

HOUSE BILL 1420

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By: **Delegate Cullison**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Massage Therapy Examiners – Licensure, Registration, and**
3 **Regulation**

4 FOR the purpose of establishing the State Board of Massage Therapy Examiners in the
5 Department of Health and Mental Hygiene; renaming the State Board of
6 Chiropractic and Massage Therapy Examiners to be the State Board of Chiropractic
7 Examiners, altering the membership of the State Board of Chiropractic Examiners,
8 and transferring certain authority to license massage therapists and register
9 massage practitioners to the State Board of Massage Therapy Examiners; providing
10 for the composition, appointment, removal, terms, officers, compensation, and
11 reimbursement for the expenses of the State Board of Massage Therapy Examiners
12 members; establishing certain powers and duties of the Board; authorizing certain
13 boards to employ a certain staff; requiring certain boards to jointly appoint an
14 executive director; providing that the executive director has the powers and duties
15 assigned by certain boards; providing for a certain quorum of members of the Board;
16 establishing a certain fund; authorizing the Board to set certain fees; requiring
17 certain fees collected by the Board to be paid to the Comptroller; requiring the
18 Comptroller to distribute certain fees to a certain fund; providing for the
19 administration and audit of the fund and the purpose for which the fund may be
20 used; requiring that persons who give information to the Board or participate in
21 certain Board activities have the immunity from liability described in certain
22 provisions of law; requiring an individual to be licensed or registered by the Board
23 before the individual may practice massage therapy in the State or in certain
24 settings in the State; establishing certain exceptions; establishing certain
25 education, experience, criminal history records check, and examination
26 requirements for licensed massage therapists and registered massage practitioners;
27 establishing certain requirements for qualifying, renewing, reinstating, and
28 surrendering a license for massage therapists or registration for massage
29 practitioners; establishing certain requirements for submitting fingerprints to the
30 Criminal Justice Information System Central Repository of the Department of Public
31 Safety and Correctional Services under certain circumstances; requiring the Central

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Repository to forward to the Board and certain applicants certain criminal history
2 record information; establishing certain requirements for applying for a license or
3 registration; requiring the Board to issue a license or registration under certain
4 circumstances; authorizing the Board to deny a license or registration to an
5 applicant, refuse to renew a license or registration, reprimand a licensed massage
6 therapist or registered massage practitioner, suspend or revoke a license or
7 registration, or impose certain penalties under certain circumstances; establishing
8 certain hearing and appeal procedures for massage therapists and massage
9 practitioners; authorizing a certain action to be maintained to enjoin certain
10 unauthorized practice or conduct under certain circumstances; providing that
11 certain provisions of this Act do not limit the right of a certain individual to practice
12 or advertise an occupation; requiring the Board to adopt regulations to establish
13 standards for advertising or soliciting by licensed massage therapists and registered
14 massage practitioners; establishing requirements for the use of a trade name by
15 licensed massage therapists and registered massage practitioners; prohibiting a
16 certain health care provider from referring patients to an individual who is not a
17 licensed massage therapist; providing that certain health insurance carriers and
18 third party administrators are not required to reimburse a licensed massage
19 therapist or registered massage practitioner for services rendered; providing for the
20 purpose and function of a certain rehabilitation committee; recodifying certain
21 provisions of law that authorize certain counties to adopt certain ordinances and
22 regulations and require certain county commissioners to provide certain authority
23 to certain officers and offices to carry out certain regulations and ordinances;
24 prohibiting an individual from practicing, attempting to practice, or offering to practice
25 massage therapy in the State without a license or registration; prohibiting certain
26 individuals from making certain representations to the public, using certain titles, and
27 using certain initials; prohibiting certain persons from misrepresenting an
28 individual's status of licensure or registration as a massage therapist or massage
29 practitioner by the Board; establishing certain restrictions on the advertising of
30 nonmedical massage services; recodifying certain provisions of law that prohibit
31 certain individuals from performing a massage or offering to perform a massage for
32 compensation in certain counties without a license or registration and authorize
33 certain law enforcement to demand proof of licensure or registration; prohibiting a
34 person from buying, selling, or fraudulently obtaining a certain license, registration,
35 diploma, or degree; requiring a certain individual to reimburse the Board for certain
36 costs; establishing certain criminal penalties; establishing a certain short title;
37 requiring that an evaluation of the Board, and the statutes and regulations that
38 relate to the Board, be performed on or before a certain date; providing for the
39 termination of this Act under certain circumstances; providing that certain
40 positions on a certain board shall terminate as of a certain date; specifying the terms
41 of the initial members of the Board; providing for the transition between certain
42 boards of the regulation, licensure, and registration of massage therapists and
43 massage practitioners; requiring certain employees of a certain board to become
44 employees of certain boards established under certain provisions of this Act;
45 defining certain terms; making certain technical and conforming changes; and
46 generally relating to the establishment of the State Board of Massage Therapy

1 Examiners and the licensing, registration, and regulation of massage therapists and
2 massage practitioners.

3 BY renumbering

4 Article – State Government
5 Section 8–403(b)(36) through (57), respectively
6 to be Section 8–403(b)(37) through (58), respectively
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2015 Supplement)

9 BY repealing

10 Article – Health Occupations
11 Section 3–5A–01 through 3–5A–15 and the subtitle “Subtitle 5A. Licensure and
12 Registration of Massage Therapists”
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Courts and Judicial Proceedings
17 Section 5–704
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2015 Supplement)

20 BY adding to

21 Article – Courts and Judicial Proceedings
22 Section 5–725
23 Annotated Code of Maryland
24 (2013 Replacement Volume and 2015 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Criminal Procedure
27 Section 10–233.1(b)
28 Annotated Code of Maryland
29 (2008 Replacement Volume and 2015 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article – Health Occupations
32 Section 3–101(b); 3–201, 3–202, 3–204(d), and 3–206(a) to be under the amended
33 subtitle “Subtitle 2. State Board of Chiropractic Examiners”; and 3–315(a) and
34 (g), 3–316, 3–316.1(a), (d), and (f), 3–501 through 3–503, and 3–506(a)
35 Annotated Code of Maryland
36 (2014 Replacement Volume and 2015 Supplement)

37 BY adding to

38 Article – Health Occupations
39 Section 6–101 through 6–602 to be under the new title “Title 6. Massage Therapy”
40 Annotated Code of Maryland

1 (2014 Replacement Volume and 2015 Supplement)

2 BY repealing and reenacting, without amendments,
 3 Article – State Government
 4 Section 8–403(a)
 5 Annotated Code of Maryland
 6 (2014 Replacement Volume and 2015 Supplement)

7 BY repealing and reenacting, with amendments,
 8 Article – State Government
 9 Section 8–403(b)(11)
 10 Annotated Code of Maryland
 11 (2014 Replacement Volume and 2015 Supplement)

12 BY adding to
 13 Article – State Government
 14 Section 8–403(b)(36)
 15 Annotated Code of Maryland
 16 (2014 Replacement Volume and 2015 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 18 That Section(s) 8–403(b)(36) through (57), respectively, of Article – State Government of
 19 the Annotated Code of Maryland be renumbered to be Section(s)
 20 8–403(b)(37) through (58), respectively.

21 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3–5A–01 through
 22 3–5A–15 and the subtitle “Subtitle 5A. Licensure and Registration of Massage Therapists”
 23 of Article – Health Occupations of the Annotated Code of Maryland be repealed.

24 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 25 as follows:

26 **Article – Courts and Judicial Proceedings**

27 5–704.

28 (a) In this section, “Board” means the State Board of Chiropractic [and Massage
 29 Therapy] Examiners.

30 (b) A person who acts in good faith and within the scope of the jurisdiction of the
 31 Board is not civilly liable for giving information to the Board or otherwise participating in
 32 its activities.

33 **5–725.**

1 (A) IN THIS SECTION, “BOARD” MEANS THE STATE BOARD OF MASSAGE
2 THERAPY EXAMINERS.

3 (B) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF THE
4 JURISDICTION OF THE BOARD IS NOT CIVILLY LIABLE FOR GIVING INFORMATION TO
5 THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

6 Article – Criminal Procedure

7 10–233.1.

8 (b) This section does not apply to an applicant that:

9 (1) is a licensed massage therapist or registered massage practitioner
10 under Title [3, Subtitle 5A] 6 of the Health Occupations Article; and

11 (2) is the owner, manager, or operator of a sole proprietorship or other
12 massage therapy establishment in which each massage therapist is a licensed massage
13 therapist or registered massage practitioner.

14 Article – Health Occupations

15 3–101.

16 (b) “Board” means the State Board of Chiropractic [and Massage Therapy]
17 Examiners.

18 Subtitle 2. State Board of Chiropractic [and Massage Therapy] Examiners.

19 3–201.

20 There is a State Board of Chiropractic [and Massage Therapy] Examiners in the
21 Department.

22 3–202.

23 (a) (1) The Board consists of [11] 7 members.

24 (2) Of the [11] 7 members:

25 (i) [6] 5 shall be licensed chiropractors; AND

26 (ii) [3] shall be licensed massage therapists; and

27 (iii) 2 shall be consumer members.

