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By: **Delegates Hubbard, Bromwell, Eckardt, Holmes, Kullen, Mandel,  
Nathan-Pulliam, and Petzold**

Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Massage Therapy Examiners - Licensure, Registration, and**  
3 **Regulation**

4 FOR the purpose of creating the State Board of Massage Therapy Examiners in the  
5 Department of Health and Mental Hygiene; providing for the composition,  
6 appointment, terms, and expenses of the Board members; establishing certain  
7 powers and duties of the Board; requiring the Board to appoint and establish the  
8 powers and duties of a Board executive director; authorizing the Board to set  
9 certain fees; requiring certain fees collected by the Board to be sent to the  
10 Comptroller of the State; requiring the Comptroller to distribute certain fees to  
11 a certain special fund; requiring certain persons to be licensed or registered by  
12 the Board before an individual may practice massage therapy or nonmedical  
13 massage in the State; establishing certain education, experience, and  
14 examination requirements for licensed massage therapists and registered  
15 massage practitioners; establishing certain requirements for qualifying,  
16 renewing, reinstating, and surrendering a license or registration for massage  
17 therapists and massage practitioners; prohibiting a registered massage  
18 practitioner from practicing nonmedical massage in certain health care  
19 facilities; authorizing the Board to deny a license or registration to an applicant,  
20 refuse to renew a license or registration, reprimand a licensee or registered  
21 practitioner, suspend or revoke a license or registration, or impose certain  
22 penalties under certain circumstances; prohibiting a health care provider from  
23 referring patients to a person who is not a licensed massage therapist; providing  
24 that certain providers of health insurance are not required to reimburse a  
25 licensed massage therapist or registered massage practitioner for services  
26 rendered; establishing certain hearing and appeal procedures for massage  
27 therapists and massage practitioners; requiring the Board to adopt regulations  
28 to establish certain standards for advertising and soliciting of services by  
29 massage therapists and massage practitioners; providing for the use of a trade  
30 name by massage therapists and massage practitioners; providing civil  
31 immunity to certain persons for reviewing certain fees and charges; prohibiting  
32 certain persons from misrepresenting an individual's status of licensure or  
33 registration as a massage therapist or massage practitioner by the Board;  
34 providing certain restrictions on the advertising of nonmedical massage

1 services; providing for certain criminal penalties; requiring that an evaluation of  
2 the Board and the statutes and regulations that relate to the Board be  
3 performed on or before a certain date; defining certain terms; specifying the  
4 terms of the initial members of the Board; providing for the transition from the  
5 Massage Therapy Advisory Committee and the State Board of Chiropractic  
6 Examiners to the State Board of Massage Therapy Examiners regarding the  
7 regulation and licensure and registration of massage therapists and massage  
8 practitioners; requiring the Board to submit a certain report to certain  
9 committees of the General Assembly on or before a certain date; making certain  
10 technical corrections; providing for a delayed effective date for certain provisions  
11 of this Act; and generally relating to the State Board of Massage Therapy  
12 Examiners and licensing, registration, and regulation of massage therapists and  
13 massage practitioners.

14 BY renumbering

15 Article - State Government  
16 Section 8-403(b)(42) through (71), respectively  
17 to be Section 8-403(b)(43) through (72), respectively  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume)

20 BY repealing

21 Article - Health Occupations  
22 Section 3-5A-01 through 3-5A-14, inclusive, and the subtitle "Subtitle 5A.  
23 Certification of Massage Therapists"  
24 Annotated Code of Maryland  
25 (2000 Replacement Volume and 2004 Supplement)

26 BY adding to

27 Article - Health Occupations  
28 Section 6-101 through 6-504 to be under the new title "Title 6. Massage  
29 Therapy"  
30 Annotated Code of Maryland  
31 (2000 Replacement Volume and 2004 Supplement)

32 BY repealing and reenacting, without amendments,

33 Article - State Government  
34 Section 8-403(a)  
35 Annotated Code of Maryland  
36 (2004 Replacement Volume)

37 BY adding to

38 Article - State Government  
39 Section 8-403(b)(42)  
40 Annotated Code of Maryland

1 (2004 Replacement Volume)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That Section(s) 8-403(b)(42) through (71), respectively, of Article -  
4 State Government of the Annotated Code of Maryland be renumbered to be Section(s)  
5 8-403(b)(43) through (72), respectively.

6 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-5A-01  
7 through 3-5A-14, inclusive, and the subtitle "Subtitle 5A. Certification of Massage  
8 Therapists" of Article - Health Occupations of the Annotated Code of Maryland be  
9 repealed.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
11 read as follows:

12 **Article - Health Occupations**

13 **TITLE 6. MASSAGE THERAPY.**

14 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

15 6-101.

16 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

17 (B) "BOARD" MEANS THE STATE BOARD OF MASSAGE THERAPY EXAMINERS.

18 (C) "REGISTRATION" MEANS A CERTIFICATE ISSUED BY THE BOARD TO  
19 PRACTICE NONMEDICAL MASSAGE THERAPY.

20 (D) "REGISTERED MASSAGE PRACTITIONER" MEANS AN INDIVIDUAL WHO IS  
21 REGISTERED BY THE BOARD TO PRACTICE NONMEDICAL MASSAGE.

22 (E) "HEALTH CARE FACILITY" HAS THE MEANING STATED IN § 19-114 OF THE  
23 HEALTH - GENERAL ARTICLE.

24 (F) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE  
25 MASSAGE THERAPY.

26 (G) "LICENSED MASSAGE THERAPIST" MEANS AN INDIVIDUAL WHO IS  
27 LICENSED BY THE BOARD TO PRACTICE MASSAGE THERAPY.

28 (H) (1) "MASSAGE THERAPY" MEANS THE USE OF MANUAL TECHNIQUES ON  
29 SOFT TISSUES OF THE HUMAN BODY FOR THE PURPOSE OF IMPROVING  
30 CIRCULATION, ENHANCING MUSCLE RELAXATION, RELIEVING MUSCULAR PAIN,  
31 REDUCING STRESS, AND PROMOTING HEALTH AND WELL-BEING.

