

SENATE BILL 37

J2

(2lr0509)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senator Augustine**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – State Board of Massage Therapy Examiners – Requiring**
3 **License to Practice and Other Revisions**

4 FOR the purpose of requiring the State Board of Massage Therapy Examiners to maintain
5 on the Board’s website an electronic roster of individuals registered and licensed to
6 practice massage therapy; repealing a requirement for the Board to adopt an official
7 seal; phasing out the option for an individual to be registered by the Board to practice
8 massage therapy in a setting that is not a health care setting; altering the
9 educational requirements for licensure or registration as a massage therapist;
10 providing that an individual who practices, attempts to practice, or offers to practice
11 as a massage therapist without being licensed or registered by the Board to practice
12 massage therapy is subject to a civil fine to be paid into the State Board of Massage
13 Therapy Examiners Fund; and generally relating to massage therapists.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, without amendments,

2 Article – Health Occupations
3 Section 6–101(a) through (c) and 6–501
4 Annotated Code of Maryland
5 (2021 Replacement Volume)

6 BY adding to

7 Article – Health Occupations
8 Section 6–101(j)
9 Annotated Code of Maryland
10 (2021 Replacement Volume)

11 BY repealing and reenacting, with amendments,

12 Article – Health Occupations
13 Section 6–206(b), 6–301(a), 6–302, 6–304(c), and 6–504
14 Annotated Code of Maryland
15 (2021 Replacement Volume)

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

18 **Article – Health Occupations**

19 6–101.

20 (a) In this title the following words have the meanings indicated.

21 (b) “Board” means the State Board of Massage Therapy Examiners.

22 (c) “Health care setting” means:

23 (1) The office of a health care provider regulated under this article; or

24 (2) A health care facility as defined in § 19–114 of the Health – General
25 Article.

26 **(J) “SUPERVISED HANDS–ON TECHNIQUES” MEANS MASSAGE TECHNIQUES**
27 **THAT ARE PERFORMED UNDER THE DIRECT, IN–PERSON SUPERVISION OF A**
28 **QUALIFIED LICENSED INSTRUCTOR WHO IS ON–SITE IN:**

29 **(1) A CLASSROOM;**

30 **(2) A LABORATORY;**

31 **(3) A SCHOOL CLINIC; OR**

1 **(4) A HEALTH CARE SETTING.**

2 6–206.

3 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

4 (1) Keep a list of the name and address of each licensed massage therapist
5 and registered massage practitioner;

6 (2) **(I) [Adopt an official seal] MAINTAIN AN ELECTRONIC ROSTER**
7 **OF ALL INDIVIDUALS LICENSED OR REGISTERED BY THE BOARD;**

8 **(II) MAKE THE ROSTER AVAILABLE FOR THE PURPOSE OF**
9 **ELECTRONICALLY VERIFYING LICENSURE OR REGISTRATION ON THE BOARD’S**
10 **WEBSITE; AND**

11 **(III) PROVIDE AN ALTERNATIVE MEANS TO VERIFY A LICENSE OR**
12 **REGISTRATION FOR INDIVIDUALS WITHOUT INTERNET ACCESS;**

13 (3) File reports of the activities of the Board as required by the Secretary;

14 (4) Assist in prosecutions under this title;

15 (5) Investigate an alleged violation of this title; and

16 (6) Establish an advisory committee, to be chaired by the vice chair of the
17 Board, to study the scope of practice of massage therapy and make recommendations to the
18 Board on changes to this title or regulations adopted by the Board under this subtitle that
19 are necessary to reflect currently practiced modalities.

20 6–301.

21 (a) Except as otherwise provided in this title, **BEFORE** an individual **MAY**
22 **PRACTICE MASSAGE THERAPY IN THE STATE, THE INDIVIDUAL** shall be:

23 (1) **ON OR BEFORE OCTOBER 31, 2026:**

24 **(I)** Licensed by the Board [before the individual may practice
25 massage therapy in the State]; or

26 **[(2)] (II)** Registered by the Board [before the individual may] **TO** practice
27 massage therapy in a setting that is not a health care setting [in the State]; **OR**

28 **(2) ON OR AFTER NOVEMBER 1, 2026, LICENSED BY THE BOARD.**

1 6–302.

2 (a) [(1)] In this section [the following words have the meanings indicated.

3 (2) “Contact hour”], “CONTACT HOUR” means 50 minutes of actual
4 instructional time per each 60–minute hour.

