

1 SB164  
2 95386-1  
3 By Senators Dixon, Griffith, Little (T), Barron, and Figures  
4 RFD: Fiscal Responsibility and Accountability  
5 First Read: 05-FEB-08

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8 SYNOPSIS: Under existing law, termination dates are  
9 established for enumerated state agencies. The  
10 agencies are periodically reviewed by the Alabama  
11 Sunset Committee. After the review process is  
12 completed, the committee prepares its  
13 recommendations for the agencies to the Legislature  
14 in the form of sunset bills which either continue,  
15 terminate, or continue with modification each  
16 agency reviewed.

17 This bill would provide for the continuance  
18 of the Alabama Board of Massage Therapy, until  
19 October 1, 2011, with the following change: To  
20 delete the requirement that applicants for  
21 licensure be United States citizens.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

1           Relating to the Alabama Sunset Law; to continue the  
2 existence and functioning of the Alabama Board of Massage  
3 Therapy until October 1, 2011, with certain modifications; to  
4 amend Section 34-43-9, Code of Alabama 1975, so as to delete  
5 the requirement that applicants for licensure be United States  
6 citizens.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8           Section 1. Pursuant to the Alabama Sunset Law, the  
9 Sunset Committee recommends the continuance of the Alabama  
10 Board of Massage Therapy until October 1, 2011, with the  
11 additional recommendation for statutory change as set out in  
12 Section 3.

13           Section 2. The existence and functioning of the  
14 Alabama Board of Massage Therapy, created and functioning  
15 pursuant to Sections 34-43-1 to 34-43-21, inclusive, Code of  
16 Alabama 1975, is continued until October 1, 2011, and those  
17 code sections are expressly preserved.

18           Section 3. Section 34-43-9 of the Code of Alabama  
19 1975, is amended to read as follows:

20           "§34-43-9.

21           "(a) A person desiring to be licensed as a massage  
22 therapist shall apply to the board on forms provided by the  
23 board. Unless licensed pursuant to subsection (b), applicants  
24 for licensure shall submit evidence satisfactory to the board  
25 that they have met each of the following requirements:

26           "(1) Satisfactorily completed a minimum of 500 hours  
27 of supervised courses of instruction which shall include, but

1 not be limited to, anatomy, pathology, physiology, massage  
2 techniques, clinical practices, ethics, health, hygiene, and  
3 related subjects. The board shall determine how the 500 hours  
4 of instruction shall be broken down. The course of instruction  
5 may be provided by a massage therapy school approved by the  
6 board. The minimum 500 hours shall consist of the following:  
7 325 hours dedicated to the study of basic massage therapy  
8 techniques and clinical practice related modalities; 125 hours  
9 dedicated to the study of anatomy, pathology, and physiology;  
10 and an additional 50 hours of discretionary related course  
11 work, including, but not limited to, hydrotherapy, business  
12 practices and professional ethics, health and hygiene, and  
13 cardiopulmonary resuscitation and first aid. Beginning January  
14 1, 1998, applicants for licensure shall be required to  
15 complete a minimum of 650 hours of instruction. By rule of the  
16 board, the minimum 650 hours shall consist of the following:  
17 100 hours of anatomy and physiology to include 35 hours of  
18 myology, 15 hours of osteology, 10 hours of circulatory  
19 system, and 10 hours of nervous system, with the remaining 30  
20 hours to address other body systems at the discretion of the  
21 school; 250 hours of basic massage therapy, the  
22 contradistinctions of massage therapy, and related touch  
23 therapy modalities, to include a minimum of 50 hours of  
24 supervised massage; 50 hours to include business,  
25 hydrotherapy, first aid, cardiopulmonary resuscitation, and  
26 professional ethics; and 250 hours of electives to be  
27 determined by the school. The board may adopt a rule to

1 further increase the minimum number of hours of instruction  
2 required for licensure, not to exceed the number of hours  
3 recommended by the National Certification Board for  
4 Therapeutic Massage and Bodywork. Before performing  
5 therapeutic massage on an animal, a massage therapist shall  
6 graduate from a nationally approved program and complete at  
7 least 100 hours of postgraduate training and education in  
8 animal anatomy, pathology, and physiology for the type of  
9 animal upon which the massage therapist wishes to perform  
10 therapeutic massage.

11 "(2) Passed the National Certification Exam for  
12 Therapeutic Massage and Bodywork offered by the National  
13 Certification Board for Therapeutic Massage and Bodywork or an  
14 examination of equivalent stature that is accredited by the  
15 National Committee for Certifying Agencies.

16 "(b) Notwithstanding the requirements in  
17 subdivisions (1) and (2) of subsection (a), the board may  
18 license an applicant if the applicant is licensed or  
19 registered in another state, which, in the opinion of the  
20 board, has standards of practice or licensure that are equal  
21 to or stricter than the requirements imposed by this chapter.

22 ~~"(c) Notwithstanding any other provision of this~~  
23 ~~section to the contrary, each applicant for licensure shall be~~  
24 ~~a citizen of the United States.~~

25 ~~"(d) (c)~~ The board may notify each applicant of the  
26 acceptance or rejection of his or her application. If the

1 application is rejected, the board shall list the reasons for  
2 rejection."

3 Section 4. The Legislature concurs in the  
4 recommendations of the Sunset Committee as provided in  
5 Sections 1, 2, and 3.

6 Section 5. This act shall become effective  
7 immediately upon its passage and approval by the Governor, or  
8 its otherwise becoming law.