

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 532
Department or Agency: Alabama Board of Massage Therapy
Rule No.: 532-X-1-.02
Rule Title: Definitions
Intended Action: Amend

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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 Services Agency.

Signature of certifying officer

Keith E. Warren

Keith E. Warren

Date

Monday, July 17, 2023

REC'D & FILED

JUL 20 2023

LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF MASSAGE THERAPY

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 532-X-1-.02 Definitions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

To further define the scope of practice of a licensed massage therapist as well as add the definitions for intergluteal cleft and buttock.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments will be received by the Board until 4:00 PM on Monday, September 4, 2023. Comments should be directed to Keith E. Warren, Executive Director, 2777 Zelda Road, Montgomery, Alabama 36106 or via electronic mail at keith@alstateboard.com.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, September 4, 2023

CONTACT PERSON AT AGENCY:

Keith E. Warren
Executive Director
334-420-7233
keith@alstateboard.com

Keith E. Warren

Keith E. Warren

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

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 plan 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.

(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, 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.

(m) "Scope of Practice" a licensed massage therapist (LMT) shall only perform the massage, bodywork and techniques for which they have been trained as stated on their transcript from massage therapy school/program or continuing education provider certificate.

(n) "Intergluteal Cleft" or gluteal cleft, also known by a number of synonyms, including natal cleft, butt crack or cluneal cleft, is the groove between the buttocks that runs from just below the sacrum to the perineum, so named because it forms the visible border between the external rounded protrusions of the gluteus maximum muscles.

(o) "Buttock" is either of the two round fleshy parts that from the lower rear of human trunk.

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. **Amended:** Filed February 10, 2012; effective March 16, 2012. **Amended:** Filed July 20, 2023;