32 (2) "MASSAGE THERAPY" INCLUDES THE USE OF THE MANUAL  
33 TECHNIQUES OF STROKING (EFFLEURAGE), KNEADING (PETRISSAGE), TAPPING

1 (TAPOTEMENT), STRETCHING, COMPRESSION, VIBRATION, AND FRICTION WITH OR  
2 WITHOUT THE AID OF HEAT, COLD, WATER, OR NONLEGEND TOPICAL APPLICATIONS.

3 (3) "MASSAGE THERAPY" DOES NOT INCLUDE:

4 (I) THE DIAGNOSIS OR TREATMENT OF ILLNESS, DISEASE, OR  
5 INJURY;

6 (II) THE ADJUSTMENT, MANIPULATION, OR MOBILIZATION OF ANY  
7 OF THE ARTICULATIONS OF THE OSSEOUS STRUCTURES OF THE HUMAN BODY OR  
8 SPINE; OR

9 (III) THE LAYING OF HANDS, CONSISTING OF PRESSURE OR  
10 MOVEMENT ON A FULLY CLOTHED INDIVIDUAL, TO SPECIFICALLY AFFECT THE  
11 ELECTROMAGNETIC ENERGY OR ENERGETIC FIELD OF THE HUMAN BODY.

12 (4) IN PARAGRAPH (3)(III) OF THIS SUBSECTION, "FULLY CLOTHED" DOES  
13 NOT REQUIRE THE WEARING OF FOOTWEAR.

14 (5) THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION DO NOT  
15 PRECLUDE THE APPLICATION OF THE MODALITIES DESCRIBED IN PARAGRAPH (2) OF  
16 THIS SUBSECTION TO AN INDIVIDUAL WHO HAS AN INJURY.

17 (I) "PRACTICE MASSAGE THERAPY" MEANS TO ENGAGE PROFESSIONALLY  
18 AND FOR COMPENSATION IN MASSAGE THERAPY.

19 (J) "PRACTICE NONMEDICAL MASSAGE" MEANS TO ENGAGE  
20 PROFESSIONALLY AND FOR COMPENSATION IN MASSAGE THERAPY IN A SETTING  
21 THAT IS NOT A HEALTH CARE FACILITY.

22 6-102.

23 EXCEPT AS SPECIFICALLY PROVIDED IN THIS TITLE, THIS TITLE DOES NOT  
24 LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION THAT  
25 THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER THIS ARTICLE.

26 SUBTITLE 2. STATE BOARD OF MASSAGE THERAPY EXAMINERS.

27 6-201.

28 THERE IS A STATE BOARD OF MASSAGE THERAPY EXAMINERS IN THE  
29 DEPARTMENT.

30 6-202.

31 (A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS.

32 (2) OF THE SEVEN BOARD MEMBERS:

33 (I) FOUR SHALL BE LICENSED MASSAGE THERAPISTS;

- 1 (II) ONE SHALL BE A REGISTERED MASSAGE PRACTITIONER;  
2 (III) ONE SHALL BE AN INSTRUCTOR OF MASSAGE THERAPY; AND  
3 (IV) ONE SHALL BE A CONSUMER MEMBER.

4 (3) (I) THE GOVERNOR SHALL APPOINT THE LICENSED MASSAGE  
5 THERAPIST MEMBERS, THE REGISTERED MASSAGE PRACTITIONER MEMBER, AND  
6 THE MASSAGE THERAPY INSTRUCTOR MEMBER WITH THE ADVICE OF THE  
7 SECRETARY, FROM A LIST OF NAMES OF QUALIFIED INDIVIDUALS SUBMITTED TO  
8 THE SECRETARY AND THE GOVERNOR BY THE MARYLAND CHAPTER OF THE  
9 AMERICAN MASSAGE THERAPY ASSOCIATION, AFTER CONSULTATION WITH ALL  
10 OTHER ASSOCIATIONS THAT REPRESENT AT LEAST TWENTY PERCENT OF LICENSED  
11 OR REGISTERED MASSAGE THERAPISTS IN THE STATE.

12 (II) THE LIST OF QUALIFIED NOMINEES SUBMITTED TO THE  
13 SECRETARY AND THE GOVERNOR FOR APPOINTMENT UNDER SUBPARAGRAPH (I) OF  
14 THIS PARAGRAPH SHALL BE AT LEAST THREE TIMES THE NUMBER OF VACANCIES.

15 (III) UNLESS AN INCUMBENT MEMBER DECLINES RENOMINATION,  
16 THE NOMINATION LIST SHALL INCLUDE THE NAMES OF THE INCUMBENT MEMBERS  
17 OF THE BOARD.

18 (4) FOR EACH LICENSED MASSAGE THERAPIST, REGISTERED MASSAGE  
19 PRACTITIONER, AND MASSAGE THERAPY INSTRUCTOR VACANCY, THE MARYLAND  
20 CHAPTER OF THE AMERICAN MASSAGE THERAPY ASSOCIATION ALL OTHER  
21 ASSOCIATIONS THAT REPRESENT AT LEAST TWENTY PERCENT OF LICENSED  
22 MASSAGE THERAPISTS IN THE STATE SHALL NOTIFY THEIR MEMBERSHIPS OF THE  
23 VACANCY TO SOLICIT NOMINATIONS TO FILL THE VACANCY.

24 (5) THE GOVERNOR SHALL APPOINT THE CONSUMER MEMBER WITH  
25 THE ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE SENATE.

26 (B) EACH LICENSED MASSAGE THERAPIST AND REGISTERED MASSAGE  
27 PRACTITIONER MEMBER SHALL BE:

28 (1) A RESIDENT OF THE STATE;

29 (2) AN INDIVIDUAL WHO HAS PRACTICED MASSAGE WITHIN THE STATE  
30 FOR AT LEAST 5 CONSECUTIVE YEARS BEFORE APPOINTMENT; AND

31 (3) LICENSED OR REGISTERED BY THE STATE.

32 (C) THE MASSAGE THERAPY INSTRUCTOR MEMBER SHALL BE:

33 (1) A RESIDENT OF THE STATE;

34 (2) AN INSTRUCTOR AT A BOARD APPROVED SCHOOL OR INSTITUTION IN  
35 THE STATE FOR AT LEAST 2 YEARS; AND

1 (3) A MESSAGE THERAPIST LICENSED BY THE STATE FOR AT LEAST 5  
2 YEARS.

