

# HOUSE BILL 735

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SB 610/05 – EHE

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By: **Delegates Hubbard, Boteler, Bromwell, DeBoy, Elliott, Haddaway, Holmes, Hucker, Kullen, Malone, Mathias, McDonough, Nathan-Pulliam, Oaks, Rudolph, and Tarrant**

Introduced and read first time: February 8, 2007  
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; authorizing the Board to appoint and establish  
8 the powers and duties of a Board executive director; authorizing the Board to  
9 set certain fees; requiring certain fees collected by the Board to be sent to the  
10 Comptroller; requiring the Comptroller to distribute certain fees to a certain  
11 special fund; requiring certain persons to be licensed or registered by the Board  
12 before an individual may practice massage therapy or nonmedical massage in  
13 the State; establishing certain education, experience, and examination  
14 requirements for licensed massage therapists and registered massage  
15 practitioners; establishing certain requirements for qualifying, renewing,  
16 reinstating, and surrendering a license or registration for massage therapists  
17 and massage practitioners; prohibiting a registered massage practitioner from  
18 practicing nonmedical massage in certain health care facilities; authorizing the  
19 Board to deny a license or registration to an applicant, refuse to renew a license  
20 or registration, reprimand a licensee or registered practitioner, suspend or  
21 revoke a license or registration, or impose certain penalties under certain  
22 circumstances; prohibiting a health care provider from referring patients to a  
23 person who is not a licensed massage therapist; providing that certain providers  
24 of health insurance are not required to reimburse a licensed massage therapist

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or registered massage practitioner for services rendered; establishing certain  
2 hearing and appeal procedures for massage therapists and massage  
3 practitioners; requiring the Board to adopt regulations to establish certain  
4 standards for advertising and soliciting of services by massage therapists and  
5 massage practitioners; providing for the use of a trade name by massage  
6 therapists and massage practitioners; providing civil immunity to certain  
7 persons for reviewing certain fees and charges; prohibiting certain persons from  
8 misrepresenting an individual's status of licensure or registration as a massage  
9 therapist or massage practitioner by the Board; providing certain restrictions on  
10 the advertising of nonmedical massage services; providing for certain criminal  
11 penalties; requiring that an evaluation of the Board and the statutes and  
12 regulations that relate to the Board be performed on or before a certain date;  
13 defining certain terms; specifying the terms of the initial members of the Board;  
14 providing for the transition from the Massage Therapy Advisory Committee and  
15 the State Board of Chiropractic Examiners to the State Board of Massage  
16 Therapy Examiners regarding the regulation and licensure and registration of  
17 massage therapists and massage practitioners; requiring the Board to submit a  
18 certain report to certain committees of the General Assembly on or before a  
19 certain date; making certain technical corrections; providing for a delayed  
20 effective date for certain provisions of this Act; and generally relating to the  
21 State Board of Massage Therapy Examiners and licensing, registration, and  
22 regulation of massage therapists and massage practitioners.

23 BY renumbering

24 Article – State Government  
25 Section 8–403(b)(40) through (69), respectively  
26 to be Section 8–403(b)(41) through (70), respectively  
27 Annotated Code of Maryland  
28 (2004 Replacement Volume and 2006 Supplement)

29 BY repealing

30 Article – Health Occupations  
31 Section 3–5A–01 through 3–5A–14 and the subtitle “Subtitle 5A. Certification of  
32 Massage Therapists”  
33 Annotated Code of Maryland  
34 (2005 Replacement Volume and 2006 Supplement)

35 BY adding to

36 Article – Health Occupations  
37 Section 6–101 through 6–504 to be under the new title “Title 6. Massage  
38 Therapy”  
39 Annotated Code of Maryland  
40 (2005 Replacement Volume and 2006 Supplement)

1 BY repealing and reenacting, without amendments,  
2 Article – State Government  
3 Section 8–403(a)  
4 Annotated Code of Maryland  
5 (2004 Replacement Volume and 2006 Supplement)

6 BY adding to  
7 Article – State Government  
8 Section 8–403(b)(40)  
9 Annotated Code of Maryland  
10 (2004 Replacement Volume and 2006 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That Section(s) 8–403(b)(40) through (69), respectively, of Article – State  
13 Government of the Annotated Code of Maryland be renumbered to be Section(s)  
14 8–403(b)(41) through (70), respectively.

15 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3–5A–01  
16 through 3–5A–14 and the subtitle “Subtitle 5A. Certification of Massage Therapists” of  
17 Article – Health Occupations of the Annotated Code of Maryland be repealed.

