
By: **Senators Klausmeier and Jacobs**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

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
35 services; providing for certain criminal penalties; requiring that an evaluation of

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

13 BY renumbering

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

19 BY repealing

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

25 BY adding to

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

31 BY repealing and reenacting, without amendments,

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

36 BY adding to

37 Article - State Government
38 Section 8-403(b)(42)
39 Annotated Code of Maryland
40 (2004 Replacement Volume)

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

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

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

11 **Article - Health Occupations**

12 **TITLE 6. MASSAGE THERAPY.**

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

14 6-101.

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

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

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

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

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

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

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

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

31 (2) "MASSAGE THERAPY" INCLUDES THE USE OF THE MANUAL
32 TECHNIQUES OF STROKING (EFFLEURAGE), KNEADING (PETRISSAGE), TAPPING
33 (TAPOTEMENT), STRETCHING, COMPRESSION, VIBRATION, AND FRICTION WITH OR
34 WITHOUT THE AID OF HEAT, COLD, WATER, OR NONLEGEND TOPICAL APPLICATIONS.

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

2 (I) THE DIAGNOSIS OR TREATMENT OF ILLNESS, DISEASE, OR
3 INJURY;

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

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

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

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

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

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

20 6-102.

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

24 SUBTITLE 2. STATE BOARD OF MASSAGE THERAPY EXAMINERS.

25 6-201.

26 THERE IS A STATE BOARD OF MASSAGE THERAPY EXAMINERS IN THE
27 DEPARTMENT.

28 6-202.

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

30 (2) OF THE SEVEN BOARD MEMBERS:

31 (I) FOUR SHALL BE LICENSED MASSAGE THERAPISTS;

32 (II) ONE SHALL BE A REGISTERED MASSAGE PRACTITIONER;

33 (III) ONE SHALL BE AN INSTRUCTOR OF MASSAGE THERAPY; AND

1 (IV) ONE SHALL BE A CONSUMER MEMBER.

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

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

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

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

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

24 (B) EACH LICENSED MASSAGE THERAPIST AND REGISTERED MASSAGE
25 PRACTITIONER MEMBER SHALL BE:

26 (1) A RESIDENT OF THE STATE;

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

29 (3) LICENSED OR REGISTERED BY THE STATE.

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

31 (1) A RESIDENT OF THE STATE;

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

34 (3) A MASSAGE THERAPIST LICENSED BY THE STATE FOR AT LEAST 5
35 YEARS.

36 (D) THE CONSUMER MEMBER OF THE BOARD:

- 1 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;
- 2 (2) MAY NOT BE OR EVER HAVE BEEN A MASSAGE THERAPIST OR
3 MASSAGE PRACTITIONER OR IN TRAINING TO BECOME A MASSAGE THERAPIST OR A
4 MASSAGE PRACTITIONER;
- 5 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A MASSAGE
6 THERAPIST OR MASSAGE PRACTITIONER OR IN TRAINING TO BECOME A MASSAGE
7 THERAPIST OR MASSAGE PRACTITIONER;
- 8 (4) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A
9 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO MASSAGE THERAPY;
- 10 (5) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
11 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO MASSAGE THERAPY; AND
- 12 (6) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
13 SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.
- 14 (E) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT HAVE
15 A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.
- 16 (F) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
17 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.
- 18 (G) (1) THE TERM OF A MEMBER IS 4 YEARS.
- 19 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
20 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2005.
- 21 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
22 SUCCESSOR IS APPOINTED AND QUALIFIES.
- 23 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
24 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
25 QUALIFIES.
- 26 (5) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY
27 VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE VACANCY.
- 28 (6) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL
29 TERMS.
- 30 (H) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR
31 MISCONDUCT.
- 32 6-203.
- 33 (A) THE BOARD ANNUALLY SHALL ELECT A CHAIR FROM AMONG ITS
34 MEMBERS.

1 (B) THE BOARD SHALL DETERMINE:

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

3 (2) THE DUTIES OF THE CHAIR.

4 6-204.

