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3 HOUSE BOARDS, AGENCIES, AND COMMISSIONS SUBSTITUTE FOR HB316  
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8 SYNOPSIS: Under existing law, certified nurse  
9 midwives are licensed by the State Board of Nursing  
10 and the Board of Medical Examiners to practice  
11 nurse midwifery.

12 This bill would establish a State Board of  
13 Midwifery to license and regulate the practice of  
14 certified professional midwifery.

15 This bill would provide for the composition  
16 of the board and function of the board; specify  
17 requirements for the licensing of midwives; provide  
18 for licensing fees; and establish guidelines for  
19 the practice of midwifery.

20 This bill also would provide for penalties  
21 for violations.

22 Amendment 621 of the Constitution of Alabama  
23 of 1901, now appearing as Section 111.05 of the  
24 Official ReCompilation of the Constitution of  
25 Alabama of 1901, as amended, prohibits a general  
26 law whose purpose or effect would be to require a  
27 new or increased expenditure of local funds from

1           becoming effective with regard to a local  
2           governmental entity without enactment by a 2/3 vote  
3           unless: it comes within one of a number of  
4           specified exceptions; it is approved by the  
5           affected entity; or the Legislature appropriates  
6           funds, or provides a local source of revenue, to  
7           the entity for the purpose.

8           The purpose or effect of this bill would be  
9           to require a new or increased expenditure of local  
10          funds within the meaning of the amendment. However,  
11          the bill does not require approval of a local  
12          governmental entity or enactment by a 2/3 vote to  
13          become effective because it comes within one of the  
14          specified exceptions contained in the amendment.

15  
16                           A BILL  
17                           TO BE ENTITLED  
18                           AN ACT  
19

20           Licensing the practice of midwifery by adding  
21   Sections 34-19-11 to 34-19-19, inclusive, to the Code of  
22   Alabama 1975; to establish a State Board of Midwifery to  
23   license and regulate the practice of certified professional  
24   midwifery; to provide for the composition of the board and  
25   function of the board; to specify requirements for the  
26   licensing of midwives and provide for licensing fees; to  
27   establish guidelines for the practice of midwifery; to provide

1 for penalties for violations; to amend Section 22-9A-7, Code  
2 of Alabama 1975, relating to registration of births; to amend  
3 Section 34-43-3, Code of Alabama 1975, relating to the  
4 definition of therapeutic massage; to repeal Sections 34-19-2  
5 through 34-19-10, inclusive, Code of Alabama 1975; and in  
6 connection therewith would have as its purpose or effect the  
7 requirement of a new or increased expenditure of local funds  
8 within the meaning of Amendment 621 of the Constitution of  
9 Alabama of 1901, now appearing as Section 111.05 of the  
10 Official Recompilation of the Constitution of Alabama of 1901,  
11 as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 34-19-11 to 34-19-19, inclusive,  
14 are added to the Code of Alabama 1975, to read as follows:

15 §34-19-11.

16 The following words and phrases shall have the  
17 following meanings, unless the context clearly indicates  
18 otherwise:

19 (1) BOARD. The State Board of Midwifery.

20 (2) LICENSED MIDWIFE. A practitioner who holds a  
21 certified professional midwife credential and is licensed by  
22 the board to practice midwifery.

23 (3) MIDWIFERY. The provision of primary maternity  
24 care during the antepartum, intrapartum, and postpartum  
25 periods.

26 §34-19-12.

1           (a) There is created and established a State Board  
2 of Midwifery to implement and administer this chapter.

3           (b) The board shall pay all of its expenses from its  
4 own funds and no expenses shall be borne by the State of  
5 Alabama from the State General Fund.

6           (c) The board shall consist of seven members  
7 appointed by the Governor and subject to confirmation by the  
8 Senate, from a list of qualified individuals nominated by the  
9 designated organization. Each list shall contain the names of  
10 at least two individuals for each position to be filled.

11           (d) The members of the board shall be appointed for  
12 staggered initial terms and subsequent terms shall be for a  
13 minimum of four years or until his or her successor has been  
14 appointed and qualified.

