

SENATE BILL 37

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(PRE-FILED)

2lr0509
CF 2lr0508

By: **Senator Augustine**

Requested: September 20, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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.

14 BY repealing and reenacting, without amendments,
15 Article – Health Occupations
16 Section 6–101(a) through (c) and 6–501
17 Annotated Code of Maryland
18 (2021 Replacement Volume)

19 BY adding to
20 Article – Health Occupations
21 Section 6–101(j)
22 Annotated Code of Maryland
23 (2021 Replacement Volume)

24 BY repealing and reenacting, with amendments,
25 Article – Health Occupations
26 Section 6–206(b), 6–301(a), 6–302, 6–304(c), and 6–504
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2021 Replacement Volume)

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

4 **Article – Health Occupations**

5 6–101.

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

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

8 (c) “Health care setting” means:

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

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

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

15 **(1) A CLASSROOM;**

16 **(2) A LABORATORY;**

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

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

19 6–206.

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

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

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

25 **(II) MAKE THE ROSTER AVAILABLE FOR THE PURPOSE OF**
26 **ELECTRONICALLY VERIFYING LICENSURE OR REGISTRATION ON THE BOARD’S**
27 **WEBSITE; AND**

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

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

4 (4) Assist in prosecutions under this title;

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

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

10 6–301.

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

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

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

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

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

19 6–302.

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

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

23 **[(3)]** “Credit hour” means a minimum of:

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

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

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

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

(1) Is of good moral character;

(2) Is at least 18 years old;

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

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

(II) 1. Endorsed by [the]:

A. THE Commission on Massage Therapy Accreditation; or
[an]

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

[(ii) 2. [Approved by the Board] ACCREDITED BY:

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

B. 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

1 science courses related to health care through advanced massage therapy continuing
2 education courses approved by the Board;

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

6 (i) Anatomy, physiology, and kinesiology;

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

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

9 (iv) Professional ethics;

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

11 (vi) Research;

12 (vii) **SUPERVISED HANDS-ON TECHNIQUES; AND**

13 (viii) **CLINICAL ASSESSMENT AND DOCUMENTATION**;

14 [(6)] (5) Has passed an examination approved by the Board; and

15 [(7)] (6) Submits to a criminal history records check in accordance with §
16 6-303 of this subtitle.

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

19 (1) Is of good moral character;

20 (2) Is at least 18 years old;

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

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

25 (ii) 1. [That has a curriculum that has been endorsed]
26 **ENDORSED** by [the]:

1 **A.** **THE** Commission on Massage Therapy Accreditation; or
 2 [an]

3 **B.** **AN** equivalent entity that is an accrediting agency or
 4 organization that accredits both institutions of higher education and programs offering
 5 instruction in massage therapy; **OR**

6 **2.** **ACCREDITED BY:**

7 **A.** **THE MIDDLE STATES COMMISSION ON HIGHER**
 8 **EDUCATION, NATIONAL ACCREDITING COMMISSION OF CAREER ARTS AND**
 9 **SCIENCES;**

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

12 **C.** **A COMPARABLE ENTITY THAT ACCREDITIS**
 13 **INSTITUTIONS OF HIGHER EDUCATION; AND**

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

15 (iv)] That requires at least 600 contact hours of classroom instruction
 16 that includes the following areas of content:

17 1. Anatomy, physiology, and kinesiology;

18 2. Massage **THERAPY** theory[, techniques, and practice];

19 3. Contraindications **AND PATHOLOGY** [to massage
 20 therapy];

21 4. Professional ethics;

22 5. [Pathology; and] **HEALTH AND HYGIENE;**

23 6. Research;

24 7. **SUPERVISED HANDS-ON TECHNIQUES; AND**

25 8. **CLINICAL ASSESSMENT AND DOCUMENTATION;**

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

27 (5) Submits to a criminal history records check in accordance with § 6-303
 28 of this subtitle.

1 (d) (1) Subject to paragraph (2) of this subsection, the Board may waive any
2 requirement of this subtitle for an applicant who is licensed, certified, or registered to
3 practice massage therapy in another state.

4 (2) The Board may grant a waiver under paragraph (1) of this subsection
5 only if the applicant:

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

7 (ii) Provides adequate evidence that the applicant:

8 1. Has completed educational requirements that the Board
9 determines to be equivalent to the Board–approved educational requirements in this State;

10 2. At the time the applicant became licensed, certified, or
11 registered in the other state, passed in that state or any other state an examination that
12 the Board determines to be equivalent to the examination required in this State; and

13 3. Is of good moral character.

14 **(E) ON OR AFTER OCTOBER 1, 2023, THE BOARD MAY NOT ISSUE AN INITIAL**
15 **REGISTRATION TO PRACTICE AS A REGISTERED MASSAGE PRACTITIONER.**

16 **(F) ON OR BEFORE OCTOBER 31, 2026, THE BOARD SHALL CONVERT THE**
17 **REGISTRATION OF AN INDIVIDUAL REGISTERED BY THE BOARD AS A REGISTERED**
18 **MASSAGE PRACTITIONER TO A LICENSE TO PRACTICE MASSAGE THERAPY IF THE**
19 **INDIVIDUAL COMPLIES WITH REGULATIONS ADOPTED BY THE BOARD.**

20 6–304.

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

23 (1) The seal of the Board; and

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

25 6–501.

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

29 6–504.

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

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

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

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

12 **(c) (1) A PERSON WHO VIOLATES § 6–501 OF THIS SUBTITLE IS SUBJECT**
13 **TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE ASSESSED BY THE BOARD IN**
14 **ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.**

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

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

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

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