
By: Senators Teitelbaum, Hoffman, Stoltzfus, Pinsky, Sfikas, and Forehand

Introduced and read first time: February 1, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 1996

CHAPTER _____

1 AN ACT concerning

2 **State Board of Nursing - ~~License~~ Certification of Massage Therapists**

3 FOR the purpose of requiring the State Board of Nursing to adopt regulations for the
4 ~~license~~ certification and practice of massage therapists; defining certain terms;
5 authorizing the Board of Nursing to set certain fees; establishing the Massage
6 Therapy Advisory Committee within the Board of Nursing; specifying the powers
7 and duties of the Advisory Committee; requiring an individual to be ~~licensed~~
8 certified by the Board of Nursing before the individual may practice massage
9 therapy; making certain exceptions; specifying the qualifications for a certain ~~license~~
10 certificate; authorizing the issuance and renewal of a certain ~~license~~ certificate;
11 establishing certain grounds for discipline; providing that this Act does not limit the
12 rights of certain individuals to practice certain occupations; prohibiting certain acts;
13 making certain exceptions; establishing certain penalties; providing for the
14 construction of this Act; requiring the initial members of the Massage Therapy
15 Advisory Committee to be eligible to be ~~licensed~~ certified under this Act; providing
16 for the effective date of this Act; and generally relating to the ~~license~~ certification
17 of individuals to practice massage therapy in this State.

18 BY adding to

19 Article - Health Occupations
20 Section 8-7A-01 through 8-7A-10, inclusive, to be under the new subtitle "Subtitle
21 7A. ~~License~~ Certification of Massage Therapists"
22 Annotated Code of Maryland
23 (1994 Replacement Volume and 1995 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Health Occupations**

2 SUBTITLE 7A. ~~LICENSURE~~ CERTIFICATION OF MASSAGE THERAPISTS.

3 8-7A-01.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "BOARD" MEANS THE STATE BOARD OF NURSING.

7 (C) "~~LICENSE CERTIFICATE~~" MEANS, UNLESS THE CONTEXT REQUIRES
8 OTHERWISE, A ~~LICENSE CERTIFICATE~~ ISSUED BY THE BOARD TO PRACTICE
9 MASSAGE THERAPY.

10 (D) "~~LICENSED CERTIFIED~~ MASSAGE THERAPIST" MEANS AN INDIVIDUAL
11 WHO IS ~~LICENSED CERTIFIED~~ BY THE BOARD TO PRACTICE MASSAGE THERAPY.

12 (E) "MASSAGE THERAPY ADVISORY COMMITTEE" MEANS THE COMMITTEE
13 ESTABLISHED UNDER § 8-7A-04 OF THIS SUBTITLE.

14 (F) (1) "MASSAGE THERAPY" MEANS THE ~~MANIPULATION OF USE OF~~
15 MANUAL TECHNIQUES ON SOFT TISSUES OF THE HUMAN BODY ~~BY MANUAL~~
16 ~~TECHNIQUES~~ INCLUDING EFFLEURAGE (STROKING), PETRISSAGE (KNEADING),
17 TAPOTEMENT (TAPPING), STRETCHING, COMPRESSION, VIBRATION, AND FRICTION,
18 WITH OR WITHOUT THE AID OF HEAT LIMITED TO HOT PACKS AND HEATING PADS,
19 COLD WATER, OR NONLEGEND TOPICAL APPLICATIONS, FOR THE PURPOSE OF
20 IMPROVING CIRCULATION, ENHANCING MUSCLE RELAXATION, RELIEVING
21 MUSCULAR PAIN, REDUCING STRESS, OR PROMOTING HEALTH AND WELL-BEING.

22 (2) "MASSAGE THERAPY" DOES NOT INCLUDE:

23 (I) THE DIAGNOSIS OR TREATMENT OF ILLNESS OR DISEASE; OR

24 (II) ~~ADJUSTING THE ADJUSTMENT, MANIPULATION, OR~~
25 MOBILIZATION OF ANY OF THE ARTICULATIONS OF THE OSSEOUS STRUCTURES OF
26 THE BODY OR SPINE.

27 (G) "PRACTICE MASSAGE THERAPY" MEANS TO ENGAGE PROFESSIONALLY
28 AND FOR COMPENSATION IN MASSAGE THERAPY WHILE REPRESENTING ONESELF
29 TO BE A ~~LICENSED CERTIFIED~~ MASSAGE THERAPIST.

