

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

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

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

**AGENCY NAME:** Alabama Board of Massage Therapy

**RULE NO. AND TITLE:** Chapter 532-X-8 Severability and Compliance

**EXPIRATION DATE OF RULE:** Saturday, October 19, 2024

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

**STATUTORY AUTHORITY:** §34-43A-6

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

**NAME, ADDRESS, AND TELEPHONE  
NUMBER OF PERSON TO CONTACT  
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*Peggy Benson*  
Peggy Benson, AL

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

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

~~ALABAMA BOARD OF MASSAGE THERAPY  
ADMINISTRATIVE CODE~~

~~CHAPTER 532-X-8  
SEVERABILITY AND COMPLIANCE~~

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<del>532-X-8-.02</del>	<del>Compliance</del>

~~532-X-8-.01      Severability.~~

~~If any of the Rules and Regulations of the Board or any part thereof, of any sentence, paragraph, clause, phrase, or word thereof is construed by the courts to be invalid for any reason, it is the intention of the Board that the remainder shall continue in full force and effect; that is, it is the intention of the Board that each Rule and/or portions thereof, are severable.~~

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

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

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

~~532-X-8-.02      Compliance.~~

~~All rules adopted by the Board are intended, and shall be construed, to be substantively and procedurally in compliance with the provisions of the Alabama Administrative Procedures Act.~~

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

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

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

**ALABAMA MASSAGE THERAPY LICENSING BOARD**  
**ADMINISTRATIVE CODE**

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

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**532-X-8-.01**      **Temporary Process Pending FBI Approval.**

(1) The board is authorized to require that an applicant or licensee submit to a criminal history background check in the following circumstances:

(a) Initial licensure, renewal, or reinstatement of a massage therapist license.

(b) Initial application and renewal of a massage therapy establishment license. The requirement applies to all individuals considered applicants for establishment licenses.

(c) Upon complaint.

(2) Pending receipt by the board of an Originating Agency Identifier Number (ORI), the board will conduct an Alabama Law Enforcement Agency state criminal history fingerprint background check. The board will augment this process using a search of a commercially available database.

**Author:** Alabama Massage Therapy Licensing Board

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

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

<b><u>532-X-8-.02</u></b>	<b><u>Process for Criminal History Fingerprint</u></b>
	<b><u>Background Check.</u></b>

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

(a) A signed and notarized Application to Review Criminal History Record Information-SBI Form 46 from the Alabama Law Enforcement Agency (ALEA) authorizing ALEA to release any and all criminal history information to the board. Results of the criminal background check will be returned to the board by ALEA.

(b) Two (2) completed FBI-approved FD-258 fingerprint cards, or an FBI-approved AFIS printout of an official applicant fingerprint card, which will be submitted, along with the release form, to ALEA to perform a state background check taken by an authorized law enforcement agency that has an FBI-issued ORI consistent with appendix B of SBI Form 46.

(c) A copy of a valid photo identification; valid photo identification must be one of the following:

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

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

(i) Certificate of Naturalization N-550

(ii) Replacement Certificate of Naturalization N-570

(iii) Special Certificate of Naturalization N-578

(iv) Certificate of Citizenship N-560

(v) Replacement Certificate of Citizenship N-561

(d) A valid, unexpired United States Passport; or

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

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

2. A foreign passport, not issued in English, must be translated and accompanied by a Certificate of Accurate Translation. Passports are not acceptable if un-translated to English and/or expired.

**Author:** Alabama Massage Therapy Licensing Board

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

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

**532-X-8-.03      Processing of Criminal History Background Checks.**

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

(2) The applicant or licensee may be fingerprinted at ALEA between 8:30 a.m. and 4:30 p.m., Monday through Friday, after the applicant has provided ALEA with the completed Application to Review Criminal History Record Information-SBI Form 46 authorizing ALEA to release any and all criminal history information to the board and a copy of acceptable photo identification as described above.

(3) The board may deny the application of any applicant or discipline the license of any licensee who refuses to complete a criminal history background check.

(4) The fees for background checks are the responsibility of the applicant.

(5) If an applicant has a disability that prevents the applicant from being fingerprinted then ALEA will perform a name-based search, upon submission of all completed documents and evidence of the disability that prevents the applicant from being fingerprinted.

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**Author:** Alabama Massage Therapy Licensing Board

**Statutory Authority:** §34-43A-6

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