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By: **Delegate Hubbard**

Introduced and read first time: February 6, 2002

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2                           **State Board of Chiropractic Examiners - Massage Therapy Advisory**  
3                           **Committee**

4 FOR the purpose of altering the membership and selection process of the Massage  
5 Therapy Advisory Committee; authorizing the State Board of Chiropractic  
6 Examiners to decline to adopt a recommendation of the Advisory Committee  
7 only if the Board makes certain findings; authorizing the Massage Therapy  
8 Advisory Committee to perform certain acts; requiring the Board provide a  
9 certain written explanation on declining to adopt a Committee recommendation;  
10 and generally relating to the Massage Therapy Advisory Committee.

11 BY repealing and reenacting, without amendments,  
12 Article - Health Occupations  
13 Section 3-5A-01(a) and (b)  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume and 2001 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Health Occupations  
18 Section 3-5A-04  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2001 Supplement)

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

23                           **Article - Health Occupations**

24 3-5A-01.

25 (a) In this subtitle the following words have the meanings indicated.

26 (b) "Board" means the State Board of Chiropractic Examiners.

1 3-5A-04.

2 (a) (1) There is a Massage Therapy Advisory Committee within the Board.

3 (2) The ADVISORY Committee shall consist of [six] NINE members  
4 appointed by the [Board.] GOVERNOR FROM A LIST SUBMITTED BY THE AMERICAN  
5 MASSAGE THERAPY ASSN. WITH MARYLAND RESIDENTS WHO ARE MEMBERS OF THE  
6 ASSOCIATED BODYWORK AND MASSAGE PROFESSIONALS OR THE INTERNATIONAL  
7 MASSAGE ASSOCIATION.

8 (3) Of the [six] NINE members:

9 (i) Two shall be licensed chiropractors; [and]

10 (ii) Four shall be certified massage therapists;

11 (III) ONE SHALL BE A CERTIFIED MASSAGE THERAPIST WHO IS AN  
12 EDUCATOR IN THE FIELD OF MASSAGE THERAPY; AND

13 (IV) ONE SHALL BE A CONSUMER OF MASSAGE THERAPY.

14 (b) In addition to the powers and duties set forth elsewhere in this subtitle,  
15 the Advisory Committee shall:

16 (1) Develop and recommend to the Board regulations to carry out the  
17 provisions of this subtitle;

18 (2) Develop and recommend to the Board a code of ethics for the practice  
19 of massage therapy for adoption by the Board;

20 (3) Develop [and recommend to the Board] the requirements for:

21 (i) Certification as a massage therapist; and

22 (ii) Registration as a massage practitioner;

23 (4) Evaluate the credentials of applicants and [recommend to the Board  
24 certification of] CERTIFY applicants who fulfill the requirements for:

25 (i) A certificate to practice massage therapy; or

26 (ii) A registration to practice non-therapeutic massage;

27 (5) Consider complaints brought to the Board involving certified  
28 massage therapists or registered massage practitioners and recommend to the Board  
29 the appropriate disciplinary action;

30 (6) Evaluate AND APPROVE education programs in massage therapy [for  
31 approval by the Board];

32 (7) Keep a record of its proceedings; and

1           (8)       Submit an annual report to the Board.

2       (C)       (1)       THE BOARD MAY DECLINE TO ADOPT A RECOMMENDATION OF THE  
3 ADVISORY COMMITTEE ONLY IF THE BOARD MAKES A SPECIFIC FINDING THAT THE  
4 RECOMMENDATION:

5                   (I)       EXCEEDS THE JURISDICTION OR EXPANDS THE SCOPE OF THE  
6 ADVISORY COMMITTEE BEYOND THE AUTHORITY SPECIFIED IN SUBSECTION (B) OF  
7 THIS SECTION;

8                   (II)       CREATES AN UNDUE FINANCIAL IMPACT ON THE BOARD; OR

9                   (III)       IS NOT SUPPORTED BY THE RECORD.

10               (2)       IF THE BOARD DECLINES TO ADOPT A RECOMMENDATION OF THE  
11 ADVISORY COMMITTEE, THE BOARD SHALL PROVIDE TO EACH ADVISORY  
12 COMMITTEE MEMBER A WRITTEN EXPLANATION OF THE BOARD'S REASON FOR  
13 REJECTING THE ADVISORY COMMITTEE'S RECOMMENDATION.

14       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2002.