 2012; effective March 16, 2012.~~

~~**532-X-5-.02 Advertising Limitations.**~~

~~(1) A written advertisement by a massage therapist or a massage therapy establishment shall contain the license number of the massage therapist or establishment.~~

~~(2) No person or establishment without valid massage therapy licensure shall advertise as a massage therapist or massage therapy establishment.~~

~~(3) An establishment whose primary function is not massage therapy and for which establishment massage therapy is incidental to the primary function, may apply to the Board for an exemption from licensure as a massage therapy establishment pursuant to the procedure state above.~~

~~(4) No sexually oriented business may use the terms "massage therapy," or "bodywork" in any way form of advertising.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-16.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed April 20, 2009; effective May 25, 2009.~~

~~**Repealed and New Rule:** Filed February 10, 2012; effective March 16, 2012.~~

~~(1) The following acts shall constitute misconduct in the practice of massage therapy for which disciplinary penalties may be imposed after opportunity to be heard pursuant to the procedure in the Alabama Administrative Procedures Act:~~

~~(a) conviction, adjudication, or a finding of guilt in any jurisdiction of a crime, which directly relates to the practice of massage therapy or to the ability to practice massage therapy. A plea of nolo contendere may be taken into consideration by the Board.~~

~~(b) false, deceptive or misleading advertising.~~

~~(c) aiding, assisting, procuring, or advertising any unlicensed person to practice massage therapy contrary to the rules and regulations of the Board or the Massage Therapy statutes.~~

~~(d) engaging in or attempting to or offering to engage a client in sexual activity, including but not limited to genital contact, within a client massage therapist relationship.~~

~~(e) making deceptive, untrue, or fraudulent representations in the practice of massage therapy.~~

~~(f) practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.~~

~~(g) delegating professional responsibilities to a person when the licensee delegating the responsibility knows or has reason to know that the person is not qualified by training, experience, or licensure to perform those responsibilities. This shall not include acts of an enrolled student being supervised by a licensed massage therapy instructor.~~

~~(h) acting, as a massage therapist or operating a massage therapy establishment while unlicensed or with a revoked or suspended license.~~

~~(i) teaching massage therapy as a massage therapy instructor while unlicensed, unless teaching continuing education as a~~

~~visiting massage therapy instructor exempt under the statutes.~~

~~(j) refusing to allow the designated Board member(s) or investigator to inspect massage therapy premises or establishment during regular business hours.~~

~~(k) practicing massage therapy at a site which is not exempt or licensed as a massage therapy establishment, unless the massage therapy is done on-site or out-call at a location under the control of the client, or is done at an educational or trade site for demonstration purposes.~~

~~(l) failing to maintain professional and liability insurance in the practice of massage therapy, or failing to maintain liability insurance in the operation of a massage therapy establishment.~~

~~(m) failing to attend and/or provide evidence of attendance at 16 hours of approved continuing education course work in the twenty four (24) months preceding the date renewal of licensure is due.~~

~~(2) The following acts shall constitute incorrect practice of massage therapy for which disciplinary penalties may be imposed after opportunity to be heard in an informal or a formal hearing pursuant to the procedure in the Alabama Administrative Procedures Act, or after notice of deficiency and opportunity to cure the deficiency:~~

~~(a) failing to perform a statutory or legal or rule based obligation based upon a licensee in the practice of massage therapy.~~

~~(b) failing to practice massage therapy with reasonable skill and safety to clients as a result of illness; use of alcohol, drugs, narcotics, chemicals, or other mind-altering substance; mental or physical condition.~~

~~(c) failing to practice massage therapy with that level of care, skill and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar circumstances and conditions.~~

~~(d) failing to maintain premises, supplies, and equipment of the massage therapy establishment in a clean and sanitary condition.~~

~~(e) failing to include the licensee's license or registration number in an advertisement, for the first infraction. A~~

~~second or subsequent infraction may be considered to be misconduct as false, misleading or deceptive advertising.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-15.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed April 20, 2009; effective May 25, 2009.~~

~~**Amended:** Filed February 10, 2012; effective March 16, 2012.~~

~~**532-X-5-.04 Discipline And Injunctions (Repealed 5/25/09).**~~

~~(Repealed)~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-15.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Repealed:** Filed April 20, 2009; effective May 25, 2009.~~

ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE

CHAPTER 532-X-5
MESSAGE THERAPY SCHOOLS

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<u>532-X-5-.01</u>	<u>Requirements for Approved Massage Therapy Schools.</u>

(1) The board is authorized to establish a list of approved massage therapy schools.

(2) Successful completion of the curriculum at a board approved massage therapy school shall satisfy the educational requirements for licensure as a massage therapist.

(3) An approved massage therapy school shall require a student to successfully complete a minimum of six hundred and Fifty (650) hours of instruction, which shall consist of all of the following:

(a) One hundred (100) hours of anatomy and physiology, including thirty-five (35) hours of myology.

(b) Fifteen (15) hours of osteology.

(c) Ten (10) hours of circulatory system.

(d) Ten (10) hours of nervous system, with the remaining 30 hours addressing other body systems at the discretion of the massage therapy school.

(e) Two hundred fifty (250) hours of basic massage therapy, the contradistinctions of massage therapy, and related touch therapy

modalities, including a minimum of fifty (50) hours of supervised massage.

(f) Fifty (50) hours of business, hydrotherapy, first aid, cardiopulmonary resuscitation, professional ethics, and state massage therapy laws.

(g) Two hundred fifty (250) hours of electives as determined by the massage therapy school.

(4) An approved massage therapy school may not teach the use of techniques or procedures that require specialized training, licensure or expertise, including, but not limited to, laser therapy, 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, occupational therapy, veterinary medicine, acupuncture, osteopathy, orthopedics, hypnosis, or naturopathic.

(5) An approved massage therapy school shall adhere to the following requirements for supervised student clinical learning experiences, including but not limited to supervised massage:

(a) Supervised massage performed by a student shall be performed under the direct supervision of a registered massage therapy instructor employed by or contracted with an approved massage therapy school.

(b) Supervised massage performed by a student shall be performed on the school premises.

(c) The registered massage therapy instructor supervising the supervised massage shall have direct access to the student and the client.

(d) The client shall be informed that the massage therapy session is being performed by a student massage therapist prior to beginning the session.