1 (3) (i) The Governor shall appoint the chiropractor members, with the
2 advice of the Secretary, and with the advice and consent of the Senate, from a list of
3 qualified individuals submitted to the Governor by the Maryland Chiropractic Association.

4 (ii) The number of names on the list shall be five times the number
5 of vacancies.

6 (iii) The list shall include the name of the incumbent member unless
7 the incumbent declines renomination.

8 [(4) (i) The Governor shall appoint the massage therapist members,
9 with the advice of the Secretary, and with the advice and consent of the Senate, from a list
10 of qualified individuals submitted to the Governor by the American Massage Therapy
11 Association, Maryland Chapter.

12 (ii) The number of names on the list shall be five times the number
13 of vacancies.

14 (iii) The list shall include the name of the incumbent member unless
15 the incumbent declines renomination.]

16 [(5) (4) The Governor shall appoint the consumer members with the
17 advice of the Secretary, and with the advice and consent of the Senate.

18 (b) Each chiropractor member of the Board shall be:

19 (1) A resident of this State;

20 (2) A licensed chiropractor of integrity and ability who is in active practice;

21 (3) A graduate of a resident course in chiropractic; and

22 (4) An individual who has practiced chiropractic in this State for at least 5
23 consecutive years.

24 [(c) Each massage therapist member of the Board shall be:

25 (1) A resident of this State;

26 (2) A licensed massage therapist of integrity and ability who is in active
27 practice;

28 (3) A graduate of a Board–approved course in massage therapy; and

29 (4) An individual who has practiced massage therapy in this State for at
30 least 5 consecutive years.]

1 [(d)] (C) Each consumer member of the Board:

2 (1) Shall be a member of the general public;

3 (2) May not be or ever have been a chiropractor [or massage therapist] or
4 in training to become a chiropractor [or massage therapist];

5 (3) May not have a household member who is a chiropractor [or massage
6 therapist] or in training to become a chiropractor [or massage therapist];

7 (4) May not participate or ever have participated in a commercial or
8 professional field related to chiropractic [or massage therapy];

9 (5) May not have a household member who participates in a commercial or
10 professional field related to chiropractic [or massage therapy]; and

11 (6) May not have had, within 2 years before appointment, a substantial
12 financial interest in a person regulated by the Board.

13 [(e)] (D) (1) In addition to the requirements of [subsections (b) and (c)]
14 **SUBSECTION (B)** of this section, each chiropractic [and massage therapy] member of the
15 Board shall be a licensed chiropractor [or licensed massage therapist] whose license is in
16 good standing with the Board.

17 (2) For purposes of this subsection, “good standing” means that the Board
18 has not reprimanded the licensee, suspended or revoked the license of the chiropractor [or
19 massage therapist], or placed the licensee on probation within 5 years prior to or after
20 confirmation to the Board.

21 [(f)] (E) While a member of the Board, a consumer member may not have a
22 substantial financial interest in a person regulated by the Board.

23 [(g)] (F) Before taking office, each appointee to the Board shall take the oath
24 required by Article I, § 9 of the Maryland Constitution.

25 [(h)] (G) (1) The term of a member is 4 years.

26 (2) The terms of members are staggered as required by the terms provided
27 for members of the Board on October 1, [2008] **2016**.

28 (3) At the end of a term, a member continues to serve until a successor is
29 appointed and qualifies.

30 (4) A member who is appointed after a term has begun serves only for the
31 rest of the term and until a successor is appointed and qualifies.

1 (5) The Governor shall fill any vacancy on the Board within 60 days of the
2 date of the vacancy.

3 (6) A member may not serve more than 2 consecutive full terms.

4 **[(i)] (H)** (1) The Governor may remove a member for incompetence or
5 misconduct.

6 (2) Upon the recommendation of the Secretary, the Governor may remove
7 a member whom the Secretary finds to have been absent from 2 successive Board meetings
8 without adequate reason.

9 3-204.

10 (d) **(1)** The Board **AND THE STATE BOARD OF MASSAGE THERAPY**
11 **EXAMINERS** may employ a staff in accordance with the **[budget of the Board]** **BUDGETS**
12 **OF THE BOARDS.**

13 **(2) THE BOARD AND THE STATE BOARD OF MASSAGE THERAPY**
14 **EXAMINERS JOINTLY SHALL APPOINT A STAFF MEMBER AS THE EXECUTIVE**
15 **DIRECTOR, WHO SERVES AT THE PLEASURE OF BOTH BOARDS.**

16 **(3) THE EXECUTIVE DIRECTOR:**

17 **(I) IS THE EXECUTIVE DIRECTOR OF BOTH BOARDS; AND**

18 **(II) HAS THE POWERS AND DUTIES ASSIGNED BY THE BOARDS.**

19 3-206.

20 (a) There is a State Board of Chiropractic **[and Massage Therapy]** Examiners
21 Fund.

22 3-315.

23 (a) Except as otherwise provided in the Administrative Procedure Act, before the
24 Board takes any action under § 3-313 of this subtitle **[or § 3-5A-10 of this title]**, it shall
25 give the individual against whom the action is contemplated an opportunity for a hearing
26 before the Board.

27 (g) If, after a hearing, a chiropractor **[or massage therapist]** is found in violation
28 of § 3-313 of this subtitle **[or § 3-5A-10 of this title]**, the chiropractor **[or massage**
29 **therapist]** shall pay to the Board the costs for court reporting services.

30 3-316.

1 (a) Except as provided in this section for an action under § 3–313 of this subtitle
2 [or § 3–5A–10 of this title], any person aggrieved by a final decision of the Board in a
3 contested case, as defined in the Administrative Procedure Act, may petition for judicial
4 review as allowed by the Administrative Procedure Act.

5 (b) Any person aggrieved by a final decision of the Board under § 3–313 of this
6 subtitle [or § 3–5A–10 of this title] may not appeal to the Secretary but may take a direct
7 judicial appeal as provided in the Administrative Procedure Act.

8 3–316.1.

9 (a) An action may be maintained in the name of this State or the Board to enjoin:

10 (1) The unauthorized practice of chiropractic [or massage therapy]; or

11 (2) Conduct that is a ground for disciplinary action under § 3–313 of this
12 subtitle [or § 3–5A–10 of this title].

13 (d) (1) Except as provided in paragraph (2) of this subsection, an action under
14 this section may not be brought against an individual who is authorized to practice a health
15 occupation under this article.

16 (2) An action under this section may be brought against an individual who
17 is authorized to practice chiropractic [or massage therapy] under this title.

18 (f) An action under this section is in addition to and not instead of criminal
19 prosecution for[:

20 (1) The] **THE** unauthorized practice of chiropractic under § 3–501 of this
21 title or disciplinary action under § 3–313 of this subtitle[; or

22 (2) The unauthorized practice of massage therapy under § 3–501 of this
23 title or disciplinary action under § 3–5A–10 of this title].

24 3–501.

25 [(a)] Except as otherwise provided in § 3–404 of this title, a person may not practice,
26 attempt to practice, or offer to practice chiropractic in this State unless licensed by the
27 Board.

28 [(b)] Except as otherwise provided in this title, an individual may not practice,
29 attempt to practice, or offer to practice massage therapy, massage, myotherapy, or any
30 synonym or derivation of these terms in this State unless licensed or registered by the
31 Board.]

1 3–502.

2 (a) [(1)] Unless authorized to practice chiropractic under this title, a person may
3 not represent to the public by title, by description of services, methods, or procedures, or
4 otherwise, that the person is authorized to practice chiropractic in this State.

5 [(2)] (B) Unless authorized to practice under this title, a person may not
6 use the title “chiropractor”, or “D.C.”, or any other term or title with the intent to represent
7 that the person practices chiropractic.

8 [(b) (1)] An individual who is not a licensed massage therapist or registered as
9 a massage practitioner under this title may not advertise or claim by title, abbreviation,
10 sign, card, or any other representation that the individual practices massage, massage
11 therapy, myotherapy, or any synonym or derivation of these terms.

12 (2) Unless authorized to practice under this title, a person may not use the
13 title “massage therapist”, “MT”, “licensed massage therapist”, “LMT”, “massage
14 practitioner”, “MP”, “registered massage practitioner”, “RMP”, or any other term or title
15 with the intent to represent that the person practices massage therapy.

16 (c) An individual who is a registered massage practitioner under this title or a
17 business entity that employs registered massage practitioners under this title may not
18 advertise to the public that the individual or business entity provides health–related
19 therapeutic massage services.

20 (d) (1) In Charles County and Washington County, an individual may not
21 perform a massage or offer to perform a massage on another person for compensation unless
22 the individual who performs the massage or offers to perform a massage is a licensed
23 massage therapist or registered massage practitioner.

24 (2) A law enforcement officer in Charles County or Washington County
25 may demand proof of licensure or registration.]

26 3–503.

27 A person may not buy, sell, or fraudulently obtain:

28 (1) A license; or

29 (2) Any diploma or degree required under § 3–302 [or § 3–5A–06] of this
30 title.

31 3–506.