5 [(3) “Credit hour” means a minimum of:

6 (i) 15 contact hours, during which the instructional time was
7 provided through actual class time, exclusive of registration, study days, and holidays;

8 (ii) 30 contact hours, during which the instructional time was
9 provided through supervised laboratory or studio time, exclusive of registration, study
10 days, and holidays; or

11 (iii) 45 contact hours, during which the instructional time was
12 provided through supervised practica, internships, and cooperative education placements,
13 when learning was documented.]

14 (b) To qualify for a license, an applicant shall be an individual who:

15 (1) Is of good moral character;

16 (2) Is at least 18 years old;

17 (3) Has graduated from an institution of ~~higher~~ **POSTSECONDARY**
18 education, as defined in § 10–101 of the Education Article ~~and approved by the Maryland~~
19 ~~Higher Education Commission~~, with at least ~~[60 credit]~~ **750 CONTACT** hours of education
20 in a curriculum:

21 (i) **APPROVED BY THE BOARD; ~~AND~~**

22 **(II) ~~I~~** Endorsed by [the]:

23 ~~A. 1. THE~~ Commission on Massage Therapy Accreditation; or
24 [an]

25 ~~B. 2. AN~~ equivalent entity that accredits both institutions of
26 higher education and programs offering instruction in massage therapy; ~~and] OR~~

27 [(ii)] ~~2. (III)~~ [Approved by the Board] **ACCREDITED BY:**

~~A. THE MIDDLE STATES COMMISSION ON HIGHER EDUCATION, NATIONAL ACCREDITING COMMISSION OF CAREER ARTS AND SCIENCES;~~

~~B. AN AN INSTITUTIONAL ACCREDITATION AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION; OR~~

~~C. A COMPARABLE ENTITY THAT ACCREDITS INSTITUTIONS OF HIGHER EDUCATION;~~

(4) [Has completed:

(i) A minimum of 24 credit hours in basic and applied science courses related to health care as part of the 60 credit hours required under item (3) of this subsection; or

(ii) If the 60 credit hours the applicant completed to comply with item (3) of this subsection did not include 24 credit hours in basic and applied science courses related to health care, 24 credit hours or 360 contact hours of basic and applied science courses related to health care through advanced massage therapy continuing education courses approved by the Board;

(5) Has completed [600] **750** contact hours of education in a Board-approved program for the study of massage therapy that includes the following areas of content:

(i) Anatomy, physiology, and kinesiology;

(ii) Massage **THERAPY** theory[, techniques, and practice];

(iii) Contraindications **AND PATHOLOGY** [to massage therapy];

(iv) Professional ethics;

(v) [Pathology; and] **HEALTH AND HYGIENE;**

(vi) Research;

(VII) SUPERVISED HANDS-ON TECHNIQUES; AND

(VIII) CLINICAL ASSESSMENT AND DOCUMENTATION;

[(6)] **(5)** Has passed an examination approved by the Board; and

1 ~~[(7)]~~ **(6)** Submits to a criminal history records check in accordance with §
2 6–303 of this subtitle.

3 (c) **[To] ON OR BEFORE SEPTEMBER 30, 2023, TO** qualify to be registered, an
4 applicant shall be an individual who:

5 (1) Is of good moral character;

6 (2) Is at least 18 years old;

7 (3) Has graduated from a program for the study of massage therapy **WITH**
8 **A CURRICULUM:**

9 (i) ~~[That has been approved]~~ **APPROVED** by the ~~[Maryland Higher~~
10 ~~Education Commission]~~ **BOARD; AND**

11 (ii) ~~‡~~ **[That has a curriculum that has been endorsed]**
12 **ENDORSED** by [the]:

13 ~~A. 1.~~ **THE** Commission on Massage Therapy Accreditation; or
14 [an]

15 ~~B. 2.~~ **AN** equivalent entity that is an accrediting agency or
16 organization that accredits both institutions of higher education and programs offering
17 instruction in massage therapy; ~~OR~~

18 ~~2. (III)~~ **ACCREDITED BY:**

19 ~~A. THE MIDDLE STATES COMMISSION ON HIGHER~~
20 ~~EDUCATION, NATIONAL ACCREDITING COMMISSION OF CAREER ARTS AND~~
21 ~~SCIENCES;~~

22 ~~B. AN AN~~ **AN** INSTITUTIONAL ACCREDITATION AGENCY
23 **RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION; OR**

