



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

2024 SESSION POSITION PAPER

BILL NO: HB 1498
COMMITTEE: HGO
POSITION: Support

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; 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.