32 (a) A person who practices or attempts to practice chiropractic [or massage
33 therapy] without a license in violation of § 3–501 of this subtitle or represents to the public

1 in violation of § 3–502 of this subtitle that the person is authorized to practice chiropractic
2 [or massage therapy] is guilty of a misdemeanor and on conviction is subject to:

3 (1) For a first offense, a fine not exceeding \$2,000 or imprisonment not
4 exceeding 6 months; or

5 (2) For a subsequent offense, a fine not exceeding \$6,000 or imprisonment
6 not exceeding 1 year.

7 TITLE 6. MASSAGE THERAPY.

8 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

9 6–101.

10 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) “BOARD” MEANS THE STATE BOARD OF MASSAGE THERAPY
13 EXAMINERS.

14 (C) “HEALTH CARE SETTING” MEANS:

15 (1) THE OFFICE OF A HEALTH CARE PROVIDER REGULATED UNDER
16 THIS ARTICLE; OR

17 (2) A HEALTH CARE FACILITY AS DEFINED IN § 19–114 OF THE
18 HEALTH – GENERAL ARTICLE.

19 (D) “LICENSE” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
20 LICENSE ISSUED BY THE BOARD TO PRACTICE MASSAGE THERAPY.

21 (E) “LICENSED MASSAGE THERAPIST” MEANS AN INDIVIDUAL WHO IS
22 LICENSED BY THE BOARD TO PRACTICE MASSAGE THERAPY.

23 (F) (1) “MASSAGE THERAPY” MEANS THE USE OF MANUAL TECHNIQUES
24 ON SOFT TISSUES OF THE HUMAN BODY INCLUDING EFFLEURAGE (STROKING),
25 PETRISSAGE (KNEADING), TAPOTEMENT (TAPPING), STRETCHING, COMPRESSION,
26 VIBRATION, AND FRICTION, WITH OR WITHOUT THE AID OF HEAT LIMITED TO HOT
27 PACKS AND HEATING PADS, COLD WATER, OR NONLEGEND TOPICAL APPLICATIONS,
28 FOR THE PURPOSE OF IMPROVING CIRCULATION, ENHANCING MUSCLE
29 RELAXATION, RELIEVING MUSCULAR PAIN, REDUCING STRESS, OR PROMOTING
30 HEALTH AND WELL-BEING.

1 **(2) “MASSAGE THERAPY” INCLUDES THE LAYING ON OF HANDS,**
2 **CONSISTING OF PRESSURE OR MOVEMENT ON AN INDIVIDUAL WHO IS FULLY**
3 **CLOTHED, EXCEPT FOR FOOTWEAR, TO SPECIFICALLY AFFECT THE**
4 **ELECTROMAGNETIC ENERGY OR ENERGETIC FIELD OF THE HUMAN BODY IF THIS**
5 **PRACTICE INCLUDES USE OF THE MANUAL TECHNIQUES SET FORTH IN PARAGRAPH**
6 **(1) OF THIS SUBSECTION.**

7 **(3) “MASSAGE THERAPY” DOES NOT INCLUDE:**

8 **(I) THE DIAGNOSIS OR TREATMENT OF ILLNESS, DISEASE, OR**
9 **INJURY;**

10 **(II) THE ADJUSTMENT, MANIPULATION, OR MOBILIZATION OF**
11 **ANY OF THE ARTICULATIONS OF THE OSSEOUS STRUCTURES OF THE HUMAN BODY**
12 **OR SPINE; OR**

13 **(III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
14 **SUBSECTION, THE LAYING ON OF HANDS, CONSISTING OF PRESSURE OR MOVEMENT**
15 **ON AN INDIVIDUAL WHO IS FULLY CLOTHED, EXCEPT FOR FOOTWEAR, TO**
16 **SPECIFICALLY AFFECT THE ELECTROMAGNETIC ENERGY OR ENERGETIC FIELD OF**
17 **THE HUMAN BODY.**

18 **(4) THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION DO**
19 **NOT PRECLUDE THE APPLICATION OF THE MODALITIES DESCRIBED IN PARAGRAPH**
20 **(1) OF THIS SUBSECTION TO AN INDIVIDUAL WHO HAS AN INJURY.**

21 **(G) “PRACTICE MASSAGE THERAPY” MEANS TO ENGAGE PROFESSIONALLY**
22 **AND FOR COMPENSATION IN MASSAGE THERAPY.**

23 **(H) “REGISTERED MASSAGE PRACTITIONER” MEANS AN INDIVIDUAL WHO IS**
24 **REGISTERED BY THE BOARD TO PRACTICE MASSAGE THERAPY IN A SETTING THAT**
25 **IS NOT A HEALTH CARE SETTING.**

26 **(I) “REGISTRATION” MEANS, UNLESS THE CONTEXT REQUIRES**
27 **OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO PRACTICE MASSAGE**
28 **THERAPY IN A SETTING THAT IS NOT A HEALTH CARE SETTING.**

29 **6-102.**

30 **EXCEPT AS SPECIFICALLY PROVIDED IN THIS TITLE, THIS TITLE DOES NOT**
31 **LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE OR ADVERTISE AN OCCUPATION**
32 **THAT THE INDIVIDUAL OTHERWISE IS AUTHORIZED TO PRACTICE UNDER THIS**
33 **ARTICLE.**

1 **SUBTITLE 2. STATE BOARD OF MASSAGE THERAPY EXAMINERS.**

2 **6-201.**

3 **THERE IS A STATE BOARD OF MASSAGE THERAPY EXAMINERS IN THE**
4 **DEPARTMENT.**

5 **6-202.**

6 **(A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS.**

7 **(2) OF THE SEVEN BOARD MEMBERS:**

8 **(I) FIVE SHALL BE LICENSED MASSAGE THERAPISTS; AND**

9 **(II) TWO SHALL BE CONSUMER MEMBERS.**

10 **(3) (I) THE GOVERNOR SHALL APPOINT THE LICENSED MASSAGE**
11 **THERAPIST MEMBERS WITH THE ADVICE OF THE SECRETARY, AND THE ADVICE AND**
12 **CONSENT OF THE SENATE OF MARYLAND, FROM A LIST OF NAMES OF QUALIFIED**
13 **INDIVIDUALS SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY AN**
14 **ASSOCIATION THAT REPRESENTS AT LEAST 250 LICENSED MASSAGE THERAPISTS IN**
15 **THE STATE.**

16 **(II) THE NUMBER OF NAMES ON THE LIST SHALL BE FIVE TIMES**
17 **THE NUMBER OF VACANCIES.**

18 **(III) THE LIST SHALL INCLUDE THE NAME OF THE INCUMBENT**
19 **MEMBER UNLESS THE INCUMBENT MEMBER DECLINES RENOMINATION.**

20 **(4) THE GOVERNOR SHALL APPOINT THE CONSUMER MEMBERS WITH**
21 **THE ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE SENATE**
22 **OF MARYLAND.**

23 **(B) (1) EACH LICENSED MASSAGE THERAPIST MEMBER SHALL BE:**

24 **(I) A RESIDENT OF THE STATE;**

25 **(II) A LICENSED MASSAGE THERAPIST OF INTEGRITY AND**
26 **ABILITY WHO IS IN ACTIVE PRACTICE;**

1 (III) A GRADUATE OF A BOARD-APPROVED COURSE IN MASSAGE
2 THERAPY; AND

3 (IV) AN INDIVIDUAL WHO HAS PRACTICED MASSAGE THERAPY IN
4 THE STATE FOR AT LEAST 5 CONSECUTIVE YEARS BEFORE APPOINTMENT.

5 (2) (I) IN THIS PARAGRAPH, "GOOD STANDING" MEANS THAT THE
6 BOARD HAS NOT REPRIMANDED THE LICENSED MASSAGE THERAPIST, SUSPENDED
7 OR REVOKED THE LICENSE OF THE LICENSED MASSAGE THERAPIST, OR PLACED THE
8 LICENSED MASSAGE THERAPIST ON PROBATION WITHIN 5 YEARS BEFORE OR AFTER
9 CONFIRMATION TO THE BOARD.

10 (II) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF
11 THIS SUBSECTION, EACH LICENSED MASSAGE THERAPY MEMBER OF THE BOARD
12 SHALL BE IN GOOD STANDING WITH THE BOARD.

13 (C) EACH CONSUMER MEMBER OF THE BOARD:

14 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

15 (2) MAY NOT BE OR EVER HAVE BEEN A MASSAGE THERAPIST OR
16 MASSAGE PRACTITIONER OR IN TRAINING TO BECOME A MASSAGE THERAPIST OR
17 MASSAGE PRACTITIONER;

18 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A MASSAGE
19 THERAPIST OR MASSAGE PRACTITIONER OR IN TRAINING TO BECOME A MASSAGE
20 THERAPIST OR MASSAGE PRACTITIONER;

21 (4) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A
22 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO MASSAGE THERAPY;

23 (5) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
24 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO MASSAGE THERAPY; AND

25 (6) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
26 SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

27 (D) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT
28 HAVE A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE
29 BOARD.