(e) Students shall receive no compensation for any massage therapy session performed on the premises of the approved massage therapy school.

(f) Student may be awarded hours for performing business-related tasks such as answering telephones, returning telephone calls, booking therapy appointments, computer or file data entry, laundry of linens if the school provides linens for student clinical use and any other business-related tasks which will aid the students in future massage work environments, but the hours

awarded for those tasks may not be used to satisfy the minimum of 50 hours of supervised massage.

(g) Student clinicals may not include manual labor on the school premises unrelated to everyday clinical sessions.

(h) Students may not be required to clean the school premises beyond the normal sanitation procedures inclusive to treatment rooms and the immediate office space (i.e., appointment desk area, copy station, and client waiting room) used during clinical sessions.

(i) Students may not be required to perform building maintenance, lawn care, facility housekeeping, including bathrooms, floors, or anything that does not apply to the education and career goal of a student.

(6) An approved massage therapy school shall ensure that massage therapy courses are taught only by licensed massage therapists who are registered massage therapy instructors, and that all courses are taught by instructors who are academically and experientially qualified to teach the courses assigned to them.

(7) An approved massage therapy school at which supervised massage is conducted on the premises shall meet all of the qualifications for a massage therapy establishment license.

(8) An approved massage therapy school shall 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).

(9) No later than October 1, 2025, an approved massage therapy school shall acquire and maintain registration as an assigned school through the National Certification of Therapeutic Massage and Bodywork Board (NCBTMB).

(10) Within 2 years of board approval, all newly approved massage therapy schools must obtain and maintain registration as an assigned school through the National Certification of Therapeutic Massage and Bodywork Board (NCBTMB).

(11) A massage therapy school located outside of the state of Alabama may be an approved massage therapy school, provided that, in addition to meeting all other requirements in this chapter, the out-of-state massage therapy school shall:

(a) Be recognized by a regional professional accrediting body.

(b) Be an accredited postgraduate training institute.

(c) Provide a copy of the conforming curriculum.

(12) Institutional and school policies, procedures, and other publications, whether written or electronic, shall:

(a) Be printed, written, and/or spoken statements and representations regarding massage therapy schools and schools shall be clear, factually accurate, and current. Supporting information shall be kept on file by the sponsoring school or school administrator and shall be readily available for review, including, but not limited to the following:

1. Policies concerning admission, financial aid, curriculum, schedules, and all other areas affecting the education and well-being of students shall be honestly and clearly stated in publications promoting the school.

2. Procedures, dates, and requirements for application, admission, financial aid, and other responsibilities and opportunities directly affecting students shall be clearly stated and shall be generally available to prospective and current students.

3. Policies regarding student admission and standing, evaluation of student progress, and the operation of schools shall be readily available to current and prospective students.

4. A description of tuition, fees, and other charges, as well as all policies pertaining thereto, shall be clearly described in the school's published literature. The total cost of the school shall be clearly stated.

(13) Catalogs, advertising, and promotions shall clearly distinguish existing and recognized schools from those that are prospective or hypothetical.

(14) All advertising and promotional materials shall include the correct name and location of the school and any parent institution.

(15) All advertising promoting student clinical sessions shall clearly indicate that services provided by students are offered under the supervision of a licensed massage therapist by using the phrase, "under the supervision of" or "supervised by a licensed massage therapist." Students may not use personal advertisements for such services, but student names may be included in an instructor's advertisement, provided that the students' intern status is clearly disclosed in the ad.

(16) Advertisements or any other type of recruitment materials shall not claim that students receive compensation for attending school or for providing student services.

(17) All school and school advertising and promotional materials shall clearly disclose that they offer solely training, and not employment, in massage therapy. No overt or implied claim or guarantee of individual employment shall be made at any time therein.

(18) No school shall use the term "accredited" unless it indicates the agency or organization by which it is accredited.

(19) No school shall issue any certificate or diploma or confer any degree that misrepresents the course of study or instruction covered or completed or the accomplishments or standing of the student receiving such certificate, diploma, or degree.

(20) The school shall not falsely represent its facilities in photos, illustrations, computerized images, or by other means.

(21) Schools that utilize placement statistics and/or state examination pass rates in advertising, promotional literature, and/or verbal presentations shall use corroborative data from reliable and current sources, e.g., state agencies, previous calendar year statistics, etc. to support its claims.

(22) Massage therapy schools shall complete the Massage Therapy Education Annual Report in a format specified by the board within the time specified.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6

History: **New Rule:** Filed January 29, 2001; effective March 5, 2001. **Repealed and New Rule:** Filed April 20, 2009; effective May 25, 2009. **Repealed and New Rule:** Filed February 10, 2012; effective March 16, 2012. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-5-.02

Approved School Annual Renewal.

1) A massage therapy school approved by the board must register annually with the board, submitting a renewal form and/or application, the renewal fee, a current curriculum, and a list of all instructors of massage therapy who teach or supervise at the school.

(a) Should a change in ownership, curriculum, instructors, staff, or address of the school occur during the year subsequent to obtaining approval from the board, the school must notify the board of such change within thirty (30) days of the earlier of the date of the school's authorization of the proposed change or of implementation of the change.

1. The board must consider continued approval of a massage therapy school after a change of ownership, curriculum, or staff.

2. In the event that a massage therapy school submits an annual renewal application with current curriculum which does not meet the minimum standards set forth in the applicable laws and regulations, the board shall send a deficiency notice to the school and suspend the approval of the school.

3. The school shall have six (6) months in which to correct the deficiency and submit a renewal form with fee and copy of the conforming curriculum. Approval of a massage therapy school may be withdrawn by the board if the massage therapy school modifies its curriculum without notice to the board, falls below the minimum standards required by the statutes and these rules and regulations, violates any standard applicable to the accreditation of the school, or violates any applicable rule or regulation of the board.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6

History: **New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed April 20, 2009; effective May 25, 2009.

Repealed and New Rule: Filed February 10, 2012; effective March 16, 2012. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-5-.03

Requirements for Massage Therapy Instructors Teaching and Conducting Clinical.

(1) Except as provided in Section 34-43A-4(a)(4), every massage therapy instructor teaching a course in massage therapy at a massage therapy school located in this state shall be licensed by the board as a massage therapist and registered as a massage therapy instructor. Instructors who are not teaching massage therapy are not required to register.

