

ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE

CHAPTER 532-X-1
GENERAL PROVISIONS

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532-X-1-.01 **Massage Therapy Licensure.**

Licensure is required for a person to practice Massage Therapy as defined by law, in the State of Alabama.

Author: Keith E. Warren

Statutory Authority: Code of Ala. 1975, §34-43-4.

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

532-X-1-.02 **Definitions.**

(1) In addition to those definitions contained in Code of Ala. 1975, §34-43-4, the following definitions apply in connection with these rules.

(a) "Act" refers to 1996 Ala. Act No. 96-661.

(b) "Course" is any outline or play 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.

(c) "Curriculum" is a group of organized programs.

(d) "Deny" is to refuse the issuance of a license upon initial application review or upon license renewal review.

(e) "Establishment" is a site, premises, business or operation where massage therapy is practiced by a licensed massage therapist. Any massage therapy business which engages in or carries on, as the whole or part of its services, the practice of massage therapy not at a fixed location but at a location designated by the customer, client, or service, is an on-site or out-call massage therapy establishment.

(f) "Examination" as approved by the Board is to be one authorized by the National Committee for Certifying Agencies (NCCA), the accrediting arm of the National Organization for Competency Assurance (NOCA), for the written examination, plus a practical examination or oral interview.

(g) "Massage Therapist" is a person licensed under this Act who practices massage therapy or touch modalities upon a patron of either gender for compensation, working to alleviate pain, reduced stress, and instigate the normalization of the soft tissue, muscles, tendons, ligaments, and connective tissue of the patron. A massage therapist shall not be designated as a "massage parlor" employee.

(h) "Massage Therapy" is the profession in which the practitioner applies massage techniques and related touch therapy modalities with the intention of positively affecting the health and well being of the client as defined in the Act. Massage Therapy does not include diagnosis except to the extent of determining whether massage therapy is indicated. Massage Therapy may be applied in response to physician, osteopathic, chiropractic, podiatric, or other prescription by a licensed practitioner in that field acting within the scope of his or her profession.

(i) "Native American Healer" is 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.

(j) "School" is any institution, agency, business, or organization offering or administering a plan, course, or curriculum for the purpose of preparing individuals for gainful employment in an occupation, vocation, or continuing education of individuals in their occupation or vocation, whether conducted in person, by mail, or by any other method.

(k) "Supervised Massage" is the viewing or monitoring of a student demonstrating hands-on massage therapy by a licensed massage therapy instructor of Alabama licensed massage therapist.

(l) "Student of Massage Therapy" is any person currently enrolled in an Alabama massage therapy school program approved by the Board.

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.

532-X-1-.03 Applicability And Exemptions.

(1) A student rendering massage therapy services in a massage therapy school environment under supervision of a licensed massage therapy instructor or an Alabama licensed massage therapist.

(2) Qualified members of other professions who are licensed and regulated under Alabama law, while they are in the course of rendering services within the scope of their license or regulation, are exempt from compliance with the Act and these rules and regulations, provided they do not represent or advertise themselves as massage therapists.

(3) A person giving massages to his or her immediate family is exempt from compliance with the Act and these rules and regulations, provided they do not represent themselves to the public as a massage therapist.

(4) A visiting massage therapy instructor from another state, territory or country engaged in teaching, who is in compliance with the licensure requirements and regulations in his or her place of residence, and does not teach more than one hundred (100) hours of continuing education per year, is exempt from compliance the Act and these rules and regulations, provided they do not advertise or practice massage therapy for the general public.

(5) Member of the Massage Therapy Emergency Rescue Team (MERT) or another nationally or internationally recognized

disaster relief association is exempt from compliance with the Act and these rules and regulations during a time declared by the Governor to be a city, county or state emergency, and for a period not to exceed thirty (30) days after such declaration of emergency unless further extended by the Board. The relief association shall not advertise its practice of massage therapy services except in relation to the declared emergency and the association.

