ALABAMA MASSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

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

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532-X-7-.01 Grounds For Suspension, Revocation, Or Refusal To Issue A License.

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. Licensee or applicant for licensing obtained or attempted to obtain a license by means of fraud, misrepresentation, fraudulent transcripts, invalidated exam scores, or concealment of material facts, including making a false statement on an application or any other document required by the board for licensing.

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

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

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

c. Failure of massage therapy establishment to designate a massage therapist 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.

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 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.

e. Administering treatment which poses a significant health risk to the client.

f. Administering treatment in a negligent manner.

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. Teaching massage therapy as a massage therapy instructor without a massage therapy instructor license, unless teaching continuing education as a visiting massage therapy instructor exempt under the statutes.

k. Refusing to allow the designated board member(s) or investigator to inspect a massage therapy establishment or other business premises of a licensee during normal business hours.

l. Aiding, assisting, procuring, or advertising any unlicensed person or establishment to practice massage therapy contrary to the rules and regulations of the Board or the Massage Therapy statutes.

m. Engaging in sexual activity with a client, or attempting or offering to engage in sexual activity with a client, including but not limited to contact with the genitals or the female breast, within a client-massage therapist relationship.

n. Making deceptive, untrue, or fraudulent representations in the practice of massage therapy or in relation to the practice site.

o. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent or legally authorized to perform.

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

q. Acting as a massage therapist or operating a massage therapy establishment while unlicensed or with a revoked or suspended license.

r. Practicing massage therapy at a site which is not either exempt from licensure or licensed as a massage therapy establishment, unless the massage therapy is done on-site or outcall at a location under the control of the client, or is done at an educational or trade site for demonstration purposes.

s. As a licensed massage therapist, massage therapy establishment, or massage therapy school, failing to maintain professional and general liability insurance with an "A' rated or better insurance carrier in the amount of at least one million dollars.

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

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

v. Failing to practice massage therapy with reasonable skill and safety to clients as a result of illness; use of

alcohol, drugs, narcotics, chemicals, or other mind-altering substances; mental or physical condition.

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

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

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

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

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

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

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

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

12. As an individual who is governed by Chapter 43A of Title 34 of the Code of Alabama and who has a reasonable belief that another massage therapist has violated that chapter, has failed to inform the board in writing within thirty (30) calendar days after the date the individual discovered the activity.

13. Refusal to complete a criminal history background check required by the board.

Author: Alabama Massage Therapy Licensing Board
Statutory Authority: Code of Ala. 1975, §34-43A-6.
History: **New Rule:** Filed January 29, 2001; effective March 5, 2001. **Repealed and New Rule:** Published September 30, 2024; effective November 14, 2024. **Amended:** Published September 30, 2025; effective November 14, 2025.

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

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. The massage therapy establishment license of any massage therapy establishment wherein an individual 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 September 30, 2025; effective November 14, 2025.

532-X-7-.03 Complaints.

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 or entity.

2. Complaints shall be made in the following manner:

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

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

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

2. The name and contact information (telephone number, email address, etc.) of the individual filing the complaint. Board staff may generate written complaints based on information received in the line and scope of their work.

3. Specific allegation(s) which, if substantiated through investigation, would constitute violation(s) of Chapter 43A of Title 34 of the Code of Ala. 1975 or the Alabama Massage Therapy Licensing Board Administrative Code.

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 September 30, 2025; effective November 14, 2025.

532-X-7-.04 Investigations.

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.

b. request a criminal history background check of the subject of the complaint.

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 file shall be closed, provided that the matter may be reinvestigated at any time if circumstances so warrant. 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, 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 September 30, 2025; effective November 14, 2025.

532-X-7-.05 Administrative Proceedings.

1. Upon a finding of probable cause 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. Administrative proceedings may take the form of either an informal disposition or the issuance of an administrative complaint.

3. Informal Disposition

   a. A complaint may be considered and resolved through alternative dispute resolution, informal conferences, meetings, or other informal means. Such shall be held without prejudice to the right of the Board thereafter to institute formal proceedings based upon the same or related material if circumstances so warrant.

   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.

4. Administrative Hearings

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

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

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

      1. Personal service as in civil actions.

      2. Certified mail, return receipt requested.

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

d. The Board shall provide for an administrative hearing before a hearing officer, who shall issue written findings of fact and conclusions of law and recommendations regarding disposition of the case for consideration by the board.

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 September 30, 2025; effective November 14, 2025.

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

1. Based upon the evidence presented at the administrative hearing or pursuant to informal disposition, the board may take one or more of the following actions:

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

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

   c. Find the respondent guilty of any or all of the violations alleged in the administrative complaint. If the board finds the respondent guilty of one or more of the violations alleged in the administrative complaint, or pursuant to an informal disposition, the board may take one or more of the following disciplinary actions against the respondent:

      1. Suspend the license of a massage therapist or establishment

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

      3. Probate the license of a massage therapist or establishment.

      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.

7. Impose a civil penalty.

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.

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 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. The decisions of the board shall be in writing in the form of an Order, a copy of which shall be mailed or delivered to the subject of the complaint.

3. The decisions of the board shall be subject to public dissemination, including, but not limited to the required reporting of disciplinary actions to any required databanks.

4. Judicial review of decisions of the board may be sought in the Circuit Court of Montgomery County, Montgomery, Alabama. Appeals are to be perfected in accordance with the Alabama Administrative Procedures Act.

Author: Alabama Massage Therapy Licensing Board
Statutory Authority: 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 September 30, 2025; effective November 14, 2025.

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. 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 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 September 30, 2025; effective November 14, 2025.

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

2. Issue a cease-and-desist order.

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

Author: Alabama Massage Therapy Licensing Board
Statutory Authority: Code of Ala. 1975, §34-43A-6.
History: **New Rule:** Published September 30, 2024; effective November 14, 2024. **Amended:** Published September 30, 2025; effective November 14, 2025.

532-X-7-.09 Additional Remedies.

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

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

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 massage 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 September 30, 2025; effective November 14, 2025.

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

1. Civil penalties begin at $500.00 per violation and are capped at $10,000 dollars per violation with increased penalty amounts for level of responsibility and severity of conduct.

2. Board orders may address more than one violation.

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 September 30, 2025; effective November 14, 2025.