(a) An adjunct massage therapy instructor shall be dually licensed in the state where he or she resides or be nationally certified, or both.

(b) A massage therapy instructor shall satisfy all of the following:

1. Be currently licensed as an Alabama massage therapist and maintain a current unencumbered license.

2. Possess training and experience in the field of study and have at least three (3) years of experience in the field of massage and be supported by management in their professional development and teaching skills.

(c) Academic studies such as anatomy and physiology, business, and related sciences may be taught by a non-massage therapist professional who has experience in the field.

(d) To engage in animal massage by a massage therapist under the direction or prescription of a licensed veterinarian, the applicant must graduate from a nationally approved school and complete a minimum of one hundred (100) hours of postgraduate training and education in animal anatomy, pathology, and physiology for the type of animal on which the therapist will perform therapeutic massage.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Amended:** Filed April 20, 2009; effective May 25, 2009.

Amended: Filed February 10, 2012; effective March 16, 2012.

Repealed and New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-5-.04

Massage Therapy School Deficiencies..

—

(1) The board shall conduct surveys and evaluations as often as necessary to determine compliance with all standards set forth in this Chapter.

(2) In the event that a massage therapy school submits an annual renewal application with a current curriculum that does not meet the minimum standards set forth in the applicable laws and regulations, the board shall:

—

(a) Send a deficiency notice to the school requiring a plan of correction to be submitted to the board within ninety (90) days

to address the issues and outline the plans of the school to come into compliance.

—
(b)The school shall have six (6) months in which to correct the deficiency.

—
(c) Failure to come into compliance may result in withdrawal of school approval.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Repealed:** Filed April 20, 2009; effective May 25, 2009.

New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-5-.05 **Withdrawal of School Approval.**

—
(1) Approval of a massage therapy school may be withdrawn by the board if the massage therapy school does any of the following:

(a) Modifies its curriculum without notice to the board.

(b) Falls below the minimum standards required by the statutes and these rules and regulations.

(c) Violates any standard applicable to the accreditation of the school by registering and/or certifying body.

(d) Violates any applicable statute or regulation.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-5-.06 **Application for New Massage Therapy School Approval.**

(1) To be approved by the board, a massage therapy school located in the state of Alabama must apply directly to the board for approval and meet all of the following requirements for approval:

(a) Submit a completed application, including applicable fees, and submit the following information:

1. Sample transcript and diploma.

2. Provide documentation of a curriculum plan, catalog, or other course description that includes a minimum number of required hours of instruction in the subjects required by the board as delineated in this chapter.

3. Proof of coverage of the required carry professional and general liability insurance with an "A" rated or better insurance carrier for at least one million dollars (\$1,000,000).

4. A list of instructors and credentials.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency repeal and replace is a correct copy as promulgated and adopted on Friday, June 21, 2024.

AGENCY NAME: Alabama Board of Massag Therapy

RULE NO. AND TITLE: Chapter 532-X-6 Continuing Education

EXPIRATION DATE OF RULE: Saturday, October 19, 2024

NATURE OF EMERGENCY: Alabama Act No. 2024-361, which took effect on June 1, 2024, requires the Board of Nursing to immediately assume management of the Alabama Massage Therapy Licensing Board (AMTLB). The Act further requires extensive revision of the AMTLB Administrative Code to implement.

STATUTORY AUTHORITY: §34-43A-6

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE: Peggy Sellers Benson
PO Box 303900
Montgomery, AL 36130
(334) 293-5200
Peggy.Benson@abn.alabama.gov

Peggy Benson
Peggy Benson, AL

Signature of officer authorized to promulgate and adopt rules and regulations or his or her deputy

REC'D & FILED
JUN 21, 2024
LEGISLATIVE SVC AGENCY

~~ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE~~

~~CHAPTER 532-X-6
CONTINUING EDUCATION~~

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532-X-6-.02 Provider Requirements~~

~~532-X-6-.01 Continuing Education Requirements.~~

~~(1) Every massage therapist licensed by the Board 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, as a condition for renewing the license to practice massage therapy.~~

~~(2) The licensee is required to maintain in the licensee's files, for at least four years, the certificates or other documents evidencing completion of the approved continuing education courses.~~

~~(3) The licensee must inform the Board, on the application for license renewal, of the licensee's compliance with the continuing education requirement. Failure to do so will result in denial of renewal of licensure.~~

~~(5) Upon notification of the licensee that his or her continuing education credits are being audited, the licensee shall send by registered mail to the Board the documents or certificates evidencing his or her completion of the approved continuing education courses. In the event the documentation is not then available to the licensee (as a result of storage in moving, fire, or other catastrophic or like circumstance), without fault on his or her part, the licensee shall so notify the Board by sworn affidavit under notary seal, and shall give the Board a list of the dates, topics, locations, and providers of the approved continuing education courses.~~

~~(6) Massage therapists cannot repeat continuing education courses within four (4) years.~~

~~(7) Each licensed massage therapist will have their certification attached to their name/license number that can be viewed by the public (clients).~~

~~(8) Audit of continuing education. The Board will conduct a mandatory random audit of, at least, ten (10) percent of renewal applications for the most recent renewal period. The audit is to ensure that the continuing education requirement is being met.~~

~~(a) A massage therapist whose renewal is selected for audit is required to send verification of his/her continuing education to the Board office within thirty (30) days of the date of the audit notice. The Board will review the records and respond to the individuals with a statement of compliance or non-compliance.~~

~~(b) Non-compliance. In the case of non-compliance with continuing education requirements, the audited licensed massage therapist will have a one (1) month compliance period to meet continuing education requirements. During the one (1) month compliance period, the Board may initiate a complaint citing the licensee with failure to meet continuing education requirements in question. Failure to meet continuing education requirements within the one (1) month compliance period may result in formal disciplinary action by the board.~~

~~(c) Licensed massage therapists audited for licensure renewal will be subject to random audit selections in subsequent renewal periods. Successful selection for audit review will not remove a licensed massage therapist from audit review in any subsequent renewal period.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-21.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001. **Amended:** Published September 29, 2023; effective November 13, 2023.~~

~~532-X-6-.02 Provider Requirements.~~

~~All continuing education providers must be approved by one of the following:~~

~~(1) The National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)~~

~~(2) American Massage Therapy Association (AMTA)~~

~~(3) Associated Bodywork & Massage Professionals (ABMP)~~

~~(4) Federation of State Massage Therapy Boards (FSMTB)~~

~~(5) Any other state national or international professional organization approved by the board.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-21.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001.~~

~~**Amended:** Published September 29, 2023; effective November 13, 2023.~~

ALABAMA MESSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

CHAPTER 532-X-6
CONTINUING EDUCATION

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—

(1) The board shall adopt a program of continuing education for licenses which shall be a requisite for the renewal of licenses issued pursuant to Chapter 43A of Title 34 of the Code of Alabama. The program of continuing education shall not exceed the requirements of a board-approved nationally recognized board certification organization such as the National Certification Board for Therapeutic Massage and Bodywork.