15           (e) The board shall meet at least twice each year,  
16 conducting its business in person or by electronic methods.

17           (f) The board shall elect one of its members to  
18 serve as chair for a two-year term. The chair may not serve  
19 consecutive terms.

20           (g) The composition of the board shall be as  
21 follows:

22           (1) Four members shall hold a valid certified  
23 professional midwife credential from the North American  
24 Registry of Midwives. These members shall be appointed from a  
25 list of names submitted by the Alabama Birth Coalition or its  
26 successor organization. One of these members shall be

1 appointed to an initial term of four years, one to a term of  
2 three years, and two to a term of two years.

3 (2) One member shall be a licensed physician. This  
4 member shall be appointed from a list of names submitted by  
5 the Medical Association of the State of Alabama. This member  
6 shall be appointed to an initial term of four years.

7 (3) One member shall be a licensed certified nurse  
8 midwife or registered nurse licensed under Article 5 of  
9 Chapter 21. This member shall be appointed from a list  
10 submitted by the Alabama Board of Nursing. This member shall  
11 be appointed to an initial term of three years.

12 (4) One member shall have used midwifery services in  
13 the state. This member shall be appointed from a list of names  
14 submitted by the Alabama Birth Coalition. This member shall be  
15 appointed to an initial term of three years.

16 (h) When choosing individuals to be considered by  
17 the Governor for appointment to the board, the nominating  
18 authorities shall strive to assure membership is inclusive and  
19 reflects the racial, gender, geographic, urban, rural, and  
20 economic diversity of the state.

21 (i) All members of the board shall be immune from  
22 individual civil liability while acting within the scope of  
23 their duties as board members, unless conduct is unreasonable.

24 (j) Vacancies shall be filled by the Governor and  
25 confirmed by the Senate in the same manner as other  
26 appointments are made. In the case of a vacancy, the new  
27 appointee shall serve for the remainder of the unexpired term.

1           (k) Members of the board shall serve without  
2           compensation but shall be allowed travel and per diem expenses  
3           at the same rate paid to state employees, to be paid from the  
4           funds collected for the administration of this chapter, as  
5           funds are available.

6           (1) The board may employ, subject to the State Merit  
7           System, investigators, inspectors, attorneys, and any other  
8           agents, employees, and assistants as may from time to time be  
9           necessary, and may use any other means necessary to enforce  
10          the provisions of this chapter.

11          (m) The board shall be subject to the Alabama Sunset  
12          Law, Chapter 20, Title 41, as an enumerated agency as provided  
13          in Section 41-20-3, and shall have a termination date of  
14          October 1, 2021, and every four years thereafter, unless  
15          continued pursuant to the Alabama Sunset Law.

16          §34-19-13.

17          All funds received by the board under this chapter  
18          shall be deposited in the State Treasury to the credit of the  
19          board and all such funds are to be appropriated to the board  
20          to defray the expenses incurred in carrying out this chapter.  
21          The expenses shall include printing, stamps, stationery,  
22          clerical help, travel, and other necessary expenditures. In  
23          all cases, any fee that is received by the board shall not be  
24          refunded, and no applicant shall have the right to recover any  
25          part of a fee accompanying his or her application for  
26          licensure or otherwise paid to the board except on the death,  
27          disability, or retirement from practice of any applicant or

1 licensee between payment of any fee and the expiration of his  
2 or her current renewal or the issuance of the initial license.  
3 The books and records of the board shall be subject to audit  
4 in the same manner and to the same extent as any other state  
5 agency. The board shall keep a true and accurate account of  
6 all funds received by the board and all expenditures made by  
7 the board.

8 §34-19-14.

9 (a) The board shall do all of the following  
10 consistent with this chapter:

11 (1) Approve, renew, suspend, or revoke licenses for  
12 the practice of midwifery.

13 (2) Investigate and conduct hearings regarding  
14 complaints against a licensed midwife in order to determine if  
15 disciplinary action is warranted.

