

**Department of Legislative Services**  
 Maryland General Assembly  
 2001 Session

**FISCAL NOTE**

House Bill 1002 (Delegates Frush and Baldwin)  
 Environmental Matters

**State Board of Chiropractic Examiners - Registration of Energy Practitioners**

This bill requires the Board of Chiropractic Examiners to register energy practitioners. The bill also establishes a six-member energy practitioner advisory committee within the board.

The bill takes effect June 1, 2001.

**Fiscal Summary**

**State Effect:** Special fund expenditures could increase by \$61,200 in FY 2002. Future year expenditures reflect annualization and inflation. Special fund revenues could increase by \$125,800 in FY 2002. Future year revenues reflect biennial certification and registration renewals.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
SF Revenue	\$125,800	\$4,500	\$130,300	\$9,000	\$134,800
SF Expenditure	61,200	72,400	76,200	80,400	84,800
Net Effect	\$64,600	(\$67,900)	\$54,100	(\$71,400)	\$50,000

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

**Local Effect:** None.

**Small Business Effect:** Potential meaningful. Individuals who practice both massage therapy and energy therapy would be required to maintain double certification and registration for both therapies.

## Analysis

**Bill Summary:** Energy therapy means the laying of hands on a clothed individual to affect the human energy field. It includes the following modalities: (1) shiatsu; (2) polarity; (3) reflexology; (4) reiki; (5) jin shin jyutsu; (6) healing touch; (7) zero balancing; (8) kinesiology; (9) bowen technique; and (10) therapeutic touch.

The advisory committee must recommend to the board: (1) regulations to carry out the bill's requirements; (2) a code of conduct and a code of ethics for the practice of energy therapy; (3) the requirements for registration as an energy practitioner; (4) the registration of qualified applicants based on an evaluation of their credentials; (5) appropriate disciplinary action for complaints against energy practitioners; and (6) energy therapy programs and modalities. In addition, the committee must keep a record of its proceedings and submit an annual report to the board.

To qualify for registration, an applicant must: (1) be of good moral character; (2) be at least 18 years old; and (3) either be certified by or have completed a program approved by the appropriate therapy association, or have completed a minimum of 100 hours of training approved by the board in the appropriate modality. Until January 1, 2003, the board may waive any of the qualifications required for registration for an applicant, who provides evidence that he or she has practiced energy therapy for at least two years between October 1, 1996 and October 1, 2002 and has performed at least 200 paid energy therapy sessions.

The bill also gives the board authority to take disciplinary action against a registration holder and establishes professional standards for registration holders.

**Current Law:** The Board of Chiropractic Examiners currently regulates massage therapists and nontherapeutic massage practitioners. An individual must be certified by the board to practice massage therapy or registered to practice nontherapeutic massage (in a setting that is not a health care facility as required by regulation). Biennial registration and certification fees are both \$200.

**State Expenditures:** Special fund expenditures could increase by an estimated \$61,204 in fiscal 2002, which reflects a 90-day start-up delay. This estimate reflects the cost of one health occupations investigator and one administrative officer to assist in registering energy practitioners and investigate complaints.

Salaries and Fringe Benefits	\$49,796
Operating Expenses	<u>11,408</u>
<b>Total FY 2002 Expenditures</b>	<b>\$61,204</b>

Future year expenditures reflect: (1) full salaries with 6.5% annual increases in fiscal 2003, 4.5% annual increases thereafter, with 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

**State Revenues:** The Board of Chiropractic Examiners currently certifies or registers approximately 1,600 massage therapists and nontherapeutic massage practitioners. The board estimates that of the modalities that fall under the practice of energy therapy: (1) 200-300 individuals practice shiatsu and are currently certified or registered to practice massage therapy or nontherapeutic massage; (2) 30-50 individuals practice reflexology and are currently certified or registered to practice massage therapy or nontherapeutic massage; and (3) 150 individuals practice another modality and are not currently certified or registered by the board.

The Department of Legislative Services advises that many individuals who practice shiatsu and reflexology may also practice therapies that would continue to fall within the practice of massage therapy and therefore would continue to require certification or registration for the practice of massage therapy or nontherapeutic massage. These individuals would be required to maintain registration or certification for massage therapy as well as obtain registration to practice energy therapy.

Accordingly, special fund revenues would increase by an estimated \$125,800 in fiscal 2002, which reflects a \$172,400 special revenue fund increase from energy practitioner registration and a \$46,600 special fund revenue reduction from individuals who discontinue certification or registration as massage therapists or nontherapeutic massage practitioners. This estimate is based on the following facts and assumptions:

- 100 certified or registered massage therapists practice shiatsu and massage therapy and would require certification and registration in both therapies;
- 17 certified or registered massage therapists practice reflexology and massage therapy and would require certification and registration in both therapies;
- 200 certified or registered massage therapists practice shiatsu only and would discontinue certification or registration as a massage therapist and would register as energy practitioners;
- 33 certified or registered massage therapists practice reflexology only and would discontinue certification or registration as a massage therapist and would register as energy practitioners;

- 150 other individuals practice energy therapy modalities, are not currently certified or registered to practice massage therapy, and would register as energy practitioners; and
- the board will set a \$450 biennial registration fee to offset expenditures associated with registering energy practitioners.

Future year estimates reflect biennial certification and registration renewals and assume ten new energy practitioners register each year.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene (Boards and Commissions), Department of Legislative Services

**Fiscal Note History:** First Reader – February 26, 2001  
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