

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1497

(Delegate Pena-Melnyk, *et al.*)

Health and Government Operations

Finance

**State Board of Massage Therapy Examiners - Scope of Practice, Reinstatements,
and Examinations by Health Care Providers**

This bill alters the definition of “practice massage therapy” to include certain techniques. A former licensee seeking to reinstate a license must, in addition to other requirements, submit evidence of having completed a State and national criminal history records check (CHRC). The State Board of Massage Therapy Examiners must require any applicant whose application the board is reviewing or licensee whose license the board is investigating to submit to an appropriate examination by a health care provider (designated and paid for by the board) if the board has reason to believe and objective evidence that the applicant or licensee may cause harm to individuals affected by the applicant’s or licensee’s practice of massage therapy. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: The board can implement the bill with existing resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill repeals the existing definition of “massage therapy” and instead adapts the definition of “practice massage therapy” to include language previously applicable to the definition of “massage therapy.” The bill also expands the definition of “practice massage therapy” to include, subject to additional education and training

requirements as determined by the board in regulations, instrument-assisted soft tissue manipulation techniques that enhance or imitate manual techniques, including muscle scraping and vibration therapy.

In return for the privilege to practice massage therapy in the State, the applicant or licensee is deemed to have consented to submit to an examination when required and waived any claim of privilege as to the testimony or examination reports of the examining health care professional. The failure or refusal of the applicant or licensee to submit to an examination as required by the board is *prima facie* evidence of the applicant's or licensee's inability to practice massage therapy competently unless the board finds that the failure or refusal was beyond the control of the licensee.

Current Law:

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 nonhealth 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, 2024, 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 CHRC.

On or before September 30, 2024, 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 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.

“Practice massage therapy” means to engage professionally and for compensation in massage therapy.

Licensure Reinstatement

If a licensed massage therapist or registered massage practitioner fails for any reason to renew a license or registration, the board must reinstate the licensure or registration if the former licensed massage therapist or former registered massage practitioner (1) applies to the board for reinstatement within five years after the license or registration expires; (2) meets the licensure renewal requirements in current law; and (3) pays the reinstatement fee set by the board.

State Expenditures: The board can adopt regulations to alter definitions as specified with existing resources. The number of examinations by a health care provider designated by the board is assumed to be minimal and, therefore, the cost of such examinations is likely absorbable by the board with existing resources. Further, requiring applicants for renewal to resubmit evidence of having completed a State and national CHRC for licensure reinstatement is assumed to have no impact on State finances as applicants are already required to obtain a CHRC as part of an initial application for a license.

Additional Information

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

Designated Cross File: None.

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

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