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

7 (B) THE BOARD EXECUTIVE DIRECTOR:

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

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

10 6-205.

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

13 (B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS
14 MEETINGS.

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

16 (1) COMPENSATION DETERMINED BY THE BOARD AND IN ACCORDANCE
17 WITH THE BUDGET OF THE BOARD; AND

18 (2) REIMBURSEMENT FOR EXPENSES AT A RATE DETERMINED BY THE
19 BOARD.

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

22 6-206.

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

25 (1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
26 TITLE;

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

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

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

- 3 (1) KEEP A LIST OF THE NAME AND ADDRESS OF EACH LICENSED
4 MESSAGE THERAPIST AND REGISTERED MESSAGE PRACTITIONER;
- 5 (2) ADOPT AN OFFICIAL SEAL;
- 6 (3) FILE REPORTS OF ITS ACTIVITIES AS REQUIRED BY THE SECRETARY;
- 7 (4) ASSIST IN PROSECUTIONS UNDER THIS TITLE; AND
- 8 (5) INVESTIGATE AN ALLEGED VIOLATION OF THIS TITLE.

9 6-207.

10 (A) THERE IS A STATE BOARD OF MASSAGE THERAPY EXAMINERS FUND.

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

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

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

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

19 (2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE STATE
20 BOARD OF MASSAGE THERAPY EXAMINERS FUND.

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

24 (2) THE FUND IS A CONTINUING, NONLAPSING FUND, NOT SUBJECT TO §
25 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

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

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

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

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

4 6-208.

5 A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §
6 5-704 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR
7 OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

8 SUBTITLE 3. LICENSES.

9 6-301.

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

13 (B) THIS SECTION DOES NOT APPLY TO:

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

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

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

22 (II) HAS AN APPLICATION FOR A LICENSE PENDING BEFORE THE
23 BOARD BUT HAS NOT TAKEN THE EXAMINATION REQUIRED UNDER THIS SECTION OR
24 HAS TAKEN AN EXAMINATION UNDER THIS SECTION, BUT THE RESULTS OF THE
25 EXAMINATION ARE NOT YET KNOWN;

26 (3) A FAMILY MEMBER PRACTICING MASSAGE THERAPY ON ANOTHER
27 FAMILY MEMBER;

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

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

33 (6) AN INDIVIDUAL WORKING IN A BEAUTY SALON;

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

4 (II) IN WHICH THE INDIVIDUAL IS PROVIDING COSMETOLOGY AND
5 ESTHETIC SERVICES, INCLUDING THE APPLICATION AND REMOVAL OF SKIN OR SKIN
6 CARE PRODUCTS.

7 6-302.

8 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL
9 WHO:

10 (1) IS OF GOOD MORAL CHARACTER;

11 (2) IS AT LEAST 18 YEARS OLD;

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

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

19 (I) ANATOMY AND PHYSIOLOGY;

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

21 (III) CONTRAINDICATIONS TO MASSAGE THERAPY; AND

22 (IV) PROFESSIONAL ETHICS; AND

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

24 (B) TO QUALIFY TO BE REGISTERED, AN APPLICANT SHALL BE AN INDIVIDUAL
25 WHO:

26 (1) IS OF GOOD MORAL CHARACTER;

27 (2) IS AT LEAST 18 YEARS OLD;

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

31 (I) ANATOMY AND PHYSIOLOGY;

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

11 UNOFFICIAL COPY OF SENATE BILL 610

1 (III) CONTRAINDICATIONS TO MASSAGE THERAPY; AND

2 (IV) PROFESSIONAL ETHICS; AND

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

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

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

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

11 (II) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

12 1. HAS COMPLETED EDUCATIONAL REQUIREMENTS THAT
13 THE BOARD DETERMINES TO BE EQUIVALENT TO THE BOARD APPROVED
14 EDUCATIONAL REQUIREMENTS IN THIS STATE;

15 2. AT THE TIME THE APPLICANT BECAME LICENSED,
16 CERTIFIED, OR REGISTERED IN THE OTHER STATE, PASSED IN THAT STATE OR ANY
17 OTHER STATE AN EXAMINATION THAT THE BOARD DETERMINES TO BE EQUIVALENT
18 TO THE EXAMINATION REQUIRED IN THIS STATE; AND

19 3. IS OF GOOD MORAL CHARACTER.

