

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 532

Department or Agency: Alabama Massage Therapy Licensing Board

Rule No.: 532-X-4-.03

Rule Title: Massage Therapist Establishment Initial License Application

Intended Action Amend

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

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

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

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

To what degree?: N/A

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

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

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

Does the proposed rule have an economic impact? No

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

Certification of Authorized Official

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

Signature of certifying officer

Peggy Benson

Peggy Benson, AL

Date

Friday, November 15, 2024

REC'D & FILED

NOV 15, 2024

LEGISLATIVE SVC AGENCY

ALABAMA MASSAGE THERAPY LICENSING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Message Therapy Licensing Board, Alabama

RULE NO. & TITLE: 532-X-4-.03 Message Therapist Establishment Initial
License Application

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes amending the subject rule to eliminate the requirement that applicants for new MT establishment licenses appear before the Board to present their applications for approval.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written or verbal comments will be accepted through 4:30 pm on Wednesday, January 1, 2025.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, January 1, 2025

CONTACT PERSON AT AGENCY:

Peggy Benson, Executive Officer

Peggy Benson

Peggy Benson, AL

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

Massage Therapist Establishment Initial License Application.

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

(a) If the massage therapy establishment is owned, leased, or legally possessed by a sole proprietor (individual person, sole owner/officer of a corporation, or sole member of a limited liability company), the individual who is a sole proprietor, as well as any other natural person appearing on the documentation of the applicant's right to occupy the establishment, shall apply for the massage therapy establishment license and shall be considered the "applicant" for all purposes in these rules.

(b) If the massage therapy establishment is owned, leased, or legally possessed by a partnership, corporation, or limited liability company, each owner/director/officer of a corporation, each partner in a partnership, and each member of a limited liability company, shall be considered the "applicant" for all purposes in these rules.

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

~~(d) The applicant requesting an initial establishment license shall present in person their application to the Board for consideration and/or approval.~~

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

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

(b) Required fees.

(c) Proof of the applicant's right to occupy the premises as demonstrated by a deed, lease, or other document establishing lawful possession in the name of the sole proprietor, corporation, limited liability company, or partnership applying for a massage therapy establishment license.

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

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

1. An applicant for a massage therapy establishment license, who is a massage therapist and has completed a criminal history background check pursuant to Chapter 532-X-8 within the preceding two years, is exempt from completing a criminal history background check.

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

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

(5) If the establishment will be operated under a name other than that of the sole proprietor, corporation, limited liability company, or partnership, the name under which the establishment will be operated must be identified and will be included on the establishment license when issued.

(a) The physical location of a proposed massage therapy establishment shall be subject to an initial inspection by the board before a massage therapy establishment license is granted to the applicant.

(b) An affirmative vote of a majority of the members of the board shall be required to grant a license to operate a massage therapy establishment.

(c) A massage therapy establishment license is not assignable or transferable, except as described in §532-X-4-.05 of these rules.

Author: Alabama Massage Therapy Licensing Board

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

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