

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1563 (Delegate Hubbard)
Health and Government Operations Education, Health, and Environmental Affairs

**State Board of Chiropractic and Massage Therapy Examiners - Licensure of
Massage Therapists**

This bill requires massage therapists to be licensed rather than certified by the Board of Chiropractic Examiners in order to practice massage therapy in the State. The bill renames the Board of Chiropractic Examiners as the Board of Chiropractic and Massage Therapy Examiners and repeals the Massage Therapy Advisory Committee.

Fiscal Summary

State Effect: The bill would have no material effect on board finances. In addition, the bill's penalty provision changes are not expected to affect State finances.

Local Effect: None. The bill would not significantly affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill adds three licensed massage therapists and one additional chiropractor to the board's membership and specifies criteria for the massage therapist board members.

In addition, the bill alters the definition of "massage therapy" to include specified manual techniques affecting the electromagnetic energy or energetic field of the human body.

The board has to adopt rules and regulations to establish advertising and soliciting standards for licensed massage therapists and registered massage practitioners. The bill also authorizes a licensed massage therapist and registered massage practitioner to use a trade name in connection with the practice of massage therapy within specified limitations.

The bill allows an existing certificate holder to continue practicing until his or her certificate is subject to renewal, at which time a license has to be issued instead in order to continue practicing in the State. The board can only grant a waiver to a registered, certified, or licensed massage therapist from another state if he or she passes an examination approved by the board in addition to meeting current waiver requirements.

The bill subjects licensed massage therapists to the same hearing and appeals process as chiropractors. In addition, the bill conforms the criminal penalties for massage therapists to those for chiropractors, which effectively lowers the maximum fine and imprisonment period for the unauthorized practice of massage therapy for first violations.

Current Law: Chapters 673 and 678 of 1996 gave the State Board of Chiropractic Examiners responsibility for regulating massage therapy. Regulation of massage therapy is differentiated by the setting in which it is practiced. If outside of a health care facility, it is deemed to be nontherapeutic massage and the individual practitioner must be registered as a massage practitioner. Otherwise, an individual has to be certified as a massage therapist. A health care provider licensed or certified under the Health Occupations Article may not refer patients to a person who is not a certified massage therapist.

The board sets requirements for issuing and biennially renewing certificates and registrations to practice massage therapy. The board also sets conditions under which it may deny a certificate or registration to any applicant, reprimand any certificate or registration holder, place a certificate or registration holder on probation, or suspend or revoke a certificate or registration. However, a Massage Therapy Advisory Committee within the chiropractic board consisting of six members – two licensed chiropractors and four certified massage therapists – assists the board in several ways. The advisory committee develops and recommends board regulations, a code of ethics for the practice of massage therapy, and certification and registration requirements. The committee also evaluates applicant credentials, evaluates massage therapy education programs for board approval, considers complaints brought to the board, keeps a record of proceedings, and submits an annual report to the board.

The board sets fees for issuing and renewing certificates and registrations to practice massage therapy. All fees collected are distributed to the State Board of Chiropractic Examiners Fund.

The county commissioners of Charles and Washington counties may adopt ordinances or regulations relating to massage establishments and the practices of massage therapists, massage practitioners, and any other individuals who provide massage for compensation.

Background: There are approximately 2,357 certified massage therapists and 599 registered massage practitioners in Maryland.

Proposals to change how massage therapists are regulated, even through a separate regulatory board, have been considered since at least 2003.

State Effect: Legislative Services assumes there would be no increase in special fund revenues as a result of the bill alone since the requirements for licensure are the same as those for certification.

Additional Information

Prior Introductions: A similar bill, SB 993 of 2007, received an unfavorable report by the Education, Health, and Environmental Affairs Committee. Its cross file, HB 735 was heard by the House Health and Government Operations Committee but no further action was taken.

Cross File: SB 960 (Senator Klausmeier) – Education, Health, and Environmental Affairs.

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

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Analysis by: Sarah K. Harvey

Direct Inquiries to:
(410) 946-5510
(301) 970-5510