



**Alabama Massage Therapy Licensing Board
Proposed Rule Changes
Comment Period Ends: September 4, 2025
Summary**

The Alabama Massage Therapy Licensing Board (AMTLB) met June 23, 2024, and proposed a number of changes to the AMTLB Administrative Code, which includes rules for licensure, regulation, and discipline of massage therapy licenses in Alabama. The proposed rules comply with the revised statute passed by the Legislature during the 2025 Regular Session and are intended to expedite processes throughout the agency.

Please note that Section 532-X1-.11 (Fees) and Chapter 532-X-4 were reissued as new emergency rules in July 2025, as the board reconsidered the establishment renewal fee and the parameters by which an LMT may be identified as employed by or contracted with an establishment. At this time the Board intends the certified final rules to set the establishment fee and the employment parameters according to the emergency rules issued in July.

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: 532-X-1-.03

Rule Title: Officers Of The Board

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Message Therapy Licensing Board, Alabama

RULE NO. & TITLE: 532-X-1-.03 Officers Of The Board

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama Massage Therapy Licensing Board proposes to amend the rule to set elections of officers at the annual November meeting of the Board.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Honor L Ingels

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

(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~~November 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:** Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective .

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: 532-X-1-.04

Rule Title: Meetings Of The Board

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

RULE NO. & TITLE: 532-X-1-.04 Meetings Of The Board

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama Massage Therapy Licensing Board proposes to amend the rule related to meetings of the Board.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

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CONTACT PERSON AT AGENCY:

Honor L Ingels

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

Meetings Of The Board.

(1) The Board shall meet at least ~~quarterly~~twice per year, including an annual meeting in ~~October~~November 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.

(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.

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

2. 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: Published September 30, 2024; effective November 14, 2024. Amended: Published _____; effective _____.

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: 532-X-1-.08

Rule Title: Declaratory Rulings

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

RULE NO. & TITLE: 532-X-1-.08 Declaratory Rulings

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama Massage Therapy Licensing Board proposes to make a technical correction to the rule.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Honor L Ingels

(Signature of officer authorized
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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 is determinable.

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: 532-X-1-.11

Rule Title: Schedule Of Fees

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

RULE NO. & TITLE: 532-X-1-.11 Schedule Of Fees

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama Massage Therapy Licensing Board proposes to revise the agency fee schedule in accordance with Alabama Act 2025-395.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

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CONTACT PERSON AT AGENCY:

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- (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) Any check from an out-of-state bank.
 - (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 fifty dollars (~~\$100~~\$150) for an initial massage therapist license.
 - (b) One hundred twenty-five dollars (~~\$100~~\$125) 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~~Three hundred fifty dollars (~~\$100~~\$350) for an initial, and three hundred fifty dollars (~~\$50~~\$350) for any renewal of, a massage therapy establishment license.

(d) ~~One~~Two hundred fifty dollars (~~\$150~~\$250) 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~~One hundred and seventy-five dollars (~~\$75~~\$175) to reactivate an expired license.

~~(g) Twenty-five (h) Thirty~~ 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~~\$30) for a duplicate license certificate or a name change on a license certificate.

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

(a) Public records requests:

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

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

3. 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 (name and license number only)

(c) ~~Twenty-five dollars~~ (~~\$25~~)Actual current cost for a state and federal criminal history background check

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

~~(e) Twenty-five dollars~~ (~~\$25~~) ~~for a therapist registration to an 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:** Published September 30, 2024; effective
November 14, 2024. **Amended:** Published ; effective .

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: Chapter 532-X-2

Rule Title: Definitions

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

RULE NO. & TITLE: Chapter 532-X-2 Definitions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes amending the rules to include definitions relevant to implementation of Alabama Act No. 2025-395.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Honor L Ingels

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

**ALABAMA MASSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE**

**CHAPTER 532-X-2
DEFINITIONS**

TABLE OF CONTENTS

532-X-2-.01 Definitions

532-X-2-.01 Definitions.

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

~~(1)~~

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)~~

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

~~(3)~~

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

~~(4)~~

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)~~

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 or vocation, or continuing the individual's education in said occupation or vocation, whether conducted in person, by mail, or by any other method.

~~(6)~~

6. CURRICULUM: A plan of course subjects of study to meet educational program learning needs.—
- ~~(7)~~
7. DENY: To refuse the issuance of a license upon initial application review or upon license renewal review.
- ~~(8)~~
8. EMERGENCY ORDER: The immediate suspension of a license without a hearing when the board determines that public safety is at immediate risk. An emergency order requires a licensee to cease practice pending a formal hearing. The term may also be referred to as the summary suspension of a license.
9. ESTABLISHMENT: A site, premises, business or operation where massage therapy is practiced by a licensed massage therapist.—
- ~~(9)~~
10. 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 or, at the discretion of the board, a state examination administered by the appropriate regulating body for massage therapy located in another state. The national or state examination administered by the board. The national examination shall be accredited by the National Commission for Certifying Agencies.—
- ~~(10)~~
11. 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)~~
12. 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)~~

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

~~(13)~~

14. MESSAGE 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)~~

15. MESSAGE THERAPY (MT) ESTABLISHMENT: A site, premises, or ~~business~~

business licensed by the board where massage therapy is practiced by a massage therapist. See: §532-X-4-.01 of these rules.