24 ~~C. A COMPARABLE ENTITY THAT ACCREDIT~~
25 ~~INSTITUTIONS OF HIGHER EDUCATION; AND~~

26 (iii) ~~[That has been approved by the Board; and~~

27 (iv)‡ That requires at least 600 contact hours of classroom instruction
28 that includes the following areas of content:

29 1. Anatomy, physiology, and kinesiology;

- 1 2. Massage **THERAPY** theory[, techniques, and practice];
- 2 3. Contraindications **AND PATHOLOGY** [to massage
- 3 therapy];
- 4 4. Professional ethics;
- 5 5. [Pathology; and] **HEALTH AND HYGIENE;**
- 6 6. Research;
- 7 7. **SUPERVISED HANDS–ON TECHNIQUES; AND**
- 8 8. **CLINICAL ASSESSMENT AND DOCUMENTATION;**

9 (4) Has passed an examination approved by the Board; and

10 (5) Submits to a criminal history records check in accordance with § 6–303

11 of this subtitle.

12 (d) (1) Subject to paragraph (2) of this subsection, the Board may waive any

13 requirement of this subtitle for an applicant who is licensed, certified, or registered to

14 practice massage therapy in another state.

15 (2) The Board may grant a waiver under paragraph (1) of this subsection

16 only if the applicant:

17 (i) Pays the application fee set by the Board; and

18 (ii) Provides adequate evidence that the applicant:

19 1. Has completed educational requirements that the Board

20 determines to be equivalent to the Board–approved educational requirements in this State;

21 2. At the time the applicant became licensed, certified, or

22 registered in the other state, passed in that state or any other state an examination that

23 the Board determines to be equivalent to the examination required in this State; and

24 3. Is of good moral character.

25 **(E) ON OR AFTER OCTOBER 1, 2023, THE BOARD MAY NOT ISSUE AN INITIAL**

26 **REGISTRATION TO PRACTICE AS A REGISTERED MASSAGE PRACTITIONER.**

27 **(F) ON OR BEFORE OCTOBER 31, 2026, THE BOARD SHALL CONVERT THE**

28 **REGISTRATION OF AN INDIVIDUAL REGISTERED BY THE BOARD AS A REGISTERED**

1 **MESSAGE PRACTITIONER TO A LICENSE TO PRACTICE MESSAGE THERAPY IF THE**
2 **INDIVIDUAL COMPLIES WITH REGULATIONS ADOPTED BY THE BOARD.**

3 6–304.

4 (c) The Board shall include on each license and registration that the Board
5 issues[:

6 (1) The seal of the Board; and

7 (2) The] **THE** kind of license or registration.

8 6–501.

9 Except as otherwise provided in this title, an individual may not practice, attempt to
10 practice, or offer to practice massage therapy, massage, myotherapy, or any synonym or
11 derivation of these terms in the State unless licensed or registered by the Board.

12 6–504.

13 (a) A person who practices or attempts to practice massage therapy without a
14 license or registration in violation of § 6–501 of this subtitle or represents to the public in
15 violation of § 6–502 of this subtitle that the person is authorized to practice massage
16 therapy is guilty of a misdemeanor and on conviction is subject to:

17 (1) For a first offense, a fine not exceeding \$2,000 or imprisonment not
18 exceeding 6 months; or

19 (2) For a subsequent offense, a fine not exceeding \$6,000 or imprisonment
20 not exceeding 1 year.

21 (b) A person who is convicted under subsection (a) of this section shall reimburse
22 the Board for the direct costs of the Board, including court reporting services and expert
23 witness fees, incurred as a result of a prosecution under subsection (a) of this section.

24 **(C) (1) A PERSON WHO VIOLATES § 6–501 OF THIS SUBTITLE IS SUBJECT**
25 **TO A CIVIL FINE OF NOT MORE THAN ~~\$50,000~~ \$10,000 TO BE ASSESSED BY THE**
26 **BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.**

27 **(2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**
28 **SUBSECTION INTO THE STATE BOARD OF MASSAGE THERAPY EXAMINERS FUND.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That an individual registered by
30 the State Board of Massage Therapy Examiners on October 1, 2023, shall be considered, in
31 all respects, registered as a registered massage practitioner by the Board and, subject to
32 the provisions of this Act, for the remainder of the term of the individual's registration.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of Massage
2 Therapy Examiners shall adopt regulations necessary to implement the provisions of
3 Section 1 of this Act on or before October 1, 2023.

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.