30 8-7A-02.

31 THE BOARD SHALL ADOPT REGULATIONS FOR THE ~~LICENSURE~~
32 CERTIFICATION AND PRACTICE OF MASSAGE THERAPISTS.

33 8-7A-03.

34 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND
35 RENEWAL OF ~~LICENSES CERTIFICATES~~ AND THE OTHER SERVICES IT PROVIDES TO
36 MASSAGE THERAPISTS.

1 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO
2 APPROXIMATE THE COST OF MAINTAINING THE ~~LICENSE~~ CERTIFICATION
3 PROGRAM, AND THE OTHER SERVICES PROVIDED TO MASSAGE THERAPISTS.

4 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
5 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER OF THE STATE.

6 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE STATE
7 BOARD OF NURSING FUND ESTABLISHED UNDER § 8-206 OF THIS TITLE.

8 (C) THE FEES SHALL BE USED EXCLUSIVELY TO COVER THE ACTUAL
9 DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND
10 REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS
11 SUBTITLE.

12 8-7A-04.

13 (A) (1) THERE IS A MASSAGE THERAPY ADVISORY COMMITTEE WITHIN THE
14 BOARD.

15 (2) THE COMMITTEE SHALL CONSIST OF ~~FIVE~~ SIX MEMBERS APPOINTED
16 BY THE BOARD.

17 (3) OF THE ~~FIVE~~ SIX MEMBERS:

18 (I) TWO SHALL BE REGISTERED NURSES WHO ARE ALSO
19 ~~LICENSED~~ CERTIFIED MASSAGE THERAPISTS; ~~AND~~

20 (II) THREE SHALL BE ~~LICENSED~~ CERTIFIED MASSAGE
21 THERAPISTS; ~~AND~~

22 (III) ONE SHALL BE A LICENSED CHIROPRACTOR WITH PHYSICAL
23 THERAPY PRIVILEGES.

24 (B) IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN
25 THIS SUBTITLE, THE ADVISORY COMMITTEE SHALL:

26 (1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO
27 CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

28 (2) DEVELOP AND RECOMMEND TO THE BOARD A CODE OF ETHICS FOR
29 THE PRACTICE OF MASSAGE THERAPY FOR ADOPTION BY THE BOARD;

30 (3) DEVELOP AND RECOMMEND TO THE BOARD THE REQUIREMENTS
31 FOR ~~LICENSE~~ CERTIFICATION AS A MASSAGE THERAPIST;

32 (4) EVALUATE THE CREDENTIALS OF APPLICANTS AND RECOMMEND
33 TO THE BOARD ~~LICENSE~~ CERTIFICATION OF APPLICANTS WHO FULFILL THE
34 REQUIREMENTS FOR A ~~LICENSE~~ CERTIFICATE TO PRACTICE MASSAGE THERAPY;

35 (5) CONSIDER COMPLAINTS BROUGHT TO THE BOARD INVOLVING
36 ~~LICENSED~~ CERTIFIED MASSAGE THERAPISTS AND RECOMMEND TO THE BOARD THE
37 APPROPRIATE DISCIPLINARY ACTION;

4

1 (6) EVALUATE EDUCATION PROGRAMS IN MASSAGE THERAPY FOR
2 APPROVAL BY THE BOARD;

3 (7) KEEP A RECORD OF ITS PROCEEDINGS; AND

4 (8) SUBMIT AN ANNUAL REPORT TO THE BOARD.

5 8-7A-05.

6 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN
7 INDIVIDUAL SHALL BE ~~LICENSED~~ CERTIFIED BY THE BOARD BEFORE THE
8 INDIVIDUAL MAY PRACTICE MASSAGE THERAPY IN THIS STATE.