(6) Native American healers practicing traditional healing practices are exempt from compliance with the Act and these rules and regulations, provided they do not represent or advertise themselves as massage therapists. If a Native American healer is reported to the Board as either failing to meet the definition of a Native American healer, or as practicing massage therapy rather than traditional healing practices, such Native American healer shall submit to the Board at their request documentation of status as a Native American or evidence of the traditional nature of the healing practice challenged.

(7) Except as set forth above, the Act and these rules and regulations apply to any person who advertises or holds himself or herself out to the public as a massage therapist, or who performs massage therapy in the State of Alabama

Author: Keith E. Warren

Statutory Authority: Code of Ala. 1975, §§34-43-4, 34-43-5.

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

ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE

CHAPTER 532-X-2
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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 chairperson shall conduct the biannual and additional Board meetings, and ascertain the presence of a quorum of at least four Board members prior to conducting the business of the Board. The chairperson shall call meetings in addition to the biannual 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.

532-X-2-.02 Board Duties.

(1) The Board as a whole, or in committees of no less than four members designated by the chairperson, shall consider and act upon the request for temporary permits; 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. An affirmative vote of a majority of the Board members is required to either accept or deny an application for licensure as a massage therapist

(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.

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 BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE

CHAPTER 532-X-3
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532-X-3-.01	<u>Massage Therapist Licensure Qualifications.</u>

(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 licensing or examination fees as set forth below, in a timely manner.

(4) The applicant shall cause the approved school which the applicant attended an official 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 official 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 statements or sovereign state and wishes to obtain licensure in Alabama based on the current out-of-state licensure must submit to the Board the following:

(a) A "Verification of Licensure" form from the licensing board of the state or sovereign state in which the applicant is licensed, sent directly to the Board from the licensing state. The verification should state that there are no outstanding or unresolved complaints against the applicant known to the licensing board of the state of licensure.

(b) A transcript from the school the applicant attended sent directly to the Board from the massage therapy school.

(c) If the applicant did not attend a school but was licensed in the other state by showing a term of practice of massage therapy prior to that state's licensing act's enactment, the applicant may submit a copy of the documentation submitted to the other state's licensing board corresponding to the documentation required in 532-X-3-.01(6) above.

(d) A copy of his or her current, valid license in another state or sovereign state as a massage therapist.

(e) A copy of the licensing states massages therapy licensure statutes.

(6) Each first-time applicant for licensure must both complete the education requirements and take the written and practical or oral examination.

(7) The education requirements for eligibility to apply for licensure are as follows:

(a) prior to January 1, 1998, 500 hours of a supervised course of instruction:

(i) 325 hours of basic massage therapy and clinical practice related modalities;

(ii) 125 hours of anatomy, pathology and physiology;

(iii) 50 hours of discretionary related course work, including but not limited to hydrotherapy, business practices and professional ethics, health and hygiene, cardiopulmonary resuscitation and first aid.

(b) after December 31, 1997, 650 hours of a supervised course of instruction:

(i) 100 hours of anatomy, and physiology consisting of 35 hours of myology, 15 hours of osteology, 10 hours of circulatory system, 10 hours of nervous system, 40 hours of pathology and 30 hours of other body systems at the discretion of the school;

(ii) 250 hours of basic massage therapy, contradistinctions of massage therapy, contraindications to massage therapy, and related touch modalities, to include a minimum of 50 hours of supervised massage;

(iii) 50 hours of miscellaneous required courses including business, hydrotherapy, first aid, cardiopulmonary resuscitation, and professional ethics;

(iv) 210 hours of electives to be determined by the school.

(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.

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.

532-X-3-.02 Application Deadlines. (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. 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 of the occurrence. 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.

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.

(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 possessor. The establishment license is not assignable or transferable.

(4) An establishment or business whose primary function is not the provision of massage therapy services may be exempt from the requirement of obtaining licensure as a massage therapy establishment by filing with the Board a sworn and notarized statement by the owner, lessee, or legal possessor declaring the primary function of the establishment; and by filing with the Board official government related or business records, city business license, Internal Revenue Service tax returns and records or correspondence regarding advertisement, appointment books kept in the normal course of business, or statements of business associates consulted in relation to the practice of the primary function of the establishment to be other than massage therapy, and as to which massage therapy is an incidental practice. The Board may request such other and further documentation of the interaction of massage therapy practice and the primary function of the establishment as seems reasonable in making its determination as to the granting of exemption from establishment licensure.