~~(15)~~

16. MESSAGE THERAPY INSTRUCTOR: A massage therapist who is approved by the board to teach the practice of massage therapy.—

~~(16)~~

17. MESSAGE THERAPY or RELATED TOUCH THERAPY MODALITIES:—

~~(a)~~

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)~~

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, or use of manual methods or mechanical or electrical devices or tools that mimic or enhance the action of human hands for the purpose of therapeutic massage, and any massage, movement therapy, massage technology, myotherapy, massotherapy, oriental massage techniques, structural integration, acupuncture, or polarity therapy.—

~~(c)~~

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 cups, T-bars, thumpers, body support systems, heat lamps, hot and cold packs, salt glow, steam cabinet baths, or hydrotherapy.-

~~(d)~~

- 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)~~

18. MASSAGE THERAPY (MT) SCHOOL: A school, approved by the board, where massage therapy is taught and which is one of the

following:-

~~(a)~~

- 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)~~

- b. If located outside of Alabama, recognized by the board and by a regionally recognized professional accrediting body.

~~(c)~~

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

~~(18)~~

19. 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)~~

20. SUPERVISED PRACTICE: Practice by the holder of a temporary permit issued by the board, who has completed an approved

massage therapy education program, which practice 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)-~~

21. 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)-~~

22. SCHOOL/PROGRAM: 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.

~~+(22)-~~

23. 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)-~~

24. 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)-~~

25. STANDARD PRECAUTIONS AND HYGENIC PRACTICES: The measures taken to protect both the therapist and client from the spread of infection in a massage therapy setting. This may include use of proper hand hygiene practices, washing hands

thoroughly with soap for 20 seconds before and after each session, massage therapist maintaining a clean and appropriate appearance, sanitizing equipment and surfaces between clients, using clean linens (sheets, blankets, towels and face cradle covers) for each client (layering of linens is considered unsanitary), placing used linens in a closed hamper or bag and laundering with detergent in hot water to ensure proper sanitization. See <https://www.cdc.gov/infection-control/hcp/basics/standard-precautions.html> for additional guidance on standard precautions to prevent the spread of infection.

26. STUDENT: Any individual who is enrolled in a massage therapy school.

~~(25)~~

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

~~(26)~~

28. 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.—

~~(27)~~

29. MESSAGE THERAPIST REGISTRATION TO AN ESTABLISHMENT: The process described in §532-X-3-.09 of these rules.

~~(28)~~

30. PRIMARY SOURCE VERIFICATION: Verification provided directly to the Board by the entity that is the original source of the document of educational credentials, certification, and/or licensure or an approved primary source organization recognized 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. **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:** Published September 30, 2024;

effective November 14, 2024. Amended: Published ;
effective .

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: Chapter 532-X-3

Rule Title: Massage Therapist Licensure

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Message Therapy Licensing Board, Alabama

RULE NO. & TITLE: Chapter 532-X-3 Massage Therapist Licensure

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend the Chapter to facilitate implementation of Alabama Act No. 2025-395.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Honor L Ingels

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

**ALABAMA MASSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE**

**CHAPTER 532-X-3
MASSAGE 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)~~

1. Advertise that he or she performs massage therapy or related touch therapy modalities.

~~(2)~~

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)~~

3. Practice massage therapy.

on the general public for compensation.

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 October 31, 2019; effective December 15, 2019.

Amended: Published September 29, 2023; effective November 13, 2023. **Repealed and New Rule:** Published September 30, 2024;

effective November 14, 2024. Amended: Published ;
effective .

532-X-3-.02 Exemptions.

—

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

~~(1)~~

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. An individual practicing massage therapy pursuant to a temporary permit issued by the board.

~~(2)~~3. A qualified member of another profession who is licensed and regulated under state law ~~while in the course of~~ rendering services which are within the scope of his or her license, provided that the individual does not represent himself or herself as a massage therapist.

~~(3)~~4. An individual providing massages to his or her immediate family.

~~(4)~~5. 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)~~6. 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)~~7. 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)~~8. An individual acting under the supervision of and pursuant to delegation from a physician, a physical therapist, or a chiropractor for whom the delegated acts are within the scope of ~~his or her license~~the license of the physician, physical therapist, or chiropractor, provided that the individual does not represent himself or herself as a massage therapist.

~~(8)~~9. The office of a chiropractor, physician, or physical therapist which employs or contracts with a massage therapist ~~who to provide massage therapy at the physical location of the office~~ 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:** Published September 30, 2024; effective November 14, 2024. **Amended:** Published _____ ; effective _____.

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 from an education massage therapy school which shall consist of all of the following:

~~1.~~

1. 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.

~~2.~~

2. 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.

~~3.~~

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

~~4.~~

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

(b) In the case of an applicant for licensure who holds or has held a valid massage therapist license in another state, if the education program did not meet the same educational criteria as Alabama programs, the applicant's continuing education, work experience, or other factors relevant to qualification to practice massage therapy in the state may be considered, at the discretion of the Board.

~~(b)~~ (c) Successfully pass 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.

~~(e)~~ (d) Successfully complete a criminal history background check pursuant to Section 34-43A-13(c) of the Code of Ala. 1975.

~~(d)~~ (e) Pay all applicable fees.