9 (2) THIS SECTION DOES NOT APPLY TO:

10 (I) A STUDENT ENROLLED IN AN APPROVED EDUCATION
11 PROGRAM AS DETERMINED BY THE BOARD WHILE PRACTICING MASSAGE THERAPY
12 IN THAT PROGRAM;

13 (II) AN INDIVIDUAL PERMITTED TO PRACTICE MASSAGE THERAPY
14 UNDER REGULATIONS ADOPTED BY THE BOARD, IF THE INDIVIDUAL:

15 1. OTHERWISE HAS QUALIFIED TO PRACTICE MASSAGE
16 THERAPY IN ANY OTHER STATE OR COUNTRY THAT HAS SUBSTANTIALLY SIMILAR
17 REQUIREMENTS FOR AUTHORIZATION TO PRACTICE MASSAGE THERAPY AND THE
18 INDIVIDUAL IS IN THIS STATE FOR NO MORE THAN 7 DAYS; OR

19 2. HAS AN APPLICATION FOR A ~~LICENSE~~ CERTIFICATE
20 PENDING BEFORE THE BOARD BUT HAS NOT TAKEN THE EXAMINATION REQUIRED
21 UNDER THIS SECTION OR HAS TAKEN AN EXAMINATION UNDER THIS SECTION, BUT
22 THE RESULTS OF THE EXAMINATION ARE NOT YET KNOWN;

23 (III) A FAMILY MEMBER PRACTICING MASSAGE THERAPY ON
24 ANOTHER FAMILY MEMBER;

25 (IV) AN ATHLETIC TRAINER WHILE FUNCTIONING IN THE COURSE
26 OF THE ATHLETIC TRAINER'S PROFESSIONAL CAPACITY; ~~OR~~

27 (V) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT
28 TO PRACTICE MASSAGE THERAPY WHILE PRACTICING WITHIN THE SCOPE OF THE
29 INDIVIDUAL'S EMPLOYMENT;

30 (VI) AN INDIVIDUAL WHO IS WORKING IN A FACILITY THAT
31 PROVIDES HEALTH CLUB SERVICES FOR WHICH THE SELLER OF THE SERVICES HAS
32 REGISTERED WITH THE CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE
33 ATTORNEY GENERAL AS REQUIRED UNDER § 14-12B-02 OF THE COMMERCIAL LAW
34 ARTICLE; OR

35 (VII) AN INDIVIDUAL WORKING IN A BEAUTY SALON FOR WHICH
36 THE PERSON WHO OPERATES THE BEAUTY SALON HAS OBTAINED A PERMIT FROM
37 THE STATE BOARD OF COSMETOLOGY AS REQUIRED UNDER § 5-501 OF THE
38 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

5

1 (B) TO QUALIFY FOR A ~~LICENSE~~ CERTIFICATE, AN APPLICANT SHALL BE AN
2 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

3 (C) THE APPLICANT MUST BE OF GOOD MORAL CHARACTER.

4 (D) THE APPLICANT MUST BE AT LEAST 18 YEARS OLD.

5 (E) AFTER JANUARY 1, ~~2000~~ 2002, THE APPLICANT SHALL HAVE
6 SATISFACTORILY COMPLETED AT LEAST 60 CREDIT HOURS OF EDUCATION AT AN
7 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10-101 OF THE EDUCATION
8 ARTICLE AND AS APPROVED BY THE BOARD IN CONSULTATION WITH THE
9 MARYLAND HIGHER EDUCATION COMMISSION.

10 (F) THE APPLICANT SHALL:

11 (1) COMPLETE 500 HOURS OF EDUCATION IN A BOARD APPROVED
12 PROGRAM FOR THE STUDY OF MASSAGE THERAPY THAT INCLUDES THE
13 FOLLOWING AREAS OF CONTENT:

14 (I) ANATOMY AND PHYSIOLOGY;

15 (II) MASSAGE THEORY, TECHNIQUES, AND PRACTICE;

16 (III) CONTRAINDICATIONS TO MASSAGE THERAPY; AND

17 (IV) PROFESSIONAL ETHICS; AND

18 (2) PASS AN EXAMINATION APPROVED BY THE BOARD.

19 (G) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
20 SUBSECTION, THE BOARD MAY WAIVE ANY OF THE QUALIFICATIONS REQUIRED
21 FOR A ~~LICENSE~~ CERTIFICATE UNDER THIS SUBTITLE FOR AN APPLICANT WHO:

22 (I) PAYS THE APPLICATION FEE SET BY THE BOARD;

23 (II) PROVIDES EVIDENCE ACCEPTABLE TO THE BOARD THAT THE
24 APPLICANT HAS PRACTICED MASSAGE THERAPY FOR AT LEAST A TOTAL OF 2 YEARS
25 AFTER OCTOBER 1, 1994 AND BEFORE OCTOBER 1, 1999 AND HAS PERFORMED AT
26 LEAST 300 PAID MASSAGE THERAPY SESSIONS; AND

27 (III) 1. COMPLETES A BOARD APPROVED PROGRAM IN THE
28 STUDY OF MASSAGE THERAPY; OR

29 2. PASSES AN EXAMINATION APPROVED BY THE BOARD.