(5) The applicant may be requested to submit to the Board evidence of or written policy covering the following:

(a) current liability insurance coverage for bodily injury and property damage for the establishment;

(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 for draping clients during the massage, use of which shall be explained to the client prior to the massage, and which shall cover the buttocks and genitals of a male client at all times during the massage, and which shall cover the buttocks, breasts, and genitals of a female client at all times during the massage.

(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.

Author: Keith E. Warren

Statutory Authority: Code of Ala. 1975, §§34-43-8, 34-43-11.

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

532-X-3-.05 Massage Therapy School, Massage Therapy Instructor Requirements.

(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 for registration as a massage therapy instructor, an applicant must:

(a) be currently licensed as an Alabama massage therapist;

(b) submit the application form and one-time fee;

(c) document two 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.

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:

(a) copy of roster of Alabama license massage therapists: thirty dollars (\$30),

(b) copy of roster of approved massage therapy schools: five dollars (\$5),

(c) copy fee per page: twenty-five cents (\$.25),

(d) postage and handling: actual postage plus one dollar fifty cents (\$1.50) per item handling.

(2) All fees are nonrefundable.

(3) All fees must be submitted in the form of a cashier's or certified check, or money order. No personal checks or cash will be accepted.

(4) 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.

(5) A late fee of twenty-five dollars (\$25.00) shall be assessed for all license renewal fees not post-marked by the Board before the expiration date of the license.

Author: Keith E. Warren

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

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

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, chiropractics, physical therapy, podiatry, nursing, occupational therapy, veterinary medicine, acupuncture, osteopathy, orthopedics, hypnosis or naturopathics.

(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 verdict of guilt, a plea of guilty, or a plea of *nolo 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 BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE

CHAPTER 532-X-4
EXAMINATION PROCESS

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532-X-4-.01 Examinations

532-X-4-.01 Examinations.

(1) An applicant may request permission of the Board to be allowed to substitute another internationally accredited exam administered by an independent agency in lieu of the National Certification Exam for Therapeutic Massage and Bodywork. The request must accompany the application form and fee, and documentation should be attached which shows that the exam requested to be substituted is internationally accredited, with a statement of the applicant giving the grounds upon which the applicant bases his or her request. The Board shall review the request and documentation, and will inform the applicant within a reasonable time of the Board's decision to grant or deny the substitution. The Board may request further information from the applicant or the independent agency administering the exam in order to render its decision.

Author: Keith E. Warren

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

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

ALABAMA BOARD OF MASSAGE THERAPY
ADMINISTRATIVE CODE

CHAPTER 532-X-5
COMPLIANCE AND DISCIPLINARY ACTION

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532-X-5-.01	License Suspension, Revocation Or Failure To Renew
532-X-5-.02	Advertising Limitations
532-X-5-.03	Prohibited Acts
532-X-5-.04	Discipline And Injunctions
532-X-5-.01	<u>License Suspension, Revocation Or Failure To Renew.</u>

(1) Where the Board is made aware by written allegation of the possibility of impropriety by a licensee in obtaining or maintaining licensure, or failing to obtain or timely renew licensure, or in the practice of massage therapy, or the maintenance of a massage therapy establishment, or other allegedly improper circumstance regarding massage therapy, the Board will give notice and opportunity to be heard to the licensee, registrant, establishment, or person alleged to have committed the impropriety or delinquency, pursuant to the Alabama Administrative Procedure Act. For a minor incorrect practice of massage therapy or deficiency, the licensee, registrant, establishment, or person may be given notice of the incorrect practice or deficiency and an opportunity to cure the incorrect practice or deficiency, the licensee, registrant, establishment, person may request a formal or informal hearing before the Board on an impropriety, delinquency, incorrect practice, or deficiency, without regard to whether the Board has been given notice previously of the impropriety, delinquency, incorrect practice, or deficiency may decline a hearing afforded the licensee or person by the Board. The right to decline a hearing afforded by the Board is a personal right which is to be exercised by the licensee or person and not by his attorney or other representative acting alone, and must be exercised in writing. The party requesting a hearing is responsible for obtaining the services of and payment of the cost of the court reporter's fee, if any.