16 (3) Establish reasonable licensure fees, including,  
17 but not limited to, initial application, renewal, and  
18 reinstatement fees.

19 (4) Develop standardized forms including, but not  
20 limited to, a midwife disclosure form, informed consent form,  
21 emergency care form, and applications for licensure and  
22 renewal.

23 (5) Impose administrative fines, not to exceed one  
24 thousand dollars (\$1,000) per violation, for violating this  
25 chapter, a board rule, or a condition of a license.

26 (6) Once a determination is made by the board that  
27 professional liability insurance is affordable and available,

1 establish reasonable professional liability insurance  
2 requirements for licensed midwives.

3 (b) (1) The board shall adopt rules pursuant to the  
4 Administrative Procedure Act to implement this chapter in a  
5 manner consistent with the most current North American  
6 Registry of Midwives Job Analysis and with essential documents  
7 developed and published by the Midwives Alliance of North  
8 America. The rules shall include, but not be limited to,  
9 provision for all of the following:

10 a. Licensing procedures and requirements.

11 b. Minimum initial and continuing education  
12 requirements for licensure.

13 c. The allowable scope of midwifery practice  
14 regarding use of equipment, procedures, and administration of  
15 medication necessary for the safe practice of midwifery.

16 d. Standards by which a licensed midwife shall  
17 conduct risk assessment.

18 e. Standards for professional conduct.

19 f. A standard procedure for investigating  
20 complaints.

21 g. Requirements for clinical internships for  
22 individuals seeking midwifery training.

23 h. Standards regarding professional liability  
24 insurance as provided by Section 34-19-14, Code of Alabama  
25 1975.

26 (2) The rules shall ensure independent practice. The  
27 rules shall encourage and facilitate consultation and

1 collaboration with other health care professionals and  
2 facilities, but shall not require any agreement, written or  
3 otherwise, with any other health care professional or  
4 facility.

5 (3) The rules shall prohibit a licensed midwife from  
6 administering or performing any of the following obstetric  
7 procedures which are outside of the scope of the licensed  
8 practice of midwifery:

- 9 a. An epidural, spinal, or caudal anesthetic.
- 10 b. Any type of narcotic analgesia.
- 11 c. Forceps or a vacuum extractor-assisted delivery.
- 12 d. Abortion.
- 13 e. Cesarean section.

14 (4) The rules shall prohibit a licensed midwife from  
15 performing either of the following:

- 16 a. Delivery of a diagnosed multiple pregnancy.
- 17 b. Delivery of a baby whose position is diagnosed as  
18 non-cephalic at the onset of labor.

19 §34-19-15.

20 (a) An individual desiring to be licensed as a  
21 midwife shall apply to the board on forms provided by the  
22 board. Applicants for licensure shall submit evidence  
23 satisfactory to the board that he or she has met all of the  
24 following requirements:

- 25 (1) Is at least 21 years of age.
- 26 (2) Is a citizen of the United States or, if not a  
27 citizen of the United States, is legally present in the United

1 States with appropriate documentation from the federal  
2 government.

3 (3) Has obtained a certified professional midwife  
4 credential through an education program or pathway accredited  
5 by the Midwifery Educational Accreditation Council or by  
6 another accrediting agency recognized by the United States  
7 Department of Education.

8 (b) Notwithstanding subdivision (3) of subsection  
9 (a), the board may license the following:

10 (1) An applicant who has obtained a certified  
11 professional midwife credential prior to January 1, 2020,  
12 through a nonaccredited pathway, provided the applicant  
13 obtains the Midwifery Bridge Certificate or completes an  
14 educational program or pathway accredited by the Midwifery  
15 Educational Accreditation Council or by another accrediting  
16 agency recognized by the United States Department of  
17 Education.

18 (2) An applicant who has maintained licensure in a  
19 state that does not require an accredited education, provided  
20 the applicant obtains the Midwifery Bridge Certificate or  
21 completes an educational program or pathway accredited by the  
22 Midwifery Educational Accreditation Council or by another  
23 accrediting agency recognized by the United States Department  
24 of Education.

