

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

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Wednesday, September 17, 2025, and filed with the agency secretary on Wednesday, September 17, 2025.

AGENCY NAME: Alabama Massage Therapy Licensing Board

INTENDED ACTION: Amend

RULE NO.: Chapter 532-X-8
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: Criminal History Fingerprint Background Check

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLIII, ISSUE NO. 10, AAM, DATED THURSDAY, JULY 31, 2025.

STATUTORY RULEMAKING AUTHORITY: Code of Ala. 1975, §34-43A-6.

(Date Filed)
(For LRS Use Only)

REC'D & FILED
SEP 19, 2025
LEGISLATIVE SVC AGENCY

Peggy Benson
Peggy Benson, AL
Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

ALABAMA MESSAGE THERAPY LICENSING BOARD
ADMINISTRATIVE CODE

CHAPTER 532-X-8
CRIMINAL HISTORY FINGERPRINT BACKGROUND CHECK

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| 532-X-8-.01 | <u>Authorization For Criminal History Background Check.</u> |

(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) The board will conduct a state and national a criminal history fingerprint background check.

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Repealed and New Rule:** Published September 30, 2024; effective November 14, 2024. **Amended:** Published September 30, 2025; effective November 14, 2025.

**Process For Criminal History Fingerprint
Background Check.**

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 and national 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.

(f) The applicant for fingerprinting must review the Noncriminal Justice Applicant's Privacy Rights and Privacy Act Statement.

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Filed January 29, 2001; effective March 5, 2001. **Repealed and New Rule:** Published September 30, 2024; effective November 14, 2024. **Amended:** Published September 30, 2025; effective November 14, 2025.

532-X-8-.03 Processing Of Criminal History Background Checks.

(1) Information received by the board pursuant to a state and national background check shall be confidential and shall not be a public record, except that any information received by and relied upon by the board in denying the issuance of a license or revoking, suspending, or otherwise disciplining a license or licensee may be disclosed as necessary to support the denial or revocation, suspension, or other disciplinary action.

(2) 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.

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

(4) 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.

Author: Alabama Massage Therapy Licensing Board

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

History: New Rule: Published September 30, 2024; effective November 14, 2024. **Amended:** Published September 30, 2025; effective November 14, 2025.