

**HB 1498.pdf**

Uploaded by: Ashley Hernandez

Position: FAV



March 26, 2024

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

***RE: Support of HB 1498, Massage Therapy Examiners Board Unauthorized Practice***

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 HB 1498, Massage Therapy Examiners Unauthorized Practice.**

The addition of *prohibiting a person from aiding and abetting the unauthorized practice of massage therapy* in the Maryland Massage Therapy Practice Act would allow the board to take a more **robust approach against human trafficking and illicit business practice in the massage profession.** Adding this to the Massage Practice Act would greatly benefit the Board by allowing them to restrict bad actors from entering into the massage profession based on their affiliation with criminal activity further ensuring the safety and welfare of the public.

The Federation of State Massage Therapy Boards' Human Trafficking Report (<https://www.fsmtb.org/media/1606/httf-report-final-web.pdf>) indicates that human trafficking is prevalent and that its impact on massage therapy is sizable. This is largely because illicit businesses (IBs) use massage therapy as a front for their illegal activity. An analysis of data collected from the U.S. National Human Trafficking Hotline by Polaris in 2020 ranks the illicit massage business at #3 in the method used for trafficking. <https://polarisproject.org/wp->

<content/uploads/2022/01/Human-Trafficking-Trends-in-2020-by-Polaris.pdf> **Regulators can change the reality.**

Adding aiding and abetting as a violation of the Massage Practice Act will strengthen the Board's ability to combat human trafficking. Many states that regulate massage therapy have adopted this into their statute so their Boards can better protect the safety and welfare of the public. States with weak regulatory frameworks that do not exercise adequate oversight help IB networks move and expand nationally.

Thank you for the opportunity to bring this information forward. Should you have any questions please contact me at [ahernandez@fsmtb.org](mailto:ahernandez@fsmtb.org) or call (913) 681-0380.

Thank you,

A handwritten signature in blue ink that reads "Ashley Hernandez". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ashley Hernandez, MPA

Government Relations Specialist

**HB 1498, FAV, FCG OCE JF, LS24.pdf**

Uploaded by: Jessica Fitzwater

Position: FAV



**FREDERICK COUNTY GOVERNMENT**  
**OFFICE OF THE COUNTY EXECUTIVE**

Jessica Fitzwater  
*County Executive*

**HB 1498 – State Board of Massage Therapy Examiners - Aiding or Abetting  
Unauthorized Practice - Prohibition**

**DATE:** March 27, 2024  
**COMMITTEE:** Senate Finance Committee  
**POSITION:** Favorable  
**FROM:** The Office of Frederick County Executive Jessica Fitzwater

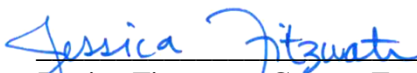
As the County Executive of Frederick County, I urge the committee to give HB 1498 – State Board of Massage Therapy Examiners - Aiding or Abetting Unauthorized Practice - Prohibition a favorable report.

This bill will criminalize the aiding or abetting the unauthorized practice of massage therapy.

Currently, practicing massage therapy without a State license is a criminal. However, there is no State law that penalizes an individual for aiding or abetting the unauthorized practice of massage therapy. This means that although an individual is assisting in the crime, they may not be prosecuted, leaving a loophole for those involved. This can be particularly problematic as some massage therapy businesses are used as a cover for illegal practices such as human trafficking and sex work operations. Often, these illegal practices involve an organized enterprise and prosecuting all individuals involved can more fully address the issue.

HB 1498 is crucial to protecting Marylanders from harmful and illegal practices carried out by unauthorized massage therapy businesses and the illegal activities surrounding them. This bill will ensure that all involved in the illegal activity will be held to account, therefore discouraging others from participating in this crime. Frederick County is currently taking steps to prevent illegal massage therapy businesses, specifically those involved in human trafficking and sex work, from operating in the County. HB1498 will support this work by making sure that all responsible parties are brought to justice to the fullest extent possible under state law.

Thank you for your consideration of HB 1498. I urge you to advance this bill with a favorable report.

  
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Jessica Fitzwater, County Executive  
Frederick County, MD

# **HB 1498 - FIN- Massage Therapy Board - LOS.pdf**

Uploaded by: State of Maryland (MD)

Position: FAV



## DEPARTMENT OF HEALTH

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

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### 2024 SESSION POSITION PAPER

**BILL NO:** HB 1498  
**COMMITTEE:** Finance  
**POSITION:** Support

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**TITLE:** State Board of Massage Therapy Examiners – Aiding or Abetting Unauthorized Practice – Prohibition

**BILL ANALYSIS:** The bill, when enacted, makes it a felony for an individual to aid and abet the unlicensed practice of massage therapy in the State of Maryland. If convicted by a court of law, the bill establishes the potential penalty as imprisonment and/or a fine.

**POSITION AND RATIONALE:** The Maryland Board of Massage Therapy Examiners (the “Board”) supports HB 1498.

The Board’s charge by this legislative body is to protect the healthcare, wellbeing, and safety of the citizens of Maryland. In recent years, the Board has seen an increase in complaints regarding unlicensed practice. Working with law enforcement, the Board has found that many of the individuals practicing massage therapy without a license are victims of human trafficking. Rather than target those individuals, the Board believes that as a matter of public policy it would be more effective to attempt to combat those who enable the unlicensed practice. Certainly, aiders and abettors of unlicensed practice are not concerned with the safety and protection of the public by ensuring the massage service provider is properly educated, trained or skilled in modalities, the risks and benefits of massage therapy, and in so doing, they pose a threat to the wellbeing of the citizens of this State. Nor are the aiders and abettors of unlicensed practice concerned about the safety and welfare of the individuals actually practicing the massage therapy – individuals who are often subjected to unwanted advances by clientele or, worse, forced prostitution. In summary, the Board recognizes that many of the individuals performing unlicensed massages are themselves victims/survivors of the insidious behaviors and financial motives of the aiders and abettors.

The economic impact of unlicensed practice on the State’s economy and on legitimate massage business owners are factors to be considered. Owners of unlicensed businesses divert clients/customers away from legitimate massage business owners who have invested their time

and resources, negatively impacting their earning potential. Moreover, they hurt the State's economy by not reporting their income and paying taxes.

Furthermore, as mentioned above, the investigation of the increasing numbers of complaints against unlicensed practice diverts the Board's limited resources, considering the Board does not have legal authority over unlicensed individuals. In Fiscal Year 2019, 17% of all complaints received were against unlicensed practice; Fiscal Year 2020-18%; Fiscal Year 2021- 40%; Fiscal Year 2022- 23% and Fiscal Year 2023- 33%.

As it stands, unlicensed practice is a misdemeanor, and these cases are seldom pursued by local law enforcement. Fines imposed on individuals who aid and abet the unlicensed practice of massage should be higher and more severe than those for individuals who engage in the unlicensed practice of massage. A felony conviction, with hefty fines or imprisonment will act as a deterrent and provide a much-needed tool for law enforcement to pursue these cases.

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](mailto: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](mailto: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.*