3 (D) THE CONSUMER MEMBER OF THE BOARD:

4 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

5 (2) MAY NOT BE OR EVER HAVE BEEN A MESSAGE THERAPIST OR  
6 MESSAGE PRACTITIONER OR IN TRAINING TO BECOME A MESSAGE THERAPIST OR A  
7 MESSAGE PRACTITIONER;

8 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A MESSAGE  
9 THERAPIST OR MESSAGE PRACTITIONER OR IN TRAINING TO BECOME A MESSAGE  
10 THERAPIST OR MESSAGE PRACTITIONER;

11 (4) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A  
12 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO MASSAGE THERAPY;

13 (5) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A  
14 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO MASSAGE THERAPY; AND

15 (6) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A  
16 SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

17 (E) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT HAVE  
18 A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

19 (F) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE  
20 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

21 (G) (1) THE TERM OF A MEMBER IS 4 YEARS.

22 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE  
23 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2005.

24 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
25 SUCCESSOR IS APPOINTED AND QUALIFIES.

26 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
27 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
28 QUALIFIES.

29 (5) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY  
30 VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

31 (6) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL  
32 TERMS.

33 (H) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR  
34 MISCONDUCT.

1 6-203.

2 (A) THE BOARD ANNUALLY SHALL ELECT A CHAIR FROM AMONG ITS  
3 MEMBERS.

4 (B) THE BOARD SHALL DETERMINE:

5 (1) THE MANNER OF ELECTION OF THE CHAIR; AND

6 (2) THE DUTIES OF THE CHAIR.

7 6-204.

8 (A) THE BOARD SHALL APPOINT A BOARD EXECUTIVE DIRECTOR, WHO  
9 SERVES AT THE PLEASURE OF THE BOARD.

10 (B) THE BOARD EXECUTIVE DIRECTOR:

11 (1) IS THE EXECUTIVE OFFICER OF THE BOARD; AND

12 (2) HAS THE POWERS AND DUTIES ASSIGNED BY THE BOARD.

13 6-205.

14 (A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS A  
15 QUORUM TO DO BUSINESS.

16 (B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS  
17 MEETINGS.

18 (C) EACH MEMBER OF THE BOARD IS ENTITLED TO:

19 (1) COMPENSATION DETERMINED BY THE BOARD AND IN ACCORDANCE  
20 WITH THE BUDGET OF THE BOARD; AND

21 (2) REIMBURSEMENT FOR EXPENSES AT A RATE DETERMINED BY THE  
22 BOARD.

23 (D) IN ACCORDANCE WITH THE BUDGET OF THE BOARD, THE BOARD MAY  
24 EMPLOY A STAFF.

25 6-206.

26 (A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS TITLE, THE  
27 BOARD MAY:

28 (1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS  
29 TITLE;

1 (2) SUMMON WITNESSES, ADMINISTER OATHS, TAKE AFFIDAVITS, AND  
2 TAKE TESTIMONY ABOUT MATTERS THAT RELATE TO THE DUTIES OF THE BOARD;  
3 AND

4 (3) IN ACCORDANCE WITH THE STATE BUDGET, AUTHORIZE PAYMENT  
5 OF FEES AND TRAVEL EXPENSES OF WITNESSES WHO TESTIFY IN ANY PROCEEDING  
6 BEFORE THE BOARD.

7 (B) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE, THE  
8 BOARD SHALL:

9 (1) KEEP A LIST OF THE NAME AND ADDRESS OF EACH LICENSED  
10 MESSAGE THERAPIST AND REGISTERED MESSAGE PRACTITIONER;

11 (2) ADOPT AN OFFICIAL SEAL;

12 (3) FILE REPORTS OF ITS ACTIVITIES AS REQUIRED BY THE SECRETARY;

13 (4) ASSIST IN PROSECUTIONS UNDER THIS TITLE; AND

14 (5) INVESTIGATE AN ALLEGED VIOLATION OF THIS TITLE.

15 6-207.

16 (A) THERE IS A STATE BOARD OF MESSAGE THERAPY EXAMINERS FUND.

17 (B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND  
18 RENEWAL OF LICENSES AND REGISTRATIONS AND ITS OTHER SERVICES.

19 (2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE THE  
20 COST OF MAINTAINING THE BOARD.

21 (3) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF THE  
22 BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS SECTION.

23 (C) (1) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS TITLE  
24 TO THE COMPTROLLER.

25 (2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE STATE  
26 BOARD OF MESSAGE THERAPY EXAMINERS FUND.

27 (D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED  
28 DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY  
29 DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS ARTICLE.

30 (2) THE FUND IS A CONTINUING, NONLAPSING FUND, NOT SUBJECT TO §  
31 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

32 (3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED  
33 OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND  
34 TO BE USED FOR THE PURPOSES SPECIFIED IN THIS ARTICLE.



1 (4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUND.

2 (E) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.

3 (2) MONEYS IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL  
4 PURPOSE AUTHORIZED UNDER THE PROVISIONS OF THIS ARTICLE.

5 (F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND  
6 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT  
7 ARTICLE.

8 6-208.

9 A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §  
10 5-704 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR  
11 OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

12 SUBTITLE 3. LICENSES.

13 6-301.

14 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL  
15 BE LICENSED OR REGISTERED BY THE BOARD BEFORE THE INDIVIDUAL MAY  
16 PRACTICE MASSAGE THERAPY OR NONMEDICAL MASSAGE IN THIS STATE.