25 (c) Licenses shall be valid for a period of 24  
26 months.

1           (d) Following the contested case provisions of the  
2 Administrative Procedure Act, the board may suspend or revoke  
3 a license, or it may refuse to grant a license to an applicant  
4 for licensure, if the licensee or applicant:

5           (1) Has obtained a license by means of fraud,  
6 misrepresentation, or concealment of material facts, including  
7 making a false statement on an application or any other  
8 document required by the board for licensure.

9           (2) Has engaged in unprofessional conduct pursuant  
10 to rules adopted by the board.

11           (3) Has been convicted of any felony.

12           (4) Has performed an act that exceeds the scope of  
13 practice granted by the board to the licensed midwife.

14           (5) Has had his or her license revoked, suspended,  
15 or denied in any other territory or jurisdiction of the United  
16 States for any act described in this subsection.

17           (e) The board shall maintain an up-to-date list of  
18 every individual licensed to practice midwifery pursuant to  
19 this chapter and individuals whose licenses have been  
20 suspended, revoked, or denied. The information on the list  
21 shall be available for public inspection during reasonable  
22 business hours and the information may be shared with others  
23 as deemed necessary and acceptable by the board. The list  
24 shall include the name of the individual, the date and the  
25 cause of action, the penalty incurred, and the length of the  
26 penalty.

27           §34-19-16.

1           (a) A licensed midwife may provide midwifery care in  
2 the setting of the client's choice.

3           (b) A licensed midwife shall ensure that the client  
4 has signed a midwife disclosure form provided by the board  
5 indicating receipt of a written statement that includes all of  
6 the following information:

7           (1) A description of the licensed midwife's  
8 education, training, and experience in midwifery.

9           (2) Antepartum, intrapartum, and postpartum  
10 conditions requiring medical consultation, transfer of care,  
11 and transport to a hospital.

12           (3) A plan for medical consultation, transfer of  
13 care, and transport of the client or newborn or both when  
14 indicated by specific antepartum, intrapartum, or postpartum  
15 conditions.

16           (4) Instructions for filing a complaint against a  
17 licensed midwife.

18           (5) A statement that the licensed midwife must  
19 comply with the federal Health Insurance Portability and  
20 Accountability Act.

21           (6) The status of a licensed midwife's professional  
22 liability insurance coverage.

23           (7) References to current evidence regarding the  
24 safety of midwifery care in out-of-hospital settings,  
25 including a copy of the most recent statement by the American  
26 Congress of Obstetricians and Gynecologists on home birth.

1 (c) A licensed midwife shall ensure that the client  
2 has signed an informed consent form provided by the board.

3 (d) For screening purposes only, a licensed midwife  
4 may order routine antepartum and postpartum laboratory  
5 analyses to be performed by a licensed laboratory.

6 (e) After a client has secured the services of a  
7 licensed midwife, the licensed midwife shall document an  
8 emergency care plan on a form provided by the board.

9 (f) A licensed midwife shall determine the progress  
10 of labor and, when birth is imminent, shall be available until  
11 delivery is accomplished.

12 (g) A licensed midwife shall remain with the client  
13 during the postpartal period until the conditions of the  
14 client and newborn are stabilized.

15 (h) A licensed midwife shall instruct the client  
16 regarding the requirements of the administration of eye  
17 ointment ordered by the Department of Public Health pursuant  
18 to Section 22-20-2.

19 (i) A licensed midwife shall instruct the client  
20 regarding the requirements of administration of newborn health  
21 screening ordered by the Department of Public Health pursuant  
22 to Section 22-20-3.

23 (j) A licensed midwife shall file a birth  
24 certificate for each birth in accordance with the requirements  
25 of Section 22-9A-7.

26 (k) A licensed midwife shall collect clinical data  
27 under the Midwives Alliance of North America Statistics

1 Project for each client who initiates care and shall submit a  
2 copy of the clinical data collected for each consenting client  
3 to the board upon request.

