

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Board of Massage Therapy

Rule No.: 532-X-2-.02

Rule Title: Board Duties

_____ 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

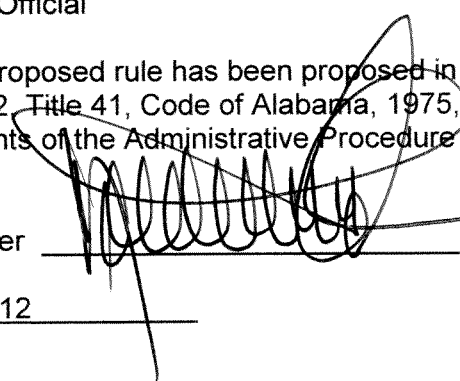
Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

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 22, 2012

(DATE FILED)
(STAMP)

Alabama Board of Massage Therapy

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Massage Therapy

RULE NO. & TITLE: 532-X-2-.02 Board Duties

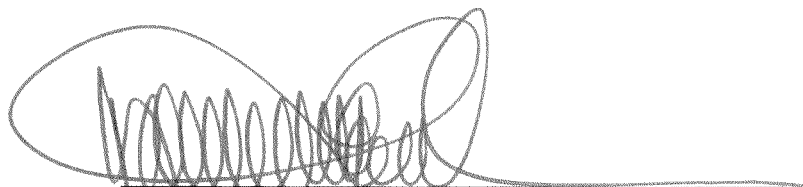
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend its current rule pertaining to approval of licensure applications for massage therapist. The Board proposes to establish guidelines to allow the approval of applications for licensure by the Executive Director with stipulations as to when an application must be presented to the entire Board for approval.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:30 p.m. on Wednesday, December 5, 2012. Comments should be directed to Keith E. Warren, Executive Director at 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at keith@warrenandco.com or via telephone at 334-420-7233.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Wednesday, December 5, 2012.

CONTACT PERSON AT AGENCY: Keith E. Warren
Executive Director
2777 Zelda Road
Montgomery, AL 36106
(334) 420-7233



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

532-X-2-.02 Board Duties.

(1) The Board shall consider and act upon 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.~~ The Board may delegate application approval authority to the Executive Director when all 3 of the following requirements have been met:

- (a) Graduation from an Alabama Massage Therapy School with a minimum of 650 hours; and
- (b) Successful completion of a Board approved examination; and
- (c) Evidence of possession of a liability insurance policy of no less than \$1 million.

Applications not meeting the above specifications or that contain "yes" answers to any of the questions on page 2 of the application must be presented to the Board for Review at the next regularly scheduled Board meeting.

(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. **Amended:** Filed February 20, 2009; effective May 25, 2009. **Amended:** Filed February 10, 2012; Effective March 16, 2012.