30 (E) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
31 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

1 **(F) (1) THE TERM OF A MEMBER IS 4 YEARS.**

2 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE**
3 **TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2016.**

4 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**
5 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

6 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
7 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
8 **QUALIFIES.**

9 **(5) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY**
10 **VACANCY ON THE BOARD WITHIN 60 DAYS AFTER THE DATE OF THE VACANCY.**

11 **(6) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL**
12 **TERMS.**

13 **(G) (1) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE**
14 **OR MISCONDUCT.**

15 **(2) ON THE RECOMMENDATION OF THE SECRETARY, THE GOVERNOR**
16 **MAY REMOVE A MEMBER WHOM THE SECRETARY FINDS TO HAVE BEEN ABSENT**
17 **FROM TWO SUCCESSIVE BOARD MEETINGS WITHOUT ADEQUATE REASON.**

18 **6-203.**

19 **(A) FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ELECT A**
20 **CHAIR, VICE CHAIR, AND SECRETARY-TREASURER.**

21 **(B) THE BOARD SHALL DETERMINE:**

22 **(1) THE MANNER OF ELECTION OF THE OFFICERS; AND**

23 **(2) THE DUTIES OF EACH OFFICER.**

24 **6-204.**

25 **(A) THE BOARD AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS**
26 **MAY EMPLOY A STAFF IN ACCORDANCE WITH THE BUDGETS OF THE BOARDS.**

1 **(B) THE BOARD AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS**
2 **JOINTLY SHALL APPOINT AN EXECUTIVE DIRECTOR, WHO SERVES AT THE PLEASURE**
3 **OF BOTH BOARDS.**

4 **(C) THE EXECUTIVE DIRECTOR:**

5 **(1) IS THE EXECUTIVE OFFICER OF BOTH BOARDS; AND**

6 **(2) HAS THE POWERS AND DUTIES ASSIGNED BY THE BOARDS.**

7 **6-205.**

8 **(A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS**
9 **A QUORUM.**

10 **(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF MEETINGS**
11 **OF THE BOARD.**

12 **(C) IN ACCORDANCE WITH THE BUDGET OF THE BOARD, EACH MEMBER OF**
13 **THE BOARD IS ENTITLED TO:**

14 **(1) COMPENSATION FOR EACH DAY ON WHICH THE MEMBER IS**
15 **ENGAGED IN THE DUTIES OF THE MEMBER'S OFFICE; AND**

16 **(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE**
17 **TRAVEL REGULATIONS, AS PROVIDED FOR IN THE STATE BUDGET.**

18 **6-206.**

19 **(A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS TITLE,**
20 **THE BOARD MAY:**

21 **(1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS**
22 **TITLE;**

23 **(2) SUMMON WITNESSES, ADMINISTER OATHS, TAKE AFFIDAVITS,**
24 **AND TAKE TESTIMONY ABOUT MATTERS THAT RELATE TO THE DUTIES OF THE**
25 **BOARD; AND**

26 **(3) IN ACCORDANCE WITH THE STATE BUDGET, AUTHORIZE PAYMENT**
27 **OF FEES AND TRAVEL EXPENSES OF WITNESSES WHO TESTIFY IN ANY PROCEEDING**
28 **BEFORE THE BOARD.**

1 **(B) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE,**
2 **THE BOARD SHALL:**

3 **(1) KEEP A LIST OF THE NAME AND ADDRESS OF EACH LICENSED**
4 **MESSAGE THERAPIST AND REGISTERED MESSAGE PRACTITIONER;**

5 **(2) ADOPT AN OFFICIAL SEAL;**

6 **(3) FILE REPORTS OF THE ACTIVITIES OF THE BOARD AS REQUIRED**
7 **BY THE SECRETARY;**

8 **(4) ASSIST IN PROSECUTIONS UNDER THIS TITLE;**

9 **(5) INVESTIGATE AN ALLEGED VIOLATION OF THIS TITLE; AND**

10 **(6) ESTABLISH AN ADVISORY COMMITTEE, TO BE CHAIRED BY THE**
11 **VICE CHAIR OF THE BOARD, TO STUDY THE SCOPE OF PRACTICE OF MESSAGE**
12 **THERAPY AND MAKE RECOMMENDATIONS TO THE BOARD ON CHANGES TO THIS**
13 **TITLE OR REGULATIONS ADOPTED BY THE BOARD UNDER THIS SUBTITLE THAT ARE**
14 **NECESSARY TO REFLECT CURRENTLY PRACTICED MODALITIES.**

15 **6-207.**

16 **(A) THERE IS A STATE BOARD OF MESSAGE THERAPY EXAMINERS FUND.**

17 **(B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND**
18 **RENEWAL OF LICENSES AND REGISTRATIONS AND OTHER SERVICES OF THE BOARD.**

19 **(2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE THE**
20 **COST OF MAINTAINING THE BOARD.**

21 **(3) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF THE**
22 **BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS SECTION.**

23 **(C) (1) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS**
24 **TITLE TO THE COMPTROLLER.**

25 **(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE STATE**
26 **BOARD OF MESSAGE THERAPY EXAMINERS FUND.**

27 **(D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED**
28 **DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY**
29 **DUTIES OF THE BOARD AS PROVIDED IN THIS TITLE.**

1 **(2) THE FUND IS A CONTINUING, NONLAPSING FUND NOT SUBJECT TO**
2 **§ 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

3 **(3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE**
4 **TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL**
5 **REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS TITLE.**

6 **(4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUND.**

7 **(E) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.**

8 **(2) MONEY IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL**
9 **PURPOSE AUTHORIZED UNDER THIS TITLE.**

10 **(F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND**
11 **TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE**
12 **GOVERNMENT ARTICLE.**

13 **6-208.**

14 **A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §**
15 **5-725 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR**
16 **OTHERWISE PARTICIPATING IN THE ACTIVITIES OF THE BOARD.**

17 **SUBTITLE 3. LICENSES AND REGISTRATIONS.**

18 **6-301.**

19 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL**
20 **SHALL BE:**

21 **(1) LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY**
22 **PRACTICE MASSAGE THERAPY IN THE STATE; OR**

23 **(2) REGISTERED BY THE BOARD BEFORE THE INDIVIDUAL MAY**
24 **PRACTICE MASSAGE THERAPY IN A SETTING THAT IS NOT A HEALTH CARE SETTING**
25 **IN THE STATE.**

26 **(B) THIS SECTION DOES NOT APPLY TO:**

1 **(1) A STUDENT ENROLLED IN AN APPROVED EDUCATION PROGRAM**
2 **AS DETERMINED BY THE BOARD WHILE PRACTICING MASSAGE THERAPY IN THE**
3 **STATE;**

4 **(2) AN INDIVIDUAL PERMITTED TO PRACTICE MASSAGE THERAPY**
5 **UNDER REGULATIONS ADOPTED BY THE BOARD, IF THE INDIVIDUAL OTHERWISE**
6 **HAS QUALIFIED TO PRACTICE MASSAGE THERAPY IN ANY OTHER STATE OR COUNTRY**
7 **THAT HAS SUBSTANTIALLY SIMILAR REQUIREMENTS FOR AUTHORIZATION TO**
8 **PRACTICE MASSAGE THERAPY AND THE INDIVIDUAL IS IN THE STATE FOR NO MORE**
9 **THAN 7 DAYS;**

10 **(3) A FAMILY MEMBER PRACTICING MASSAGE THERAPY ON ANOTHER**
11 **FAMILY MEMBER;**

12 **(4) AN ATHLETIC TRAINER WHILE FUNCTIONING IN THE COURSE OF**
13 **THE ATHLETIC TRAINER'S PROFESSIONAL CAPACITY;**

14 **(5) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT TO**
15 **PRACTICE MASSAGE THERAPY WHILE PRACTICING WITHIN THE SCOPE OF THE**
16 **INDIVIDUAL'S EMPLOYMENT; OR**

17 **(6) AN INDIVIDUAL WORKING IN A BEAUTY SALON:**

18 **(i) FOR WHICH THE PERSON WHO OPERATES THE BEAUTY**
19 **SALON HAS OBTAINED A PERMIT FROM THE STATE BOARD OF COSMETOLOGY AS**
20 **REQUIRED UNDER § 5-501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS**
21 **ARTICLE; AND**

22 **(ii) IN WHICH THE INDIVIDUAL IS PROVIDING COSMETOLOGY**
23 **AND ESTHETIC SERVICES, INCLUDING THE APPLICATION AND REMOVAL OF SKIN OR**
24 **SKIN CARE PRODUCTS.**

25 **6-302.**

26 **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL**
27 **WHO:**

28 **(1) IS OF GOOD MORAL CHARACTER;**

29 **(2) IS AT LEAST 18 YEARS OLD;**

30 **(3) HAS SATISFACTORILY COMPLETED:**

1 **(I) AT LEAST 60 CREDIT HOURS OF EDUCATION AT AN**
2 **INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10–101 OF THE EDUCATION**
3 **ARTICLE, AND AS APPROVED BY THE BOARD AND THE MARYLAND HIGHER**
4 **EDUCATION COMMISSION, OF WHICH A MINIMUM OF 24 CREDIT HOURS SHALL HAVE**
5 **BEEN IN BASIC AND APPLIED SCIENCE COURSES RELATED TO HEALTH CARE; OR**

