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Bill Number: Senate Bill 37

Position: Letter of Information

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

Committee: Senate Education, Health & Environmental Affairs Committee

Hearing Date: February 1, 2022

Bill Summary:

Senate Bill 37 requires the State Board of Massage Therapy Examiners to maintain on the Board’s website an electronic roster of individuals registered and licensed to practice massage therapy. It phases out the option for an individual to be registered by the Board to practice massage therapy in a setting that is not a health care setting. It alters the educational requirements for licensure or registration as a massage therapist to include 750 contact hours in an approved curriculum.

Information:

The Maryland Higher Education Commission (MHEC) currently has a very productive and collaborative relationship with the Maryland Board of Massage Therapy Examiners (the Board) and we have recently discussed Senate Bill 37. We understand that amendments will be proposed to address some of the topics provided below. We provide this letter of information to ensure that the legislature is aware of important language distinctions as it applies to the approval of new private career schools, accreditation, and the general operations of postsecondary education in Maryland. Again, we appreciate the collaboration from the leadership at the Board.

First, the proposed legislation uses the term “institution of higher education.” Per Education Article §10–101, “Institution of higher education” means an institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at either the associate, baccalaureate, or graduate level... and includes public, private nonprofit, and for-profit institutions of higher education. This term does not include non-degree granting institutions, such as our private career schools. A more inclusive term to use would be “Institution of postsecondary education,” which means a school or other institution that offers an educational program in the State for individuals who are at least 16 years old and who have graduated from or left elementary or secondary school (per Education Article §10–101). The proposed legislation (without amendments) leaves out any consideration for private career schools that operate in Maryland. Currently, there are six private career schools in Maryland approved by MHEC that offer training in massage therapy.

Second, the proposed legislation removes MHEC from the approval process for both individuals seeking a “license” and individuals seeking to be “registered.” MHEC, as a regulatory and coordinating state agency, plays a critical role in ensuring that all postsecondary institutions meet

statutory and regulatory standards to operate as a school, regardless of the type of academic program. By removing MHEC, there could be a hypothetical situation where an entity could provide training in massage therapy that leads to licensure without the oversight of MHEC to operate as a postsecondary institution. At a minimum, MHEC ensures that an entity seeking to offer postsecondary education has the financial resources to do so, maintains the required financial guarantee to provide certain reimbursement of tuition and additional costs in the event of a school closure, meets administrative requirements (e.g., enrollment agreements, maintenance of student records), and has the necessary faculty to provide the proposed academic programs. MHEC provides the necessary regulatory oversight to evaluate if an entity does or does not meet Maryland standards to operate as an institution of postsecondary education.

Third, there are two considerations regarding accreditation. (1) The Commission on Massage Therapy Accreditation (COMTA) will either “accredit” an entire school or “endorse” a specific academic program. Endorsement from COMTA focuses exclusively on the curriculum and instruction rather than complete school operations. The two actions have unique and distinct implications. (2) It is advisable to limit accreditation to accrediting agencies recognized by the US Department of Education. (This currently includes the Middle States Commission on Higher Education, National Accrediting Commission of Career Arts and Sciences, and COMTA.)

Again, we understand that amendments will be proposed to address some, but not all, of these topics. We welcome the opportunity to discuss the proposed legislation further and provide additional clarification.

For further information, contact Dr. Emily A. A. Dow, Assistant Secretary for Academic Affairs, at emily.dow@maryland.gov.