~~(e)~~ (f) 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)~~ (g) Satisfy the requirements of Code of Ala. 1975, §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.
Amended: Filed February 10, 2012; effective March 16, 2012.
Amended: Published September 29, 2023; effective November 13, 2023. **Repealed and New Rule:** Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective.

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-inch-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.

a. Applicants may be required to submit additional evidence satisfactory to the board that they have completed the course content and hours of instruction required for licensure in Alabama pursuant to Code of Alabama 34-43A-8(a)(1) and Alabama Massage Therapy Licensing Board Rule 532-X-3-.03.

(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.

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. **Repealed and New Rule:** Published September 30, 2024; effective November 14, 2024. **Amended: Published ;**
effective .

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-inch 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) 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.

a. Applicants may be required to submit additional evidence satisfactory to the board that they have completed the course content and hours of instruction required for licensure in Alabama pursuant to Code of Alabama 34-43A-8(a) (1) and Alabama Massage Therapy Licensing Board Rule 532-X-3-.03.

(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, 34-43A-7.

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.

Repealed and New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published ; effective .

532-X-3-.06

Massage Therapist License Renewal.

~~(1)~~

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

~~(2)~~

- a. Any applicant for renewal who has not previously completed a fingerprint background check pursuant to Alabama Act 2024-361 shall be required to submit to such a fingerprint background check for the first licensure renewal occurring after June 1, 2024.

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. A completed application on a board-approved form.

~~(b)~~

b. Required fees.

~~(c)~~

c. The fingerprint card and form, if applicable. [see Chapter 532-X-8 and Section 532-X-3-.06(1) (a)]

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.

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

~~(e)~~

e. If the applicant's United States citizenship has not previously been established pursuant to the requirements of Code of Ala. 1975, §31-13-7, a completed Citizenship or Lawful Presence Checklist and supporting documentation.

~~(f) A two-inch-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)~~

f. 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.

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;
operative January 1, 2023. **Amended:** Published September 29,
2023; effective November 13, 2023. **Repealed and New Rule:**
Published September 30, 2024; effective November 14, 2024.____
Amended: Published _____ ; effective _____ .

532-X-3-.07 Message Therapist Reinstatement Of Expired License.

~~(1)~~

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)~~

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

~~(a)~~

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

~~(b)~~

- b. A reactivation fee and all other required fees.

~~(c)~~

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

- 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.

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

~~(e)~~

- e. If the applicant's United States citizenship has not previously been established pursuant to the requirements of Code of Ala. 1975, §31-13-7, a completed Citizenship or Lawful Presence Checklist and supporting documentation.

~~(f) A two-inch 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)~~

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

~~(h)~~

- g. Primary source verification of having successfully passed either the Massage and Bodywork Licensing Examination (MBLEx) 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: Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective.

532-X-3-.08

Temporary Permit For Supervised Practice.

~~(1)~~

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

~~(2)~~

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

~~(a)~~

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

~~(b)~~

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

~~(3)~~

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

~~(a)~~

- 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)~~

- 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)~~

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

~~(a)~~

- a. 120 days

~~(b)~~

- b. Licensure as a massage therapist in Alabama

~~(c)~~

- c. Denial of a massage therapist license

~~(5)~~

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

Author: Alabama Massage Therapy Licensing Board

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

History: **New Rule:** Published September 30, 2024; effective November 14, 2024. **Amended:** Published ; effective.

532-X-3-.09

**Licensed Massage Therapist Registration To
Licensed Massage Therapy Establishment
(Repealed)**.

~~(1) Effective July 1, 2025, 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.~~ (Repealed)

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: Code of Ala. 1975, §§34-43A-6, 34-43A-4(a)
(1).

History: **New Rule:** Published September 30, 2024; effective November 14, 2024. **Amended:** Published March 31, 2025; effective May 15, 2025. **Repealed:** Published _____; effective _____.

532-X-3-.10

Special Circumstances.

~~(1)~~

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)~~ , shall:

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

~~(b)~~

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

~~(c)~~

- c. Substantiate his or her eligibility by providing the following:

~~1.~~

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

~~2.~~

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

~~(2)~~

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)~~

- a. The license was active at the time of deployment.

~~(b)~~

- 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)~~

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

~~(3)~~

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)~~

- a. The license was active at the time of deployment.

~~(b)~~

- 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.

~~(e)~~

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

- d. (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 massage therapist 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)~~

- 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: Code of Ala. 1975, §34-43A-6.

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published ; effective.

532-X-3-.11 Code Of Ethics For Licensed Massage Therapists.

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

~~—(1)~~

- 1. The licensee must comply with all legal requirements ~~in~~ applicable ~~in~~ inapplicable jurisdictions. The licensee shall:

~~(a)~~

- a. obey all local, state, and federal laws.

~~(b)~~

b. refrain from any behavior that results in illegal, discriminatory, or unethical actions.

(c) accept responsibility for the licensee's own actions.

(d) Upon reasonable belief that another massage therapist has violated Chapter 43A of Title 34 of the Code of Ala. 1975, 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.

(e) maintain accurate and truthful records.

~~(f)~~

f. Comply with Chapter 43A of Title 34 of the Code of Ala. 1975, and any amendments thereto, and the Alabama Massage Therapy Licensing Board Administrative Code.

