

HB 1497.pdf

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March 26, 2024

Senate Finance Committee
Miller Senate Office Building
11 Bladen St.
Annapolis, Maryland

RE: Support of HB 1497, State Board of Massage Therapy Examiners

Dear Chair Beidle, Vice-Chair Klausmeier, and Members of the Senate Finance Committee:

The Federation of State Massage Therapy Boards (FSMTB®) is a not-for-profit corporation with membership comprised of massage therapy regulatory boards and agencies in the United States and its territories. **The Maryland State Board of Massage Therapy Examiners is a member of the FSMTB.** The mission of FSMTB is to support its member boards in their work to ensure that the practice of massage therapy is provided to the public safely and competently.

FSMTB supports the passage of Maryland House Bill 1497. This bill will make licensure requirements for Maryland massage therapy applicants **more uniform with requirements from other states and the FSMTB Model Massage Practice Act** ([*Model Massage Practice Act*](#)).

The proposed language to amend the definition of “practice massage therapy” to include certain techniques in the scope of practice and requirements to practice specific techniques and instruments **bolsters public safety standards by outlining specific education hour requirements for topics not taught in initial massage education courses.** Leaving room for interpretation creates an environment that fosters confusion, putting the consuming public in harm's way and therapists unknowingly at risk for disciplinary action. Establishing statutory requirements for the use and practice of techniques and instruments that are not taught in the curriculum for initial education also creates more learning opportunities which **supports the need for continuing education, keeping massage professionals up to date with best practices in the profession.**

Currently, 35 states that regulate massage therapy require background checks (state, national, or both) to be conducted for licensure. Criminal background checks are important to public safety, especially when considering reinstating a license. They can **reveal information that was not**

disclosed by the individual or was not reported by law enforcement while the individual was practicing or during the time the license lapsed. FSMTB supports adding criminal history checks as a requirement for license reinstatement, especially due to the vulnerable nature of the massage therapy profession. **Consumers are generally in a private room in a one-on-one setting, in a state of undress.** It is important for their safety that the board can effectively fulfill its role of public safety by **ensuring therapists are fit to practice before reentering the profession.**

FSMTB appreciates the efforts of the legislature in promoting the safe and competent practice of massage therapy. Should you have any questions about the FSMTB or any of the above information, please feel free to contact me directly at 913.681.0380 or by email at ahernandez@fsmtb.org.

Sincerely,

A handwritten signature in blue ink that reads "Ashley Hernandez". The signature is fluid and cursive, with the first name "Ashley" being more prominent than the last name "Hernandez".

Ashley Hernandez, MPA
Government Relations Specialist, FSMTB

HB 1497 - FIN - Massage Therapy Board - LOS.pdf

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Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

Maryland Board of Massage Therapy Examiners
4201 Patterson Avenue, Suite 301
Baltimore, MD 21215

**2024 SESSION
POSITION PAPER**

BILL NO: HB 1497
COMMITTEE: Finance
POSITION: Support

TITLE: State Board of Massage Therapy Examiners – Scope of Practice, Reinstatements, and Examinations by Health Care Providers

BILL ANALYSIS: The bill when enacted will authorize massage professionals to use handheld tools to perform massage therapy; require applicants for reinstatement of a license or registration to submit to a criminal history background check; and provide for the ability of the Board to require applicants or licensees to submit to an evaluation by a healthcare provider should the Board deem this necessary to protect the public from a potentially harmful massage provider.

POSITION AND RATIONALE: The Maryland Board of Massage Therapy Examiners (the “Board”) supports HB 1497.

Practice Massage Therapy

The purpose of the bill is to clearly define the practice of massage therapy both for the public consumer and massage professional. This clarity includes the fact that hand-held tools are permissible in the delivery of massage therapy. As with other professions, cutting edge technology plays an integral role in the delivery of safe and efficient healthcare services. The use of these hand-held tools, with proper training, will not only improve the quality and efficiency of the care provided, but it will also extend the work life of the massage professional by reducing injuries to the provider's joints, hands, arms, shoulders, and back.

Criminal History Background Check

On October 1, 2016, the Criminal History Background Check requirement as one condition for licensure went into effect. Approximately three thousand individuals, who were licensed or registered by the Board prior to the enactment of the law, have never been fingerprinted. Requiring criminal history records check with a reinstatement application ensures proper vetting of applicants and the ability to implement criminal history updates through “RAP back” for each applicant.

Evaluation

From time to time the Board may have reason to believe that an applicant or licensee may cause harm or pose a threat to individuals who seek massage therapy services. In those instances, the Board deems it prudent to obtain an independent evaluation by the appropriate healthcare provider to determine fitness to practice. The primary focus of the Board is the protection of the public. The Board will pay the cost of the evaluation, with no economic impact on the applicant or licensee.

For all of these reasons, the Board of Massage Therapy Examiners respectfully requests a favorable vote on HB 1498.

For more information, please contact Sharon J. Oliver, Executive Director at 410-764-5985 or Sharon.oliver@maryland.gov; or Lillian Reese, the legislative liaison for the health occupations boards at 443-794-4757 or at lillian.reese@maryland.gov.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.