17 (B) THIS SECTION DOES NOT APPLY TO:

18 (1) A STUDENT ENROLLED IN AN APPROVED EDUCATION PROGRAM AS  
19 DETERMINED BY THE BOARD WHILE PRACTICING MASSAGE THERAPY IN THE STATE;

20 (2) AN INDIVIDUAL PERMITTED TO PRACTICE MASSAGE THERAPY  
21 UNDER REGULATIONS ADOPTED BY THE BOARD, IF THE INDIVIDUAL:

22 (I) OTHERWISE HAS QUALIFIED TO PRACTICE MASSAGE THERAPY  
23 IN ANY OTHER STATE OR COUNTRY THAT HAS SUBSTANTIALLY SIMILAR  
24 REQUIREMENTS FOR AUTHORIZATION TO PRACTICE MASSAGE THERAPY AND THE  
25 INDIVIDUAL IS IN THIS STATE FOR NO MORE THAN 7 DAYS; OR

26 (II) HAS AN APPLICATION FOR A LICENSE PENDING BEFORE THE  
27 BOARD BUT HAS NOT TAKEN THE EXAMINATION REQUIRED UNDER THIS SECTION OR  
28 HAS TAKEN AN EXAMINATION UNDER THIS SECTION, BUT THE RESULTS OF THE  
29 EXAMINATION ARE NOT YET KNOWN;

30 (3) A FAMILY MEMBER PRACTICING MASSAGE THERAPY ON ANOTHER  
31 FAMILY MEMBER;

32 (4) AN ATHLETIC TRAINER WHILE FUNCTIONING IN THE COURSE OF  
33 THE ATHLETIC TRAINER'S PROFESSIONAL CAPACITY;

1 (5) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT TO  
2 PRACTICE MASSAGE THERAPY WHILE PRACTICING WITHIN THE SCOPE OF THE  
3 INDIVIDUAL'S EMPLOYMENT; OR

4 (6) AN INDIVIDUAL WORKING IN A BEAUTY SALON:

5 (I) FOR WHICH THE PERSON WHO OPERATES THE BEAUTY SALON  
6 HAS OBTAINED A PERMIT FROM THE STATE BOARD OF COSMETOLOGY AS REQUIRED  
7 UNDER § 5-501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

8 (II) IN WHICH THE INDIVIDUAL IS PROVIDING COSMETOLOGY AND  
9 ESTHETIC SERVICES, INCLUDING THE APPLICATION AND REMOVAL OF SKIN OR SKIN  
10 CARE PRODUCTS.

11 6-302.

12 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL  
13 WHO:

14 (1) IS OF GOOD MORAL CHARACTER;

15 (2) IS AT LEAST 18 YEARS OLD;

16 (3) HAS SATISFACTORILY COMPLETED AT LEAST 60 CREDIT HOURS OF  
17 EDUCATION AT AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10-101 OF  
18 THE EDUCATION ARTICLE AND AS APPROVED BY THE BOARD AND THE MARYLAND  
19 HIGHER EDUCATION COMMISSION;

20 (4) HAS COMPLETED 600 HOURS OF EDUCATION IN A BOARD APPROVED  
21 PROGRAM FOR THE STUDY OF MASSAGE THERAPY THAT INCLUDES THE FOLLOWING  
22 AREAS OF CONTENT:

23 (I) ANATOMY AND PHYSIOLOGY;

24 (II) MESSAGE THEORY, TECHNIQUES, AND PRACTICE;

25 (III) CONTRAINDICATIONS TO MESSAGE THERAPY; AND

26 (IV) PROFESSIONAL ETHICS; AND

27 (5) HAS PASSED AN EXAMINATION APPROVED BY THE BOARD.

28 (B) TO QUALIFY TO BE REGISTERED, AN APPLICANT SHALL BE AN INDIVIDUAL  
29 WHO:

30 (1) IS OF GOOD MORAL CHARACTER;

31 (2) IS AT LEAST 18 YEARS OLD;

1 (3) HAS COMPLETED 600 HOURS OF EDUCATION IN A BOARD APPROVED  
2 PROGRAM FOR THE STUDY OF MASSAGE THERAPY THAT INCLUDES THE FOLLOWING  
3 AREAS OF CONTENT:

4 (I) ANATOMY AND PHYSIOLOGY;

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

6 (III) CONTRAINDICATIONS TO MASSAGE THERAPY; AND

7 (IV) PROFESSIONAL ETHICS; AND

8 (4) HAS PASSED AN EXAMINATION APPROVED BY THE BOARD.

9 (C) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE BOARD  
10 MAY WAIVE ANY REQUIREMENT OF THIS SUBTITLE FOR AN APPLICANT WHO IS  
11 LICENSED, CERTIFIED, OR REGISTERED TO PRACTICE MASSAGE THERAPY IN  
12 ANOTHER STATE.

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

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

16 (II) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

17 1. HAS COMPLETED EDUCATIONAL REQUIREMENTS THAT  
18 THE BOARD DETERMINES TO BE EQUIVALENT TO THE BOARD APPROVED  
19 EDUCATIONAL REQUIREMENTS IN THIS STATE;

20 2. AT THE TIME THE APPLICANT BECAME LICENSED,  
21 CERTIFIED, OR REGISTERED IN THE OTHER STATE, PASSED IN THAT STATE OR ANY  
22 OTHER STATE AN EXAMINATION THAT THE BOARD DETERMINES TO BE EQUIVALENT  
23 TO THE EXAMINATION REQUIRED IN THIS STATE; AND

24 3. IS OF GOOD MORAL CHARACTER.

25 6-303.

26 AN INDIVIDUAL WHO IS REGISTERED TO PRACTICE NONMEDICAL MASSAGE  
27 UNDER § 6-301 OF THIS SUBTITLE MAY NOT PRACTICE IN A MEDICAL HEALTH CARE  
28 PROVIDER'S OFFICE, HOSPITAL, OR OTHER HEALTH CARE FACILITY FOR THE  
29 PURPOSE OF PROVIDING MASSAGE.

30 6-304.

31 (A) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

32 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE  
33 BOARD REQUIRES;

1 (2) SUBMIT TO THE BOARD EVIDENCE OF COMPLIANCE WITH THE  
2 REQUIREMENTS OF § 6-301 OF THIS SUBTITLE; AND

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

4 (B) TO APPLY FOR A REGISTRATION, AN APPLICANT SHALL:

5 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE  
6 BOARD REQUIRES;

7 (2) SUBMIT TO THE BOARD EVIDENCE OF COMPLIANCE WITH THE  
8 REQUIREMENTS OF § 6-301 OF THIS SUBTITLE; AND

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

10 6-305.