~~(g)~~.

g. 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.

~~(h)~~

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

~~(2)~~

2. In the licensee's professional role, the licensee shall:

~~(a)~~

a. Treat each client with respect, dignity, and worth.

~~(b)~~

b. Use professional verbal, nonverbal, and written communications.

~~(c)~~

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)~~

- 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)~~

- f. Obtain voluntary and informed consent from the client prior to initiating the session.

~~(g)~~

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

~~(h)~~

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

1. 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.

~~(i)~~

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

(ii) The massage therapist shall not inappropriately touch the mouth or genitals of a male/female client or breasts of a female client.

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

(j) Seek other professional advice when needed.

(k) Respect the traditions and practices of other professionals and foster collegial relationships.

(l) Maintain professional boundaries with clients.

~~1.~~

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

~~2.~~

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

~~3.~~

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

~~4.~~

4. 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;

~~(m)~~

- m. Refrain from practicing under the influence of alcohol, drugs, or any illegal substance.

~~(n)~~

- n. 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.~~

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

~~2.~~

2. There shall be no undocumented massage therapy appointments.

~~3.~~

3. Documentation of appointments shall be maintained on

the premises of the licensed massage therapy establishment and available for inspection.

~~4.~~

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.

~~(o)~~

- o. Respect state licensed healthcare providers whose intent is to promote the health and healing of their clients.

~~(p)~~

- p. Conduct their business and professional activities with integrity.

~~(q)~~

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

~~(r)~~

- r. 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.

~~(s)~~

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

~~(t)~~

- t. Respect the client's right to refuse, modify, or terminate treatment.

~~(u)~~

- u. Have the right to refuse treatment to any person for reasonable and just cause.

~~(v)~~

- v. Provide treatment in an environment that ensures the comfort and privacy of the client.

~~(w)~~

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

~~(x)~~

x. Through continuing education, maintain and improve professional knowledge and competency.

~~(y)~~

y. 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.

~~(3)~~

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

~~(a)~~

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)~~

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)~~

c. Solicit only information that is relevant to the professional client/therapist relationship;

~~(d)~~

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)~~

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

~~(a)~~

- a. Provide a physical setting that is safe and meets all applicable legal requirements for health and safety.

~~(b)~~

- b. Maintain adequate progress notes for each client session, if applicable.

~~(c)~~

- c. Accurately and truthfully inform the public of services provided.

~~(d)~~

- d. Honestly represent all professional qualifications and affiliations.

~~(e)~~

- e. Include the license number of the licensee or establishment on any advertisements.

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published ; effective.

532-X-3-.12 Prohibited Activities.

~~(1)~~

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)~~

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)~~

3. A massage therapist may not perform massage therapy for ~~a sexually~~asexually oriented business, shall be subject to all sections of Article 3 of Chapter 12 of Title 13A, Code of Ala. 1975.

- ~~(4)~~.
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)~~
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)~~
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: Code of Ala. 1975, §34-43A-6.

History: New Rule: Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective .

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: Chapter 532-X-4

Rule Title: Massage Therapy Establishment Licensure And Standards

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

RULE NO. & TITLE: Chapter 532-X-4 Massage Therapy Establishment
Licensure And Standards

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend the Chapter to facilitate implementation of Alabama Act No. 2025-395.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Honor L Ingels

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

ALABAMA MASSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

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

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

(1) No massage therapy establishment shall operate in Alabama without a valid 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:** Published September 30, 2024; effective November 14, 2024.

532-X-4-.02 Requirements For Licensed Massage Therapy Establishments.

~~(1)~~

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

~~(a)~~

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)~~

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.

- ~~(e)~~
- c. Each massage therapy establishment, including establishments that perform massage therapy services exclusively by out-call appointment, shall maintain a physical location where records and supplies/equipment are kept and available for inspection.
- d. Compliance with state and local fire and safety requirements.
- ~~(d)~~
- e. A fire extinguisher in good working condition.
- ~~(e)~~
- f. Provision for extermination of vermin, insects, termites, and rodents.
- ~~(f)~~
- g. 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)~~
- h. Maintenance of equipment in a safe and sanitary condition.
- ~~(h)~~
- i. 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)~~
- j. 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)~~
- k. Clean drape material (towel, sheet, blanket, linen) for draping clients during the massage.
- ~~(k)~~
- l. Documentation of all massage therapy appointments, whether the appointments are provided at the licensed

message therapy establishment or are out-call or onsite appointments.-

~~1.~~

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

~~2.~~

2. There shall be no undocumented message therapy appointments.

~~3.~~

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

~~4.~~

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

~~5.~~

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

~~6.~~

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

~~(2)~~

2. All message therapy services performed at or for an establishment shall be performed by a licensed message therapist.

~~(3)~~

3. Effective January 1, 202~~5~~6, a message therapy establishment shall ~~ensure that, prior to permitting a~~notify the board of ~~each~~ licensed message therapist ~~to perform message therapy at or for a message therapy establishment, the licensed message therapist is registered with the board~~employed to perform message therapy at or for the licensed message therapy establishment.

~~(4)~~ When a licensed massage therapist enters or exits the employ of a licensed massage therapy establishment, the establishment shall notify the board within thirty (30) days following the date of the licensed massage therapist's change in employment.