6 **(II) 1. AT LEAST 60 CREDIT HOURS OF EDUCATION AT AN**
7 **INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10–101 OF THE EDUCATION**
8 **ARTICLE, AND AS APPROVED BY THE MARYLAND HIGHER EDUCATION**
9 **COMMISSION; AND**

10 **2. 24 HOURS OF ADVANCED MASSAGE THERAPY**
11 **CONTINUING EDUCATION AS APPROVED BY THE BOARD IN BASIC AND APPLIED**
12 **SCIENCE COURSES RELATED TO HEALTH CARE;**

13 **(4) HAS COMPLETED 600 HOURS OF EDUCATION IN A BOARD**
14 **APPROVED PROGRAM FOR THE STUDY OF MASSAGE THERAPY THAT INCLUDES THE**
15 **FOLLOWING AREAS OF CONTENT:**

16 **(I) ANATOMY, PHYSIOLOGY, AND KINESIOLOGY;**

17 **(II) MASSAGE THEORY, TECHNIQUES, AND PRACTICE;**

18 **(III) CONTRAINDICATIONS TO MASSAGE THERAPY; AND**

19 **(IV) PROFESSIONAL ETHICS;**

20 **(5) HAS PASSED AN EXAMINATION APPROVED BY THE BOARD; AND**

21 **(6) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
22 **ACCORDANCE WITH § 6–303 OF THIS SUBTITLE.**

23 **(B) TO QUALIFY TO BE REGISTERED, AN APPLICANT SHALL BE AN**
24 **INDIVIDUAL WHO:**

25 **(1) IS OF GOOD MORAL CHARACTER;**

26 **(2) IS AT LEAST 18 YEARS OLD;**

27 **(3) HAS COMPLETED 600 HOURS OF EDUCATION IN A**
28 **BOARD–APPROVED PROGRAM FOR THE STUDY OF MASSAGE THERAPY THAT**
29 **INCLUDES THE FOLLOWING AREAS OF CONTENT:**

1 (I) ANATOMY, PHYSIOLOGY, AND KINESIOLOGY;

2 (II) MASSAGE THEORY, TECHNIQUES, AND PRACTICE;

3 (III) CONTRAINDICATIONS TO MASSAGE THERAPY; AND

4 (IV) PROFESSIONAL ETHICS;

5 (4) HAS PASSED AN EXAMINATION APPROVED BY THE BOARD; AND

6 (5) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN
7 ACCORDANCE WITH § 6-303 OF THIS SUBTITLE.

8 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD
9 MAY WAIVE ANY REQUIREMENT OF THIS SUBTITLE FOR AN APPLICANT WHO IS
10 LICENSED, CERTIFIED, OR REGISTERED TO PRACTICE MASSAGE THERAPY IN
11 ANOTHER STATE.

12 (2) THE BOARD MAY GRANT A WAIVER UNDER PARAGRAPH (1) OF
13 THIS SUBSECTION ONLY IF THE APPLICANT:

14 (I) PAYS THE APPLICATION FEE SET BY THE BOARD; AND

15 (II) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

16 1. HAS COMPLETED EDUCATIONAL REQUIREMENTS
17 THAT THE BOARD DETERMINES TO BE EQUIVALENT TO THE BOARD-APPROVED
18 EDUCATIONAL REQUIREMENTS IN THIS STATE;

19 2. AT THE TIME THE APPLICANT BECAME LICENSED,
20 CERTIFIED, OR REGISTERED IN THE OTHER STATE, PASSED IN THAT STATE OR ANY
21 OTHER STATE AN EXAMINATION THAT THE BOARD DETERMINES TO BE EQUIVALENT
22 TO THE EXAMINATION REQUIRED IN THIS STATE; AND

23 3. IS OF GOOD MORAL CHARACTER.

24 **6-303.**

25 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL
26 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF
27 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

1 **(B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A**
2 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL**
3 **SUBMIT TO THE CENTRAL REPOSITORY:**

4 **(1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON**
5 **FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE**
6 **DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

7 **(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL**
8 **PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND**

9 **(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF**
10 **INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

11 **(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL**
12 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
13 **BOARD AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF**
14 **THE APPLICANT.**

15 **(D) IF AN APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL**
16 **ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN**
17 **ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY**
18 **THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE**
19 **FEDERAL BUREAU OF INVESTIGATION.**

20 **(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
21 **THIS SECTION:**

22 **(1) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND**

23 **(2) MAY BE USED ONLY FOR THE LICENSING OR REGISTRATION**
24 **PURPOSE AUTHORIZED BY THIS TITLE.**

25 **(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS**
26 **SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY**
27 **THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL**
28 **PROCEDURE ARTICLE.**

29 **6-304.**

30 **(A) TO APPLY FOR A LICENSE OR REGISTRATION, AN APPLICANT SHALL:**

1 **(1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE**
2 **BOARD REQUIRES;**

3 **(2) SUBMIT TO THE BOARD EVIDENCE OF COMPLIANCE WITH THE**
4 **REQUIREMENTS OF § 6-302 OF THIS SUBTITLE; AND**

5 **(3) PAY THE APPLICATION FEE SET BY THE BOARD.**

6 **(B) THE BOARD SHALL ISSUE A LICENSE OR REGISTRATION TO ANY**
7 **APPLICANT WHO:**

8 **(1) PAYS A LICENSE OR REGISTRATION FEE SET BY THE BOARD; AND**

9 **(2) MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

10 **(C) THE BOARD SHALL INCLUDE ON EACH LICENSE AND REGISTRATION**
11 **THAT THE BOARD ISSUES:**

12 **(1) THE SEAL OF THE BOARD; AND**

13 **(2) THE KIND OF LICENSE OR REGISTRATION.**

14 **(D) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
15 **OF AN APPLICANT FOR LICENSURE OR REGISTRATION FORWARDED TO THE BOARD**
16 **IN ACCORDANCE WITH § 6-303 OF THIS SUBTITLE, IN DETERMINING WHETHER TO**
17 **GRANT A LICENSE OR REGISTRATION, THE BOARD SHALL CONSIDER:**

18 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

19 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

20 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

21 **(IV) SUBSEQUENT WORK HISTORY;**

22 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

23 **(VI) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER**
24 **THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

25 **(2) THE BOARD MAY NOT ISSUE A LICENSE OR REGISTRATION IF THE**
26 **CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 6-303 OF THIS**
27 **SUBTITLE HAS NOT BEEN RECEIVED.**

1 **6-305.**

2 (A) (1) A LICENSE OR REGISTRATION EXPIRES ON THE DATE SET BY THE
3 BOARD, UNLESS THE LICENSE OR REGISTRATION IS RENEWED FOR A 1-YEAR TERM
4 AS PROVIDED IN THIS SECTION.

5 (2) A LICENSE OR REGISTRATION MAY NOT BE RENEWED FOR A TERM
6 OF LONGER THAN 2 YEARS.

7 (B) AT LEAST 1 MONTH BEFORE THE LICENSE OR REGISTRATION EXPIRES,
8 THE BOARD SHALL SEND TO THE LICENSED MASSAGE THERAPIST OR REGISTERED
9 MASSAGE PRACTITIONER, BY ELECTRONIC MEANS OR FIRST-CLASS MAIL TO THE
10 LAST KNOWN ELECTRONIC OR PHYSICAL ADDRESS OF THE LICENSED MASSAGE
11 THERAPIST OR REGISTERED MASSAGE PRACTITIONER, A RENEWAL NOTICE THAT
12 STATES:

13 (1) THE DATE ON WHICH THE CURRENT LICENSE OR REGISTRATION
14 EXPIRES;

15 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
16 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
17 THE LICENSE OR REGISTRATION EXPIRES; AND

18 (3) THE AMOUNT OF THE RENEWAL FEE.

19 (C) BEFORE A LICENSE OR REGISTRATION EXPIRES, THE LICENSED
20 MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER PERIODICALLY
21 MAY RENEW IT FOR AN ADDITIONAL TERM, IF THE LICENSED MASSAGE THERAPIST
22 OR REGISTERED MASSAGE PRACTITIONER:

23 (1) OTHERWISE IS ENTITLED TO BE LICENSED OR REGISTERED;

24 (2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
25 THAT THE BOARD REQUIRES; AND

26 (3) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD.

27 (D) (1) EACH LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE
28 PRACTITIONER SHALL NOTIFY THE BOARD IN WRITING OF ANY CHANGE IN THE
29 NAME OR ADDRESS OF THE LICENSED MASSAGE THERAPIST OR REGISTERED
30 MASSAGE PRACTITIONER WITHIN 60 DAYS AFTER THE CHANGE OCCURRED.