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

20 **Article – Health Occupations**

21 **TITLE 6. MASSAGE THERAPY.**

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

23 **6–101.**

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

26 (B) “BOARD” MEANS THE STATE BOARD OF MASSAGE THERAPY  
27 EXAMINERS.

28 (C) “REGISTRATION” MEANS A CERTIFICATE ISSUED BY THE BOARD TO  
29 PRACTICE NONMEDICAL MASSAGE THERAPY.

1           (D) **“REGISTERED MASSAGE PRACTITIONER” MEANS AN INDIVIDUAL**  
2 **WHO IS REGISTERED BY THE BOARD TO PRACTICE NONMEDICAL MASSAGE.**

3           (E) **“HEALTH CARE FACILITY” HAS THE MEANING STATED IN § 19-114**  
4 **OF THE HEALTH – GENERAL ARTICLE.**

5           (F) **“LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE**  
6 **MASSAGE THERAPY.**

7           (G) **“LICENSED MASSAGE THERAPIST” MEANS AN INDIVIDUAL WHO IS**  
8 **LICENSED BY THE BOARD TO PRACTICE MASSAGE THERAPY.**

9           (H) (1) **“MASSAGE THERAPY” MEANS THE USE OF MANUAL**  
10 **TECHNIQUES ON SOFT TISSUES OF THE HUMAN BODY FOR THE PURPOSE OF**  
11 **IMPROVING CIRCULATION, ENHANCING MUSCLE RELAXATION, RELIEVING**  
12 **MUSCULAR PAIN, REDUCING STRESS, AND PROMOTING HEALTH AND**  
13 **WELL-BEING.**

14           (2) **“MASSAGE THERAPY” INCLUDES THE USE OF THE MANUAL**  
15 **TECHNIQUES OF STROKING (EFFLEURAGE), KNEADING (PETRISSAGE), TAPPING**  
16 **(TAPOTEMENT), STRETCHING, COMPRESSION, VIBRATION, AND FRICTION WITH**  
17 **OR WITHOUT THE AID OF HEAT, COLD, WATER, OR NONLEGEND TOPICAL**  
18 **APPLICATIONS.**

19           (3) **“MASSAGE THERAPY” DOES NOT INCLUDE:**

20                   (I) **THE DIAGNOSIS OR TREATMENT OF ILLNESS, DISEASE,**  
21 **OR INJURY;**

22                   (II) **THE ADJUSTMENT, MANIPULATION, OR MOBILIZATION**  
23 **OF ANY OF THE ARTICULATIONS OF THE OSSEOUS STRUCTURES OF THE HUMAN**  
24 **BODY OR SPINE;**

25                   (III) **THE LAYING OF HANDS, CONSISTING OF PRESSURE OR**  
26 **MOVEMENT ON A FULLY CLOTHED INDIVIDUAL, TO SPECIFICALLY AFFECT THE**  
27 **ELECTROMAGNETIC ENERGY OR ENERGETIC FIELD OF THE HUMAN BODY; OR**

1                   (IV) ANY OTHER PRACTICE DETERMINED BY THE BOARD OF  
2 CHIROPRACTIC EXAMINERS, IN CONSULTATION WITH THE SECRETARY, TO BE  
3 OUTSIDE THE SCOPE OF PRACTICE OF MASSAGE THERAPY.

4                   (4) IN PARAGRAPH (3)(III) OF THIS SUBSECTION, “FULLY  
5 CLOTHED” DOES NOT REQUIRE THE WEARING OF FOOTWEAR.

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

9                   (I) “PRACTICE MASSAGE THERAPY” MEANS TO ENGAGE  
10 PROFESSIONALLY AND FOR COMPENSATION IN MASSAGE THERAPY.

11                   (J) “PRACTICE NONMEDICAL MASSAGE” MEANS TO ENGAGE  
12 PROFESSIONALLY AND FOR COMPENSATION IN MASSAGE THERAPY IN A  
13 SETTING THAT IS NOT A HEALTH CARE FACILITY.

14 **6-102.**

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

18                   **SUBTITLE 2. STATE BOARD OF MASSAGE THERAPY EXAMINERS.**

19 **6-201.**

20                   **THERE IS A STATE BOARD OF MASSAGE THERAPY EXAMINERS IN THE**  
21 **DEPARTMENT.**

22 **6-202.**

23                   (A) (1) **THE BOARD CONSISTS OF SEVEN MEMBERS.**

24                               (2) **OF THE SEVEN BOARD MEMBERS:**

25                                       (I) **FOUR SHALL BE LICENSED MASSAGE THERAPISTS;**

1                                   (II) ONE SHALL BE A REGISTERED MASSAGE PRACTITIONER;  
2 AND

3                                   (III) TWO SHALL BE CONSUMER MEMBERS.