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. The name and license number of the designee shall be prominently identified by signage placed in plain view within the establishment.

~~(5)~~

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

~~(6)~~

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)~~

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)~~

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 outcall massage therapy services, the licensed massage therapist shall take the following items to the appointment:

~~(a)~~

- a. A copy of the massage therapy establishment license and a copy of the massage therapist license for the licensed

message therapist performing the massage therapy services.

~~(b)~~

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

~~(c)~~

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

~~(9)~~

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)~~

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)~~

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

~~(12)~~

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

~~(13)~~

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

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published _____; effective _____.

Massage Therapist Establishment Initial License Application.~~(1)~~

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

~~(a)~~

- 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, as well as any other natural person appearing on the documentation of the applicant's right to occupy the establishment, shall apply for the massage therapy establishment license and shall be considered the "applicant" for all purposes in these rules.

~~(b)~~

- 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)~~

- c. If an entity owns or manages more than one million dollars (\$1,000,000.00) in assets in Alabama, the entity may designate one officer and the manager of the establishment as applicants for the entity.

~~(2)~~

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

~~(a)~~

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

~~(b)~~

b. Required fees.

~~(e)~~

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)~~

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)~~

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)~~

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-inch-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)~~

4. 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)~~

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, except as described in §532-X-4-.05 of these rules.~~

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published January 31, 2025; effective March 17, 2025. Amended: Published _____; effective _____.

532-X-4-.04 Massage Therapy Establishment License Renewal.

~~(1)~~

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

~~(2)~~

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

~~(3)~~

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

~~(a)~~

- 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)~~

- 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.

- ~~(e)~~
- c. 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, as well as any other natural person appearing on the documentation of the applicant's right to occupy the establishment, shall apply for the massage therapy establishment license and shall be considered the "applicant" for all purposes in these rules.—
- ~~(d)~~
- d. 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.
- ~~(e)~~
- 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-inch 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)~~
- 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: Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective.

532-X-4-.05

Licensed Massage Therapy Establishment Change Of Location.

(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 ninety (90) days of the request.

(c) The establishment shall submit to an inspection by the board prior to providing massage therapy services at the new location.

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

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 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.

(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: Code of Ala. 1975, §34-43A-6

History: New Rule: Published September 30, 2024; effective November 14, 2024.

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: 532-X-5-.01

Rule Title: Requirements For Approved Massage Therapy Schools

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

RULE NO. & TITLE: 532-X-5-.01 Requirements For Approved Massage Therapy
Schools

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend the rule to clarify requirements for massage therapy school.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Honor L Ingels

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

Requirements For Approved Massage Therapy Schools.

(1)

1. The board is authorized to approve massage therapy schools and to establish a list of approved massage therapy schools.

~~(2)~~

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)~~

3. An approved massage therapy school shall comply with all standards for approval established by the board and 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 thirty (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 [as described in chapter 532-X-4-.02](#).

(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 ~~January~~[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 wellbeing 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.

(23) Massage therapy schools must satisfy other standards as may be imposed by the board through rule.

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:** Published September 30, 2024; effective November 14, 2024. **Amended:**
Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: 532-X-5-.02

Rule Title: Approved School Annual Renewal

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

RULE NO. & TITLE: 532-X-5-.02 Approved School Annual Renewal

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes revising the rule to allow schools to renew their registrations bi-annually, rather than annually.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Honor L Ingels

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

(1) A massage therapy school approved by the board must register bi-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. If 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:** Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective .

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: 532-X-6-.01

Rule Title: Continuing Education Requirements

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

RULE NO. & TITLE: 532-X-6-.01 Continuing Education Requirements

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend the rule related to continuing education requirements for renewal of licensure.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Honor L Ingels

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

~~(1)~~

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)~~

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 that enhances the licensee's current knowledge, skills, and abilities through programs, seminars, workshops, and classes in areas related to the practice of massage.

~~(3)~~

3. One hour of continuing education is defined as no less than 50 uninterrupted minutes of learning.

~~(4)~~ ~~Every~~ Effective June 2026, every massage therapist (MT) licensed by the board must complete ~~sixteen (16)~~ 8 mandatory contact hours ~~of continuing education~~ developed, approved, or provided by the board related to the legal aspects of MT practice, discipline, human trafficking, and illegal practice 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)~~ 1. The board may accept comparable education to satisfy this requirement, provided that a review by board staff determines the content is comparable in content and provided by a board approved provider.

5. The licensee is required to maintain documentation of continuing education in the licensee's files for at least four (4) years.—

~~(6)~~

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:** Published September 30, 2024; effective November 14, 2024. **Amended:** Published _____; effective _____.

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: Chapter 532-X-7

Rule Title: Complaints, Investigations, And Disciplinary Actions

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

RULE NO. & TITLE: Chapter 532-X-7 Complaints, Investigations, And
Disciplinary Actions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend the Chapter to facilitate implementation of Alabama Act No. 2025-395.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Honor L Ingels

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

**ALABAMA MASSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE**

**CHAPTER 532-X-7
COMPLAINTS, INVESTIGATIONS, AND DISCIPLINARY ACTIONS**

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532-X-7-.01	<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, probate, reprimand, otherwise discipline, 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~~

1. Licensee or applicant for licensing obtained or attempted to obtain a 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)~~

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

~~(3)~~

3. The licensee or applicant for licensing has engaged in unprofessional conduct that has endangered or is likely to endanger the health, safety, and welfare of the public, to include:

~~(a)~~

- a. Violation of the code of ethics applicable to the licensee.