4 (l) A licensed midwife shall report to the Alabama  
5 Department of Public Health pursuant to Chapter 11A, of Title  
6 22, Code of Alabama 1975, and any other law that requires  
7 hospitals or physicians to report to the Alabama Department of  
8 Public Health.

9 (m) A licensed midwife shall provide all information  
10 required to be provided to new mothers pursuant to Section  
11 22-20-3.1, Code of Alabama 1975, and all information required  
12 to be provided to new mothers before discharge by hospitals,  
13 as defined in Section 22-21-20, Code of Alabama 1975.

14 (n) A licensed midwife shall administer those tests  
15 provided in Section 22-20-3, Code of Alabama 1975, and any  
16 rule adopted by the State Board of Health pursuant to that  
17 section relating to the newborn screening program, to all  
18 neonates in his or her care.

19 §34-19-17.

20 (a) Except as provided in this section, it shall be  
21 unlawful for an individual other than a licensed midwife to  
22 practice midwifery in this state for economic remuneration or  
23 to hold himself or herself out to be a licensed midwife unless  
24 he or she is a licensed midwife as defined in this chapter. An  
25 individual violating this section shall be guilty of a Class C  
26 misdemeanor.

1 (b) An individual does not violate subsection (a) in  
2 any of the following circumstances:

3 (1) The individual is a certified nurse midwife  
4 acting in accordance with Sections 34-21-80 to 34-21-93,  
5 inclusive.

6 (2) The individual is training under a licensed  
7 midwife and is assisting the licensed midwife in the practice  
8 of midwifery.

9 (3) The individual is providing gratuitous  
10 assistance at childbirth.

11 (c) Nothing in this section shall be construed to  
12 repeal, abridge, or modify Section 6-5-332, or any other Good  
13 Samaritan statute.

14 §34-19-18.

15 (a) Nothing in this chapter shall be construed to  
16 establish a standard of care for physicians or otherwise  
17 modify, amend, or supersede any provision of the Alabama  
18 Medical Liability Act of 1987 or the Alabama Medical Liability  
19 Act of 1996, commencing with Section 6-5-540, et seq., or any  
20 amendment thereto, or any judicial interpretation thereof.

21 (b) Unless otherwise ordered by a court of competent  
22 jurisdiction, the decisions, opinions, actions, and  
23 proceedings discussed, rendered, entered, or acted upon in  
24 good faith and without malice and on the basis of facts  
25 reasonably known or reasonably believed to exist of any peer  
26 review or North American Registry of Midwives Disciplinary  
27 Process shall be privileged and confidential, and no member

1       thereof shall be liable for the decision, opinion, action, or  
2       proceeding.

3               §34-19-19.

4               Individuals licensed as midwives as set forth in  
5       this chapter shall be designated Licensed Midwives.

6               Section 2. Sections 22-9A-7 and 34-43-3, Code of  
7       Alabama 1975, are amended to read as follows:

8               "§22-9A-7.

9               "(a) A certificate of birth for each live birth  
10      ~~which~~ that occurs in this state shall be filed with the Office  
11      of Vital Statistics, or as otherwise directed by the State  
12      Registrar, within five days after the birth and shall be  
13      registered if it has been completed and filed in accordance  
14      with this section.

15              "(b) (1) When a birth occurs in an institution or en  
16      route to the institution, the person in charge of the  
17      institution or his or her designated representative shall  
18      obtain the personal data, prepare the certificate, secure the  
19      signatures required, and file the certificate as directed in  
20      subsection (a) or as directed by the State Registrar within  
21      the required five days. The physician or other person in  
22      attendance shall provide the medical information required by  
23      the certificate and certify to the facts of birth within 72  
24      hours after the birth. If the physician, or other person in  
25      attendance, does not certify to the facts of birth within the  
26      72-hour period, the person in charge of the institution or his  
27      or her designee shall complete and sign the certificate.