4                   (3) (I) THE GOVERNOR SHALL APPOINT THE LICENSED  
5 MASSAGE THERAPIST MEMBERS AND THE REGISTERED MASSAGE  
6 PRACTITIONER MEMBER, WITH THE ADVICE OF THE SECRETARY, AND THE  
7 ADVICE AND CONSENT OF THE SENATE, FROM A LIST OF NAMES OF QUALIFIED  
8 INDIVIDUALS SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY AN  
9 ASSOCIATION THAT REPRESENTS AT LEAST 20% OF LICENSED OR REGISTERED  
10 MASSAGE THERAPISTS IN THE STATE.

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

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

18                   (4) THE GOVERNOR SHALL APPOINT THE CONSUMER MEMBER  
19 WITH THE ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE  
20 SENATE.

21                   (B) EACH LICENSED MASSAGE THERAPIST AND REGISTERED MASSAGE  
22 PRACTITIONER MEMBER SHALL BE:

23                               (1) A RESIDENT OF THE STATE;

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

26                               (3) LICENSED OR REGISTERED BY THE STATE.

27                   (C) THE CONSUMER MEMBER OF THE BOARD:

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

1           **(2) MAY NOT BE OR EVER HAVE BEEN A MASSAGE THERAPIST OR**  
2 **MASSAGE PRACTITIONER OR IN TRAINING TO BECOME A MASSAGE THERAPIST**  
3 **OR A MASSAGE PRACTITIONER;**

4           **(3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A MASSAGE**  
5 **THERAPIST OR MASSAGE PRACTITIONER OR IN TRAINING TO BECOME A**  
6 **MASSAGE THERAPIST OR MASSAGE PRACTITIONER;**

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

9           **(5) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES**  
10 **IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO MASSAGE THERAPY;**  
11 **AND**

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

14           **(D) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT**  
15 **HAVE A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE**  
16 **BOARD.**

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

20           **(F) (1) THE TERM OF A MEMBER IS 4 YEARS.**

21           **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**  
22 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2007.**

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

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

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

3           **(6) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL**  
4 **TERMS.**

5           **(G) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR**  
6 **MISCONDUCT.**

7 **6-203.**

8           **(A) THE BOARD ANNUALLY SHALL ELECT A CHAIR FROM AMONG ITS**  
9 **MEMBERS.**

10          **(B) THE BOARD SHALL DETERMINE:**

11           **(1) THE MANNER OF ELECTION OF THE CHAIR; AND**

12           **(2) THE DUTIES OF THE CHAIR.**

13 **6-204.**

14          **(A) THE BOARD MAY APPOINT A BOARD EXECUTIVE DIRECTOR, WHO**  
15 **SERVES AT THE PLEASURE OF THE BOARD.**

16          **(B) THE BOARD EXECUTIVE DIRECTOR:**

17           **(1) IS THE EXECUTIVE OFFICER OF THE BOARD; AND**

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

19 **6-205.**

20          **(A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE**  
21 **BOARD IS A QUORUM TO DO BUSINESS.**

22          **(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS**  
23 **MEETINGS.**



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

2                   **(1) COMPENSATION DETERMINED BY THE BOARD AND IN**  
3 **ACCORDANCE WITH THE BUDGET OF THE BOARD; AND**

4                   **(2) REIMBURSEMENT FOR EXPENSES AT A RATE DETERMINED BY**  
5 **THE BOARD.**

6           **(D) IN ACCORDANCE WITH THE BUDGET OF THE BOARD, THE BOARD**  
7 **MAY EMPLOY A STAFF.**

8 **6-206.**

9           **(A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS**  
10 **TITLE, THE BOARD MAY:**

11                   **(1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF**  
12 **THIS TITLE;**

13                   **(2) SUMMON WITNESSES, ADMINISTER OATHS, TAKE AFFIDAVITS,**  
14 **AND TAKE TESTIMONY ABOUT MATTERS THAT RELATE TO THE DUTIES OF THE**  
15 **BOARD; AND**

16                   **(3) IN ACCORDANCE WITH THE STATE BUDGET, AUTHORIZE**  
17 **PAYMENT OF FEES AND TRAVEL EXPENSES OF WITNESSES WHO TESTIFY IN ANY**  
18 **PROCEEDING BEFORE THE BOARD.**