11 (A) (1) A LICENSE OR REGISTRATION EXPIRES ON THE DATE SET BY THE  
12 BOARD, UNLESS THE LICENSE OR REGISTRATION IS RENEWED FOR A 1-YEAR TERM  
13 AS PROVIDED IN THIS SECTION.

14 (2) A LICENSE OR REGISTRATION MAY NOT BE RENEWED FOR A TERM OF  
15 LONGER THAN 2 YEARS.

16 (B) AT LEAST 1 MONTH BEFORE THE LICENSE OR REGISTRATION EXPIRES,  
17 THE BOARD SHALL SEND TO THE LICENSEE OR REGISTRATION HOLDER, BY  
18 FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE LICENSEE OR  
19 REGISTRATION HOLDER, A RENEWAL NOTICE THAT STATES:

20 (1) THE DATE ON WHICH THE CURRENT LICENSE OR REGISTRATION  
21 EXPIRES;

22 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE  
23 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE  
24 THE LICENSE OR REGISTRATION EXPIRES; AND

25 (3) THE AMOUNT OF THE RENEWAL FEE.

26 (C) BEFORE A LICENSE OR REGISTRATION EXPIRES, THE LICENSEE OR  
27 REGISTERED PRACTITIONER PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL  
28 TERM, IF THE LICENSEE OR REGISTERED PRACTITIONER:

29 (1) OTHERWISE IS ENTITLED TO BE LICENSED OR REGISTERED;

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

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

1 (D) (1) EACH LICENSEE OR REGISTERED PRACTITIONER SHALL NOTIFY THE  
2 BOARD IN WRITING OF ANY CHANGE IN THE NAME OR ADDRESS OF THE LICENSEE  
3 OR CERTIFICATE HOLDER WITHIN 60 DAYS AFTER THE CHANGE OCCURRED.

4 (2) IF A LICENSEE OR REGISTERED PRACTITIONER FAILS TO NOTIFY  
5 THE BOARD WITHIN THE TIME REQUIRED UNDER THIS SUBSECTION, SUBJECT TO  
6 THE HEARING PROVISIONS OF § 6-312 OF THIS SUBTITLE, THE BOARD MAY IMPOSE  
7 AN ADMINISTRATIVE PENALTY OF \$100.

8 (E) (1) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO  
9 MEETS THE REQUIREMENTS OF THIS SECTION.

10 (2) THE BOARD SHALL RENEW THE REGISTRATION OF EACH  
11 REGISTERED PRACTITIONER WHO MEETS THE REQUIREMENTS OF THIS SECTION.

12 6-306.

13 (A) THE BOARD SHALL REINSTATE A LICENSE OR REGISTRATION THAT IS  
14 EXPIRED ONLY IF THE FORMER LICENSEE OR REGISTERED PRACTITIONER:

15 (1) MEETS THE RENEWAL REQUIREMENTS OF § 6-305 OF THIS SUBTITLE;  
16 AND

17 (2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

18 (B) IF A MASSAGE THERAPIST OR MASSAGE PRACTITIONER FAILS FOR ANY  
19 REASON TO RENEW THE LICENSE OF THE MASSAGE THERAPIST OR REGISTRATION  
20 OF THE MASSAGE PRACTITIONER, THE BOARD SHALL REINSTATE THE LICENSE OR  
21 REGISTRATION IF THE MASSAGE THERAPIST OR MASSAGE PRACTITIONER:

22 (1) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE OR  
23 REGISTRATION WITHIN 5 YEARS AFTER THE LICENSE OR REGISTRATION EXPIRES;

24 (2) MEETS THE RENEWAL REQUIREMENTS OF § 6-305 OF THIS SUBTITLE;  
25 AND

26 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD.

27 (C) THE BOARD MAY NOT REINSTATE THE LICENSE OF A MASSAGE THERAPIST  
28 OR THE REGISTRATION OF A MASSAGE PRACTITIONER WHO FAILS TO APPLY FOR  
29 REINSTATEMENT OF THE LICENSE OR REGISTRATION WITHIN 5 YEARS AFTER THE  
30 LICENSE OR REGISTRATION EXPIRES. HOWEVER, THE MASSAGE THERAPIST OR  
31 MASSAGE PRACTITIONER MAY BECOME LICENSED OR REGISTERED BY MEETING THE  
32 CURRENT REQUIREMENTS FOR OBTAINING A NEW LICENSE OR REGISTRATION  
33 UNDER THIS TITLE.

34 6-307.

35 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE  
36 OR REGISTRATION OF A LICENSED MASSAGE THERAPIST OR A REGISTERED MASSAGE

1 PRACTITIONER, A LICENSED MASSAGE THERAPIST OR A REGISTERED MASSAGE  
2 PRACTITIONER MAY NOT SURRENDER THE LICENSE OR REGISTRATION NOR MAY THE  
3 LICENSE OR REGISTRATION LAPSE BY OPERATION OF LAW WHILE A LICENSEE OR  
4 REGISTERED PRACTITIONER IS UNDER INVESTIGATION OR WHILE CHARGES ARE  
5 PENDING AGAINST THE MASSAGE THERAPIST OR MASSAGE PRACTITIONER.

6 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE  
7 MASSAGE THERAPIST OR MASSAGE PRACTITIONER UNDER INVESTIGATION OR  
8 AGAINST WHOM CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE MASSAGE  
9 THERAPIST'S LICENSE OR THE MASSAGE PRACTITIONER'S REGISTRATION.

10 6-308.

