

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 37

(Senator Augustine)

Education, Health, and Environmental Affairs

Health and Government Operations

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

This bill phases-out the registered massage practitioner credential under the State Board of Massage Therapy Examiners. The bill prohibits the board from issuing an initial registration to practice as a registered massage practitioner on or after October 1, 2023. Beginning November 1, 2026, an individual must be licensed by the board to practice massage therapy in the State. The bill also alters registration and licensure qualifications and subjects an individual who practices massage therapy without a license or registration to a civil fine of up to \$10,000. The bill repeals the requirement that the board adopt an official seal and requires the board to maintain an electronic roster of individuals licensed or registered by the board. **The board must adopt regulations to implement the bill by October 1, 2023.**

Fiscal Summary

State Effect: The board can adopt regulations to implement the bill with existing budgeted resources. Potential minimal increase in board special fund revenues from the civil fine.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Phase-out of Registered Massage Practitioner Credential

Under current law, the board licenses massage therapists and registers massage therapy practitioners. A registered massage therapy practitioner may not practice massage therapy in a health care setting.

The bill phases-out the registered massage practitioner credential. Until October 31, 2026, an individual may practice massage therapy in the State if the individual is either (1) licensed by the board or (2) registered by the board to practice massage therapy in a non-health care setting. Beginning November 1, 2026, an individual must be licensed by the board to practice massage therapy in the State. By October 31, 2026, the board must convert the registration of an individual registered as a massage practitioner to a license to practice massage therapy if the individual complies with regulations adopted by the board. An individual registered by the board on October 1, 2023, must be considered, in all respects, registered as a registered massage practitioner by the board for the remainder of the individual's registration.

Licensure Qualifications

Under current law, to qualify as a licensed massage therapist, an individual must (1) be of good moral character; (2) be at least 18 years old; (3) graduate from an institution of higher education approved by the Maryland Higher Education Commission (MHEC) with at least 60 credit hours of education in a curriculum endorsed by the Commission on Massage Therapy Accreditation (COMTA) or an equivalent entity and approved by the board; (4) complete either a minimum of 24 credit hours in specified basic and applied science courses or 24 credit hours or 360 contact hours of basic and applied science courses through advanced massage therapy continuing education as approved by the board; (5) complete 600 contact hours of education in a board-approved program with specified areas of content; (6) pass a board-approved examination; and (7) submit to a criminal history records check (CHRC).

The bill alters licensure requirements as follows. An individual must graduate from an institution of *postsecondary* education. Rather than at least 60 credit hours of education in a specified curriculum, an applicant must have 750 contact hours. The curriculum must be endorsed by COMTA or an equivalent entity (as under current law) and accredited by an institutional accreditation agency recognized by the U.S. Department of Education. The requirement to complete either a minimum of 24 credit hours in specified basic and applied science courses or 24 credit hours or 360 contact hours of basic and applied science courses

through advanced massage therapy continuing education as approved by the board is repealed. The bill also requires completion of 750 (rather than 600) contact hours of education in a board-approved program with specified areas of content. The 750 contact hours must include certain areas of content, including massage *therapy* theory (rather than massage theory, techniques, and practice), contraindications *and pathology* (rather than contraindication to massage therapy), health and hygiene, “supervised hands-on techniques,” and clinical assessment and documentation.

Registration Qualifications

Under current law, to qualify as a registered massage therapy practitioner, an individual must (1) be of good moral character; (2) be at least 18 years old; (3) graduate from a program for the study of massage therapy that has been approved by MHEC and has a curriculum endorsed by the board and COMTA or an equivalent entity with at least 600 contact hours of classroom instruction in specified areas of content; (4) pass an examination approved by the board; and (5) submit to a CHRC.

Under the bill, the requirements for registration (on or before September 1, 2023) are altered. A program for the study of massage therapy no longer needs approval from MHEC. The curriculum must be endorsed by COMTA or an equivalent entity and accredited by an institutional accreditation agency recognized by the U.S. Department of Education. The 600 contact hours of classroom instruction must include the same areas of content as the 750 contact hours required for licensure.

Penalties

Under current law, a person who practices or attempts to practice massage therapy without a license or registration is subject to a misdemeanor. For a first offense, an individual is subject to a fine of up to \$2,000 or imprisonment for up to six months; a subsequent offense is subject to a fine of up to \$6,000 or imprisonment for up to one year.

The bill specifies that a person who practices massage therapy without a license or registration is also subject to a civil fine of up to \$10,000 to be assessed in accordance with regulations adopted by the board. Any penalty collected must be paid into the board’s special fund.

Board Duties

Generally, the board must keep a list of the name and address of each licensed massage therapist and registered massage practitioner, adopt an official seal, file reports of the activities of the board as required by the Secretary of Health, assist in prosecutions relating

to massage therapy, investigate an alleged violation of State law relating to massage therapy, and establish an advisory committee.

The bill removes the requirement that the board adopt an official seal and include that seal on each license and registration the board issues. The bill requires the board to maintain an electronic roster of all individuals licensed or registered by the board and provide an alternative means to verify a license or registration for individuals without Internet access.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 220 (Delegate Kelly) - Health and Government Operations.

Information Source(s): Maryland Higher Education Commission; Maryland Department of Health; Department of Legislative Services

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