20 6-303.

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

25 6-304.

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

27 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
28 BOARD REQUIRES;

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

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

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

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

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

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

6 6-305.

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

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

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

16 (1) THE DATE ON WHICH THE CURRENT LICENSE OR REGISTRATION
17 EXPIRES;

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

21 (3) THE AMOUNT OF THE RENEWAL FEE.

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

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

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

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

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

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

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

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

5 6-306.

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

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

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

11 (B) IF A MASSAGE THERAPIST OR MASSAGE PRACTITIONER FAILS FOR ANY
12 REASON TO RENEW THE LICENSE OF THE MASSAGE THERAPIST OR REGISTRATION
13 OF THE MASSAGE PRACTITIONER, THE BOARD SHALL REINSTATE THE LICENSE OR
14 REGISTRATION IF THE MASSAGE THERAPIST OR MASSAGE PRACTITIONER:

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

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

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

20 (C) THE BOARD MAY NOT REINSTATE THE LICENSE OF A MASSAGE THERAPIST
21 OR THE REGISTRATION OF A MASSAGE PRACTITIONER WHO FAILS TO APPLY FOR
22 REINSTATEMENT OF THE LICENSE OR REGISTRATION WITHIN 5 YEARS AFTER THE
23 LICENSE OR REGISTRATION EXPIRES. HOWEVER, THE MASSAGE THERAPIST OR
24 MASSAGE PRACTITIONER MAY BECOME LICENSED OR REGISTERED BY MEETING THE
25 CURRENT REQUIREMENTS FOR OBTAINING A NEW LICENSE OR REGISTRATION
26 UNDER THIS TITLE.

27 6-307.

28 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE
29 OR REGISTRATION OF A LICENSED MASSAGE THERAPIST OR A REGISTERED MASSAGE
30 PRACTITIONER, A LICENSED MASSAGE THERAPIST OR A REGISTERED MASSAGE
31 PRACTITIONER MAY NOT SURRENDER THE LICENSE OR REGISTRATION NOR MAY THE
32 LICENSE OR REGISTRATION LAPSE BY OPERATION OF LAW WHILE A LICENSEE OR
33 REGISTERED PRACTITIONER IS UNDER INVESTIGATION OR WHILE CHARGES ARE
34 PENDING AGAINST THE MASSAGE THERAPIST OR MASSAGE PRACTITIONER.

35 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
36 MASSAGE THERAPIST OR MASSAGE PRACTITIONER UNDER INVESTIGATION OR

1 AGAINST WHOM CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE MASSAGE
2 THERAPIST'S LICENSE OR THE MASSAGE PRACTITIONER'S REGISTRATION.

3 6-308.

4 (A) SUBJECT TO THE HEARING PROVISIONS OF § 6-312 OF THIS SUBTITLE, THE
5 BOARD MAY DENY A LICENSE OR REGISTRATION TO ANY APPLICANT, REPRIMAND
6 ANY LICENSEE OR REGISTERED PRACTITIONER, PLACE ANY LICENSEE OR
7 REGISTERED PRACTITIONER ON PROBATION, OR SUSPEND OR REVOKE THE LICENSE
8 OF A LICENSEE OR THE REGISTRATION OF A REGISTERED PRACTITIONER IF THE
9 APPLICANT, LICENSEE, OR REGISTERED PRACTITIONER:

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

12 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR
13 REGISTRATION;

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

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

22 (5) WILLFULLY AND KNOWINGLY:

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

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

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

30 (7) PROVIDES PROFESSIONAL SERVICES WHILE:

31 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

32 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
33 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER
34 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
35 INDICATION;

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

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

4 (10) IS PROFESSIONALLY INCOMPETENT;

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

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

7 (13) IS PHYSICALLY OR MENTALLY INCOMPETENT;