11 (A) SUBJECT TO THE HEARING PROVISIONS OF § 6-312 OF THIS SUBTITLE, THE  
12 BOARD MAY DENY A LICENSE OR REGISTRATION TO ANY APPLICANT, REPRIMAND  
13 ANY LICENSEE OR REGISTERED PRACTITIONER, PLACE ANY LICENSEE OR  
14 REGISTERED PRACTITIONER ON PROBATION, OR SUSPEND OR REVOKE THE LICENSE  
15 OF A LICENSEE OR THE REGISTRATION OF A REGISTERED PRACTITIONER IF THE  
16 APPLICANT, LICENSEE, OR REGISTERED PRACTITIONER:

17 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
18 OBTAIN A LICENSE OR REGISTRATION FOR THE APPLICANT OR FOR ANOTHER;

19 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR  
20 REGISTRATION;

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

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

29 (5) WILLFULLY AND KNOWINGLY:

30 (I) FILES A FALSE REPORT OR RECORD OF AN INDIVIDUAL UNDER  
31 THE CARE OF THE LICENSEE OR REGISTERED PRACTITIONER; OR

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

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

37 (7) PROVIDES PROFESSIONAL SERVICES WHILE:

- 1 (I) UNDER THE INFLUENCE OF ALCOHOL; OR
- 2 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS  
3 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER  
4 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL  
5 INDICATION;
- 6 (8) DOES AN ACT THAT IS INCONSISTENT WITH GENERALLY ACCEPTED  
7 PROFESSIONAL STANDARDS IN THE PRACTICE OF MASSAGE THERAPY;
- 8 (9) IS NEGLIGENT IN THE PRACTICE OF MASSAGE THERAPY;
- 9 (10) IS PROFESSIONALLY INCOMPETENT;
- 10 (11) HAS VIOLATED ANY PROVISION OF THIS SUBTITLE;
- 11 (12) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;
- 12 (13) IS PHYSICALLY OR MENTALLY INCOMPETENT;
- 13 (14) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN  
14 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;
- 15 (15) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST  
16 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR  
17 WHICH THE LICENSEE OR CERTIFICATE HOLDER IS QUALIFIED TO RENDER BECAUSE  
18 THE INDIVIDUAL IS HIV POSITIVE;
- 19 (16) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION IN  
20 WHICH IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS  
21 FOR DISEASE CONTROL'S GUIDELINES ON UNIVERSAL PRECAUTIONS;
- 22 (17) IS HABITUALLY INTOXICATED;
- 23 (18) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR  
24 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL  
25 LAW ARTICLE;
- 26 (19) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED  
27 BY THE BOARD;
- 28 (20) ENGAGES IN CONDUCT THAT VIOLATES THE PROFESSIONAL CODE  
29 OF ETHICS; OR
- 30 (21) KNOWINGLY DOES AN ACT THAT HAS BEEN DETERMINED BY THE  
31 BOARD TO BE A VIOLATION OF THE BOARD'S REGULATIONS.

32 (B) IF, AFTER A HEARING UNDER § 6-312 OF THIS SUBTITLE, THE BOARD  
33 FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO  
34 SUSPEND OR REVOKE A LICENSE TO PRACTICE MASSAGE THERAPY OR  
35 REGISTRATION TO PRACTICE NONMEDICAL MASSAGE, TO REPRIMAND A LICENSEE

1 OR REGISTERED PRACTITIONER, OR PLACE A LICENSEE OR REGISTERED  
2 PRACTITIONER ON PROBATION, THE BOARD MAY IMPOSE A PENALTY NOT  
3 EXCEEDING \$5,000 IN LIEU OF OR IN ADDITION TO SUSPENDING OR REVOKING THE  
4 LICENSE OR REGISTRATION, REPRIMANDING THE LICENSEE OR REGISTERED  
5 PRACTITIONER, OR PLACING THE LICENSEE OR REGISTERED PRACTITIONER ON  
6 PROBATION.

7 (C) (1) AN INDIVIDUAL WHOSE LICENSE OR REGISTRATION HAS BEEN  
8 SUSPENDED OR REVOKED BY THE BOARD SHALL RETURN THE LICENSE OR  
9 REGISTRATION TO THE BOARD.

10 (2) IF THE SUSPENDED OR REVOKED LICENSE OR REGISTRATION HAS  
11 BEEN LOST, THE INDIVIDUAL SHALL FILE WITH THE BOARD A VERIFIED STATEMENT  
12 TO THAT EFFECT.

13 (D) THE BOARD SHALL FILE A NOTICE FOR PUBLICATION IN THE EARLIEST  
14 PUBLICATION OF THE MARYLAND REGISTER OF EACH REVOCATION OR SUSPENSION  
15 OF A LICENSE OR REGISTRATION UNDER THIS SECTION WITHIN 24 HOURS OF THE  
16 REVOCATION OR SUSPENSION.

17 6-309.

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

21 6-310.

22 A HEALTH CARE PROVIDER LICENSED OR CERTIFIED UNDER THIS ARTICLE MAY  
23 NOT REFER PATIENTS TO A PERSON WHO IS NOT A LICENSED MASSAGE THERAPIST.

24 6-311.

25 NOTWITHSTANDING THE FACT THAT THESE SERVICES ARE PROVIDED WITHIN  
26 THE SCOPE OF THEIR LICENSED PRACTICE, NOTHING IN THIS SUBTITLE REQUIRES A  
27 NONPROFIT HEALTH SERVICE PLAN, INSURER, HEALTH MAINTENANCE  
28 ORGANIZATION, OR PERSON ACTING AS A THIRD PARTY ADMINISTRATOR TO  
29 REIMBURSE A LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE  
30 PRACTITIONER FOR ANY SERVICES RENDERED.

31 6-312.

32 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE  
33 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 6-308 OF THIS SUBTITLE, IT  
34 SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN  
35 OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

36 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN  
37 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.



1 (C) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

2 (D) (1) THE CHAIRMAN OF THE BOARD MAY DELEGATE AUTHORITY TO  
3 CONDUCT A HEARING TO A COMMITTEE CONSISTING OF THREE OR MORE BOARD  
4 MEMBERS.

5 (2) THE COMMITTEE SHALL:

6 (I) HOLD AN EVIDENTIARY HEARING; AND

7 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY  
8 A QUORUM OF THE BOARD, WHICH MAY INCLUDE MEMBERS OF THE COMMITTEE.

9 (3) THE COMMITTEE SHALL GIVE TO THE INDIVIDUAL WHO IS THE  
10 SUBJECT OF THE HEARING NOTICE OF THE OPPORTUNITY TO FILE EXCEPTIONS AND  
11 PRESENT ARGUMENT TO THE BOARD REGARDING THE DECISION OF THE  
12 COMMITTEE.

13 (E) OVER THE SIGNATURE OF AN OFFICER OR THE EXECUTIVE DIRECTOR OF  
14 THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN  
15 CONNECTION WITH ANY INVESTIGATION UNDER THIS TITLE AND ANY HEARINGS OR  
16 PROCEEDINGS BEFORE IT.