(2) The improprieties and delinquencies set forth in the Massage Therapy statutes are examples of improprieties and delinquencies for which the Board may suspend, fine, revoke or refuse to grant or renew a license, but are not at all inclusive or exhaustive list of such improprieties and delinquencies.

(3) The Board will notify the licensee (or other person afforded a hearing after written allegation) of the decision of the Board, listing the reasons for any decision adverse to the licensee or person afforded a hearing.

(4) If, in the opinion of the Board the misconduct is a continuing civic wrong which is not amendable to action of the Board after a hearing, or harm is imminently likely to occur to the public from continuation of the misconduct is criminal, the Board may institute a civil action for an injunction with penalties and costs, and/or may present the misconduct and information to the District Attorney for the county in which the misconduct occurred for prosecution as a criminal case.

Author: Keith E. Warren

Statutory Authority: Code of Ala. 1975, §§34-43-7, 34-43-15, 34-43-17, 34-43-18.

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

532-X-5-.02 Advertising Limitations.

(1) A written advertisement by a massage therapist or a massage therapy establishment shall contain the license or registration number of the massage therapist or establishment.

(2) No person or establishment without valid massage therapy licensure shall advertise as a massage therapist or massage therapy establishment.

(3) An establishment whose primary function is not massage therapy and for which establishment massage therapy is incidental to the primary function, may apply to the Board for an exemption from licensure as a massage therapy establishment pursuant to the procedure state above.

(4) No sexually oriented business may use the terms "massage therapy," or "bodywork" in any way form of advertising.

Author: Keith E. Warren

Statutory Authority: Code of Ala. 1975, §34-43-16.

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

532-X-5-.03 Prohibited Acts.

(1) The following acts shall constitute misconduct in the practice of massage therapy for which disciplinary penalties may be imposed after opportunity to be heard pursuant to the procedure in the Alabama Administrative Procedures Act:

(a) conviction, adjudication, or a finding of guilt in any jurisdiction of a crime, which directly relates to the practice of massage therapy or to the ability to practice massage therapy. A plea of nolo contendere may be taken into consideration by the Board.

(b) false, deceptive or misleading advertising.

(c) aiding, assisting, procuring, or advertising any unlicensed person to practice massage therapy contrary to the rules and regulations of the Board or the Massage Therapy statutes.

(d) engaging in or attempting to or offering to engage a client in sexual activity, including but not limited to genital contact, within a client-massage therapist relationship.

(e) making deceptive, untrue, or fraudulent representations in the practice of massage therapy.

(f) practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(g) delegating professional responsibilities to a person when the licensee delegating the responsibility knows or has reason to know that the person is not qualified by training, experience, or licensure to perform those responsibilities. This shall not include acts of an enrolled student with a temporary permit being supervised by a licensed massage therapist or massage therapy instructor. The acts of the supervised student acting under a temporary permit shall be

treated as the acts of the supervising massage therapist or massage therapy instructor.

(h) acting, as a massage therapist or operating a massage therapy establishment while unlicensed or with a revoked or suspended license.

(i) teaching massage therapy as a massage therapy instructor while unlicensed, unless teaching continuing education as a visiting massage therapy instructor exempt under the statutes.

(j) refusing to allow the designated Board member(s) or investigator to inspect massage therapy premises or establishment during regular business hours.

(k) practicing massage therapy at a site which is not exempt or licensed as a massage therapy establishment, unless the massage therapy is done on-site or out-call at a location under the control of the client, or is done at an educational or trade site for demonstration purposes.

(l) failing to maintain professional and liability insurance in the practice of massage therapy, or failing to maintain liability insurance in the operation of a massage therapy establishment.

(m) failing to attend and/or provide evidence of attendance at 16 hours of approved continuing education course work in the twenty-four (24) months preceding the date renewal of licensure is due.