(2) Continuing education means participation in an approved program or learning experience that is designed to facilitate continued competency, including ethical and legal practice in the therapeutic massage and bodywork profession, through participation in a learning process than enhances the licensee's current knowledge, skills, and abilities through programs, seminars, workshops, and classes in areas related to the practice of massage.

(3) One hour of continuing education is defined as no less than 50 uninterrupted minutes of learning.

(4) Every massage therapist licensed by the board must complete sixteen (16) contact hours of continuing education within the 24 months preceding the date of renewal of licensure, from approved providers of continuing education, as a condition for renewing the license to practice massage therapy.

(5) The licensee is required to maintain documentation of continuing education in the licensee's files for at least four (4) years.

(6) Effective January 1, 2025, the licensee shall submit copies of certificates of completion of sixteen (16) contact hours of continuing education from approved providers of continuing education to the board in a form specified by the board concurrent with the application for renewal of the license.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Amended:** Published September 29, 2023; effective November 13, 2023. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-6-.02 Continuing Education Provider Qualifications.

(1) To qualify as a board Approved Continuing Education Provider, a continuing education provider shall provide evidence that the provider is approved by one of the following organizations:

(a) The National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)

(b) American Massage Therapy Association (AMTA).

(c) Associated Bodywork & Massage Professionals (ABMP).

(d) Federation of State Massage Therapy Boards (FSMTB).

(e) Any other state national or international professional organization approved by the board.

(2) Notwithstanding the requirements in paragraph one above, the AMTLB is a board-approved continuing education provider.

(3) A board-approved continuing education provider may be an individual, partnership, association, organization, educational institution, governmental agency, or licensed health care facility offering continuing education for massage therapists that meet board criteria for approval.

(4) A board-approved continuing education provider provides programs which meet the following criteria:

(a) A continuing education program may be a program of multiple sessions or a single session lasting at least fifty (50) minutes (1.0 contact hour).

(b) The program shall be a planned, organized learning experience designed to augment the knowledge, skills, and attitudes for the enhancement of the practice of massage therapy.

(c) Licensees may submit no more than six (6) contact hours of self-directed learning experiences for any renewal period. Self-directed learning experiences are those programs carried out by the participant in an unstructured or structured setting including but not limited to, self-study, video, computer, or on-line continuing education programs. Self-directed learning experiences must be provided by a board-approved continuing education provider.

(5) A board approved continuing education provider shall comply with the board-approved continuing education provider standards.

(6) The CE provider provides certificates of attendance or other documents evidencing completion by the licensee of the approved continuing education programs with the licensee's name, title of the program, hours awarded, date of completion of the program, and provider number clearly visible.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Amended:** Published September 29, 2023; effective November 13, 2023. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-6-.03

Application as a Board-Approved Continuing Education Provider.

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(1) Applicants shall submit an application which demonstrates that the applicant meets the qualifications for a board-approved continuing education provider and evidences the provider's agreement to comply with the board-approved continuing education provider standards.

(2) A board-approved continuing education provider shall be issued a permanent, nontransferable number assigned by the board to designate its approval.

(3) The board shall rescind approval of any provider who has violated the board's rules or federal or state laws or who no longer meets the qualifications for a board-approved continuing education provider.

(4) Provider numbers must be renewed biennially. If the renewal form is not received by the board on or before the anniversary date of the biennial year, the provider must submit a new application and, if approved, receive a new provider number.

(5) Providers are approved for not more than two (2) years. When the provider agreement expires, it is the responsibility of the provider to obtain another application in a timely manner.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-6-.04

Board-Approved Continuing Education Provider Standards.

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(1) The provider shall be accountable for:

(a) Demonstrating capability to meet and adhere to board established standards to assure the provision of quality continuing education activities for massage therapists.

(b) The veracity and accuracy of continuing education provided.

(c) Compliance with the standards set forth in the applicable statutes and rules.

(2) The mission and objectives for the continuing education provider unit shall be written and available for review.

(a) The mission is written and demonstrates commitment to continuing education, principles of adult learning, and enhancement of the practice of massage therapy.

(b) The objectives emanate from the mission and are written in terms from which administrative and course outcomes can be measured.

(3) Policies and procedures of the provider shall:

(a) Be written, current, and structured to facilitate the implementation of planned continuing education activities.

(b) Include:

1. Assessment of need for continuing education activities.

2. Fee assessments.

3. Advertisements or announcements of activities.

4. Instructor qualifications.

5. Records maintenance.

6. Program approval.

7. Processes for awarding contact hours.

(3) Reports and records of the provider shall include:

(a) Records regarding the approval status of the provider, while the program is provided and for four (4) years thereafter.

(b) Records for all programs, program outlines, instructor qualifications, all program numbers assigned by the provider, and contact hours awarded while the program is provided and for four (4) years thereafter.

(c) Records of attendance of participants, programs attended, and corresponding evaluations, maintained at least four (4) years with certificates awarded to the attendees.

(d) Information provided on continuing education records of participants shall include:

1. Name and address of the provider.

2. Name and license number of the individual participant.

3. Title of the program or activity.

4. Completion date of the program or activity.

5. Number of contact hours awarded.

6. Signature (or designated signature) of the contact person responsible for the program.

7. Statement of provider status and/or board assigned provider number and board assigned or provider assigned program number.

(e) Records are made available to participants upon written request.

(4) The provider shall have accessible and available educational facilities, instructional aids, and equipment for the planners, instructor(s), and learners consistent with the educational content, format, and teaching methodology of each program.

(a) The facility is appropriate in size for the number of attendees.