17 (F) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA FROM  
18 THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY OR  
19 ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT OF COMPETENT  
20 JURISDICTION MAY PUNISH THE PERSON AS FOR CONTEMPT OF COURT.

21 (G) IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION IS  
22 CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY  
23 HEAR AND DETERMINE THE MATTER.

24 (H) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF § 6-305  
25 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING AS  
26 SPECIFIED IN REGULATION ADOPTED BY THE BOARD.

27 6-313.

28 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 6-308 OF  
29 THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A  
30 CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

31 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

32 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE  
33 ADMINISTRATIVE PROCEDURE ACT.

34 (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD  
35 UNDER § 6-305 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD  
36 OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

1 (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW  
2 OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

3 6-314.

4 (A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THIS STATE OR THE  
5 BOARD TO ENJOIN:

6 (1) THE UNAUTHORIZED PRACTICE OF MASSAGE THERAPY; OR

7 (2) CONDUCT THAT IS GROUND FOR DISCIPLINARY ACTION UNDER §  
8 6-305 OF THIS TITLE.

9 (B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

10 (1) THE BOARD IN ITS OWN NAME;

11 (2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR

12 (3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

13 (C) AN ACTION UNDER THIS SECTION MAY BE BROUGHT IN THE COUNTY  
14 WHERE THE DEFENDANT RESIDES OR ENGAGED IN THE ACT SOUGHT TO BE  
15 ENJOINED.

16 (D) AN ACTION UNDER THIS SECTION MAY BE BROUGHT AGAINST AN  
17 INDIVIDUAL WHO IS AUTHORIZED TO PRACTICE MASSAGE THERAPY UNDER THIS  
18 TITLE.

19 (E) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY  
20 DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION  
21 UNDER THIS SECTION.

22 (F) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD  
23 OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF MASSAGE  
24 THERAPY UNDER § 6-501 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 6-308 OF  
25 THIS SUBTITLE.

26 SUBTITLE 4. MISCELLANEOUS.

27 6-401.

28 (A) THE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH STANDARDS FOR  
29 ADVERTISING OR SOLICITING BY LICENSED MASSAGE THERAPISTS AND REGISTERED  
30 MASSAGE PRACTITIONERS.

31 (B) FOR PURPOSES OF THIS SECTION, NOTICES MAILED TO CLIENTS TO  
32 INFORM THEM OF TIMES FOR PERIODIC APPOINTMENTS ARE NOT ADVERTISING OR  
33 SOLICITING.

1 6-402.

2 A LICENSED MASSAGE THERAPIST OR A REGISTERED MASSAGE PRACTITIONER  
3 MAY USE A TRADE NAME IN CONNECTION WITH THE PRACTICE OF MASSAGE  
4 THERAPY PROVIDED THAT:

5 (1) THE USE OF THE TRADE NAME IS NOT DECEPTIVE OR MISLEADING;

6 (2) THE ADVERTISEMENT IN WHICH THE TRADE NAME APPEARS  
7 INCLUDES THE NAME OF THE LICENSED MASSAGE THERAPIST OR REGISTERED  
8 MASSAGE PRACTITIONER OR THE NAME OF THE BUSINESS ENTITY PROVIDING THE  
9 MASSAGE SERVICES BEING ADVERTISED AS LONG AS THE ADVERTISEMENT  
10 INCLUDES THE NAME OF A LICENSED MASSAGE THERAPIST OR REGISTERED  
11 MASSAGE PRACTITIONER;

12 (3) THE NAME OF THE LICENSED MASSAGE THERAPIST OR REGISTERED  
13 MASSAGE PRACTITIONER PROVIDING MASSAGE SERVICES APPEARS ON THE BILLING  
14 INVOICES, STATIONERY, AND ON ANY RECEIPT GIVEN TO A PATIENT;

15 (4) TREATMENT RECORDS ARE MAINTAINED THAT CLEARLY IDENTIFY  
16 THE LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER WHO  
17 HAS PERFORMED THE MASSAGE SERVICE FOR THE CLIENT; AND

18 (5) THE USE OF A TRADE NAME IS PREAPPROVED BY THE BOARD  
19 BEFORE USE.

20 6-403.

21 A LICENSED MASSAGE THERAPIST AND A REGISTERED MASSAGE  
22 PRACTITIONER SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §  
23 5-636 OF THE COURTS ARTICLE FOR REVIEWING THE FEES OR CHARGES FOR  
24 SERVICES OF ANOTHER LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE  
25 PRACTITIONER IN THIS OR ANY OTHER STATE.

26 SUBTITLE 5. PROHIBITED ACTS.

27 6-501.

28 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT  
29 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE MASSAGE THERAPY,  
30 MASSAGE, MYOTHERAPY, OR ANY SYNONYM OR DERIVATION OF THESE TERMS IN  
31 THIS STATE UNLESS LICENSED OR REGISTERED BY THE BOARD.

32 6-502.

33 (A) AN INDIVIDUAL WHO IS NOT A LICENSED MASSAGE THERAPIST OR A  
34 REGISTERED MASSAGE PRACTITIONER UNDER THIS SUBTITLE MAY NOT ADVERTISE  
35 OR CLAIM BY TITLE, ABBREVIATION, SIGN, CARD, OR ANY OTHER REPRESENTATION  
36 THAT THE INDIVIDUAL PRACTICES MASSAGE, MASSAGE THERAPY, MYOTHERAPY, OR  
37 ANY SYNONYM OR DERIVATION OF THESE TERMS.

1 (B) AN INDIVIDUAL WHO IS A REGISTERED MASSAGE PRACTITIONER UNDER  
2 THIS SUBTITLE OR A BUSINESS ENTITY THAT EMPLOYS REGISTERED MASSAGE  
3 PRACTITIONERS UNDER THIS SUBTITLE MAY NOT ADVERTISE TO THE PUBLIC THAT  
4 THE INDIVIDUAL OR BUSINESS ENTITY PROVIDES HEALTH-RELATED THERAPEUTIC  
5 MASSAGE SERVICES.

