

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Board of Massage Therapy

Rule No.: 532-X-1-02

Rule Title: Definitions

_____ 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 [Handwritten Signature]

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-1-.02 Definitions

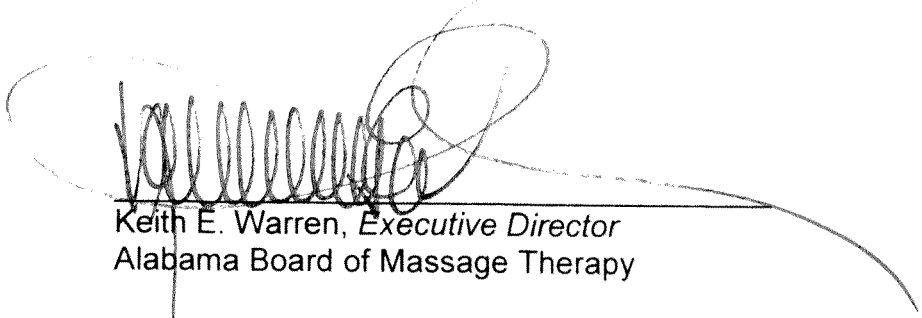
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to remove language regarding acceptable examinations for licensure requirements.

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-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 and is offered by a national organization. ~~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 street~~, 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.