1 **(2) SUBJECT TO THE HEARING PROVISIONS OF § 6-309 OF THIS**
2 **SUBTITLE, IF A LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE**
3 **PRACTITIONER FAILS TO NOTIFY THE BOARD WITHIN THE TIME REQUIRED UNDER**
4 **THIS SUBSECTION, THE BOARD MAY IMPOSE AN ADMINISTRATIVE PENALTY OF \$100.**

5 **(E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSED MASSAGE**
6 **THERAPIST AND THE REGISTRATION OF EACH REGISTERED MASSAGE**
7 **PRACTITIONER WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

8 **6-306.**

9 **(A) IF A LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE**
10 **PRACTITIONER FAILS FOR ANY REASON TO RENEW A LICENSE OR REGISTRATION,**
11 **THE BOARD SHALL REINSTATE THE LICENSE OR REGISTRATION IF THE FORMER**
12 **LICENSED MASSAGE THERAPIST OR FORMER REGISTERED MASSAGE**
13 **PRACTITIONER:**

14 **(1) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE**
15 **OR REGISTRATION WITHIN 5 YEARS AFTER THE LICENSE OR REGISTRATION**
16 **EXPIRES;**

17 **(2) MEETS THE RENEWAL REQUIREMENTS OF § 6-305 OF THIS**
18 **SUBTITLE; AND**

19 **(3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE**
20 **BOARD.**

21 **(B) (1) THE BOARD MAY NOT REINSTATE THE LICENSE OF A FORMER**
22 **LICENSED MASSAGE THERAPIST OR REGISTRATION OF A FORMER REGISTERED**
23 **MASSAGE PRACTITIONER WHO FAILS TO APPLY FOR REINSTATEMENT OF THE**
24 **LICENSE OR REGISTRATION WITHIN 5 YEARS AFTER THE LICENSE OR REGISTRATION**
25 **EXPIRES.**

26 **(2) IF THE BOARD DOES NOT REINSTATE A LICENSE OR**
27 **REGISTRATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, A FORMER LICENSED**
28 **MASSAGE THERAPIST OR FORMER REGISTERED MASSAGE PRACTITIONER MAY**
29 **APPLY FOR A NEW LICENSE OR REGISTRATION BY MEETING THE LICENSING OR**
30 **REGISTRATION REQUIREMENTS IN EFFECT AT THE TIME OF APPLICATION FOR**
31 **OBTAINING A NEW LICENSE OR REGISTRATION UNDER THIS TITLE AND ANY**
32 **ADDITIONAL REQUIREMENTS DETERMINED BY THE BOARD.**

33 **6-307.**

1 **(A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A**
2 **LICENSE OR REGISTRATION OF A LICENSED MASSAGE THERAPIST OR REGISTERED**
3 **MASSAGE PRACTITIONER, A LICENSED MASSAGE THERAPIST OR REGISTERED**
4 **MASSAGE PRACTITIONER MAY NOT SURRENDER THE LICENSE OR REGISTRATION**
5 **NOR MAY THE LICENSE OR REGISTRATION LAPSE BY OPERATION OF LAW WHILE A**
6 **LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER IS**
7 **UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSED**
8 **MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER.**

9 **(B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE**
10 **LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER UNDER**
11 **INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING TO ACCEPT**
12 **SURRENDER OF THE LICENSE OR REGISTRATION.**

13 **6-308.**

14 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 6-309 OF THIS SUBTITLE,**
15 **THE BOARD MAY DENY A LICENSE OR REGISTRATION TO AN APPLICANT, REPRIMAND**
16 **A LICENSEE OR REGISTRATION HOLDER, PLACE ANY LICENSEE OR REGISTRATION**
17 **HOLDER ON PROBATION, OR SUSPEND OR REVOKE THE LICENSE OF A LICENSEE OR**
18 **THE REGISTRATION OF A REGISTRATION HOLDER IF THE APPLICANT, LICENSEE, OR**
19 **REGISTRATION HOLDER:**

20 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
21 **OBTAIN A LICENSE OR REGISTRATION FOR THE APPLICANT OR FOR ANOTHER;**

22 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR**
23 **REGISTRATION;**

24 **(3) IS DISCIPLINED BY A LICENSING, CERTIFYING, OR DISCIPLINARY**
25 **AUTHORITY OF ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY**
26 **A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR**
27 **DISCIPLINARY ACTION UNDER THIS SECTION;**

28 **(4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO**
29 **A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY**
30 **APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA**
31 **SET ASIDE;**

32 **(5) WILLFULLY AND KNOWINGLY:**

33 **(I) FILES A FALSE REPORT OR RECORD OF AN INDIVIDUAL**
34 **UNDER THE CARE OF THE LICENSEE OR REGISTRATION HOLDER; OR**

1 (II) GIVES ANY FALSE OR MISLEADING INFORMATION ABOUT A
2 MATERIAL MATTER IN AN EMPLOYMENT APPLICATION;

3 (6) KNOWINGLY DOES ANY ACT THAT HAS BEEN DETERMINED BY THE
4 BOARD, IN ITS REGULATIONS, TO EXCEED THE SCOPE OF PRACTICE AUTHORIZED TO
5 THE INDIVIDUAL UNDER THIS SUBTITLE;

6 (7) PROVIDES PROFESSIONAL SERVICES WHILE:

7 (i) UNDER THE INFLUENCE OF ALCOHOL; OR

8 (ii) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
9 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER
10 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
11 INDICATION;

12 (8) DOES AN ACT THAT IS INCONSISTENT WITH GENERALLY
13 ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF MASSAGE THERAPY;

14 (9) IS NEGLIGENT IN THE PRACTICE OF MASSAGE THERAPY;

15 (10) IS PROFESSIONALLY INCOMPETENT;

16 (11) HAS VIOLATED ANY PROVISION OF THIS TITLE;

17 (12) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

18 (13) IS PHYSICALLY OR MENTALLY INCOMPETENT;

19 (14) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN
20 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

21 (15) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES
22 AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL
23 SERVICES FOR WHICH THE LICENSEE OR REGISTRATION HOLDER IS QUALIFIED TO
24 RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

25 (16) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION
26 WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS
27 FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON UNIVERSAL
28 PRECAUTIONS;

1 **(17) IS HABITUALLY INTOXICATED;**

2 **(18) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR**
3 **CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL**
4 **LAW ARTICLE;**

5 **(19) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION**
6 **CONDUCTED BY THE BOARD;**

7 **(20) ENGAGES IN CONDUCT THAT VIOLATES THE PROFESSIONAL CODE**
8 **OF ETHICS;**

9 **(21) KNOWINGLY DOES AN ACT THAT HAS BEEN DETERMINED BY THE**
10 **BOARD TO BE A VIOLATION OF THE BOARD'S REGULATIONS; OR**

11 **(22) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
12 **ACCORDANCE WITH § 6-303 OF THIS SUBTITLE.**

13 **(B) IF, AFTER A HEARING UNDER § 6-309 OF THIS SUBTITLE, THE BOARD**
14 **FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO**
15 **SUSPEND OR REVOKE A LICENSE OR REGISTRATION TO PRACTICE MASSAGE**
16 **THERAPY, TO REPRIMAND A LICENSEE OR REGISTRATION HOLDER, OR PLACE A**
17 **LICENSEE OR REGISTRATION HOLDER ON PROBATION, THE BOARD MAY IMPOSE A**
18 **PENALTY NOT EXCEEDING \$5,000 IN LIEU OF OR IN ADDITION TO SUSPENDING OR**
19 **REVOKING THE LICENSE OR REGISTRATION, REPRIMANDING THE LICENSEE OR**
20 **REGISTRATION HOLDER, OR PLACING THE LICENSEE OR REGISTRATION HOLDER ON**
21 **PROBATION.**

22 **(C) (1) AN INDIVIDUAL WHOSE LICENSE OR REGISTRATION HAS BEEN**
23 **SUSPENDED OR REVOKED BY THE BOARD SHALL RETURN THE LICENSE OR**
24 **REGISTRATION TO THE BOARD.**

25 **(2) IF THE SUSPENDED OR REVOKED LICENSE OR REGISTRATION HAS**
26 **BEEN LOST, THE INDIVIDUAL SHALL FILE WITH THE BOARD A VERIFIED STATEMENT**
27 **TO THAT EFFECT.**

28 **(D) THE BOARD SHALL FILE A NOTICE FOR PUBLICATION IN THE EARLIEST**
29 **PUBLICATION OF THE MARYLAND REGISTER OF EACH REVOCATION OR SUSPENSION**
30 **OF A LICENSE OR REGISTRATION UNDER THIS SECTION WITHIN 24 HOURS AFTER**
31 **THE REVOCATION OR SUSPENSION.**

32 **6-309.**

1 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE
2 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 6-308 OF THIS
3 SUBTITLE, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
4 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

5 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
6 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

7 (C) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

8 (D) OVER THE SIGNATURE OF AN OFFICER OR THE EXECUTIVE DIRECTOR
9 OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN
10 CONNECTION WITH ANY INVESTIGATION UNDER THIS TITLE AND ANY HEARINGS OR
11 PROCEEDINGS BEFORE IT.

12 (E) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA FROM
13 THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY OR
14 ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT OF COMPETENT
15 JURISDICTION MAY PUNISH THE PERSON AS FOR CONTEMPT OF COURT.

16 (F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
17 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD NEVERTHELESS MAY
18 HEAR AND DETERMINE THE MATTER.