19           **(B) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE,**  
20 **THE BOARD SHALL:**

21                   **(1) KEEP A LIST OF THE NAME AND ADDRESS OF EACH LICENSED**  
22 **MESSAGE THERAPIST AND REGISTERED MESSAGE PRACTITIONER;**

23                   **(2) ADOPT AN OFFICIAL SEAL;**

24                   **(3) FILE REPORTS OF ITS ACTIVITIES AS REQUIRED BY THE**  
25 **SECRETARY;**

26                   **(4) ASSIST IN PROSECUTIONS UNDER THIS TITLE; AND**

1           **(5) INVESTIGATE AN ALLEGED VIOLATION OF THIS TITLE.**

2   **6-207.**

3           **(A) THERE IS A STATE BOARD OF MASSAGE THERAPY EXAMINERS**  
4   **FUND.**

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

7                   **(2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE**  
8   **THE COST OF MAINTAINING THE BOARD.**

9                   **(3) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF**  
10   **THE BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS**  
11   **SECTION.**

12           **(C) (1) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS**  
13   **TITLE TO THE COMPTROLLER.**

14                   **(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE**  
15   **STATE BOARD OF MASSAGE THERAPY EXAMINERS FUND.**

16           **(D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL**  
17   **DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY**  
18   **AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF**  
19   **THIS ARTICLE.**

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

22                   **(3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE**  
23   **TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL**  
24   **REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS**  
25   **ARTICLE.**

26                   **(4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE**  
27   **FUND.**

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

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

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

7 **6-208.**

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

11                                   **SUBTITLE 3. LICENSES.**

12 **6-301.**

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

16           **(B) THIS SECTION DOES NOT APPLY TO:**

17                   **(1) A STUDENT ENROLLED IN AN APPROVED EDUCATION**  
18 **PROGRAM AS DETERMINED BY THE BOARD WHILE PRACTICING MASSAGE**  
19 **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**  
23 **THERAPY IN ANY OTHER STATE OR COUNTRY THAT HAS SUBSTANTIALLY**  
24 **SIMILAR REQUIREMENTS FOR AUTHORIZATION TO PRACTICE MASSAGE**  
25 **THERAPY AND THE INDIVIDUAL IS IN THIS STATE FOR NO MORE THAN 7 DAYS;**  
26 **OR**

1                   (II) HAS AN APPLICATION FOR A LICENSE PENDING BEFORE  
2 THE BOARD BUT HAS NOT TAKEN THE EXAMINATION REQUIRED UNDER THIS  
3 SECTION OR HAS TAKEN AN EXAMINATION UNDER THIS SECTION, BUT THE  
4 RESULTS OF THE EXAMINATION ARE NOT YET KNOWN;

5                   (3) A FAMILY MEMBER PRACTICING MASSAGE THERAPY ON  
6 ANOTHER FAMILY MEMBER;

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

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

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

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

17                   (II) IN WHICH THE INDIVIDUAL IS PROVIDING  
18 COSMETOLOGY AND ESTHETIC SERVICES, INCLUDING THE APPLICATION AND  
19 REMOVAL OF SKIN OR SKIN CARE PRODUCTS.

20 **6-302.**

21                  (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN  
22 INDIVIDUAL WHO:

23                   (1) IS OF GOOD MORAL CHARACTER;

24                   (2) IS AT LEAST 18 YEARS OLD;

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

1           **(4) HAS COMPLETED 500 HOURS OF EDUCATION IN A BOARD**  
2 **APPROVED PROGRAM FOR THE STUDY OF MASSAGE THERAPY THAT INCLUDES**  
3 **THE FOLLOWING 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           **(5) HAS PASSED AN EXAMINATION APPROVED BY THE BOARD.**

9           **(B) TO QUALIFY TO BE REGISTERED, AN APPLICANT SHALL BE AN**  
10 **INDIVIDUAL WHO:**

11                   **(1) IS OF GOOD MORAL CHARACTER;**

12                   **(2) IS AT LEAST 18 YEARS OLD;**

13           **(3) HAS COMPLETED 500 HOURS OF EDUCATION IN A**  
14 **BOARD-APPROVED PROGRAM FOR THE STUDY OF MASSAGE THERAPY THAT**  
15 **INCLUDES THE FOLLOWING AREAS OF CONTENT:**