(b) Physical facilities are selected with consideration of factors that are known to assist in achieving desirable learning outcomes, such as seating arrangements, appropriate lighting, sound control, safety, and visual aids.

(c) Sufficient reference materials and other needed resources are available to enhance learning.

(d) Program outlines are maintained on file for at least four (4) years and shall evidence the following:

1. Program title, sponsoring agency, and date of presentation.

2. Outline of content and time frame.

3. Instructor qualifications.

4. Number of contact hours.

5. Requirements for satisfactory program completion.

(5) The instructor(s) shall possess qualifications appropriate to the content of the activity.

(a) Educational credentials of the instructor are appropriate to the target audience and the content.

(b) Experience correlates with the discipline being taught.

(c) Opportunity is given for participants in the program to evaluate instructor performance and knowledge.

(d) Instructor credentials are maintained on file while the program is provided and for four (4) years thereafter.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: **New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency repeal and replace is a correct copy as promulgated and adopted on Friday, June 21, 2024.

AGENCY NAME: Alabama Board of Massage Therapy

RULE NO. AND TITLE: Chapter 532-X-7 Code of Ethics

EXPIRATION DATE OF RULE: Saturday, October 19, 2024

NATURE OF EMERGENCY: Alabama Act No. 2024-361, which took effect on June 1, 2024, requires the Board of Nursing to immediately assume management of the Alabama Massage Therapy Licensing Board (AMTLB). The Act further requires extensive revision of the AMTLB Administrative Code to implement.

STATUTORY AUTHORITY: §34-43A-6

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE: Peggy Sellers Benson
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Peggy Benson
Peggy Benson, AL

Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

REC'D & FILED
JUN 21, 2024
LEGISLATIVE SVC AGENCY

~~ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE~~

~~CHAPTER 532-X-7
CODE OF ETHICS~~

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~~532-X-7-.01 Code Of Ethics~~

~~532-X-7-.01 Code Of Ethics.~~

~~This Code of Ethics is a summarized statement of standards by which state licensed massage therapists agree to conduct their practices and an acknowledgement of the principles of acceptable, ethical and professional behavior.~~

~~(1) Massage therapists shall:~~

~~(a) Be committed to providing the highest quality of care to those who seek their professional service.~~

~~(b) Perform only those services for which they are qualified through their education, certifications, and professional affiliations.~~

~~(c) Accurately inform clients, the public, and other health care providers of the scope and limitations of their discipline.~~

~~(d) Acknowledge the limitations and contraindications of massage therapy, referring to other state licensed health care providers when deemed appropriate.~~

~~(e) Respect State licensed health care providers whose intent is to promote the health and healing of their clients.~~

~~(f) Conduct their business and professional activities with integrity.~~

~~(g) Refuse to unjustly discriminate against clients or other state licensed health care professionals, respecting the inherent worth of all persons.~~

~~(h) Acknowledge the confidentiality of all client information, respecting each client's right to privacy,~~

~~unless disclosure is required by law, court order, written release to third parties by the client, or in the event it is objectively absolutely necessary to protect the public.~~

~~(i) Refrain from engaging in any sexual conduct, behavior, or activities involving a client, even if the client attempts to sexualize the relationship.~~

~~(j) Respect the client's right to refuse, modify, or terminate treatment.~~

~~(k) Have the right to refuse treatment to any person for reasonable and just cause.~~

~~(l) Provide treatment in an environment that ensures the comfort and privacy of the client.~~

~~(m) Respect the client's autonomy with regard to privacy, disclosure, beliefs, and emotional expression.~~

~~(n) Through continued education, maintain and improve professional knowledge and competency.~~

~~(o) Adhere to and follow all policies, procedures, rules, regulations, codes, and requirements promulgated by Alabama laws regarding the practice of massage therapy, Act No. 96-661, and amendments thereto.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-7.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001.~~

ALABAMA MESSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

CHAPTER 532-X-7
COMPLAINTS, INVESTIGATIONS, AND DISCIPLINARY ACTIONS

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<u>532-X-7-.01</u>	<u>Grounds for Suspension, Revocation, or Refusal to Issue a License.</u>

Upon a finding that the licensee or applicant for licensure has committed any of the following 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, fraudulent transcripts, invalidated exam scores, or concealment of material facts, including making a false statement on an application or any other document required by the board for licensing.

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

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(3) The licensee has engaged in unprofessional conduct that has endangered or is likely to endanger the health, safety, and welfare of the public, to include:

(a) Violation of the code of ethics applicable to the licensee.

(b) Practicing massage therapy at an establishment to which the licensed massage therapist is not registered.

(c) As the registered massage therapist for an establishment responsible for ensuring compliance with laws and regulations, has allowed a licensed MT who is not registered to the establishment to perform massage therapy at or through the establishment or has allowed an unlicensed person to perform massage therapy at or through the establishment.

(d) Administering treatment which poses a significant health risk to the client.

(e) Administering treatment in a negligent manner.

(f) Administering treatment which the massage therapist is not competent by training or experience to perform.

(g) Administering treatment which the massage therapist is not qualified by training or experience to perform.

(h) Violating the confidentiality of information or knowledge concerning a client.

(i) Offering massage therapy at a sporting event, convention, or trade show without obtaining the written approval of the owner or property manager of the site of the sporting event, convention or trade show or the organizer of the sporting event, convention, or trade show.

(j) Teaching massage therapy as a massage therapy instructor without a massage therapy instructor license, unless teaching continuing education as a visiting massage therapy instructor exempt under the statutes.

(k) Refusing to allow the designated board member(s) or investigator to inspect a massage therapy establishment or other business premises of a licensee during normal business hours.

(l) Aiding, assisting, procuring, or advertising any unlicensed person to practice massage therapy contrary to the rules and regulations of the Board or the Massage Therapy statutes.

(m) Engaging in sexual activity with a client, or attempting or offering to engage in sexual activity with a client, including but not limited to contact with the genitals or the female breast, within a client-massage therapist relationship.

(n) Making deceptive, untrue, or fraudulent representations in the practice of massage therapy or in relation to the practice site.

(o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent or legally authorized to perform.

(p) Delegating professional responsibilities to a person when the licensee delegating the responsibility knows or has reason to know that the person is not qualified by training, experience, or licensure to perform those responsibilities. This shall not include acts of an enrolled student being supervised by a licensed massage therapy instructor.

