

APA-1
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Alabama Board of Massage Therapy
Rule No.: 532-X-3-.03

Rule Title: Application and License

_____ New X Amend _____ Repeal _____ Adopt by Reference

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 and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

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
Reference Service.

Signature of certifying officer 

Date: October 20, 2011

(DATE FILED)
(STAMP)

Alabama Board of Massage Therapy

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Massage Therapy

RULE NO. & TITLE: 532-X-3-.03 Application and License

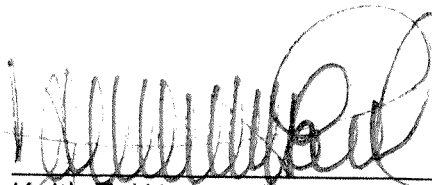
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to remove language pertaining to name changes of licenses that is no longer necessary to require.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:30 p.m. on Monday, December 5, 2011. Comments should be directed to Keith E. Warren, Executive Director, at 610 S. McDonough Street, Montgomery, AL 36104 or via electronic mail at keith@warrenandco.com or via telephone at 334-269-9990.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Monday, December 5, 2011.

CONTACT PERSON AT AGENCY: Keith E. Warren
Executive Director
610 S. McDonough Street
Montgomery, AL 36104
(334) 269-9990



Keith E. Warren, *Executive Director*
Alabama Board of Massage Therapy

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.