(2) The following acts shall constitute incorrect practice of massage therapy for which disciplinary penalties may be imposed after opportunity to be heard in an informal or a formal hearing pursuant to the procedure in the Alabama Administrative Procedures Act, or after notice of deficiency and opportunity to cure the deficiency:
failing to perform a statutory or legal or rule-based obligation based upon a licensee in the practice of massage therapy.
failing to practice massage therapy with reasonable skill and safety to clients as a result of illness; use of alcohol, drugs, narcotics, chemicals, or other mind-altering substance; mental or physical condition.

(a) failing to practice massage therapy with that level of care, skill and treatment which is recognized by a

reasonably prudent massage therapist as being acceptable under similar circumstances and conditions.

(b) failing to maintain premises, supplies, and equipment of the massage therapy establishment in a clean and sanitary condition.

(c) failing to include the licensee's license or registration number in an advertisement, for the first infraction. A second or subsequent infraction may be considered to be misconduct as false, misleading or deceptive advertising.

Author: Keith E. Warren

Statutory Authority: Code of Ala. 1975, §34-43-15.

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

532-X-5-.04 **Discipline And Injunctions.**

(1) The Board may receive written complaints regarding licensees, registrants, applicants, entities, or other persons regarding massage therapy or violations of the massage therapy statutes.

(2) The Board will designate an investigator who is not a Board member to gather information regarding the complaint and present the information to the Board for its consideration.

(3) Notice and opportunity to be heard will be afforded the licensee, registrant, establishment, entity, or person alleged to be delinquent or to have committed an impropriety, as stated above. If, after such a hearing, the Board determines adversely to the licensee, registrant, establishment, entity, or person, the Board may:

(a) order the licensee, registrant, establishment, entity, or person to correct the delinquency within a stated amount of time;

(b) order the licensee, registrant, establishment, entity, or person to cease and desist the improper acts;

(c) revoke the license or registration of the licensee, registrant, establishment, entity, or person;

(d) refuse to issue a license, registration, or renewal to the applying licensee, registrant, establishment, entity, or person;

(e) suspend the license or registration of the licensee, registrant, establishment, entity, or person pending correction of a delinquency or impropriety;

(f) institute a civil action for an injunction with penalties and costs;

(g) present the information and allegation of misconduct to the District Attorney for the county in which the misconduct occurred, for criminal prosecution of the case.

(4) The Board, after notice and/or hearing, may dispose of a case informally by stipulation, agreed settlement, or consent order in lieu of decision of the Board, with all parties or their authorized representative signing a written stipulation, agreed settlement, or consent order document.

(5) Any one or more of the above penalties may be imposed or sought in a particular case, as the situation warrants; and the Board may impose or seek any other penalty or remedy not stated above but available and authorized by law.

Author: Keith E. Warren

Statutory Authority: Code of Ala. 1975, §34-43-15.

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

ALABAMA BOARD OF MASSAGE THERAPY

ADMINISTRATIVE CODE

CHAPTER 532-X-6 CONTINUING EDUCATION

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532-X-6-.01 Continuing Education Requirements**532-X-6-.02 Provider Requirements****532-X-6-.01 Continuing Education Requirements.**

(1) Every massage therapist licensed by the Board must complete 16 hours of continuing education within the 24 months preceding the date of renewal of licensure, from providers of courses approved by the Board, as a condition for renewing the license to practice massage therapy.

(2) The licensee is required to maintain in the licensee's files, for at least four years, the certificates or other documents evidencing completion of the approved continuing education courses.

(3) The licensee must inform the Board, on the application for license renewal, of the licensee's compliance with the continuing education requirement. Failure to do so will result in denial of renewal of licensure.

(5) Upon notification of the licensee that his or her continuing education credits are being audited, the licensee shall send by registered mail to the Board the documents or certificates evidencing his or her completion of the approved continuing education courses. In the event the documentation is not then available to the licensee (as a result of storage in moving, fire, or other catastrophic or like circumstance), without fault on his or her part, the licensee shall so notify the Board by sworn affidavit under notary seal, and shall give the Board a list of the dates, topics, locations, and providers of the approved continuing education courses.