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

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

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

17 (17) IS HABITUALLY INTOXICATED;

18 (18) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR
19 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL
20 LAW ARTICLE;

21 (19) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED
22 BY THE BOARD;

23 (20) ENGAGES IN CONDUCT THAT VIOLATES THE PROFESSIONAL CODE
24 OF ETHICS; OR

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

27 (B) IF, AFTER A HEARING UNDER § 6-312 OF THIS SUBTITLE, THE BOARD
28 FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO
29 SUSPEND OR REVOKE A LICENSE TO PRACTICE MASSAGE THERAPY OR
30 REGISTRATION TO PRACTICE NONMEDICAL MASSAGE, TO REPRIMAND A LICENSEE
31 OR REGISTERED PRACTITIONER, OR PLACE A LICENSEE OR REGISTERED
32 PRACTITIONER ON PROBATION, THE BOARD MAY IMPOSE A PENALTY NOT
33 EXCEEDING \$5,000 IN LIEU OF OR IN ADDITION TO SUSPENDING OR REVOKING THE
34 LICENSE OR REGISTRATION, REPRIMANDING THE LICENSEE OR REGISTERED
35 PRACTITIONER, OR PLACING THE LICENSEE OR REGISTERED PRACTITIONER ON
36 PROBATION.

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

4 (2) IF THE SUSPENDED OR REVOKED LICENSE OR REGISTRATION HAS
5 BEEN LOST, THE INDIVIDUAL SHALL FILE WITH THE BOARD A VERIFIED STATEMENT
6 TO 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 SUSPENSION
9 OF A LICENSE OR REGISTRATION UNDER THIS SECTION WITHIN 24 HOURS OF THE
10 REVOCATION OR SUSPENSION.

11 6-309.

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

15 6-310.

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

18 6-311.

19 NOTWITHSTANDING THE FACT THAT THESE SERVICES ARE PROVIDED WITHIN
20 THE SCOPE OF THEIR LICENSED PRACTICE, NOTHING IN THIS SUBTITLE REQUIRES A
21 NONPROFIT HEALTH SERVICE PLAN, INSURER, HEALTH MAINTENANCE
22 ORGANIZATION, OR PERSON ACTING AS A THIRD PARTY ADMINISTRATOR TO
23 REIMBURSE A LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE
24 PRACTITIONER FOR ANY SERVICES RENDERED.

25 6-312.

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

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

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

33 (D) (1) THE CHAIRMAN OF THE BOARD MAY DELEGATE AUTHORITY TO
34 CONDUCT A HEARING TO A COMMITTEE CONSISTING OF THREE OR MORE BOARD
35 MEMBERS.

36 (2) THE COMMITTEE SHALL:

1 (I) HOLD AN EVIDENTIARY HEARING; AND

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

4 (3) THE COMMITTEE SHALL GIVE TO THE INDIVIDUAL WHO IS THE
5 SUBJECT OF THE HEARING NOTICE OF THE OPPORTUNITY TO FILE EXCEPTIONS AND
6 PRESENT ARGUMENT TO THE BOARD REGARDING THE DECISION OF THE
7 COMMITTEE.

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

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

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

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

22 6-313.

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

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

27 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE
28 ADMINISTRATIVE PROCEDURE ACT.

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

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

34 6-314.

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

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

2 (2) CONDUCT THAT IS GROUND FOR DISCIPLINARY ACTION UNDER §
3 6-305 OF THIS TITLE.

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

5 (1) THE BOARD IN ITS OWN NAME;

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

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

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

11 (D) AN ACTION UNDER THIS SECTION MAY BE BROUGHT AGAINST AN
12 INDIVIDUAL WHO IS AUTHORIZED TO PRACTICE MASSAGE THERAPY UNDER THIS
13 TITLE.

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

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

21 SUBTITLE 4. MISCELLANEOUS.

22 6-401.

23 (A) THE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH STANDARDS FOR
24 ADVERTISING OR SOLICITING BY LICENSED MASSAGE THERAPISTS AND REGISTERED
25 MASSAGE PRACTITIONERS.