(q) Acting as a massage therapist or operating a massage therapy establishment while unlicensed or with a revoked or suspended license.

(r) Practicing massage therapy at a site which is not either exempt from licensure or licensed as a massage therapy establishment, unless the massage therapy is done on-site or out-call at a location under the control of the client, or is done at an educational or trade site for demonstration purposes.

(s) As a licensed massage therapist, massage therapy establishment, or massage therapy school, failing to maintain professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars.

(t) Failing to attend and/or provide evidence of attendance at sixteen (16) hours of approved continuing education course work in the twenty-four (24) months preceding the date renewal of licensure is due.

(u) Failing to perform a statutory or legal or rule-based obligation based upon a licensee in the practice of massage therapy.

(v) Failing to practice massage therapy with reasonable skill and safety to clients as a result of illness; use of alcohol, drugs, narcotics, chemicals, or other mind-altering substances; mental or physical condition.

(w) Failing to practice massage therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar circumstances and conditions.

(x) Failing to maintain premises, supplies, and equipment of the massage therapy establishment in a clean and sanitary condition.

(y) Failing to include the licensee's license or registration number in an advertisement.

(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 Chapter 43A of Title 34 of the Code of Alabama.

(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 has engaged in false, deceptive, or misleading advertising.

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

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

(11) The applicant or licensee has been convicted of impersonating a massage therapist in another jurisdiction.

(12) As an individual who is governed by Chapter 43A of Title 34 of the Code of Alabama and who has a reasonable belief that another massage therapist has violated that chapter, has failed to inform the board in writing within thirty (30) calendar days after the date the individual discovered the activity.

(13) Refusal to complete a criminal history background check required by the board.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

(1) The license of any individual who has been convicted of, or has entered a plea of nolo contendere to, a crime or offense involving prostitution or any other type of sexual offense shall be permanently revoked by the board according to the Administrative Procedures Act.

(2) The massage therapy establishment license of any massage therapy establishment wherein an individual has been convicted of, or entered a plea of nolo contendere to, an offense involving prostitution or any other type of sexual offense against a client, or which the board determines is a sexually oriented business, shall be permanently revoked by the board according to the Alabama Administrative Procedure Act.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-7-.03 **Complaints.**

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(1) Any individual may file with the board a written complaint regarding an allegation of impropriety by a massage therapist, massage therapy establishment, or other individual.

(2) Complaints shall be made in the following manner:

(a) Official complaints shall be made in writing and may be transmitted to the board via paper or electronic means.

(b) The following information is required for an official complaint:

1. The name of the massage therapist, massage therapy establishment, or other individual about whom the complaint is being made.

2. The name and contact information (telephone number, email address, etc.) of the individual filing the complaint. Board staff may generate written complaints based on information received in the line and scope of their work.

3. Specific allegation(s) which, if substantiated through investigation, would constitute violation(s) of Chapter 43A of Title 34 of the Code of Alabama or the Alabama Massage Therapy Licensing Board Administrative Code.

(3) Complaints which satisfy the criteria in paragraphs (1) and (2) shall be referred to the Investigative Committee.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-7-.04 **Investigations.**

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(1) The board's Investigative Committee consists of one board member appointed by the board, the board's attorney assigned to the complaint, and the board's investigator assigned to investigate the complaint.

(2) The board's investigator(s) shall investigate the complaint. Upon complaint, the board may inspect the business premises of any licensee during normal business hours, so long as said inspection is made in furtherance of the investigation of a complaint. Upon complaint, the board may also request a criminal history background check of the subject of the complaint.

(3) The board's investigator(s) shall prepare an investigative summary for review by the Investigative Committee.

(4) The Investigative Committee may act on the investigation as follows:

(a) Return the complaint to the investigator(s) for further investigation.

(b) Determine that probable cause has been found that a violation has occurred.

1. If no probable cause is found, the Investigative Committee may dismiss the charges and prepare a written statement of the reasons for the decision.

2. A complaint may be re-opened at any time if circumstances warrant.

(c) Determine that probable cause exists that a violation has occurred.

1. Upon a finding that probable cause exists that a violation has occurred, the Investigative Committee shall initiate an administrative proceeding.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-7-.05 **Administrative Proceedings.**

—

(1) Upon a finding of probable cause by the Investigative Committee, the Investigative Committee shall initiate an administrative proceeding in the name of the Board. The administrative proceedings constitute the commencement of a contested case against the subject of the complaint.

(2) Administrative proceedings may take the form of either an informal disposition or the issuance of an administrative complaint.

(3) Informal Disposition

(a) A complaint may be considered and resolved through alternative dispute resolution, informal conferences, meetings, or other informal means.

(b) The Investigative Committee may propose to the subject of the complaint an informal disposition in the form of a proposed consent order or default.

(c) If the subject of the complaint accepts the proposed informal disposition, the informal disposition shall be referred to the board for consideration. Such consideration shall be held without prejudice to the right of the board thereafter to institute formal proceedings based upon the same or related material if circumstances so warrant.

(d) If the board approves the informal disposition, the informal disposition becomes a final order of the board.

(e) If the board does not approve the informal disposition, the board may offer the subject of the complaint a different informal disposition or may refer the complaint for an administrative hearing.

(4) Administrative Hearings

(a) Administrative hearings shall be conducted in accordance with the requirements of the Alabama Administrative Procedure Act.

(b) A statement of charges and notice of hearing shall be issued to the subject of the complaint.

(c) The statement of charges and notice of hearing may be delivered by any of the following methods:

1. Personal service as in civil actions.

2. Certified mail, return receipt requested.

3. Commercial carrier, as described in the Alabama Rules of Civil Procedure.

(d) The Board shall provide for an administrative hearing before a hearing officer, who shall issue written findings of fact and conclusions of law and recommendations regarding disposition of the case for consideration by the board.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-7-.06 **Decisions of the Board.**

(1) Based upon the evidence presented at the administrative hearing or pursuant to informal disposition, the board may take one or more of the following actions:

(a) Dismiss the administrative complaint in its entirety or any alleged violation in the complaint.

(b) Find the respondent not guilty of any or all of the violations alleged in the administrative complaint.