Author: Keith E. Warren

Statutory Authority: Code of Ala. 1975, §34-43-21.

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

532-X-6-.02 Provider Requirements.

(1) Prospective providers of continuing education courses in massage

therapy or related topics must submit to the Board an application for approval of the course(s) at least 60 days prior to the date on which the course is to be given. Incomplete applications will not be considered.

(2) The completed application along with any supporting documentation shall reflect for each course the date, location, instructor, the number of educational hours to be provided, a brief statement of the content of the course, and the learning objectives the attendee is expected to acquire as a result of completing the course. The application shall also give the name and address of the representative of the provider charged with the responsibility of compliance with the requirements of subsections (3), (4), and (5) of 532-X-5-.02.

(3) At each course, the provider must obtain on a "sign-in-sheet" the printed name, signature, and license number of each licensee, with the name of the course, date, location, and CEU provider number at the top of the sign-in-sheet. A legible copy of the sheet shall be sent to the Board after the course has been presented, and the original must be retained in the files of the provider for at least four years after the date of presentation of the course.

(4) After a licensee has completed approved course, the provider must issue to each licensee completing the course a certificate or other document verifying the completion, which contains the provider's name, title of the course, name of the instructor, date, number of educational hours of credit, and the licensee's name and license number.

(5) Upon notification by the Board that a licensee is unable to provide verification of completion of a course on audit due to no fault of the licensee, giving the approximate date, location, title, and provider of the course the licensee alleges were completed, the provider shall from a review of its records affirm or deny to the Board that the licensee has completed the stated course, or state that its records are inconclusive as to that licensee and course, or state that it cannot ascertain the status from the information provided by the licensee and Board.

Author: Keith E. Warren

Statutory Authority: Code of Ala. 1975, §34-43-21.

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

ALABAMA BOARD OF MASSAGE THERAPY

ADMINISTRATIVE CODE

CHAPTER 532-X-7 CODE OF ETHICS

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532-X-7-.01 Code Of Ethics

532-X-7-.01 Code Of Ethics. This Code of Ethics is a summarized statement of standards by which state licensed massage therapists agree to conduct their practices and an acknowledgement of the principles of acceptable, ethical and professional behavior.

(1) Massage therapists shall:

(a) Be committed to providing the highest quality of care to those who seek their professional service.

(b) Perform only those services for which they are qualified through their education, certifications, and professional affiliations.

(c) Accurately inform clients, the public, and other health care providers of the scope and limitations of their discipline.

(d) Acknowledge the limitations and contraindications of massage therapy, referring to other state licensed health care providers when deemed appropriate.

(e) Respect State licensed health care providers whose intent is to promote the health and healing of their clients.

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

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

(h) 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 absolutely necessary to protect the public.

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

- (j) Respect the client's right to refuse, modify, or terminate treatment.
- (k) Have the right to refuse treatment to any person for reasonable and just cause.
- (l) Provide treatment in an environment that ensures the comfort and privacy of the client.
- (m) Respect the client's autonomy with regard to privacy, disclosure, beliefs, and emotional expression.
- (n) Through continued education, maintain and improve professional knowledge and competency.
- (o) Adhere to and follow all policies, procedures, rules, regulations, codes, and requirements promulgated by Alabama laws regarding the practice of massage therapy, Act No. 96-661, and amendments thereto.

Author: Keith E. Warren

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

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

CHAPTER 532-X-7 CODE OF ETHICS

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Author: Keith E. Warren

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

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

CHAPTER 532-X-8 SEVERABILITY AND COMPLIANCE

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532-X-8-.01 Severability

532-X-8-.02 Compliance

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.

APPENDIX 1
FORMS ASSOCIATED WITH THESE RULES AND REGULATIONS

Application Request Form
Massage Therapist Application
Massage Therapist Renewal Application
Massage Therapy Establishment Application
Massage Therapy Establishment Renewal Application
Massage Therapy School Application
Massage Therapy School Renewal Application
Massage Therapy Instructor Application
Change of Address Form
Consumer Complaint Form