1           "(2) In all cases where a birth occurs in an  
2 institution, the person in charge of the institution shall  
3 provide a procedure for collection of the normal fee for a  
4 certified copy of the birth certificate from the mother or  
5 father. The fee shall be forwarded to the State Registrar when  
6 a complete record of the birth is obtained, and the State  
7 Registrar shall issue a certified copy of the birth  
8 certificate to the mother or father of the child. The issuance  
9 of a certified copy of the birth certificate by the State  
10 Registrar shall not apply to births where the death of the  
11 infant occurred a short time following the birth, unless the  
12 certificate is requested by the father or mother, or where  
13 adoption is indicated.

14           "(c) When a birth occurs outside an institution, the  
15 certificate shall be prepared and filed by one of the  
16 following in the indicated order of priority:

17           "(1) The physician or licensed midwife in attendance  
18 at the birth or who sees the child within three days after the  
19 birth.

20           "(2) Any other person in attendance at or  
21 immediately after the birth.

22           "(3) The father, the mother, or in the absence of  
23 the father and the inability of the mother, the person in  
24 charge of the premises where the birth occurred.

25           "(d) When a birth occurs in a moving conveyance  
26 within the United States and the child is first removed from  
27 the conveyance in this state, the birth shall be registered in

1       this state and the place where it is first removed shall be  
2       considered the place of birth. When a birth occurs on a moving  
3       conveyance while in international waters or air space or in a  
4       foreign country or its air space and the child is first  
5       removed from the conveyance in this state, the birth shall be  
6       registered in this state, but the certificate shall show the  
7       actual place of birth as can be determined.

8               "(e) For the purposes of birth registration, the  
9       mother is deemed to be the woman who gives birth to the child,  
10      unless otherwise determined by law.

11              "(f) (1) If the mother was married at the time of  
12      either conception or birth, or between conception and birth,  
13      the name of the husband shall be entered on the certificate as  
14      the father of the child, unless it is established by law that  
15      he is not the father of the child.

16              "(2) If the mother was not married at the time of  
17      either conception or birth or between conception and birth,  
18      the name of the father shall not be entered on the certificate  
19      unless paternity has been determined by a court of competent  
20      jurisdiction or unless the legitimation process specified in  
21      Sections 26-11-1 through 26-11-3, inclusive, or otherwise  
22      provided by law has been completed.

23              "(3) If the father is not named on the certificate  
24      of birth, no other information about the father shall be  
25      entered on the certificate.

26              "(g) The birth certificate of a child born to a  
27      married woman as a result of artificial insemination, with

1 consent of her husband, shall be completed in accordance with  
2 subdivision (1) of subsection (f).

3 "(h) Either of the parents of the child shall attest  
4 to the accuracy of the personal data entered on the  
5 certificate in time to permit the filing of the certificate  
6 within the five days prescribed in subsection (a).

7 "§34-43-3.

8 "For purposes of this chapter, the following terms  
9 shall have the following meanings:

10 "(1) ADVERTISE. Distributing a card, flier, sign, or  
11 device to any person or organization, or allowing any sign or  
12 marking on any building, radio, television, or by advertising  
13 by any other means designed to attract public attention.

14 "(2) BOARD. The Alabama Board of Massage Therapy  
15 created pursuant to this chapter.

16 "(3) BOARD-APPROVED MASSAGE THERAPY SCHOOL. A school  
17 where massage therapy is taught which is one of the following:

18 "a. If located in Alabama is approved by the board  
19 as meeting the minimum established standards of training and  
20 curriculum as determined by the board.

21 "b. If located outside of Alabama is recognized by  
22 the board and by a regionally recognized professional  
23 accrediting body.

24 "c. Is a postgraduate training institute accredited  
25 by the Commission on Accreditation for Massage Therapy.

1           "(4) ESTABLISHMENT. A site, premises, or business  
2 where massage therapy is practiced by a licensed massage  
3 therapist.

4           "(5) EXAMINATION. A National Certification For  
5 Therapeutic Massage and Bodywork Examination administered by  
6 an independent agency or another nationally or internationally  
7 accredited exam administered by an independent agency per  
8 approval of the board. The examination will be accredited by  
9 the National Committee for Certifying Agencies. The board  
10 retains the right to administer a written, oral, or practical  
11 examination.

