

**DECLARATORY RULING OF
THE ALABAMA STATE BOARD OF MEDICAL EXAMINERS**

On October 7, 2025, the Alabama State Board of Medical Examiners (“the Board”) considered a request submitted by Rowe Tapscott, a licensed aesthetician (“Petitioner”), for a declaratory ruling pursuant to Ala. Code § 41-22-11 and Ala. Admin. Code r. 540-X-1-.10, concerning the scope of practice for licensed aestheticians working under medical supervision.

FACTS PRESENTED

Petitioner presents the following factual background¹:

Petitioner is a licensed aesthetician practicing in Alabama under the supervision of a physician. Petitioner recently received training in non-invasive facial massage techniques, specifically, buccal facial massage or intraoral massage (“buccal massage”). Petitioner contacted both the Alabama Board of Cosmetology and Barbering (“Cosmetology Board”) and the Alabama Board of Massage Therapy prior to contacting the Board. The Cosmetology Board directed Petitioner to seek guidance from the Board.

Petitioner describes buccal massage as “similar to lymphatic drainage, which permits work within the subcutaneous and connective tissues.” Petitioner describes the benefits of the technique to include the relaxation of facial muscles, the reduction of tension, sculpted cheekbones, and “a more defined jawline.”

Petitioner also attached an article which identified the “client benefits” of buccal facial massage as including: (1) enhanced lymphatic flow which “helps remove skin waste and detoxes skin, reducing puffiness and swelling;” (2) increases blood circulation; (3) “corrects the underlying tissue structural imbalances” to adjust how the skin drapes “over the bones, muscles, ligaments,

¹ A complete copy of Petitioner’s petition is attached as Attachment A.

fascia, and fat layers;” (4) “builds up fibrous or hardened tissue;” (5) “rebuilds atrophied tissue;” (6) reduces wrinkles; and (7) relieves stress.

QUESTION PRESENTED

May a licensed Alabama aesthetician perform non-invasive buccal (intraoral) massage under the supervision of a medical physician and with certification from Face Massage School by Katerina Summers?

ANSWER

A licensed physician may supervise the performance of non-invasive buccal massage by a licensed aesthetician when (1) in the physician’s professional judgment, the aesthetician is adequately trained to perform the technique; and (2) the physician has determined that buccal massage may benefit the patient.

DISCUSSION

Petitioner’s question turns on whether buccal massage is a medical procedure, an aesthetic procedure, or a form of massage therapy. The “practice of medicine” means “to diagnose, treat, correct, advise, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, by any means or instrumentality.” Ala. Code § 34-24-50(1). “Esthetics” is defined in Alabama law as “the practice of performing acts of skin care including, but not limited to, facials, body waxing, makeup, and general esthetics procedures on the general public for compensation.” Ala. Code § 34-7B-1. “Massage therapy” is defined as “the mobilization of the soft tissue which may include skin, fascia, tendons, ligaments, and muscles for the purpose of establishing and maintaining good physical condition.” Ala. Code § 34-43A-2(10)a. It excludes “any diagnosis or treatment of an illness which normally involves the practice of medicine” or matters implicating the scope of practice of other licensed health care professions.

Ala. Code § 34-43A-2(10)d. A person is not required to hold a license from the Board of Massage Therapy if the person is “acting under the supervision of and pursuant to delegation from a physician . . . for whom the delegated acts are within the scope of the license of the physician . . . provided that the individual does not represent himself or herself as a massage therapist.” Ala. Code § 34-43A-4(a)(8).

Buccal massage does not classify as an aesthetic procedure because, as Petitioner observes, the Cosmetology Board’s “scope of licensure is confined to non-invasive services performed on the epidermis, specifically the stratum corneum and must not alter, cut or damage living cells.” Ala. Admin. Code r. 250-X-3-.02(8). Buccal massage is more invasive than this limitation and further purports to alter living cells. Similarly, while buccal massage may share manual techniques with massage therapy, it goes beyond the “mobilization of soft tissue” to establish and maintain “good physical condition.” Indeed, while the procedure may utilize massage techniques, it goes beyond massage therapy by purporting to treat an illness or condition, placing it within the exclusionary language of Ala. Code § 34-43A-2(10)d. Consequently, based on the information provided by Petitioner, the buccal massage purports to treat or correct a human disease, ailment, injury, infirmity, or deformity, and to provide outcomes that meet the definition of the practice of medicine.

A physician who delegates a task to a non-physician is legally responsible for that person’s performance², and the physician is responsible for ensuring that the non-physician is adequately trained to perform the task.³ The physician may not delegate the decision-making authority of

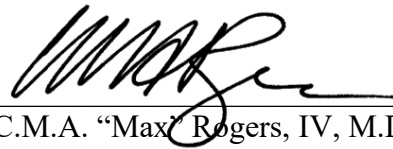
² Board Opinion of March 23, 1999

³ See *Frazier v. Gillis*, 85 So. 3d 443, 447 (Ala. Civ. App. 2011); see also Statement of the Alabama State Board of Medical Examiners issued December 202, 2024.

whether to perform a buccal massage for the treatment of any condition to the aesthetician.⁴ In a case where a physician determines that buccal massage may provide a benefit to treat or correct a patient's condition, the physician may delegate the performance of the buccal massage technique to a licensed aesthetician whom the physician knows is adequately trained to perform the procedure in a safe and efficacious manner.

This ruling is based upon the precise facts presented and upon statutes and rules currently in existence. Should any relevant statutes or rules be amended or repealed, this ruling may no longer be valid.

DONE this 13th day of November, 2025.

A handwritten signature in black ink, appearing to read 'Max Rogers', is written over a horizontal line.

C.M.A. "Max" Rogers, IV, M.D.

Chairman

Alabama State Board of Medical Examiners

⁴ *Id.*