~~(b) Practicing~~

- b. Failure of massage therapy establishment to notify the Board of every massage therapist who performs massage therapy at ~~an~~ or through the massage therapy establishment.

(c) Failure of massage therapy establishment to ~~which the licensed~~ designate a massage therapist ~~is not registered who~~ performs massage therapy at or through the massage therapy establishment as the individual who will ensure that the massage therapy establishment complies with state law and administrative rules of the Board.

~~(e)~~ (d) 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~~ recorded on the list of massage therapists performing massage therapy services at or through the establishment or has allowed an unlicensed person to perform massage therapy at or through the establishment.

~~(d)~~ (e) Administering treatment which poses a significant health risk to the client.

~~(e)~~ (f) 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 competent or 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)~~
- 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)~~
- 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)~~
- l. Aiding, assisting, procuring, or advertising any unlicensed person or establishment to practice massage therapy contrary to the rules and regulations of the Board or the Massage Therapy statutes.
- ~~(m)~~
- 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)~~
- n. Making deceptive, untrue, or fraudulent representations in the practice of massage therapy or in relation to the practice site.
- ~~(o)~~
- 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)~~
- 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)~~
- q. Acting as a massage therapist or operating a massage therapy establishment while unlicensed or with a revoked or suspended license.

~~(r)~~
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 outcall at a location under the control of the client, or is done at an educational or trade site for demonstration purposes.

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

~~(v)~~
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)~~
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)~~
x. Failing to maintain premises, supplies, and equipment of the massage therapy establishment in a clean and sanitary condition—and exercise standard precautions and hygienic practices to prevent the spread of infection.

—
~~(y)~~
y. Failing to include the licensee's license or registration number in an advertisement.

~~(4)~~

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

~~(5)~~

5. The licensee or applicant for licensing has violated or aided and abetted in the violation of Chapter 43A of Title 34 of the Code of Ala. 1975.

~~(6)~~.

6. The licensee or applicant for licensing is adjudicated as mentally incompetent by a court of law.

~~(7)~~

7. The licensee or applicant for licensing uses controlled substances or habitually and excessively uses alcohol.

~~(8)~~

8. The licensee or applicant for licensing has engaged in false, deceptive, or misleading advertising.

~~(9)~~

9. The licensee or applicant for licensing has knowingly allowed the massage therapy establishment to be used as an overnight sleeping accommodation.

~~(10)~~

10. The licensee or applicant for licensing 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

11. The licensee or applicant ~~or licensee~~ for licensing has been convicted of impersonating a massage therapist in another jurisdiction.

~~(12)~~

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)~~

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:** Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective.

532-X-7-.02 Grounds For Mandatory Revocation Of A License.

~~(1)~~

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 human trafficking, prostitution, or any other type of sexual offense shall be permanently revoked by the board according to the Administrative Procedures Act.

~~(2)~~

2. The massage therapy establishment license of any massage therapy establishment wherein an individual ~~has been convicted of, or entered~~ engages in conduct which leads to a conviction of or entry of 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: Code of Ala. 1975, §34-43A-6.

History: New Rule: Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective.

532-X-7-.03 Complaints.

~~(1)~~

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)~~ or entity.

2. Complaints shall be made in the following manner:

~~(a)~~

- a. Official complaints shall be made in writing and may be transmitted to the board via paper or electronic means.

~~(b)~~

- b. The following information is required for an official complaint:

~~1.~~

1. The name of the massage therapist, massage therapy establishment, or other individual or entity about whom the complaint is being made.

~~2.~~

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.~~

3. Specific allegation(s) which, if substantiated through investigation, would constitute violation(s) of Chapter 43A of Title 34 of the Code of Ala. 1975 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: Code of Ala. 1975, §34-43A-6.

History: New Rule: Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective.

532-X-7-.04 Investigations.

~~(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~~

1. Upon receipt of a complaint that meets the requirements of 532-X-7-.03, the executive director shall provide for an investigation by Board staff to determine if probable cause exists that a violation has occurred.
2. As a part of the investigation, the board may-:
 - a. inspect the business premises of any licensee, applicant, or individual or entity advertising, offering to perform, or performing massage therapy in the state 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.~~
 - b. 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~~

- c. issue subpoenas.
3. When an investigation discloses that disciplinary action is not warranted for the protection of public health, safety and welfare, 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~~file shall be closed, provided that the matter may be reinvestigated at any time if circumstances so warrant.

~~(c) Determine that probable cause exists that a violation has occurred.~~

~~1. Upon a~~ The investigation may be closed with a letter of closure or a letter of admonishment.

4. Upon finding that probable cause exists that a violation has occurred, ~~the Investigative Committee shall initiate~~ an administrative proceeding.

may be commenced.

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published _____ ; effective _____ .

532-X-7-.05 Administrative Proceedings.

~~(1)~~

1. Upon a finding of probable cause ~~by the Investigative Committee, the Investigative Committee shall initiate~~ an administrative proceeding may commence in the name of the Board. The administrative proceedings constitute the commencement of a contested case against the subject of the complaint.