16                   **(I) ANATOMY AND PHYSIOLOGY;**

17                   **(II) MASSAGE THEORY, TECHNIQUES, AND PRACTICE;**

18                   **(III) CONTRAINDICATIONS TO MASSAGE THERAPY; AND**

19                   **(IV) PROFESSIONAL ETHICS; AND**

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

21           **(C) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE**  
22 **BOARD MAY WAIVE ANY REQUIREMENT OF THIS SUBTITLE FOR AN APPLICANT**

1 WHO IS LICENSED, CERTIFIED, OR REGISTERED TO PRACTICE MASSAGE  
2 THERAPY IN ANOTHER STATE.

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

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

6 (II) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

7 1. HAS COMPLETED EDUCATIONAL REQUIREMENTS  
8 THAT THE BOARD DETERMINES TO BE EQUIVALENT TO THE BOARD-APPROVED  
9 EDUCATIONAL REQUIREMENTS IN THIS STATE;

10 2. AT THE TIME THE APPLICANT BECAME LICENSED,  
11 CERTIFIED, OR REGISTERED IN THE OTHER STATE, PASSED IN THAT STATE OR  
12 ANY OTHER STATE AN EXAMINATION THAT THE BOARD DETERMINES TO BE  
13 EQUIVALENT TO THE EXAMINATION REQUIRED IN THIS STATE; AND

14 3. IS OF GOOD MORAL CHARACTER.

15 **6-303.**

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

20 **6-304.**

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

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

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

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

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

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

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

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

7 **6-305.**

8           **(A) (1) A LICENSE OR REGISTRATION EXPIRES ON THE DATE SET BY**  
9 **THE BOARD, UNLESS THE LICENSE OR REGISTRATION IS RENEWED FOR A**  
10 **1-YEAR TERM AS PROVIDED IN THIS SECTION.**

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

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

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

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

22                   **(3) THE AMOUNT OF THE RENEWAL FEE.**

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

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

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

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

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

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

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

14          (2)    **THE BOARD SHALL RENEW THE REGISTRATION OF EACH**  
15 **REGISTERED PRACTITIONER WHO MEETS THE REQUIREMENTS OF THIS**  
16 **SECTION.**

17 **6-306.**

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

20               (1)   **MEETS THE RENEWAL REQUIREMENTS OF § 6-305 OF THIS**  
21 **SUBTITLE; AND**

22               (2)   **PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**  
23 **BOARD.**

24          (B)   **IF A MASSAGE THERAPIST OR MASSAGE PRACTITIONER FAILS FOR**  
25 **ANY REASON TO RENEW THE LICENSE OF THE MASSAGE THERAPIST OR**  
26 **REGISTRATION OF THE MASSAGE PRACTITIONER, THE BOARD SHALL**  
27 **REINSTATE THE LICENSE OR REGISTRATION IF THE MASSAGE THERAPIST OR**  
28 **MASSAGE PRACTITIONER:**



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

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

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

8           (C) THE BOARD MAY NOT REINSTATE THE LICENSE OF A MASSAGE  
9 THERAPIST OR THE REGISTRATION OF A MASSAGE PRACTITIONER WHO FAILS  
10 TO APPLY FOR REINSTATEMENT OF THE LICENSE OR REGISTRATION WITHIN 5  
11 YEARS AFTER THE LICENSE OR REGISTRATION EXPIRES. HOWEVER, THE  
12 MASSAGE THERAPIST OR MASSAGE PRACTITIONER MAY BECOME LICENSED OR  
13 REGISTERED BY MEETING THE CURRENT REQUIREMENTS FOR OBTAINING A  
14 NEW LICENSE OR REGISTRATION UNDER THIS TITLE.

15 **6-307.**

16           (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A  
17 LICENSE OR REGISTRATION OF A LICENSED MASSAGE THERAPIST OR A  
18 REGISTERED MASSAGE PRACTITIONER, A LICENSED MASSAGE THERAPIST OR A  
19 REGISTERED MASSAGE PRACTITIONER MAY NOT SURRENDER THE LICENSE OR  
20 REGISTRATION NOR MAY THE LICENSE OR REGISTRATION LAPSE BY OPERATION  
21 OF LAW WHILE A LICENSEE OR REGISTERED PRACTITIONER IS UNDER  
22 INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE MASSAGE  
23 THERAPIST OR MASSAGE PRACTITIONER.

24           (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE  
25 MASSAGE THERAPIST OR MASSAGE PRACTITIONER UNDER INVESTIGATION OR  
26 AGAINST WHOM CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE  
27 MASSAGE THERAPIST'S LICENSE OR THE MASSAGE PRACTITIONER'S  
28 REGISTRATION.