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

29 6-402.

30 A LICENSED MASSAGE THERAPIST OR A REGISTERED MASSAGE PRACTITIONER
31 MAY USE A TRADE NAME IN CONNECTION WITH THE PRACTICE OF MASSAGE
32 THERAPY PROVIDED THAT:

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

1 (2) THE ADVERTISEMENT IN WHICH THE TRADE NAME APPEARS
2 INCLUDES THE NAME OF THE LICENSED MASSAGE THERAPIST OR REGISTERED
3 MASSAGE PRACTITIONER OR THE NAME OF THE BUSINESS ENTITY PROVIDING THE
4 MASSAGE SERVICES BEING ADVERTISED AS LONG AS THE ADVERTISEMENT
5 INCLUDES THE NAME OF A LICENSED MASSAGE THERAPIST OR REGISTERED
6 MASSAGE PRACTITIONER;

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

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

13 (5) THE USE OF A TRADE NAME IS PREAPPROVED BY THE BOARD
14 BEFORE USE.

15 6-403.

16 A LICENSED MASSAGE THERAPIST AND A REGISTERED MASSAGE
17 PRACTITIONER SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §
18 5-636 OF THE COURTS ARTICLE FOR REVIEWING THE FEES OR CHARGES FOR
19 SERVICES OF ANOTHER LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE
20 PRACTITIONER IN THIS OR ANY OTHER STATE.

21 SUBTITLE 5. PROHIBITED ACTS.

22 6-501.

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

27 6-502.

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

33 (B) AN INDIVIDUAL WHO IS A REGISTERED MASSAGE PRACTITIONER UNDER
34 THIS SUBTITLE OR A BUSINESS ENTITY THAT EMPLOYS REGISTERED MASSAGE
35 PRACTITIONERS UNDER THIS SUBTITLE MAY NOT ADVERTISE TO THE PUBLIC THAT
36 THE INDIVIDUAL OR BUSINESS ENTITY PROVIDES HEALTH-RELATED THERAPEUTIC
37 MASSAGE SERVICES.

1 (C) UNLESS AUTHORIZED TO PRACTICE UNDER THIS TITLE, A PERSON MAY
2 NOT USE THE TITLE "MASSAGE THERAPIST", "MT", "LICENSED MASSAGE THERAPIST",
3 "CMT", "MASSAGE PRACTITIONER", "MP", "LICENSED MASSAGE PRACTITIONER", OR
4 "RMP", OR ANY OTHER TERM OR TITLE WITH THE INTENT TO REPRESENT THAT THE
5 PERSON PRACTICES MASSAGE THERAPY.

6 6-503.

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

8 (1) A LICENSE; OR

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

10 6-504.

11 (A) A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE MASSAGE
12 THERAPY WITHOUT A LICENSE IN VIOLATION OF § 6-501 OF THIS SUBTITLE OR
13 REPRESENTS TO THE PUBLIC IN VIOLATION OF § 6-502 OF THIS SUBTITLE THAT THE
14 PERSON IS AUTHORIZED TO PRACTICE MASSAGE THERAPY IS GUILTY OF A
15 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

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

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

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

24 **Article - State Government**

25 8-403.

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

30 (b) Except as otherwise provided in subsection (a) of this section, on or before
31 the evaluation date for the following governmental activities or units, an evaluation
32 shall be made of the following governmental activities or units and the statutes and
33 regulations that relate to the governmental activities or units:

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

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

- 3 (1) two members in 2008;
- 4 (2) two members in 2009; and
- 5 (3) three members in 2010.

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

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

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

29 SECTION 8. AND BE IT FURTHER ENACTED, That, on or after July 1,
30 2007, if an individual holds a certificate or registration issued by the State Board of
31 Chiropractic Examiners and the individual fails to timely renew the certificate or
32 registration, the individual may qualify for reinstatement of a license or registration
33 under § 6-306 of the Health Occupations Article as enacted by this Act as if the
34 individual had held a license or registration issued by the State Board of Massage
35 Therapy Examiners.

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

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

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

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