30 (2) THE AUTHORITY OF THE BOARD TO GRANT A WAIVER UNDER THIS
31 SUBSECTION SHALL TERMINATE ON JANUARY 1, ~~2000~~ 2002.

32 (H) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE BOARD
33 MAY WAIVE ANY REQUIREMENT OF THIS SUBTITLE FOR AN APPLICANT WHO IS
34 REGISTERED, CERTIFIED, OR LICENSED TO PRACTICE MASSAGE THERAPY IN
35 ANOTHER STATE.

36 (2) THE BOARD MAY GRANT A WAIVER UNDER THIS SUBSECTION ONLY
37 IF THE APPLICANT:

6

1 (I) PAYS THE APPLICATION FEE SET BY THE BOARD; AND

2 (II) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

3 1. HAS COMPLETED EDUCATIONAL REQUIREMENTS THAT
4 THE BOARD DETERMINES TO BE EQUIVALENT TO THE BOARD APPROVED
5 EDUCATIONAL REQUIREMENTS IN THIS STATE; AND

6 2. AT THE TIME THE APPLICANT BECAME CERTIFIED,
7 REGISTERED, OR LICENSED IN THE OTHER STATE, PASSED IN THAT STATE OR ANY
8 OTHER STATE AN EXAMINATION THAT THE BOARD DETERMINES TO BE
9 EQUIVALENT TO THE EXAMINATION REQUIRED IN THIS STATE; AND

10 3. IS OF GOOD MORAL CHARACTER.

11 8-7A-06.

12 TO APPLY FOR A ~~LICENSE~~ CERTIFICATE, AN APPLICANT SHALL:

13 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
14 BOARD REQUIRES;

15 (2) SUBMIT TO THE BOARD EVIDENCE OF COMPLIANCE WITH THE
16 REQUIREMENTS OF § 8-7A-05 OF THIS SUBTITLE; AND

17 (3) PAY THE APPLICATION FEE SET BY THE BOARD.

18 8-7A-07.

19 (A) A ~~LICENSE~~ CERTIFICATE EXPIRES ON THE 28TH DAY OF THE BIRTH
20 MONTH OF THE ~~LICENSEE~~ CERTIFICATE HOLDER, UNLESS THE ~~LICENSE~~
21 CERTIFICATE IS RENEWED FOR A ~~2-YEAR~~ 1-YEAR TERM AS PROVIDED IN THIS
22 SECTION.

23 (B) AT LEAST 1 MONTH BEFORE THE ~~LICENSE~~ CERTIFICATE EXPIRES, THE
24 BOARD SHALL SEND TO THE ~~LICENSEE~~ CERTIFICATE HOLDER, BY FIRST-CLASS MAIL
25 TO THE LAST KNOWN ADDRESS OF THE ~~LICENSEE~~ CERTIFICATE HOLDER, A
26 RENEWAL NOTICE THAT STATES:

27 (1) THE DATE ON WHICH THE CURRENT ~~LICENSE~~ CERTIFICATE
28 EXPIRES;

29 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
30 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
31 THE ~~LICENSE~~ CERTIFICATE EXPIRES; AND

32 (3) THE AMOUNT OF THE RENEWAL FEE.

33 (C) BEFORE A ~~LICENSE~~ CERTIFICATE EXPIRES, THE ~~LICENSEE~~ CERTIFICATE
34 HOLDER PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL TERM, IF THE
35 ~~LICENSEE~~ CERTIFICATE HOLDER:

36 (1) OTHERWISE IS ENTITLED TO BE ~~LICENSED~~ CERTIFIED;

7

1 (2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
2 THAT THE BOARD REQUIRES; AND

3 (3) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD.

4 (D) (1) EACH LICENSEE CERTIFICATE HOLDER SHALL NOTIFY THE BOARD
5 IN WRITING OF ANY CHANGE IN THE NAME OR ADDRESS OF THE LICENSEE
6 CERTIFICATE HOLDER WITHIN 60 DAYS AFTER THE CHANGE OCCURRED.