(c) Find the respondent guilty of any or all of the violations alleged in the administrative complaint. If the board finds the respondent guilty of one or more of the violations alleged in the administrative complaint, the board may take one or more of the following disciplinary actions against the respondent:

1. Suspend the license of a massage therapist or establishment

2. Revoke the license of a massage therapist or establishment.

3. Refuse to issue or renew a license

4. Impose a civil penalty after notice and opportunity for hearing pursuant to the Alabama Administrative Procedures Act.

5. Initiate a civil action for an injunction with penalties and cost against a person alleged to be in violation of 34-43A-1 et seq.

(d) The board may present the misconduct to the local District Attorney in the jurisdiction where the alleged violation is to have occurred for appropriate action.

(2) The decisions of the board shall be in writing in the form of an Order, a copy of which shall be mailed or delivered to the subject of the complaint.

(3) The decisions of the board shall be subject to public dissemination, including, but not limited to the required reporting of disciplinary actions to any required databanks.

(4) Judicial review of decisions of the board may be sought in the Circuit Court of Montgomery County, Montgomery, Alabama. Appeals are to be perfected in accordance with the Alabama Administrative Procedures Act.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §§34-43A-6; 34-43A-13, 34-43A-16

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-7-.07 Disciplinary Infraction Fine Schedule.

An administrative fine of not more than \$10,000 may be imposed upon an individual governed by Chapter 43A of Title 34 of the Code of Alabama, who:

(1) had a reasonable belief that another massage therapist has violated Chapter 43A of Title 34 of the Code of Alabama and did not inform the board in writing within thirty (30) calendar days after the date the individual discovered this activity.

(2) Performed massage therapy without having obtained a license.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-7-.08 Unlicensed Practice.

Upon a finding that an individual governed by this chapter has performed massage therapy without having obtained a license, the board may do any of the following:

(1) Impose an administrative fine of not more than ten thousand dollars (\$10,000).

(2) Issue a cease-and-desist order.

(3) Petition the circuit court of the county where the act occurred to enforce the cease-and-desist order and collect the assessed fine.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-7-.09 **Additional Remedies.**

(1) The board may seek an injunction against any individual or establishment in violation of this chapter.

(2) 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.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-7-.10 **Civil Penalty Schedule.**

(1) Civil penalties begin at \$500.00 per violation and are capped at \$10,000 dollars per violation. Board orders may address more than one violation.

(2) Reprimands: \$500.00 per violation with increased fines for level of responsibility and severity of conduct.

(3) Suspension: \$1,000.00 per violation with increased fines for level of responsibility and severity of conduct.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency repeal and replace is a correct copy as promulgated and adopted on Friday, June 21, 2024.

AGENCY NAME: Alabama Board of Massage Therapy

RULE NO. AND TITLE: Chapter 532-X-8 Severability and Compliance

EXPIRATION DATE OF RULE: Saturday, October 19, 2024

NATURE OF EMERGENCY: Alabama Act No. 2024-361, which took effect on June 1, 2024, requires the Board of Nursing to immediately assume management of the Alabama Massage Therapy Licensing Board (AMTLB). The Act further requires extensive revision of the AMTLB Administrative Code to implement.

STATUTORY AUTHORITY: §34-43A-6

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE: Peggy Sellers Benson
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Peggy Benson

Peggy Benson, AL

Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

REC'D & FILED
JUN 21, 2024
LEGISLATIVE SVC AGENCY

~~ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE~~

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~~532-X-8-.01 Severability.~~

~~If any of the Rules and Regulations of the Board or any part thereof, of any sentence, paragraph, clause, phrase, or word thereof is construed by the courts to be invalid for any reason, it is the intention of the Board that the remainder shall continue in full force and effect; that is, it is the intention of the Board that each Rule and/or portions thereof, are severable.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-7.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001.~~

~~532-X-8-.02 Compliance.~~

~~All rules adopted by the Board are intended, and shall be construed, to be substantively and procedurally in compliance with the provisions of the Alabama Administrative Procedures Act.~~

~~**Author:** Keith E. Warren~~

~~**Statutory Authority:** Code of Ala. 1975, §34-43-7.~~

~~**History: New Rule:** Filed January 29, 2001; effective March 5, 2001.~~

ALABAMA MESSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

CHAPTER 532-X-8
CRIMINAL HISTORY FINGERPRINT BACKGROUND CHECK

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532-X-8-.01 Temporary Process Pending FBI Approval.

(1) The board is authorized to require that an applicant or licensee submit to a criminal history background check in the following circumstances:

(a) Initial licensure, renewal, or reinstatement of a massage therapist license.

(b) Initial application and renewal of a massage therapy establishment license. The requirement applies to all individuals considered applicants for establishment licenses.

(c) Upon complaint.

(2) Pending receipt by the board of an Originating Agency Identifier Number (ORI), the board will conduct an Alabama Law Enforcement Agency state criminal history fingerprint background check. The board will augment this process using a search of a commercially available database.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-8-.02 Process for Criminal History Fingerprint Background Check.

(1) Applicant(s) for license(s) shall submit to the board the following for a criminal history background check to be completed:

(a) A signed and notarized Application to Review Criminal History Record Information-SBI Form 46 from the Alabama Law Enforcement Agency (ALEA) authorizing ALEA to release any and all criminal history information to the board. Results of the criminal background check will be returned to the board by ALEA.

(b) Two (2) completed FBI-approved FD-258 fingerprint cards, or an FBI-approved AFIS printout of an official applicant fingerprint card, which will be submitted, along with the release form, to ALEA to perform a state background check taken by an authorized law enforcement agency that has an FBI-issued ORI consistent with appendix B of SBI Form 46.

(c) A copy of a valid photo identification; valid photo identification must be one of the following:

1. A valid, unexpired state-issued photo driver license or photo ID (non-driver) card.

2. A valid, unexpired United States Citizenship and Immigration Service document which may include either:

(i) Certificate of Naturalization N-550

(ii) Replacement Certificate of Naturalization N-570

(iii) Special Certificate of Naturalization N-578

(iv) Certificate of Citizenship N-560

(v) Replacement Certificate of Citizenship N-561

(d) A valid, unexpired United States Passport; or

(e) a valid, unexpired Foreign Passport which meets the following requirements:

1. A foreign passport must contain a valid United States Visa or I-94 to be used as primary proof of identification; or

2. A foreign passport, not issued in English, must be translated and accompanied by a Certificate of Accurate Translation. Passports are not acceptable if un-translated to English and/or expired.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §34-43A-6.

