

## **Massage Therapy Board**

The Alabama Board of Massage Therapy was created by the Alabama Legislature in 1996. The Board issues licenses and regulates the practice of massage therapy for the purpose of protecting the public. The Legislative Intent is (§34-43-, Code of Ala., 1975):

“Massage therapy is declared by the Legislature to be a professional therapeutic health service. The Legislature finds that in the practice of massage therapy is a necessity to preserve and protect individual life and health, to promote the public interest and welfare by establishing licensure requirements and assuring public safety. It is the intent of this chapter to establish a regulatory agency and procedure that will ensure that the public is protected from the unprofessional, improper, unauthorized, and unqualified practice of massage therapy. All persons engaged in the practice of massage therapy in this state shall meet the requirements set forth in this chapter.”

The Board consists of seven members appointed by the Governor, and each are appointed from each congressional district. Five members are licensed professional massage therapists and two are consumers that are not affiliated with the practice of massage therapy. The Board is responsible for implementing the laws and regulations provided in Section 34-43-1, Code of Ala., 1975, and Administrative Code 532-X-1. The Board may submit recommended changes to the law to the Alabama Legislature and promulgate rules through the Legislative Services Agency. Any law changes require the approval of the Alabama Legislature and Signature of the Governor. New, amended or repealed rules are approved by the Board through the Rule Promulgation process provided by the Alabama Legislative Services Agency. A rule adopted by the board must be published for 35 days for public comment, comments are received and reviewed by the Board prior to final adoption. There are currently two proposed rule changes to Ala. Bd. of Massage Therapy Admin. R. 532-X-3-.04 and 532-X-3-.06. The proposed rule changes are in the comment phase, and a public hearing will be held on August 5, 2022. Written comments may be submitted to the Board before August 4, 2022 at 4:00pm. All written comments and comments made at the public hearing will be considered prior to the adoption of the proposed rules.

The Board licenses and regulates massage therapists, massage therapy establishments, massage therapy schools and massage therapy instructors. The Board also receives and investigates complaints against licensed and non-licensed individuals and licensed and non-licensed establishments. Complaints are received from consumers and other licensed massage therapists. The complaint is logged, issued a number, distributed to the investigator, board attorney and executive director who investigate the claims in the complaint. Once the investigation is complete, the report is reviewed by the investigative committee to determine what action, if any, should be taken. The committee could determine the complaint was unfounded and close the complaint or, if the complaint and alleged violations were founded, the action could be closed after the accused enters into a settlement agreement agreeing to a fine, suspension, probation or revocation. The proposed action is always presented to the board for final approval. The Board reviews

and must approve any disciplinary action recommended by the investigative committee. All licensees are entitled to a hearing before disciplinary action is taken against their license. The Board or licensee can choose to have the case presented during an administrative hearing instead of entering into a settlement agreement.

Establishment inspections are conducted periodically throughout the state. The inspectors visit both licensed and unlicensed establishments in the state to ensure all individuals providing or advertising massage therapy are properly licensed and insured. The inspectors also check for an establishment license, establishment insurance, ensure the establishment is clean, massage draping is clean and orderly, no one is sleeping or residing in the establishment, and to verify that employees are legally present in the United States. If the establishment fails the inspection, it has 30 days to correct the violations or disciplinary action is taken. Many unlicensed establishments and unlicensed individuals performing massage therapy are discovered during these inspections. These violations are submitted as complaints to be handled through the disciplinary process described above.

Board investigators and inspectors work with local, state, and federal law enforcement to stop illicit and sexually oriented businesses that disguise themselves as massage therapists. There are MANY businesses that are closed through this process before they are presented as a complaint for disciplinary action by the Board. The investigators and inspectors are extremely involved in the Alabama Human Trafficking Task Force and the Southeastern Human Trafficking Task Force. Unlicensed individuals involved in human trafficking frequently attempt to exploit the massage therapy profession by operating massage therapy establishments that are unsafe, unlicensed, and also competing with licensed professional massage therapists who are operating legally. These unlicensed individuals are a threat to every legitimate massage therapist and massage establishment in this state.