29 **6-308.**

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

7                   **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**  
8 **OBTAIN A LICENSE OR REGISTRATION FOR THE APPLICANT OR FOR ANOTHER;**

9                   **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR**  
10 **REGISTRATION;**

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

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

19                   **(5) WILLFULLY AND KNOWINGLY:**

20                           **(I) FILES A FALSE REPORT OR RECORD OF AN INDIVIDUAL**  
21 **UNDER THE CARE OF THE LICENSEE OR REGISTERED PRACTITIONER; OR**

22                           **(II) GIVES ANY FALSE OR MISLEADING INFORMATION**  
23 **ABOUT A MATERIAL MATTER IN AN EMPLOYMENT APPLICATION;**

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

27                   **(7) PROVIDES PROFESSIONAL SERVICES WHILE:**

28                           **(I) UNDER THE INFLUENCE OF ALCOHOL; OR**

1                   (ii) USING ANY NARCOTIC OR CONTROLLED DANGEROUS  
2 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR  
3 OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT  
4 VALID MEDICAL INDICATION;

5                   (8) DOES AN ACT THAT IS INCONSISTENT WITH GENERALLY  
6 ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF MASSAGE  
7 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  
16 AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL  
17 SERVICES FOR WHICH THE LICENSEE OR CERTIFICATE HOLDER IS QUALIFIED  
18 TO RENDER BECAUSE 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  
21 CENTERS 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  
25 CRIMINAL LAW ARTICLE;

26                  (19) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION  
27 CONDUCTED BY THE BOARD;

1           **(20) ENGAGES IN CONDUCT THAT VIOLATES THE PROFESSIONAL**  
2 **CODE OF ETHICS; OR**

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

5           **(B) IF, AFTER A HEARING UNDER § 6-312 OF THIS SUBTITLE, THE**  
6 **BOARD FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS**  
7 **SECTION TO SUSPEND OR REVOKE A LICENSE TO PRACTICE MASSAGE THERAPY**  
8 **OR REGISTRATION TO PRACTICE NONMEDICAL MASSAGE, TO REPRIMAND A**  
9 **LICENSEE OR REGISTERED PRACTITIONER, OR PLACE A LICENSEE OR**  
10 **REGISTERED PRACTITIONER ON PROBATION, THE BOARD MAY IMPOSE A**  
11 **PENALTY NOT EXCEEDING \$5,000 IN LIEU OF OR IN ADDITION TO SUSPENDING**  
12 **OR REVOKING THE LICENSE OR REGISTRATION, REPRIMANDING THE LICENSEE**  
13 **OR REGISTERED PRACTITIONER, OR PLACING THE LICENSEE OR REGISTERED**  
14 **PRACTITIONER ON PROBATION.**

15           **(C) (1) AN INDIVIDUAL WHOSE LICENSE OR REGISTRATION HAS BEEN**  
16 **SUSPENDED OR REVOKED BY THE BOARD SHALL RETURN THE LICENSE OR**  
17 **REGISTRATION TO THE BOARD.**

18           **(2) IF THE SUSPENDED OR REVOKED LICENSE OR REGISTRATION**  
19 **HAS BEEN LOST, THE INDIVIDUAL SHALL FILE WITH THE BOARD A VERIFIED**  
20 **STATEMENT TO THAT EFFECT.**

21           **(D) THE BOARD SHALL FILE A NOTICE FOR PUBLICATION IN THE**  
22 **EARLIEST PUBLICATION OF THE MARYLAND REGISTER OF EACH REVOCATION**  
23 **OR SUSPENSION OF A LICENSE OR REGISTRATION UNDER THIS SECTION WITHIN**  
24 **24 HOURS OF THE REVOCATION OR SUSPENSION.**

25 **6-309.**

26           **THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO**  
27 **PRACTICE OR ADVERTISE AN OCCUPATION THAT THE INDIVIDUAL IS**  
28 **OTHERWISE AUTHORIZED TO PRACTICE UNDER THE ANNOTATED CODE OF**  
29 **MARYLAND.**

30 **6-310.**

1           **A HEALTH CARE PROVIDER LICENSED OR CERTIFIED UNDER THIS**  
2 **ARTICLE MAY NOT REFER PATIENTS TO A PERSON WHO IS NOT A LICENSED**  
3 **MASSAGE THERAPIST.**

