

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1327

(Delegate Martinez, et al.)

Health and Government Operations

Finance

Maryland Department of Health - Body Altering Aesthetics Advisory Committee

This bill establishes the Body Altering Aesthetics Advisory Committee within the Maryland Department of Health (MDH). The advisory committee is chaired by the Secretary of Health (or designee) and must meet at least twice each year. A member of the advisory committee may not receive compensation but is entitled to reimbursement for expenses under standard State travel regulations. The advisory committee must submit to the Governor and the General Assembly (1) by December 1, 2024, an interim report on the advisory committee's establishment and activities (including any preliminary findings and recommendations); and (2) by December 1, 2025, a final report on the advisory committee's findings and recommendations. The bill takes effect July 1, 2024, and terminates June 30, 2026.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$80,300 in FY 2025 and by \$70,100 in FY 2026 for personnel. Any expense reimbursements for members of the advisory committee are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

Table with 6 columns: (in dollars), FY 2025, FY 2026, FY 2027, FY 2028, FY 2029. Rows include Revenues, GF Expenditure, and Net Effect.

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: “Body altering aesthetics industry” means the subset of the health care industry that combines the practice of various health occupations, including massage therapy, nursing, and medicine, with the aesthetic aspirations of patients and uses a variety of medical techniques including biomechanics, bioengineering, and biohacking.

The committee must study (including the examination of relevant data, studies, scientific literature, and requirements in other states):

- whether the current health occupations licensing and certification system adequately regulates the body altering aesthetics industry in the State by (1) providing for flexibility in the scope of practice of health occupations to allow health care professionals to participate in the body altering aesthetic industry; (2) providing oversight and policy guidelines for licensees and certificate holders; and (3) protecting the public; and
- whether it is in the best interest of the State to (1) require national certification for health care professionals that participate in the body altering aesthetic industry in the State; or (2) establish a State regulatory entity to certify health care professionals that participate in the body altering aesthetic industry in the State.

Current Law: Twenty health occupations boards share responsibility for regulating various health professions in Maryland. **Exhibit 1** lists the health occupations boards within MDH. With specified exceptions, an individual must be licensed, certified, registered, or permitted by the respective health occupations board before the individual may practice in the State. Licensure, certification, registration, and permit requirements vary by profession but typically require, among other things, specified education and experience, passage of a national and/or State examination, and a criminal history records check.

Exhibit 1
Health Occupations Boards in the Maryland Department of Health

Acupuncture
Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists
Chiropractic
Dental
Dietetic Practice
Environmental Health Specialists
Long-Term Care Administrators (formerly Nursing Home Administrators)
Massage Therapy
Morticians and Funeral Directors
Nursing
Occupational Therapy
Optometry
Pharmacy
Physical Therapy
Physicians
Podiatry
Professional Counselors and Therapists
Psychologists
Residential Child Care Program Professionals
Social Work

Source: Department of Legislative Services

State Expenditures: To implement the bill, MDH advises that it requires additional personnel and approximately \$75,000 in contractual services (across two fiscal years) to provide subject matter expertise to the committee. The Department of Legislative Services agrees with the need for personnel resources but advises that the contractual services are likely not necessary as the committee membership includes representatives who have relevant knowledge and can provide their expertise to support the work of the committee.

Thus, MDH general fund expenditures increase by at least \$80,329 in fiscal 2025, which accounts for the bill's July 1, 2024 effective date. Although not specified in the bill, this analysis assumes that MDH provides staff support for the committee. Therefore, this estimate reflects the cost of hiring one full-time contractual administrator to provide staff support for the committee and submit the specified reports. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1.0
Salary and Fringe Benefits	\$72,803
Operating Expenses	<u>7,526</u>
Total FY 2025 State Expenditures	\$80,329

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses and termination of the committee at the end of fiscal 2026.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

Additional Comments: The Convalescent Synergistic Lymphatic Therapy Organization was founded in 2020 by the American Council of the Body Altering Aesthetics industry with the stated mission of creating a safe environment by emphasizing precautions, safety among medical staff, quality education, trustworthy resources, and welfare of patients.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

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

Fiscal Note History: First Reader - March 8, 2024
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