7 (2) IF A LICENSEE CERTIFICATE HOLDER FAILS TO NOTIFY THE BOARD
8 WITHIN THE TIME REQUIRED UNDER THIS SUBSECTION, SUBJECT TO THE HEARING
9 PROVISIONS OF § 8-317 OF THIS TITLE, THE BOARD MAY IMPOSE AN
10 ADMINISTRATIVE PENALTY OF \$100.

11 (E) THE BOARD SHALL RENEW THE LICENSE CERTIFICATE OF EACH
12 LICENSEE CERTIFICATE HOLDER WHO MEETS THE REQUIREMENTS OF THIS
13 SECTION.

14 8-7A-08.

15 (A) SUBJECT TO THE HEARING PROVISIONS OF § 8-317 OF THIS TITLE, THE
16 BOARD MAY DENY A LICENSE CERTIFICATE TO ANY APPLICANT, REPRIMAND ANY
17 LICENSEE CERTIFICATE HOLDER, PLACE ANY LICENSEE CERTIFICATE HOLDER ON
18 PROBATION, OR SUSPEND OR REVOKE THE LICENSE CERTIFICATE OF A LICENSEE
19 CERTIFICATE HOLDER IF THE APPLICANT OR LICENSEE CERTIFICATE HOLDER:

20 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
21 OBTAIN A LICENSE CERTIFICATE FOR THE APPLICANT OR FOR ANOTHER;

22 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE CERTIFICATE;

23 (3) IS DISCIPLINED BY A LICENSING, CERTIFYING, OR DISCIPLINARY
24 AUTHORITY OF ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED
25 BY A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS
26 FOR DISCIPLINARY ACTION UNDER THIS SECTION;

27 (4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
28 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY
29 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
30 SET ASIDE;

31 (5) WILLFULLY AND KNOWINGLY:

32 (I) FILES A FALSE REPORT OR RECORD OF AN INDIVIDUAL
33 UNDER THE CARE OF THE LICENSEE CERTIFICATE HOLDER; OR

34 (II) GIVES ANY FALSE OR MISLEADING INFORMATION ABOUT A
35 MATERIAL MATTER IN AN EMPLOYMENT APPLICATION;

36 (6) KNOWINGLY DOES ANY ACT THAT HAS BEEN DETERMINED BY THE
37 BOARD, IN ITS REGULATIONS, TO EXCEED THE SCOPE OF PRACTICE AUTHORIZED
38 TO THE INDIVIDUAL UNDER THIS SUBTITLE;

39 (7) PROVIDES PROFESSIONAL SERVICES WHILE:

8

1 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

2 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
3 SUBSTANCE, AS DEFINED IN ARTICLE 27 OF THE CODE, OR OTHER DRUG THAT IS IN
4 EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

5 (8) DOES AN ACT THAT IS INCONSISTENT WITH GENERALLY ACCEPTED
6 PROFESSIONAL STANDARDS IN THE PRACTICE OF MASSAGE THERAPY;

7 (9) IS NEGLIGENT IN THE PRACTICE OF MASSAGE THERAPY;

8 (10) IS PROFESSIONALLY INCOMPETENT;

9 (11) HAS VIOLATED ANY PROVISION OF THIS SUBTITLE;

10 (12) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

11 (13) IS PHYSICALLY OR MENTALLY INCOMPETENT;

12 (14) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN
13 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

14 (15) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST
15 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES
16 FOR WHICH THE ~~LICENSEE~~ CERTIFICATE HOLDER IS QUALIFIED TO RENDER
17 BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

18 (16) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION WHERE
19 IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR
20 DISEASE CONTROL'S GUIDELINES ON UNIVERSAL PRECAUTIONS;

21 (17) IS HABITUALLY INTOXICATED;

22 (18) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR
23 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN ARTICLE 27 OF THE CODE;

24 (19) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION
25 CONDUCTED BY THE BOARD;

26 (20) ENGAGES IN CONDUCT THAT VIOLATES THE PROFESSIONAL CODE
27 OF ETHICS; OR

28 (21) KNOWINGLY DOES AN ACT THAT HAS BEEN DETERMINED BY THE
29 BOARD TO BE A VIOLATION OF THE BOARD'S REGULATIONS.