6 (C) UNLESS AUTHORIZED TO PRACTICE UNDER THIS TITLE, A PERSON MAY  
7 NOT USE THE TITLE "MASSAGE THERAPIST", "MT", "LICENSED MASSAGE THERAPIST",  
8 "CMT", "MASSAGE PRACTITIONER", "MP", "LICENSED MASSAGE PRACTITIONER", OR  
9 "RMP", OR ANY OTHER TERM OR TITLE WITH THE INTENT TO REPRESENT THAT THE  
10 PERSON PRACTICES MASSAGE THERAPY.

11 6-503.

12 A PERSON MAY NOT BUY, SELL, OR FRAUDULENTLY OBTAIN:

13 (1) A LICENSE; OR

14 (2) ANY DIPLOMA OR DEGREE REQUIRED UNDER § 6-301 OF THIS TITLE.

15 6-504.

16 (A) A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE MASSAGE  
17 THERAPY WITHOUT A LICENSE IN VIOLATION OF § 6-501 OF THIS SUBTITLE OR  
18 REPRESENTS TO THE PUBLIC IN VIOLATION OF § 6-502 OF THIS SUBTITLE THAT THE  
19 PERSON IS AUTHORIZED TO PRACTICE MASSAGE THERAPY IS GUILTY OF A  
20 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

21 (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$2,000 OR  
22 IMPRISONMENT NOT EXCEEDING 6 MONTHS; OR

23 (2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$6,000 OR  
24 IMPRISONMENT NOT EXCEEDING 1 YEAR.

25 (B) A PERSON WHO IS CONVICTED UNDER THE PROVISIONS OF THIS SECTION  
26 SHALL REIMBURSE THE BOARD FOR THE DIRECT COSTS OF THE BOARD, INCLUDING  
27 COURT REPORTING SERVICES AND EXPERT WITNESS FEES, INCURRED AS A RESULT  
28 OF A PROSECUTION UNDER THIS SECTION.

29 **Article - State Government**

30 8-403.

31 (a) On or before December 15 of the 2nd year before the evaluation date of a  
32 governmental activity or unit, the Legislative Policy Committee, based on a  
33 preliminary evaluation, may waive as unnecessary the evaluation required under this  
34 section.

35 (b) Except as otherwise provided in subsection (a) of this section, on or before  
36 the evaluation date for the following governmental activities or units, an evaluation

1 shall be made of the following governmental activities or units and the statutes and  
2 regulations that relate to the governmental activities or units:

3 (42) MASSAGE THERAPY EXAMINERS, STATE BOARD OF (§ 6-201 OF THE  
4 HEALTH OCCUPATIONS ARTICLE: JULY 1, 2015);

5 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the initial  
6 members of the State Board of Massage Therapy Examiners shall expire as follows:

7 (1) two members in 2008;

8 (2) two members in 2009; and

9 (3) three members in 2010.

10 SECTION 5. AND BE IT FURTHER ENACTED, That, on July 1, 2007, all the  
11 functions, powers, duties, equipment, assets, liabilities, records, and employees of the  
12 Massage Therapy Advisory Committee and those functions, powers, duties,  
13 equipment, assets, liabilities, records, and employees of the State Board of  
14 Chiropractic Examiners related to the licensure and certification of massage  
15 therapists and massage practitioners shall be transferred to the State Board of  
16 Massage Therapy Examiners.

17 SECTION 6. AND BE IT FURTHER ENACTED, That, on July 1, 2007, an  
18 individual who holds a certificate or registration issued by the State Board of  
19 Chiropractic Examiners may qualify for the equivalent license and registration issued  
20 by the State Board of Massage Therapy Examiners without meeting the education,  
21 experience, and examination requirements of Title 6, Subtitle 3 of the Health  
22 Occupations Article as enacted by this Act if the individual qualifies for the certificate  
23 or registration before the expiration of the individual's certificate or registration.

24 SECTION 7. AND BE IT FURTHER ENACTED, That, on July 1, 2007, an  
25 individual who holds a certificate or registration issued by the State Board of  
26 Chiropractic Examiners, in all respects, shall be considered licensed or registered by  
27 the State Board of Massage Therapy Examiners and, subject to the provisions of this  
28 Act, for the remainder of the term of the individual's licensure or registration. On  
29 expiration of the individual's licensure or registration, the individual may qualify for  
30 renewal of a license or registration under § 6-304 of the Health Occupations Article as  
31 enacted by this Act as if the individual has held a certificate or registration issued by  
32 the State Board of Chiropractic Examiners.

33 SECTION 8. AND BE IT FURTHER ENACTED, That, on or after July 1, 2007,  
34 if an individual holds a certificate or registration issued by the State Board of  
35 Chiropractic Examiners and the individual fails to timely renew the certificate or  
36 registration, the individual may qualify for reinstatement of a license or registration  
37 under § 6-306 of the Health Occupations Article as enacted by this Act as if the  
38 individual had held a license or registration issued by the State Board of Massage  
39 Therapy Examiners.

1 SECTION 9. AND BE IT FURTHER ENACTED, That, before July 1, 2007, an  
2 individual who has completed or partially completed any education, experience, or  
3 examination requirements for a certificate or registration to be issued by the State  
4 Board of Chiropractic Examiners shall be considered to have completed or partially  
5 completed the same requirement for a license or registration issued by the State  
6 Board of Massage Therapy Examiners.

7 SECTION 10. AND BE IT FURTHER ENACTED, That the State Board of  
8 Massage Therapy Examiners shall report to the Senate Education, Health, and  
9 Environmental Affairs Committee and the House Health and Government Operations  
10 Committee, on or before December 31, 2008, in accordance with § 2-1246 of the State  
11 Government Article, assessing the appropriateness of the fees charged to licensed  
12 massage therapists and registered massage practitioners and the ability of the Board  
13 to be self-sufficient given the greater workload.

14 SECTION 11. AND BE IT FURTHER ENACTED, That Sections 1, 2, 3, and 4 of  
15 this Act shall take effect July 1, 2007.

16 SECTION 12. AND BE IT FURTHER ENACTED, That, except as provided in  
17 Section 11 of this Act, this Act shall take effect October 1, 2005.