

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 532

Department or Agency: Alabama Board of Massage Therapy

Rule No.: Chapter 532-X-3

Rule Title: Licensure Process and Requirements

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-3 Licensure Process and Requirements

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-3 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

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-3
LICENSURE PROCESS AND REQUIREMENTS~~

~~TABLE OF CONTENTS~~

532-X-3-.01	Massage Therapist Licensure Qualifications
532-X-3-.02	Application Deadlines (Repealed 12/14/06)
532-X-3-.03	Application And License
532-X-3-.04	Establishment Licensure
532-X-3-.05	Massage Therapy School, Massage Therapy Instructor Requirements
532-X-3-.06	Fee Schedule
532-X-3-.07	Code Of Ethics -- Massage Therapy Schools

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(Repealed)~~

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

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

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

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

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

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

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

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

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

~~(5) A massage therapist licensed in the State of Alabama shall carry professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars (\$1,000,000), and shall give evidence of coverage or application for this coverage with the application for licensure or renewal of license, or at any other time the Board may request.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(6) Upon receipt of an application for a massage therapy establishment license, the Board may cause an initial inspection to be made of the site to confirm that the establishment meets the above requirements and is to be utilized for massage therapy and not for the purposes unlawful under the massage therapy statutes.~~

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

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

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

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

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

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

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

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

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

~~**Amended:** Filed November 9, 2006; effective December 14, 2006.~~

~~**Amended:** Filed April 20, 2009; effective May 25, 2009.~~

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

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

~~**Amended:** Published August 31, 2022; effective October 15, 2022.~~

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

532-X-3-.05

~~Massage Therapy School, Massage Therapy Instructor Requirements.~~

Definitions:

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

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

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

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

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

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

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

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

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

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

~~Course Requirements and Clock Hours~~

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

~~Pathology — 40 hours~~

~~Massage Therapy and Practice — 120 hours~~

~~Professional Ethics — 15 hours~~

~~Alabama Rules & Regulations — 5 hours~~

~~Business — 25 hours~~

~~Spa/Hydrotherapy — 25 hours~~

~~Clinical Practicum — 50 to 100 hours~~

~~CPR/First Aid — 5 hours~~

~~—~~

~~Electives — 210 to 250 hours~~

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

~~-~~

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

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

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

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

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

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

~~(c) faculty credentials;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~4. Affiliations with professional organizations;~~

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

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

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

~~(a) 50 hour minimum~~

~~(b) 100 hour maximum~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) Massage Therapist Initial License Fee ————— \$100.00~~

~~(b) Massage Therapist License Renewal Fee ————— \$100.00~~

~~(c) Massage Therapist Renewal Late Fee ————— \$ 25.00
——— (Less than one year past expiration)~~

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

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

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

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

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

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

~~**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.~~

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

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

~~(2) General Standards:~~

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

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

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

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

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

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

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

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

~~5. the training components that encourage self-growth as part of the training process;~~

~~6. the supervision and site requirements for required clinical field experiences;~~

~~7. student evaluation and dismissal policies and procedures;~~

~~8. up-to-date employment prospects for graduates; and~~

~~9. the availability of course and program information to all interested parties.~~

~~(h) Educators do not teach the use of techniques or procedures that require specialized training, licensure or expertise, including, but not limited to, laser therapy, injection therapy, manipulation of the joints or any diagnosis or treatment of an illness that normally involves the practice of medicine, chiropractic, physical therapy, podiatry, nursing, occupational therapy, veterinary medicine, acupuncture, osteopathy, orthopedics, hypnosis or naturopathic.~~

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

~~(3) Criminal Acts:~~

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

~~(4) Abuse of Students:~~

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

~~1. committing any act of abuse, including physical and emotional abuse;~~

~~2. committing or soliciting any unlawful sexual act;~~

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

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

~~(5) Alcohol and Drugs:~~

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

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

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

~~(6) Misrepresentation or Falsification:~~

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

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

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

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

~~(7) Student Funds:~~

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

~~(8) Advertising:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(9) Confidential Information:~~