~~(2)~~

2. Administrative proceedings may take the form of either an informal disposition or the issuance of an administrative complaint.

~~(3)~~

3. Informal Disposition

~~(a)~~

- 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~~ Such shall be held without prejudice to the right of the ~~board~~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~~ (b) Informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing and as approved by 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)~~

4. Administrative Hearings

~~(a)~~

a. Administrative hearings shall be conducted in accordance with the requirements of the Alabama Administrative Procedure Act.—

~~(b)~~

b. A statement of charges and notice of hearing shall be issued to the subject of the complaint.

~~(c)~~

c. The statement of charges and notice of hearing may be delivered by any of the following methods:

~~1.~~

1. Personal service as in civil actions.

~~2.~~

2. Certified mail, return receipt requested.

~~3.~~

3. Commercial carrier, as described in the Alabama Rules of Civil Procedure.

~~(d)~~

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.

- e. The Board may issue subpoenas, compel the attendance of witnesses, and administer oaths to individuals giving testimony at hearings.

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published _____; effective _____.

532-X-7-.06 Decisions Of The Board.

~~(1)~~

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)~~

- a. Dismiss the administrative complaint in its entirety or any alleged violation in the complaint.

~~(b)~~

- b. Find the respondent not guilty of any or all of the violations alleged in the administrative complaint.

~~(c)~~

- 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, or pursuant to an informal disposition, the board may take one or more of the following disciplinary actions against the respondent:

~~1.~~

1. Suspend the license of a massage therapist or establishment
2. Revoke the license of a massage therapist or establishment.

~~2. Revoke~~ 3. Probate the license of a massage therapist or establishment.

~~3.~~ 4. Reprimand the license of the massage therapist or establishment.

5. Otherwise, discipline of the massage therapist or establishment.

6. Refuse to issue or renew a license

~~4.~~
7. Impose a civil penalty ~~after notice and opportunity for hearing pursuant to the Alabama Administrative Procedures Act.~~

~~5.~~
8. 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, Code of Ala. 1975.

~~(d).~~
9. Accept the voluntary surrender for revocation of a license. The Executive Director is authorized to accept the voluntary surrender for revocation of a license.

d. The board ~~may~~shall present any incident the Board deems serious misconduct to the local District Attorney in the jurisdiction where the alleged violation is to have occurred for appropriate action.

~~(2)~~
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)~~
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)~~
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: Code of Ala. 1975, §§34-43A-6; 34-43A-13, 34-43A-16.

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published ; effective.

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 Ala. 1975, who:

~~(1)~~

1. Had a reasonable belief that another massage therapist has violated Chapter 43A of Title 34 of the Code of Ala. 1975, and did not inform the board in writing within thirty (30) calendar days after the date the individual discovered this

~~(2)~~ activity; or

2. Performed massage therapy without having obtained a license.

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective.

532-X-7-.08 Unlicensed Practice.

Upon a finding that an individual or entity governed by this chapter has performed massage therapy or operated a massage therapy establishment without having obtained a license, the board may do any of the following:

~~(1)~~

1. Impose an administrative fine of not more than ten thousand dollars (\$10,000).

~~(2)~~

2. Issue a cease-and-desist order.

~~(3)~~

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: Code of Ala. 1975, §34-43A-6.

History: New Rule: Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective .

532-X-7-.09 Additional Remedies.

~~(1)~~

1. The board may seek an injunction against any individual or establishment in violation of this chapter.

~~(2)~~

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.
3. The executive director may issue an emergency order suspending the operation of a massage therapy establishment without a prior hearing when public safety is at immediate risk. Public safety shall be considered at immediate risk in any of the following circumstances:

(a) A law enforcement agency notifies the board that the law enforcement agency is investigating a massage therapy establishment for an offense under the Code of Alabama 1975

§§13A-6-152, 34-43A-1 et seq., or Alabama Administrative Code Chapter 532-X-1 et seq.

(b) The massage therapy establishment is operating without a valid license issued by the board.

(c) The board has reasonable cause to believe that a massage therapy establishment is violating Alabama Massage Therapy Licensing Board laws or rules and, upon physical inspection by the board, one or more violations are confirmed.

(d) Upon physical inspection of a massage therapy establishment by the board, one or more violations of Alabama Massage Therapy Licensing Board laws or rules are confirmed.

(e) Other circumstances as determined by the board including but are not limited to the following:

1. Refusal to complete criminal background check.

2. 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.

3. Refusing to allow the board to inspect a massage therapy establishment or premises of a licensee during normal business hours.

4. Endangering or likely to endanger the health, safety, and welfare of the public as defined by the rules.

5. The massage therapy establishment is being used as overnight sleeping accommodations.

6. If an establishment is offering massage therapy or body work in their advertisement and it is confirmed by board staff that the establishment is in fact operating without a license.

7. Licensee has knowingly allowed the massage therapy establishment to be used as an overnight sleeping accommodation.

—

(f) An individual or entity governed by this chapter has performed massage therapy or operated a massage therapy establishment without a valid license.

(4) If the executive director believes a massage therapy establishment is in violation of a local, municipal, or other applicable law, the executive director shall notify local law enforcement of the possible violations.