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Repealed and New Rule (ER):** Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-8-.03 Processing of Criminal History Background Checks.

(1) Information received by the board pursuant to a criminal background check shall be confidential and shall not be a public record, except such information received by and relied upon by the board in making fitness determinations.

(2) The applicant or licensee may be fingerprinted at ALEA between 8:30 a.m. and 4:30 p.m., Monday through Friday, after the applicant has provided ALEA with the completed Application to Review Criminal History Record Information-SBI Form 46 authorizing ALEA to release any and all criminal history information to the board and a copy of acceptable photo identification as described above.

(3) The board may deny the application of any applicant or discipline the license of any licensee who refuses to complete a criminal history background check.

(4) The fees for background checks are the responsibility of the applicant.

(5) If an applicant has a disability that prevents the applicant from being fingerprinted then ALEA will perform a name-based search, upon submission of all completed documents and evidence of the disability that prevents the applicant from being fingerprinted.

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Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency new chapter is a correct copy as promulgated and adopted on Friday, June 21, 2024.

AGENCY NAME: Alabama Massage Therapy Licensing Board

RULE NO. AND TITLE: Chapter 532-X-9 Massage Therapy Instructor Registration

EXPIRATION DATE OF RULE: Saturday, October 19, 2024

NATURE OF EMERGENCY: Alabama Act No. 2024-361, which took effect on June 1, 2024, requires the Board of Nursing to immediately assume management of the Alabama Massage Therapy Licensing Board (AMTLB). The Act further requires extensive revision of the AMTLB Administrative Code to implement.

STATUTORY AUTHORITY: §34-43A-6

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE: Peggy Sellers Benson
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Peggy Benson

Peggy Benson, AL

Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

REC'D & FILED
JUN 21, 2024
LEGISLATIVE SVC AGENCY

ALABAMA MESSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

CHAPTER 532-X-9
MESSAGE THERAPY INSTRUCTOR REGISTRATION

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532-X-9-.01 **Message Therapy Instructor Registration Requirements.**

(1) An applicant for registration as a massage therapy instructor shall satisfy all the following requirements:

(a) Be currently licensed as a massage therapist in this state.

(b) Submit to the board a completed application as prescribed by the board and the one-time application fee specified in this chapter.

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

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-9-.02 **Application for Massage Therapy Instructor Registration.**

(1) To apply for registration as a massage therapy instructor, an applicant shall satisfy all the following requirements:

(a) Submit the application form and required fee.

(b) Document three years of experience in the practice of massage therapy, which may include:

i. City business licenses showing the occupation as a massage therapist.

ii. Internal Revenue Service tax returns listing the occupation as massage therapist.

iii. Records or correspondence regarding advertisement as a massage therapist.

iv. Affiliations with professional organizations.

v. Appointment books kept in the ordinary course of business.

vi. Statements from personal knowledge by persons not related to the applicant, which may include:

a. Notarized statements of clients.

b. Statements of licensed professional associates consulted in relation to the practice of massage therapy.

c. Statements of business associates consulted in relation to the practice of massage therapy, such as bankers, brokers, and attorneys.

vii. Evidence of professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars as required for all licensed massage therapists.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.

532-X-9-.03

Code of Ethics for Massage Therapy Instructors.

(1) The registered massage therapy instructor must comply with all legal requirements in the applicable jurisdictions and meet the established code of ethics included in this chapter. Violations of the code of ethics may result in disciplinary action. The Code of Ethics for Massage Therapy Instructors follows:

(2) Any massage therapy instructor registered by the Board is required to be knowledgeable regarding the ethical, legal, and regulatory aspects of the profession of massage therapy, must be skilled in applying that knowledge, and must make students aware of their responsibilities as massage therapists. Licensed MT Instructors will conduct education in an ethical manner and serve as role models for professional behavior.

(3) Registered massage therapy instructors will educate only in those areas in which they have become qualified through education, certification, and professional affiliations to ensure that all students are adequately instructed in massage therapy techniques.

(4) Registered massage therapy instructors do not discriminate against or refuse professional service to anyone on the basis of race, gender, religion, national origin, or sexual orientation.

(5) Registered massage therapy instructors are required to clearly define and maintain ethical, professional, and social relationship boundaries with their students. MT Instructors must acknowledge that they exert both power and influence over the students under their care and control and that they must, therefore, be vigilant to maintain appropriate student-teacher boundaries and take responsibility for the power differential that exists between registered massage therapy instructors and students.

(6) Registered massage therapy instructors must maintain and improve their professional knowledge and competency to teach massage therapy through continuing education.

(7) Registered massage therapy instructors will orient prospective students to their program expectations prior to admission, including, but not limited to:

- a. The type and level of skill required for successful completion of the training.
- b. a current and accurate description of the program content, training goals, and objectives.
- c. the subject matter to be covered.
- d. the basis for evaluation.
- e. the training components that encourage self-growth as part of the training process.
- f. the supervision and site requirements for required clinical field experiences.
- g. student evaluation and dismissal policies and procedures.

(8) Registered massage therapy instructors do not teach the use of techniques or procedures that require specialized training, licensure, or expertise, including, but not limited to, laser therapy, 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, occupational therapy, veterinary medicine, acupuncture, osteopathy, orthopedics, hypnosis, or naturopathics.

(9) Registered massage therapy instructors do not serve as counselors to students over whom they hold administrative, teaching, or evaluative roles unless this is a brief role associated with a training experience.

(10) A registered massage therapy instructor should abide by federal, state, and local laws and statutes. Unethical conduct includes conviction of a felony or of any crime arising out of or connected with the practice of massage therapy and/or the habitual use of controlled substances or the habitual and excessive use of alcohol. As used herein, "conviction" includes a finding or verdict of guilt, a plea of guilty, or a plea of nolo contendere.

(11) A Registered massage therapy instructor shall refrain from the abuse of alcohol or drugs in the course of professional practice.

(12) All registered massage therapy instructors should comply with state and federal laws relating to the confidentiality of student records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to, sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status and/or income, and assessment/testing results.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: New Rule (ER): Filed June 21, 2024; effective June 21, 2024; expires 120 days, October 19, 2024.