

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Board of Massage Therapy
Rule No.: 532-X-5-.04

Rule Title: Discipline and Injunctions

_____ New _____ Amend X 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-5.04 Discipline And Injunctions

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION: The Board proposes to repeal old language pertaining to the disciplinary and injunctive procedures.

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-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.