



DEPARTMENT OF HEALTH

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Maryland Board of Massage Therapy Examiners
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2026 SESSION POSITION PAPER

BILL NO: SB 294
COMMITTEE: Judicial Proceedings
POSITION: Support With Amendment

TITLE: Criminal Procedure-Protection of Identity of Victim of Sexual Assault or Stalking
BILL ANALYSIS: This bill would prohibit courts and certain third parties involved in criminal or juvenile delinquency proceedings from providing unredacted records identifying victims of sexual assault or stalking.

POSITION AND RATIONALE: The Maryland Board of Massage Therapy Examiners (the “Board”) supports SB 294 with amendment.

The Board is a health occupations regulatory board established by the Maryland General Assembly and charged with protecting the health, safety, and welfare of the citizens of Maryland. The Board fulfills this mandate by licensing qualified massage therapy professionals and by investigating complaints received from the public and law enforcement alleging violations of the Board’s statutes and regulations, as well as applicable criminal laws. Unfortunately, the Board all too often receives reports from individuals regarding inappropriate sexual contact during the provision of a massage. Moreover, the Board occasionally receives reports from law enforcement regarding victims of a sexual assault by a licensee or registrant of the Board. In the latter example, the victim may not have been aware of the Board or its regulatory authority and therefore did not file a complaint directly with the Board. Regardless, the Board treats these cases with the utmost seriousness and urgency to uphold its mission to protect the public.

The Board strongly supports efforts to protect the privacy and identity of victims of sexual assault and stalking, particularly minors. Safeguarding vulnerable victims is a critical public policy goal, and the Board recognizes the importance of minimizing further harm to these individuals.

However, as currently drafted, SB 294 would significantly limit the Board’s access to identifying information regarding **adult victims** in cases involving licensed or registered massage therapy professionals. Such restrictions would impede the Board’s, as well as nearly two dozen other health occupations boards, ability to conduct thorough and timely investigations, including contacting potential witnesses and gathering necessary evidence. Without access to this

information, the Board's capacity to effectively investigate and administratively prosecute licensees and registrants who may pose a risk to the public would be compromised.

The Board does not seek public disclosure of victim identities. Rather, it requires limited, confidential access to identifying information solely for official investigatory and enforcement purposes, consistent with its statutory obligations and existing confidentiality protections. To be sure, victim information is never re-disclosed, and all identifying information regarding the victim is carefully shielded if the matter results in a final public order.

For all of these reasons, the Board of Massage Therapy Examiners supports SB 294 and respectfully requests an amendment to exempt the Board from the bill's restrictions and to allow the Board to continue to access this vital information solely for its regulatory investigations and enforcement actions. Such an amendment would preserve critical victim protection while ensuring that the Board can continue to fulfill its public safety mission. The Board would also be amenable to a provision specifically prohibiting redisclosure, similar to the provision in the Confidentiality of Medical Records Act, Md. Code Ann., Health-Gen. § 4-301 *et seq.*, which allows the health regulatory boards access to confidential medical records for investigative purposes, but strictly prohibits the re-disclosure of those records without the consent of the patient.

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 boards at [443-794-4757](tel: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.