

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 216

(Senators Ellis and Augustine)

Finance

Health and Government Operations

Massage Therapy - Definition, Registration, and Reimbursement

This bill alters the definition of “massage therapy” to clarify what the scope of practice does not include. The bill repeals language specifying that a nonprofit health service plan, insurer, health maintenance organization (HMO), or person acting as a third-party administrator is not required to reimburse a license massage therapist or registered massage practitioner for any services rendered. The bill also extends by one year the date after which the State Board of Massage Therapy Examiners may no longer issue a registered massage practitioner credential (and related provisions). **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: The State Board of Massage Therapy Examiners can implement the bill’s changes with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law/Bill Summary:

Licensure

Chapters 705 and 706 of 2022 phase-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 (extended to October 1, 2024, under the bill), must be considered, in all respects, registered as a registered massage practitioner by the board for the remainder of the individual's registration.

Qualifications

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 postsecondary education approved by the Maryland Higher Education Commission with at least 750 contact 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 750 contact hours of education in a board-approved program with specified areas of content; (5) pass a board-approved examination; and (6) submit to a criminal history records check (CHRC).

On or before September 30, 2023 (extended to September 30, 2024 under the bill), 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 a curriculum endorsed by the board and COMTA or an equivalent entity and accredited by an institutional accreditation agency recognized by the U.S. Department of Education 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.

Definitions

“Massage therapy” means the use of manual techniques on soft tissues of the human body including stroking, kneading, tapping, stretching, compression, vibration, and friction, with or without the aid of heat limited to hot packs and heating pads, cold water, or nonlegend topical applications, for the purpose of improving circulation, enhancing muscle relaxation, relieving muscular pain, reducing stress, or promoting health and well-being.

“Massage therapy” includes hands-on application, consisting of pressure or movement on an individual, to specifically affect the electromagnetic energy or energetic field of the human body if this practice includes use of specified manual techniques.

“Massage therapy” does not include (1) the diagnosis or *treatment* of illness, disease, or injury; (2) the adjustment, manipulation, or mobilization of any of the articulations of the osseous structures of the human body or spine; or (3) except as otherwise provided, the laying on of hands, consisting of pressure or movement on an individual who is fully clothed, except for footwear, to specifically affect the electromagnetic energy or energetic field of the human body. The bill repeals the *treatment* of illness from the definition of what is not included in the definition of massage therapy.

Reimbursement

Subtitle 4, Title 6 of the Health Occupations Article does not require a nonprofit health service plan, insurer, HMO, or a person acting as a third-party administrator to reimburse a licensed massage therapist or registered massage practitioner for any services rendered even though the services are within the scope of practice of the licensed massage therapist or registered massage practitioner. The bill repeals this provision.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 242 (Delegate Bagnall) - Health and Government Operations.

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

Fiscal Note History: First Reader - February 7, 2023
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