30 (B) IF, AFTER A HEARING UNDER § 8-317 OF THIS TITLE, THE BOARD FINDS
31 THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND
32 OR REVOKE A ~~LICENSEE~~ CERTIFICATE TO PRACTICE MASSAGE THERAPY, TO
33 REPRIMAND A ~~LICENSEE~~ CERTIFICATE HOLDER, OR PLACE A ~~LICENSEE~~
34 CERTIFICATE HOLDER ON PROBATION, THE BOARD MAY IMPOSE A PENALTY NOT
35 EXCEEDING \$5,000 IN LIEU OF OR IN ADDITION TO SUSPENDING OR REVOKING THE
36 ~~LICENSEE~~ CERTIFICATE, REPRIMANDING THE ~~LICENSEE~~ CERTIFICATE HOLDER, OR
37 PLACING THE ~~LICENSEE~~ CERTIFICATE HOLDER ON PROBATION.

9

1 (C) (1) AN INDIVIDUAL WHOSE ~~LICENSE~~ CERTIFICATE HAS BEEN
2 SUSPENDED OR REVOKED BY THE BOARD SHALL RETURN THE ~~LICENSE~~
3 CERTIFICATE TO THE BOARD.

4 (2) IF THE SUSPENDED OR REVOKED ~~LICENSE~~ CERTIFICATE HAS BEEN
5 LOST, THE INDIVIDUAL SHALL FILE WITH THE BOARD A VERIFIED STATEMENT TO
6 THAT EFFECT.

7 (D) THE BOARD SHALL FILE A NOTICE FOR PUBLICATION IN THE EARLIEST
8 PUBLICATION OF THE MARYLAND REGISTER OF EACH REVOCATION OR
9 SUSPENSION OF A ~~LICENSE~~ CERTIFICATE UNDER THIS SECTION WITHIN 24 HOURS OF
10 THE REVOCATION OR SUSPENSION.

11 8-7A-09.

12 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE
13 OR ADVERTISE AN OCCUPATION THAT THE INDIVIDUAL IS OTHERWISE
14 AUTHORIZED TO PRACTICE UNDER THE MARYLAND ANNOTATED CODE.

15 8-7A-10.

16 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL
17 MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE MASSAGE
18 THERAPY IN THIS STATE UNLESS ~~LICENSED~~ CERTIFIED BY THE BOARD.

19 (B) AN INDIVIDUAL WHO IS NOT ~~LICENSED~~ CERTIFIED AS A MASSAGE
20 THERAPIST UNDER THIS SUBTITLE MAY NOT ADVERTISE OR CLAIM BY TITLE,
21 ABBREVIATION, SIGN, CARD, OR ANY OTHER REPRESENTATION THAT THE
22 INDIVIDUAL PRACTICES MASSAGE, MASSAGE THERAPY, MYOTHERAPY, OR ANY
23 SYNONYM OR DERIVATION OF THESE TERMS.

24 (C) ANY INDIVIDUAL WHO VIOLATES A PROVISION OF THIS SUBSECTION IS
25 GUILTY OF A MISDEMEANOR AND ON CONVICTION SHALL BE SUBJECT TO A FINE
26 NOT EXCEEDING \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.

27 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the fact
28 that the services are provided within the scope of practice of a certified massage therapist,
29 nothing in this Act may be construed to require a nonprofit health service plan, an
30 insurer, health maintenance organization, or person acting as a third party administrator
31 to reimburse a ~~licensed~~ a certified massage therapist for any services rendered.

32 SECTION 3. AND BE IT FURTHER ENACTED, That the initial members of the
33 Massage Therapy Advisory Committee appointed in accordance with § 8-7A-04 of this
34 Act shall be eligible to be certified under the provisions of § 8-7A-05 of this Act.

35 SECTION 4. AND BE IT FURTHER ENACTED, That the changes to the Health
36 Occupations Article made by §§ 8-7A-01, 8-7A-02, 8-7A-03, and 8-7A-04 shall take
37 effect October 1, 1996, and the changes to the Health Occupations Article made by §§
38 8-7A-05, 8-7A-06, 8-7A-07, 8-7A-08, 8-7A-09, and 8-7A-10 shall take effect January
39 1, 1998.

40 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of
41 this Act, this Act shall take effect October 1, 1997.