(5) An emergency order shall identify the massage therapy establishment by its business name and state that the massage therapy establishment is closed by order of the board pursuant to this chapter and rules adopted by the board pursuant to this chapter.

(6) A massage therapy establishment shall remain closed to the public until it is in compliance with this chapter and rules adopted by the board pursuant to this chapter. The board shall provide the massage therapy establishment with a written summary of the findings of any inspection resulting in the emergency order and shall describe the compliance measures necessary to remedy those findings. Within three business days after receipt of the findings by the massage therapy establishment, the board shall issue to the massage therapy establishment, in writing, a complaint resulting in the emergency order suspending the operation of the massage therapy establishment, which describes the compliance measures which must be taken for the emergency order to be rescinded.

(7) An emergency order suspending the operations of a massage therapy establishment shall be printed on 8 ½" x 11" paper and conspicuously taped to the front door of the massage therapy establishment.

(8) A massage therapy establishment may not remove the posted emergency order or reopen for business until the board determines, after a physical inspection, that the massage therapy establishment is in compliance with this chapter and rules adopted by the board pursuant to this chapter.

(9) A massage therapy establishment that reopens to the public while operations are suspended shall be fined one thousand dollars (\$1,000) per day for each day in violation.

(10) If the board is required to enforce the emergency order in circuit court for continued violations of this chapter or rules adopted by the board pursuant to this chapter, the court may triple any applicable fines and order the massage therapy establishment to reimburse the board for all legal fees and administrative costs incurred by the board in enforcing the violation.

(11) Within 30 days after the issuance of an emergency order suspending operations of a massage therapy establishment, the

message therapy establishment may request, in writing, a formal hearing before the board.

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published ; effective .

532-X-7-.10 Civil Penalty Schedule.

~~(1)~~

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) For cases which do not rise to the level of suspension: \$500.00 per violation~~ with increased ~~fin~~espenalty amounts for level of responsibility and severity of conduct.

~~(3) Suspension: \$1,000.00 per~~

2. Board orders may address more than one violation ~~with increased fines for level of responsibility and severity of conduct.~~

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Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published ; effective .

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: Chapter 532-X-8

Rule Title: Criminal History Fingerprint Background Check

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____

Date _____

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

RULE NO. & TITLE: Chapter 532-X-8 Criminal History Fingerprint
Background Check

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend the Chapter to facilitate implementation of Alabama Act No. 2025-395

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Monday, August 4, 2025 and may be directed to Honor.Ingels@abn.alabama.gov or 334-293-5200.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Honor L Ingels

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

**ALABAMA MASSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE**

**CHAPTER 532-X-8
CRIMINAL HISTORY FINGERPRINT BACKGROUND CHECK**

TABLE OF CONTENTS

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532-X-8-.02	Process For Criminal History Fingerprint Background Check
532-X-8-.03	Processing Of Criminal History Background Checks
532-X-8-.01	Temporary Process Pending FBI Approval <u>Authorization For Criminal History</u> <u>Background Check.</u>

(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~~The board will conduct ~~an Alabama Law Enforcement Agency~~a state and national a 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:** Published September 30, 2024; effective November 14, 2024. Amended: Published ;
effective .

**Process For Criminal History Fingerprint
Background Check.**~~(1)~~

1. Applicant(s) for license(s) shall submit to the board the following for a criminal history background check to be completed:

~~(a)~~

- 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)~~

- 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 and national background check taken by an authorized law enforcement agency that has an FBI-issued ORI consistent with appendix B of SBI Form 46.

~~(c)~~

- c. A copy of a valid photo identification; valid photo identification must be one of the following:

~~1.~~

1. A valid, unexpired state-issued photo driver license or photo ID (non-driver) card.

~~2.~~

2. A valid, unexpired United States Citizenship and Immigration Service document which may include either:

~~(i)~~

- i. Certificate of Naturalization N-550

~~(ii)~~

- ii. Replacement Certificate of Naturalization N-570

~~(iii)~~
iii. Special Certificate of Naturalization N-578-

~~(iv)~~
iv. Certificate of Citizenship N-560

~~(v)~~
v. Replacement Certificate of Citizenship N-561

~~(d)~~

d. A valid, unexpired United States Passport; or-

~~(e)~~
e. a valid, unexpired Foreign Passport which meets the following requirements:

~~1.~~

1. A foreign passport must contain a valid United States Visa or I-94 to be used as primary proof of identification; or

~~2.~~

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.

(f) The applicant for fingerprinting must review the Noncriminal Justice Applicant's Privacy Rights and Privacy Act Statement.

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:** Published September 30, 2024; effective November 14, 2024. Amended: Published ; effective.

532-X-8-.03 Processing Of Criminal History Background Checks.

(1) Information received by the board pursuant to a ~~criminal~~state and national background check shall be confidential and shall not be a public record, except ~~such that any~~ information received by and relied upon by the board in ~~making fitness determinations.~~

~~(2) The applicant denying the issuance of a license or revoking, suspending, or otherwise disciplining a license 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~~disclosed as necessary to support the denial or revocation, suspension, or other disciplinary action.

~~(3)~~ (2) 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)~~ (3) The fees for background checks are the responsibility of the applicant.

~~(5)~~ (4) 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.

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published _____ ; effective _____ .