4           **6-311.**

5           **NOTWITHSTANDING THE FACT THAT THESE SERVICES ARE PROVIDED**  
6 **WITHIN THE SCOPE OF THEIR LICENSED PRACTICE, NOTHING IN THIS SUBTITLE**  
7 **REQUIRES A NONPROFIT HEALTH SERVICE PLAN, INSURER, HEALTH**  
8 **MAINTENANCE ORGANIZATION, OR PERSON ACTING AS A THIRD PARTY**  
9 **ADMINISTRATOR TO REIMBURSE A LICENSED MASSAGE THERAPIST OR**  
10 **REGISTERED MASSAGE PRACTITIONER FOR ANY SERVICES RENDERED.**

11           **6-312.**

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

16           **(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**  
17 **ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.**

18           **(C) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY**  
19 **COUNSEL.**

20           **(D) OVER THE SIGNATURE OF AN OFFICER OR THE EXECUTIVE**  
21 **DIRECTOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND**  
22 **ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS**  
23 **TITLE AND ANY HEARINGS OR PROCEEDINGS BEFORE IT.**

24           **(E) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA**  
25 **FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO**  
26 **TESTIFY OR ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT**  
27 **OF COMPETENT JURISDICTION MAY PUNISH THE PERSON AS FOR CONTEMPT OF**  
28 **COURT.**

1           **(F) IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION**  
2 **IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD**  
3 **MAY HEAR AND DETERMINE THE MATTER.**

4           **(G) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF §**  
5 **6-305 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE**  
6 **HEARING AS SPECIFIED IN REGULATION ADOPTED BY THE BOARD.**

7 **6-313.**

8           **(A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER §**  
9 **6-308 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF**  
10 **THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE**  
11 **PROCEDURE ACT, MAY:**

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

13                   **(2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE**  
14 **ADMINISTRATIVE PROCEDURE ACT.**

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

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

20 **6-314.**

21           **(A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THIS STATE OR**  
22 **THE BOARD TO ENJOIN:**

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

24                   **(2) CONDUCT THAT IS GROUND FOR DISCIPLINARY ACTION**  
25 **UNDER § 6-305 OF THIS SUBTITLE.**

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



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

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

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

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

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

20                   **(5) THE USE OF A TRADE NAME IS PREAPPROVED BY THE BOARD**  
21 **BEFORE USE.**

22 **6-403.**

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

28                                   **SUBTITLE 5. PROHIBITED ACTS.**

29 **6-501.**



1           **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY**  
2 **NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE MASSAGE**  
3 **THERAPY, MASSAGE, MYOTHERAPY, OR ANY SYNONYM OR DERIVATION OF**  
4 **THESE TERMS IN THIS STATE UNLESS LICENSED OR REGISTERED BY THE**  
5 **BOARD.**

6           **6-502.**

7           **(A) AN INDIVIDUAL WHO IS NOT A LICENSED MASSAGE THERAPIST OR A**  
8 **REGISTERED MASSAGE PRACTITIONER UNDER THIS SUBTITLE MAY NOT**  
9 **ADVERTISE OR CLAIM BY TITLE, ABBREVIATION, SIGN, CARD, OR ANY OTHER**  
10 **REPRESENTATION THAT THE INDIVIDUAL PRACTICES MASSAGE, MASSAGE**  
11 **THERAPY, MYOTHERAPY, OR ANY SYNONYM OR DERIVATION OF THESE TERMS.**

12           **(B) AN INDIVIDUAL WHO IS A REGISTERED MASSAGE PRACTITIONER**  
13 **UNDER THIS SUBTITLE OR A BUSINESS ENTITY THAT EMPLOYS REGISTERED**  
14 **MASSAGE PRACTITIONERS UNDER THIS SUBTITLE MAY NOT ADVERTISE TO THE**  
15 **PUBLIC THAT THE INDIVIDUAL OR BUSINESS ENTITY PROVIDES**  
16 **HEALTH-RELATED THERAPEUTIC MASSAGE SERVICES.**

17           **(C) UNLESS AUTHORIZED TO PRACTICE UNDER THIS TITLE, A PERSON**  
18 **MAY NOT USE THE TITLE “MASSAGE THERAPIST”, “MT”, “LICENSED MASSAGE**  
19 **THERAPIST”, “CMT”, “MASSAGE PRACTITIONER”, “MP”, “LICENSED MASSAGE**  
20 **PRACTITIONER”, OR “RMP”, OR ANY OTHER TERM OR TITLE WITH THE INTENT**  
21 **TO REPRESENT THAT THE PERSON PRACTICES MASSAGE THERAPY.**

22           **6-503.**

23           **A PERSON MAY NOT BUY, SELL, OR FRAUDULENTLY OBTAIN:**

24                   **(1) A LICENSE; OR**

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

27           **6-504.**

28           **(A) A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE MASSAGE**  
29 **THERAPY WITHOUT A LICENSE IN VIOLATION OF § 6-501 OF THIS SUBTITLE OR**

