

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1039

(Delegate Kelly)

Health and Government Operations

Education, Health, and Environmental Affairs

Health Occupations – State Board of Massage Therapy Examiners – Revisions

This bill alters and clarifies the definition of massage therapy, specifies that massage therapy programs must be accredited by the Commission on Massage Therapy Accreditation (COMTA), and alters requirements relating to criminal history records checks (CHRC) required to obtain licensure or registration from the State Board of Massage Therapy Examiners. The bill also establishes a process for inactive status and reactivation of a license or registration issued by the board, and makes technical and clarifying changes.

Fiscal Summary

State Effect: Board special fund revenues increase minimally beginning as early as FY 2022 from inactive status and reinstatement fees, as discussed below. The bill's changes can be handled with existing budgeted resources, as discussed below.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: The State Board of Massage Therapy Examiners licenses massage therapists and registers massage therapy practitioners. Unlike a licensed massage therapist, a registered massage therapy practitioner may not practice massage therapy in a health care setting.

Definition of Massage Therapy

Current law defines massage therapy as the use of manual techniques on soft tissues of the human body including effleurage (stroking), petrissage (kneading), tapotement (tapping), stretching, compression, vibration, and friction, with or without the aid of heat, for the purpose of improving circulation, enhancing muscle relaxation, relieving muscular pain, reducing stress, and promoting health and well-being. Massage therapy includes *the laying on of hands*, consisting of pressure or movement on an individual *who is fully clothed, except for footwear*, to specifically affect the electromagnetic energy or energetic field of the human body as specified. Massage therapy does not include the (1) diagnosis or treatment of illness, disease, or injury; (2) adjustment, manipulation, or mobilization of bones or the spine; or (3) except as specified, the laying on of hands, consisting of pressure or movement on an individual who is fully clothed, except for footwear, to specifically affect the electromagnetic energy or energetic field of the human body.

The bill specifies that massage therapy includes *hands-on application* (rather than the laying on of hands), consisting of pressure or movement on an individual to specifically affect the electromagnetic energy or energetic field of the human body using specified manual techniques. The bill removes language specifying that massage therapy consists of pressure or movement on an individual *who is fully clothed, except for footwear*.

Requirements for Educational Programs for License and Registration

Under current law, to qualify as a licensed massage therapist, an individual must be of good moral character, at least 18 years old, and graduate with (1) at least 60 credit hours of education at an institution of higher education as approved by the board and the Maryland Higher Education Commission (MHEC), of which at least 24 credit hours must be in specified basic and applied science courses or (2) at least 60 credit hours of education at an institution of higher education approved by MHEC and 24 credit hours or 360 contact hours of advanced massage therapy continuing education as approved by the board in basic and applied science courses.

Under the bill, to qualify as a licensed massage therapist, (1) an individual must be a graduate from an institution of higher education approved by MHEC with at least 60 credit hours of education in a curriculum that is endorsed by COMTA or an equivalent entity and (2) approved by the board.

Under current law, to qualify as a registered massage therapy practitioner, an individual must be of good moral character, at least 18 years old, and graduate from a program for the study of massage therapy approved by MHEC, accredited by an accrediting agency, and approved by the board.

The bill specifies that COMTA or an equivalent entity must accredit the curriculum of a massage therapy program.

Criminal History Records Check

The bill reduces, from two to one, the number of legible sets of fingerprints that must be submitted for a CHRC. Further, the bill establishes that if additional criminal history record information is reported to the Criminal Justice Information System (CJIS) after the initial CHRC, CJIS must provide a revised printed statement of the individual's criminal history record to the board.

Current law includes no requirements for the board to consider any specific information or circumstances on receipt of the criminal history record information when determining whether to grant a license or registration.

The bill specifies that, in using information obtained from CJIS to determine whether to issue a license or registration, the board must consider:

- the age at which a crime was committed;
- the nature of the crime;
- the circumstances surrounding the crime;
- the length of time that has passed since the crime was committed;
- subsequent work history;
- employment and character references; and
- other evidence that demonstrates whether the applicant poses a threat to public health or safety.

Inactive Status

Current law has no provisions allowing the board to place a license or registration on inactive status.

The bill requires the board to place a licensee or registration holder on inactive status if the licensee or registration holder submits an application and pays a fee set by the board. A licensed massage therapist or registered massage practitioner may reactivate their license or registration if they comply with specified continuing education and cardiopulmonary resuscitation requirements established by board regulations and pay the reactivation fee set by the board.

State Revenue: Board revenues increase minimally as early as fiscal 2022 from fees relating to inactive status and reactivation of inactive status. Actual revenues depend on

the fees set by the board and the demand from licensed massage therapists and registered massage practitioners to seek inactive status.

State Expenditures: The board advises that it can implement the bill's changes with existing budgeted resources. Based on similar legislation in prior years, the Department of Public Safety and Correctional Services can implement changes to the CHRC process with existing budgeted resources and staff.

Additional Comments: COMTA is an accrediting body focused on massage therapy and esthetics, and the only accrediting body with expertise specific to massage. COMTA has been recognized by the U.S. Department of Education since 2002 as an accrediting agency.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 745 (Senator Elfreth) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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