

HOUSE BILL 1497

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4lr3534

By: **Delegate Pena–Melnik**

Introduced and read first time: February 16, 2024

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of altering the definition of “practice massage therapy” to include certain
5 techniques; altering the circumstances under which the State Board of Massage
6 Therapy Examiners is required to reinstate a license or registration; requiring the
7 Board to require a licensee or an applicant to submit to an examination by a health
8 care provider under certain circumstances; and generally relating to massage
9 therapists.

10 BY repealing and reenacting, without amendments,
11 Article – Health Occupations
12 Section 6–101(a)
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Health Occupations
17 Section 6–101(f) and (h) through (j) and 6–306
18 Annotated Code of Maryland
19 (2021 Replacement Volume and 2023 Supplement)

20 BY repealing
21 Article – Health Occupations
22 Section 6–101(g)
23 Annotated Code of Maryland
24 (2021 Replacement Volume and 2023 Supplement)

25 BY adding to
26 Article – Health Occupations
27 Section 6–313

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

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

Article – Health Occupations

6–101.

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

(f) (1) **“Massage” “PRACTICE MASSAGE therapy”** means the **PROFESSIONAL** use of manual techniques on soft tissues of the human body **FOR COMPENSATION** 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.

(2) **“Massage” “PRACTICE MASSAGE therapy”** includes **[hands-on]:**

(I) 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 the manual techniques set forth in paragraph (1) of this subsection; **AND**

(II) 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:

1. MASSAGE CUPPING;

2. MUSCLE SCRAPING; AND

3. VIBRATION THERAPY.

(3) **“Massage” “PRACTICE MASSAGE therapy”** does not include:

(i) The diagnosis of illness, disease, or injury;

(ii) The adjustment, manipulation, or mobilization of any of the articulations of the osseous structures of the human body or spine; or

(iii) Except as provided in paragraph (2) of this subsection, 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.

(4) The provisions of paragraph (3) of this subsection do not preclude the application of the modalities described in paragraph (1) of this subsection to an individual who has an injury.

[(g) “Practice massage therapy” means to engage professionally and for compensation in massage therapy.]

[(h)] (G) “Registered massage practitioner” means an individual who is registered by the Board to practice massage therapy in a setting that is not a health care setting.

[(i)] (H) “Registration” means, unless the context requires otherwise, a registration issued by the Board to practice massage therapy in a setting that is not a health care setting.

[(j)] (I) “Supervised hands-on techniques” means massage techniques that are performed under the direct, in-person supervision of a qualified licensed instructor who is on-site in:

- (1) A classroom;
- (2) A laboratory;
- (3) A school clinic; or
- (4) A health care setting.

6–306.

(a) If a licensed massage therapist or registered massage practitioner fails for any reason to renew a license or registration, the Board shall reinstate the license or registration if the former licensed massage therapist or former registered massage practitioner:

- (1) Applies to the Board for reinstatement of the license or registration within 5 years after the license or registration expires;
- (2) Meets the renewal requirements of § 6–305 of this subtitle; [and]

(3) **SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 6–303 OF THIS SUBTITLE; AND**

(4) Pays to the Board the reinstatement fee set by the Board.

(b) (1) The Board may not reinstate the license of a former licensed massage therapist or registration of a former registered massage practitioner who fails to apply for reinstatement of the license or registration within 5 years after the license or registration expires.

(2) If the Board does not reinstate a license or registration under paragraph (1) of this subsection, a former licensed massage therapist or former registered massage practitioner may apply for a new license or registration by meeting the licensing or registration requirements in effect at the time of application for obtaining a new license or registration under this title and any additional requirements determined by the Board.

6-313.

(A) IF THE BOARD, WHILE REVIEWING AN APPLICATION FOR LICENSURE OR INVESTIGATING AN ALLEGATION BROUGHT AGAINST A LICENSEE UNDER THIS TITLE, 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 BOARD SHALL REQUIRE THE APPLICANT OR LICENSEE TO SUBMIT TO AN APPROPRIATE EXAMINATION BY A HEALTH CARE PROVIDER DESIGNATED BY THE BOARD.

(B) IN RETURN FOR THE PRIVILEGE TO PRACTICE MASSAGE THERAPY IN THE STATE, THE APPLICANT OR LICENSEE IS DEEMED TO HAVE:

(1) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS SECTION, IF REQUESTED BY THE BOARD IN WRITING; AND

(2) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR EXAMINATION REPORTS OF THE EXAMINING HEALTH CARE PROFESSIONAL.

(C) THE FAILURE OR REFUSAL OF THE APPLICANT OR LICENSEE TO SUBMIT TO AN EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION 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.

(D) THE BOARD SHALL PAY THE COST OF ANY EXAMINATION MADE UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.