1 **REPRESENTS TO THE PUBLIC IN VIOLATION OF § 6-502 OF THIS SUBTITLE THAT**  
2 **THE PERSON IS AUTHORIZED TO PRACTICE MASSAGE THERAPY IS GUILTY OF A**  
3 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

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

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

8 (B) **A PERSON WHO IS CONVICTED UNDER THE PROVISIONS OF THIS**  
9 **SECTION SHALL REIMBURSE THE BOARD FOR THE DIRECT COSTS OF THE**  
10 **BOARD, INCLUDING COURT REPORTING SERVICES AND EXPERT WITNESS FEES,**  
11 **INCURRED AS A RESULT OF A PROSECUTION UNDER THIS SECTION.**

12 **Article - State Government**

13 8-403.

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

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

22 (40) **MASSAGE THERAPY EXAMINERS, STATE BOARD OF (§ 6-201**  
23 **OF THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2017);**

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

26 (1) two members in 2010;

27 (2) two members in 2011; and

28 (3) three members in 2012.

1 SECTION 5. AND BE IT FURTHER ENACTED, That, on July 1, 2009, all the  
2 functions, powers, duties, equipment, assets, liabilities, records, and employees of the  
3 Massage Therapy Advisory Committee and those functions, powers, duties,  
4 equipment, assets, liabilities, records, and employees of the State Board of  
5 Chiropractic Examiners related to the licensure and certification of massage  
6 therapists and massage practitioners shall be transferred to the State Board of  
7 Massage Therapy Examiners.

8 SECTION 6. AND BE IT FURTHER ENACTED, That, on July 1, 2009, an  
9 individual who holds a certificate or registration issued by the State Board of  
10 Chiropractic Examiners may qualify for the equivalent license and registration issued  
11 by the State Board of Massage Therapy Examiners without meeting the education,  
12 experience, and examination requirements of Title 6, Subtitle 3 of the Health  
13 Occupations Article as enacted by this Act if the individual qualifies for the certificate  
14 or registration before the expiration of the individual's certificate or registration.

15 SECTION 7. AND BE IT FURTHER ENACTED, That, on July 1, 2008, an  
16 individual who holds a certificate or registration issued by the State Board of  
17 Chiropractic Examiners, in all respects, shall be considered licensed or registered by  
18 the State Board of Massage Therapy Examiners and, subject to the provisions of this  
19 Act, for the remainder of the term of the individual's licensure or registration. On  
20 expiration of the individual's licensure or registration, the individual may qualify for  
21 renewal of a license or registration under § 6-304 of the Health Occupations Article as  
22 enacted by this Act as if the individual has held a certificate or registration issued by  
23 the State Board of Chiropractic Examiners.

24 SECTION 8. AND BE IT FURTHER ENACTED, That, on or after July 1, 2009,  
25 if an individual holds a certificate or registration issued by the State Board of  
26 Chiropractic Examiners and the individual fails to timely renew the certificate or  
27 registration, the individual may qualify for reinstatement of a license or registration  
28 under § 6-306 of the Health Occupations Article as enacted by this Act as if the  
29 individual had held a license or registration issued by the State Board of Massage  
30 Therapy Examiners.

31 SECTION 9. AND BE IT FURTHER ENACTED, That, before July 1, 2009, an  
32 individual who has completed or partially completed any education, experience, or  
33 examination requirements for a certificate or registration to be issued by the State  
34 Board of Chiropractic Examiners shall be considered to have completed or partially  
35 completed the same requirement for a license or registration issued by the State Board  
36 of Massage Therapy Examiners.

37 SECTION 10. AND BE IT FURTHER ENACTED, That the State Board of  
38 Massage Therapy Examiners shall report to the Senate Education, Health, and

1 Environmental Affairs Committee and the House Health and Government Operations  
2 Committee, on or before December 31, 2010, in accordance with § 2-1246 of the State  
3 Government Article, assessing the appropriateness of the fees charged to licensed  
4 massage therapists and registered massage practitioners and the ability of the Board  
5 to be self-sufficient given the greater workload.

6 SECTION 11. AND BE IT FURTHER ENACTED, That Sections 1, 2, 3, and 4  
7 of this Act shall take effect July 1, 2009.

8 SECTION 12. AND BE IT FURTHER ENACTED, That, except as provided in  
9 Section 11 of this Act, this Act shall take effect October 1, 2007.