12           "(6) LICENSE. The credential issued by the board  
13 which allows the licensee to engage in the safe and ethical  
14 practice of massage therapy.

15           "(7) MASSAGE THERAPIST. A person licensed pursuant  
16 to this chapter who practices or administers massage therapy  
17 or touch therapy modalities to a patron for compensation.

18           "(8) MASSAGE THERAPY INSTRUCTOR. A licensed massage  
19 therapist approved by the board to teach the practice of  
20 massage therapy.

21           "(9) PERSON. Any individual, firm, corporation,  
22 partnership, organization, association, or other legal entity.

23           "(10) SEXUALLY ORIENTED BUSINESS. A sex parlor,  
24 massage parlor, nude studio, modeling studio, love parlor,  
25 adult bookstore, adult movie theater, adult video arcade,  
26 adult motel, or other commercial enterprise which has as its  
27 primary business the offering for sale, rent, or exhibit, or

1 the exhibit of, items or services intended to provide sexual  
2 stimulation or sexual gratification to the customer.

3 "(11) STUDENT OF MASSAGE THERAPY. Any person  
4 currently enrolled in an Alabama massage therapy school  
5 program approved by the board.

6 "(12) TEMPORARY PERMIT. A temporary permit issued at  
7 the request of a massage therapist who is qualified according  
8 to the Alabama massage therapy law prior to approval by the  
9 board and not to exceed six months.

10 "(13) THERAPEUTIC MASSAGE AND RELATED TOUCH THERAPY  
11 MODALITIES. The mobilization of the soft tissue which may  
12 include skin, fascia, tendons, ligaments, and muscles, for the  
13 purpose of establishing and maintaining good physical  
14 condition. The term shall include effleurage, petrissage,  
15 tapotement, compression, vibration, stretching, heliotherapy,  
16 superficial hot and cold applications, topical applications,  
17 or other therapy which involves movement either by hand,  
18 forearm, elbow, or foot, for the purpose of therapeutic  
19 massage. Massage therapy may include the external application  
20 and use of herbal or chemical preparations and lubricants such  
21 as salts, powders, liquids, nonprescription creams, mechanical  
22 devises such as T-bars, thumpers, body support systems, heat  
23 lamps, hot and cold packs, salt glow, steam cabinet baths or  
24 hydrotherapy. The term includes any massage, movement therapy,  
25 massage technology, myotherapy, massotherapy, oriental massage  
26 techniques, structural integration, or polarity therapy. The  
27 term shall not include laser therapy, microwave, injection

1 therapy, manipulation of the joints, or any diagnosis or  
2 treatment of an illness that normally involves the practice of  
3 medicine, chiropractic, physical therapy, podiatry, nursing,  
4 midwifery, occupational therapy, veterinary, acupuncture,  
5 osteopathy, orthopedics, hypnosis, or naturopathics."

6 Section 3. Nothing contained in this act shall be  
7 construed to create a requirement that any health benefit  
8 plan, group insurance plan, policy, or contract for health  
9 care services that covers hospital, medical, or surgical  
10 expenses, health maintenance organizations, preferred provider  
11 organizations, medical service organizations,  
12 physician-hospital organizations, or any other person, firm,  
13 corporation, joint venture, or other similar business entity  
14 that pays for, purchases, or furnishes group health care  
15 services to patients, insureds, or beneficiaries in this  
16 state, including entities created pursuant to Article 6,  
17 commencing with Section 10A-20-6.01, of Chapter 20, Title 10A,  
18 Code of Alabama 1975, provide coverage or reimbursement for  
19 the services described or authorized in this act.

20 Section 4. Sections 34-19-2 to 34-19-10, inclusive,  
21 Code of Alabama 1975, are repealed.

22 Section 5. Although this bill would have as its  
23 purpose or effect the requirement of a new or increased  
24 expenditure of local funds, the bill is excluded from further  
25 requirements and application under Amendment 621, now  
26 appearing as Section 111.05 of the Official Recompilation of  
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

3 Section 6. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.