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

~~(10) Disciplinary Action:~~

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

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

Author: ~~Keith E. Warren~~

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

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

ALABAMA MASSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

CHAPTER 532-X-3
MASSAGE THERAPIST LICENSURE

TABLE OF CONTENTS

<u>532-X-3-.01</u>	<u>Massage Therapist License Required</u>
<u>532-X-3-.02</u>	<u>Exemptions</u>
<u>532-X-3-.03</u>	<u>Qualifications for Licensure as a</u> <u>Massage Therapist</u>
<u>532-X-3-.04</u>	<u>Application Process for Initial</u> <u>Licensure</u>
<u>532-X-3-.05</u>	<u>Application Process for Massage</u> <u>Therapist Initial Licensure by</u> <u>Endorsement from Another Jurisdiction</u>
<u>532-X-3-.06</u>	<u>Massage Therapist License Renewal</u>
<u>532-X-3-.07</u>	<u>Massage Therapist Reinstatement of</u> <u>Expired License</u>
<u>532-X-3-.08</u>	<u>Temporary Permit for Supervised Practice</u>
<u>532-X-3-.09</u>	<u>Licensed Massage Therapist Registration</u> <u>to Licensed Massage Therapy</u> <u>Establishment</u>
<u>532-X-3-.10</u>	<u>Special Circumstances</u>
<u>532-X-3-.11</u>	<u>Code of Ethics for Licensed Massage</u> <u>Therapists</u>
<u>532-X-3-.12</u>	<u>Prohibited Activities</u>

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

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

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

(2) Hold himself or herself out to the public as a massage therapist, using any name or description denoting himself or herself as a massage therapist, or purporting to have the skills necessary to perform massage therapy.

(3) Practice massage therapy.

Author: Alabama Massage Therapy Licensing Board

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

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

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 ; effective
_____.

532-X-3-.02 Exemptions.

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

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

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

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

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

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

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

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

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

Author: Alabama Massage Therapy Licensing Board

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

History: **New Rule:** Filed January 29, 2001; effective March 5, 2001. **Repealed:** Filed November 9, 2006; effective December 14, 2006. **New Rule:** 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 which shall consist of all of the following:

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

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

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

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

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

(d) Pay all applicable fees.

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

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

Author: Alabama Massage Therapy Licensing Board

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

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

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

Amended: Published September 29, 2023; effective November 13, 2023. **Repealed and New Rule:** 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-by-two-inch photograph showing a frontal view of the head and shoulders of the applicant taken no more than six months earlier than the date of submission.

(2) A primary source official school transcript shall be submitted to the board and shall indicate the date of the

applicant's completion of the program and/or the date the degree/certificate was conferred.

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

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

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

Author: Alabama Massage Therapy Licensing Board

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

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

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

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

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

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

Author: Alabama Massage Therapy Licensing Board

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

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

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

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

_____.

532-X-3-.06 Massage Therapist License Renewal.

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

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

(3) The applicant shall submit to the board:

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

(b) Required fees.

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

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

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

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

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

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

Author: Alabama Massage Therapy Licensing Board

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

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

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 ; effective .

532-X-3-.07

Massage Therapist Reinstatement of Expired License.

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

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

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

(b) A reactivation fee and all other required fees.

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

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

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

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

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

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

Author: Alabama Massage Therapy Licensing Board

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

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

Repealed and New Rule: Published ; effective .

532-X-3-.08

Temporary Permit for Supervised Practice.

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

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

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

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

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

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

(b) The holder of the temporary permit may practice only at the identified licensed massage therapy establishment and may

practice only when the identified supervising licensed massage therapist is present at the licensed massage therapy establishment.

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

1. 120 days
2. Licensure as a massage therapist in Alabama
3. Denial of a massage therapist license

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

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-4

History: **New Rule:** Published ; effective .

532-X-3-.09

Licensed Massage Therapist Registration to Licensed Massage Therapy Establishment.

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

(2) The licensed massage therapist shall complete and submit to the board a separate registration form for each licensed massage therapy establishment at or for which the licensed massage therapist will perform massage therapy services.

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: **New Rule:** Published ; effective .

532-X-3-.10

Special Circumstances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The renewal fee is paid.

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

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

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

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: **New Rule:** 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) The licensee must comply with all legal requirements in applicable jurisdictions. The licensee shall:

(a) obey all local, state, and federal laws.

(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 Alabama, and any amendments thereto, or the Alabama Massage Therapy Licensing Board Administrative Code, inform the Alabama Massage Therapy Licensing Board within thirty (30) calendar days after the date the licensee discovers the activity.

(e) maintain accurate and truthful records.

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

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

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

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

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

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

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

(e) wear clothing that is clean and professional.

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

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

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

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

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

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

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

(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. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) honestly represent all professional qualifications and affiliations;

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

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: **New Rule:** Published ; effective .

532-X-3-.12 Prohibited Activities.

(1) A massage therapist may not administer, dispense, or prescribe drugs, or engage in the practice of medicine in any manner including, but not limited to, nutrition, diagnosing or

prescribing drugs for mental, emotional, or physical disease, illness, or injury.

(2) A massage therapist may not advertise or offer to perform services on any sexually explicit website or online platform that promotes prostitution, sexually explicit services, or human trafficking.

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

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

(5) a massage therapist or massage therapy establishment may not advertise or offer to perform services on any sexually explicit website or online platform that promotes prostitution, sexually explicit services, or human trafficking.

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

Author: Alabama Massage Therapy Licensing Board

Statutory Authority: §34-43A-6

History: **New Rule:** Published _____ ; effective _____ .