19 (G) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF §
20 6-308 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING
21 AS SPECIFIED IN REGULATION ADOPTED BY THE BOARD.

22 **6-310.**

23 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER §
24 6-308 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE
25 BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE
26 ACT, MAY PETITION FOR JUDICIAL REVIEW AS ALLOWED BY THE ADMINISTRATIVE
27 PROCEDURE ACT.

28 (B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER
29 § 6-308 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT MAY TAKE A
30 DIRECT JUDICIAL APPEAL AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT.

31 **6-311.**

1 **(A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE**
2 **BOARD TO ENJOIN:**

3 **(1) THE UNAUTHORIZED PRACTICE OF MASSAGE THERAPY; OR**

4 **(2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER**
5 **§ 6-308 OF THIS SUBTITLE.**

6 **(B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:**

7 **(1) THE BOARD IN ITS OWN NAME;**

8 **(2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR**

9 **(3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.**

10 **(C) AN ACTION UNDER THIS SECTION MAY BE BROUGHT IN THE COUNTY**
11 **WHERE THE DEFENDANT:**

12 **(1) RESIDES; OR**

13 **(2) ENGAGES IN THE ACT SOUGHT TO BE ENJOINED.**

14 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
15 **AN ACTION UNDER THIS SECTION MAY NOT BE BROUGHT AGAINST AN INDIVIDUAL**
16 **WHO IS AUTHORIZED TO PRACTICE A HEALTH OCCUPATION UNDER THIS ARTICLE.**

17 **(2) AN ACTION UNDER THIS SECTION MAY BE BROUGHT AGAINST AN**
18 **INDIVIDUAL WHO IS AUTHORIZED TO PRACTICE MASSAGE THERAPY UNDER THIS**
19 **TITLE.**

20 **(E) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY**
21 **DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION**
22 **UNDER THIS SECTION.**

23 **(F) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD**
24 **OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF MASSAGE**
25 **THERAPY UNDER § 6-501 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 6-308**
26 **OF THIS SUBTITLE.**

27 **SUBTITLE 4. MISCELLANEOUS.**

28 **6-401.**

1 (A) THE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH STANDARDS
2 FOR ADVERTISING OR SOLICITING BY LICENSED MASSAGE THERAPISTS OR
3 REGISTERED MASSAGE PRACTITIONERS.

4 (B) FOR PURPOSES OF THIS SECTION, THE MAILING OF NOTICES TO
5 PATIENTS TO INFORM THEM OF TIMES FOR PERIODIC APPOINTMENTS IS NOT
6 ADVERTISING OR SOLICITING.

7 (C) A LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE
8 PRACTITIONER MAY USE A TRADE NAME IN CONNECTION WITH THE PRACTICE OF
9 MASSAGE THERAPY PROVIDED THAT:

10 (1) THE USE OF THE TRADE NAME IS NOT DECEPTIVE OR
11 MISLEADING;

12 (2) THE ADVERTISEMENT IN WHICH THE TRADE NAME APPEARS
13 INCLUDES THE NAME OF THE LICENSED MASSAGE THERAPIST OR REGISTERED
14 MASSAGE PRACTITIONER OR THE NAME OF THE BUSINESS ENTITY PROVIDING THE
15 MASSAGE THERAPY SERVICES BEING ADVERTISED, AS LONG AS THE
16 ADVERTISEMENT INCLUDES THE NAME OF A LICENSED MASSAGE THERAPIST OR
17 REGISTERED MASSAGE PRACTITIONER;

18 (3) THE NAME OF THE LICENSED MASSAGE THERAPIST OR
19 REGISTERED MASSAGE PRACTITIONER PROVIDING MASSAGE THERAPY SERVICES
20 APPEARS ON THE BILLING INVOICES, STATIONERY, AND ANY RECEIPT GIVEN TO A
21 PATIENT; AND

22 (4) TREATMENT RECORDS ARE MAINTAINED THAT CLEARLY
23 IDENTIFY THE LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE
24 PRACTITIONER WHO HAS PERFORMED THE MASSAGE THERAPY SERVICE FOR THE
25 PATIENT.

26 **6-402.**

27 A HEALTH CARE PROVIDER WHO IS LICENSED OR CERTIFIED UNDER THIS
28 ARTICLE MAY NOT REFER PATIENTS TO AN INDIVIDUAL WHO IS NOT A LICENSED
29 MASSAGE THERAPIST.

30 **6-403.**

31 THIS SUBTITLE DOES NOT REQUIRE A NONPROFIT HEALTH SERVICE PLAN, AN
32 INSURER, A HEALTH MAINTENANCE ORGANIZATION, OR A PERSON ACTING AS A

1 THIRD PARTY ADMINISTRATOR TO REIMBURSE A LICENSED MASSAGE THERAPIST OR
2 REGISTERED MASSAGE PRACTITIONER FOR ANY SERVICES RENDERED EVEN
3 THOUGH THE SERVICES ARE WITHIN THE SCOPE OF PRACTICE OF THE LICENSED
4 MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER.

5 **6-404.**

6 (A) IN THIS SECTION, "MASSAGE THERAPIST AND PRACTITIONER
7 REHABILITATION COMMITTEE" MEANS A COMMITTEE THAT:

8 (1) IS A COMMITTEE OF THE BOARD OR A COMMITTEE OF AN
9 ASSOCIATION THAT REPRESENTS AT LEAST 250 LICENSED MASSAGE THERAPISTS IN
10 THE STATE THAT:

11 (I) IS RECOGNIZED BY THE BOARD; AND

12 (II) INCLUDES MASSAGE THERAPISTS AND MASSAGE
13 PRACTITIONERS; AND

14 (2) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION (C)
15 OF THIS SECTION.

16 (B) A REHABILITATION COMMITTEE OF THE BOARD OR RECOGNIZED BY
17 THE BOARD MAY FUNCTION:

18 (1) SOLELY FOR THE BOARD; OR

19 (2) JOINTLY WITH A REHABILITATION COMMITTEE REPRESENTING
20 ANOTHER BOARD OR BOARDS.

21 (C) A MASSAGE THERAPIST AND PRACTITIONER REHABILITATION
22 COMMITTEE SHALL EVALUATE AND PROVIDE ASSISTANCE TO ANY LICENSED
23 MASSAGE THERAPIST, REGISTERED MASSAGE PRACTITIONER, OR OTHER
24 INDIVIDUAL REGULATED BY THE BOARD IN NEED OF TREATMENT AND
25 REHABILITATION FOR ALCOHOLISM, DRUG ABUSE, CHEMICAL DEPENDENCY, OR
26 OTHER PHYSICAL, EMOTIONAL, OR MENTAL CONDITION.

27 (D) (1) IN THIS SUBSECTION, "CIVIL ACTION" DOES NOT INCLUDE A
28 PROCEEDING BEFORE THE BOARD OR THE JUDICIAL REVIEW OF A PROCEEDING
29 BEFORE THE BOARD.

30 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
31 PROCEEDINGS, RECORDS, AND FILES OF THE MASSAGE THERAPIST AND

1 PRACTITIONER REHABILITATION COMMITTEE ARE NOT DISCOVERABLE AND ARE
2 NOT ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION ARISING OUT OF MATTERS THAT
3 ARE BEING OR HAVE BEEN REVIEWED AND EVALUATED BY THE MASSAGE THERAPIST
4 AND PRACTITIONER REHABILITATION COMMITTEE.

5 (3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO ANY
6 RECORD OR DOCUMENT THAT IS CONSIDERED BY THE MASSAGE THERAPIST AND
7 PRACTITIONER REHABILITATION COMMITTEE AND THAT OTHERWISE WOULD BE
8 SUBJECT TO DISCOVERY OR INTRODUCTION INTO EVIDENCE IN ANY ARBITRATION
9 OR CIVIL PROCEEDING.

10 (E) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF THE
11 JURISDICTION OF A MASSAGE THERAPIST AND PRACTITIONER REHABILITATION
12 COMMITTEE IS NOT CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE
13 MASSAGE THERAPIST AND PRACTITIONER REHABILITATION COMMITTEE OR FOR
14 GIVING INFORMATION TO, PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION
15 OF THE MASSAGE THERAPIST AND PRACTITIONER REHABILITATION COMMITTEE.

16 **6-405.**

17 (A) IN CHARLES COUNTY AND WASHINGTON COUNTY, THE COUNTY
18 COMMISSIONERS MAY ADOPT ORDINANCES OR REGULATIONS RELATING TO
19 MASSAGE ESTABLISHMENTS AND THE PRACTICES OF MASSAGE THERAPISTS,
20 MASSAGE PRACTITIONERS, AND ANY OTHER INDIVIDUALS WHO PROVIDE MASSAGE
21 FOR COMPENSATION.

22 (B) (1) THE CHARLES COUNTY COMMISSIONERS SHALL PROVIDE THAT
23 THE DIRECTOR OF THE CHARLES COUNTY HEALTH DEPARTMENT AND THE OFFICE
24 OF THE SHERIFF FOR CHARLES COUNTY HAVE THE AUTHORITY TO CARRY OUT THE
25 PROVISIONS OF THE ORDINANCES OR REGULATIONS ADOPTED UNDER SUBSECTION
26 (A) OF THIS SECTION.

