

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 532
Department or Agency: Alabama Board of Massage Therapy
Rule No.: Chapter 532-X-2
Rule Title: The Board
Intended Action: Repeal and Replace

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

Peggy Benson

Peggy Benson, AL

Date

Monday, July 1, 2024

REC'D & FILED
JUL 1, 2024
LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF MASSAGE THERAPY

NOTICE OF INTENDED ACTION

AGENCY NAME: Massage Therapy Licensing Board, Alabama

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

INTENDED ACTION: Repeal and Replace

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of Nursing, acting as the Alabama Board of Massage Therapy as provided by Alabama Act No. 2024-361 (the act), proposes repealing and replacing Chapter 532-X-2 to facilitate implementation of the act. As rules proposed for the purpose of implementing a state law, this proposal is excepted from the provisions of Executive Order 735.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

The Board will accept written or verbal comments until 4:30 pm, Central time, on Wednesday, September 4, 2024. Comments may be directed to Alabama Massage Therapy Licensing Board, PO Box 301011, Montgomery, AL 36130, or almtb@almtb.alabama.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, September 4, 2024

CONTACT PERSON AT AGENCY:

Peggy Sellers Benson, Executive Officer

*Peggy Benson*

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Peggy Benson, AL

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

~~ALABAMA BOARD OF MASSAGE THERAPY  
ADMINISTRATIVE CODE~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) Graduation from an approved Massage Therapy School with a minimum of 650 hours; and~~

~~(b) Successful completion of a Board approved examination; and~~

~~(c) Evidence of possession of a liability insurance policy of no less than \$1 million.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ALABAMA MASSAGE THERAPY LICENSING BOARD  
ADMINISTRATIVE CODE

CHAPTER 532-X-2  
DEFINITIONS

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532-X-2-.01      Definitions

532-X-2-.01      Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) MESSAGE THERAPY or RELATED TOUCH THERAPY MODALITIES:

(a) The mobilization of the soft tissue which may include skin, fascia, tendons, ligaments, and muscles, for the purpose of establishing and maintaining good physical condition.

(b) The term includes effleurage, petrissage, tapotement, compression, vibration, stretching, heliotherapy, superficial hot and cold applications, topical applications, or other therapy that involves movement either by hand, forearm, elbow, or foot, for the purpose of therapeutic massage, and any massage, movement therapy, massage technology, myotherapy, massotherapy, oriental massage techniques, structural integration, acupressure, or polarity therapy.

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

(d) The term does not include laser therapy, microwave, injection therapy, manipulation of the joints, or any diagnosis or treatment of an illness that normally involves the practice of medicine, chiropractic, physical therapy, podiatry, nursing, midwifery, occupational therapy, veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or naturopathics.

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

(a) If located in Alabama, approved by the board as meeting the minimum established standards of training and curriculum as determined by the board.

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

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

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

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

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

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

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

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

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

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

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

**Author:** Alabama Massage Therapy Licensing Board

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

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

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

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

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