27 (2) THE WASHINGTON COUNTY COMMISSIONERS SHALL PROVIDE
28 THAT THE WASHINGTON COUNTY HEALTH OFFICER AND THE OFFICE OF THE
29 SHERIFF FOR WASHINGTON COUNTY HAVE THE AUTHORITY TO CARRY OUT THE
30 PROVISIONS OF THE ORDINANCES OR REGULATIONS ADOPTED UNDER SUBSECTION
31 (A) OF THIS SECTION.

32 **SUBTITLE 5. PROHIBITED ACTS.**

33 **6-501.**

1 **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT**
2 **PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE MASSAGE THERAPY,**
3 **MASSAGE, MYOTHERAPY, OR ANY SYNONYM OR DERIVATION OF THESE TERMS IN**
4 **THE STATE UNLESS LICENSED OR REGISTERED BY THE BOARD.**

5 **6-502.**

6 **(A) AN INDIVIDUAL WHO IS NOT A LICENSED MASSAGE THERAPIST OR**
7 **REGISTERED MASSAGE PRACTITIONER UNDER THIS TITLE MAY NOT ADVERTISE OR**
8 **CLAIM BY TITLE, ABBREVIATION, SIGN, CARD, OR ANY OTHER REPRESENTATION**
9 **THAT THE INDIVIDUAL PRACTICES MASSAGE, MASSAGE THERAPY, MYOTHERAPY, OR**
10 **ANY SYNONYM OR DERIVATION OF THESE TERMS.**

11 **(B) AN INDIVIDUAL WHO IS A REGISTERED MASSAGE PRACTITIONER UNDER**
12 **THIS TITLE, OR A BUSINESS ENTITY THAT EMPLOYS AN INDIVIDUAL WHO IS A**
13 **REGISTERED MASSAGE PRACTITIONER UNDER THIS TITLE, MAY NOT ADVERTISE TO**
14 **THE PUBLIC THAT THE INDIVIDUAL OR BUSINESS ENTITY PROVIDES**
15 **HEALTH-RELATED THERAPEUTIC MASSAGE SERVICES.**

16 **(C) UNLESS AUTHORIZED TO PRACTICE UNDER THIS TITLE, A PERSON MAY**
17 **NOT USE THE TITLE “MASSAGE THERAPIST”, “MT”, “LICENSED MASSAGE**
18 **THERAPIST”, “LMT”, “MASSAGE PRACTITIONER”, “MP”, “REGISTERED MASSAGE**
19 **PRACTITIONER”, OR “RMP”, OR ANY OTHER TERM OR TITLE WITH THE INTENT TO**
20 **REPRESENT THAT THE PERSON PRACTICES MASSAGE THERAPY.**

21 **(D) (1) IN CHARLES COUNTY AND WASHINGTON COUNTY, AN**
22 **INDIVIDUAL MAY NOT PERFORM A MASSAGE OR OFFER TO PERFORM A MASSAGE ON**
23 **ANOTHER INDIVIDUAL FOR COMPENSATION UNLESS THE INDIVIDUAL WHO**
24 **PERFORMS THE MASSAGE OR OFFERS TO PERFORM A MASSAGE IS A LICENSED**
25 **MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER.**

26 **(2) A LAW ENFORCEMENT OFFICER IN CHARLES COUNTY OR**
27 **WASHINGTON COUNTY MAY DEMAND PROOF OF LICENSURE OR REGISTRATION.**

28 **6-503.**

29 **A PERSON MAY NOT BUY, SELL, OR FRAUDULENTLY OBTAIN:**

30 **(1) A LICENSE OR REGISTRATION; OR**

31 **(2) ANY DIPLOMA OR DEGREE REQUIRED UNDER § 6-302 OF THIS**
32 **TITLE.**

1 **6-504.**

2 (A) A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE MASSAGE
3 THERAPY WITHOUT A LICENSE OR REGISTRATION IN VIOLATION OF § 6-501 OF THIS
4 SUBTITLE OR REPRESENTS TO THE PUBLIC IN VIOLATION OF § 6-502 OF THIS
5 SUBTITLE THAT THE PERSON IS AUTHORIZED TO PRACTICE MASSAGE THERAPY IS
6 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

7 (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$2,000 OR
8 IMPRISONMENT NOT EXCEEDING 6 MONTHS; OR

9 (2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$6,000 OR
10 IMPRISONMENT NOT EXCEEDING 1 YEAR.

11 (B) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION
12 SHALL REIMBURSE THE BOARD FOR THE DIRECT COSTS OF THE BOARD, INCLUDING
13 COURT REPORTING SERVICES AND EXPERT WITNESS FEES, INCURRED AS A RESULT
14 OF A PROSECUTION UNDER SUBSECTION (A) OF THIS SECTION.

15 **SUBTITLE 6. SHORT TITLE; TERMINATION OF TITLE.**

16 **6-601.**

17 **THIS TITLE MAY BE CITED AS THE MARYLAND MASSAGE THERAPY ACT.**

18 **6-602.**

19 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE**
20 **MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS**
21 **ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY**
22 **1, 2026.**

23 **Article – State Government**

24 **8-403.**

25 (a) On or before December 15 of the evaluation year specified, the Department
26 shall:

27 (1) conduct a preliminary evaluation of each governmental activity or unit
28 to be evaluated under this section; and

29 (2) prepare a report on each preliminary evaluation conducted.

1 (b) Each of the following governmental activities or units and the statutes and
2 regulations that relate to the governmental activities or units are subject to preliminary
3 evaluation in the evaluation year specified:

4 (11) Chiropractic [and Massage Therapy] Examiners, State Board of (§
5 3–201 of the Health Occupations Article: 2019);

6 **(36) MASSAGE THERAPY EXAMINERS, STATE BOARD OF (§ 6–201 OF**
7 **THE HEALTH OCCUPATIONS ARTICLE: 2023);**

8 SECTION 4. AND BE IT FURTHER ENACTED, That, on October 1, 2016, the
9 position on the State Board of Chiropractic and Massage Therapy Examiners held by the
10 longest serving licensed chiropractor member of the Board and the three positions held by
11 the licensed massage therapist members of the Board shall terminate so as to reduce the
12 number of positions on the newly established State Board of Chiropractic Examiners in
13 accordance with § 3–202 of the Health Occupations Article, as enacted by Section 3 of this
14 Act.

15 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the initial
16 members of the State Board of Massage Therapy Examiners shall expire as follows:

17 (1) two members in 2019;

18 (2) two members in 2020; and

19 (3) three members in 2021.

20 SECTION 6. AND BE IT FURTHER ENACTED, That:

21 (a) The functions, powers, duties, equipment, assets, liabilities, and records of the
22 State Board of Chiropractic and Massage Therapy Examiners related to the licensure and
23 registration of massage therapists and massage practitioners shall be transferred to the
24 State Board of Massage Therapy Examiners.

25 (b) The employees of the State Board of Chiropractic and Massage Therapy
26 Examiners who are employed by the Board as of the effective date of this Act, including the
27 executive director, administrative staff, investigators, and Assistant Attorney General,
28 shall become employees of both the State Board of Chiropractic Examiners and the State
29 Board of Massage Therapy Examiners as established under Section 3 of this Act.

30 SECTION 7. AND BE IT FURTHER ENACTED, That:

31 (a) An individual who holds a license or registration to practice massage therapy
32 issued by the State Board of Chiropractic and Massage Therapy Examiners on or before
33 October 1, 2016, shall be considered licensed or registered in all respects by the State Board
34 of Massage Therapy Examiners as established under Section 3 of this Act and subject to

1 the provisions of this Act for the remainder of the term of the individual's licensure or
2 registration.

3 (b) On expiration of an individual's license or registration issued by the State
4 Board of Chiropractic and Massage Therapy Examiners, the individual may qualify for
5 renewal or reinstatement of a license or registration under § 6-305 or § 6-306 of the Health
6 Occupations Article, as enacted by Section 3 of this Act, as if the individual had held a
7 license or registration issued by the State Board of Massage Therapy Examiners, as
8 established under Section 3 of this Act.

9 SECTION 8. AND BE IT FURTHER ENACTED, That, on or after October 1, 2016,
10 if an individual holds a license or registration issued by the State Board of Chiropractic and
11 Massage Therapy Examiners and the individual fails to timely renew the certificate or
12 registration, the individual may qualify for reinstatement of the license or registration
13 under § 6-306 of the Health Occupations Article, as enacted by Section 3 of this Act, as if
14 the individual had held a license or registration issued by the State Board of Massage
15 Therapy Examiners, as established under Section 3 of this Act.

16 SECTION 9. AND BE IT FURTHER ENACTED, That an individual who, on or
17 before October 1, 2016, has completed or partially completed any education, experience, or
18 examination requirements for a license or registration to be issued by the State Board of
19 Chiropractic and Massage Therapy Examiners shall be considered to have completed or
20 partially completed the same requirement for a license or registration to be issued by the
21 State Board of Massage Therapy Examiners, as established under Section 3 of this Act.

22 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2016.