

HOUSE BILL 1420

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By: **Delegate Cullison**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2016

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

1 boards of the regulation, licensure, and registration of massage therapists and
2 massage practitioners; requiring certain employees of a certain board to become
3 employees of certain boards established under certain provisions of this Act;
4 defining certain terms; making certain technical and conforming changes; and
5 generally relating to the establishment of the State Board of Massage Therapy
6 Examiners and the licensing, registration, and regulation of massage therapists and
7 massage practitioners.

8 BY renumbering

9 Article – State Government
10 Section 8–403(b)(36) through (57), respectively
11 to be Section 8–403(b)(37) through (58), respectively
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2015 Supplement)

14 BY repealing

15 Article – Health Occupations
16 Section 3–5A–01 through 3–5A–15 and the subtitle “Subtitle 5A. Licensure and
17 Registration of Massage Therapists”
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2015 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Courts and Judicial Proceedings
22 Section 5–704
23 Annotated Code of Maryland
24 (2013 Replacement Volume and 2015 Supplement)

25 BY adding to

26 Article – Courts and Judicial Proceedings
27 Section 5–725
28 Annotated Code of Maryland
29 (2013 Replacement Volume and 2015 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article – Criminal Procedure
32 Section 10–233.1(b)
33 Annotated Code of Maryland
34 (2008 Replacement Volume and 2015 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article – Health Occupations
37 Section 3–101(b); 3–201, 3–202, 3–204(d), and 3–206(a) to be under the amended
38 subtitle “Subtitle 2. State Board of Chiropractic Examiners”; and 3–315(a) and
39 (g), 3–316, 3–316.1(a), (d), and (f), 3–501 through 3–503, and 3–506(a)
40 Annotated Code of Maryland
41 (2014 Replacement Volume and 2015 Supplement)

1 BY adding to
 2 Article – Health Occupations
 3 Section 6–101 through 6–602 to be under the new title “Title 6. Massage Therapy”
 4 Annotated Code of Maryland
 5 (2014 Replacement Volume and 2015 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – State Government
 8 Section 8–403(a)
 9 Annotated Code of Maryland
 10 (2014 Replacement Volume and 2015 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – State Government
 13 Section 8–403(b)(11)
 14 Annotated Code of Maryland
 15 (2014 Replacement Volume and 2015 Supplement)

16 BY adding to
 17 Article – State Government
 18 Section 8–403(b)(36)
 19 Annotated Code of Maryland
 20 (2014 Replacement Volume and 2015 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 22 That Section(s) 8–403(b)(36) through (57), respectively, of Article – State Government of
 23 the Annotated Code of Maryland be renumbered to be Section(s)
 24 8–403(b)(37) through (58), respectively.

25 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3–5A–01 through
 26 3–5A–15 and the subtitle “Subtitle 5A. Licensure and Registration of Massage Therapists”
 27 of Article – Health Occupations of the Annotated Code of Maryland be repealed.

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

30 **Article – Courts and Judicial Proceedings**

31 5–704.

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

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

1 **5-725.**

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

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

7 **Article – Criminal Procedure**

8 10-233.1.

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

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

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

15 **Article – Health Occupations**

16 3-101.

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

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

20 3-201.

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

23 3-202.

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

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

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

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

1 (iii)] 2 shall be consumer members.

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

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

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

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

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

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

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

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

20 (1) A resident of this State;

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

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

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

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

26 (1) A resident of this State;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~(i)~~ **(H)** (1) The Governor may remove a member for incompetence or
7 misconduct.

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

11 3-204.

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

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

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

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

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

21 3-206.

22 (a) There is a State Board of Chiropractic [and Massage Therapy] Examiners
23 Fund.

24 3-315.

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

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

4 3–316.

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

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

12 3–316.1.

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

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

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

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

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

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

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

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

28 3–501.

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

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

5 3–502.

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

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

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

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

20 **(c)** An individual who is a registered massage practitioner under this title or a
21 business entity that employs registered massage practitioners under this title may not
22 advertise to the public that the individual or business entity provides health–related
23 therapeutic massage services.

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

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

30 3–503.

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

32 **(1)** A license; or

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

1 3–506.

2 (a) A person who practices or attempts to practice chiropractic [or massage
3 therapy] without a license in violation of § 3–501 of this subtitle or represents to the public
4 in violation of § 3–502 of this subtitle that the person is authorized to practice chiropractic
5 [or massage therapy] is guilty of a misdemeanor and on conviction is subject to:

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

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

10 **TITLE 6. MASSAGE THERAPY.**

11 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

12 **6–101.**

13 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) “BOARD” MEANS THE STATE BOARD OF MASSAGE THERAPY
16 EXAMINERS.

17 (C) “HEALTH CARE SETTING” MEANS:

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

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

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

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

26 (F) (1) “MASSAGE THERAPY” MEANS THE USE OF MANUAL TECHNIQUES
27 ON SOFT TISSUES OF THE HUMAN BODY INCLUDING EFFLEURAGE (STROKING),
28 PETRISSAGE (KNEADING), TAPOTEMENT (TAPPING), STRETCHING, COMPRESSION,
29 VIBRATION, AND FRICTION, WITH OR WITHOUT THE AID OF HEAT LIMITED TO HOT

1 PACKS AND HEATING PADS, COLD WATER, OR NONLEGEND TOPICAL APPLICATIONS,
2 FOR THE PURPOSE OF IMPROVING CIRCULATION, ENHANCING MUSCLE
3 RELAXATION, RELIEVING MUSCULAR PAIN, REDUCING STRESS, OR PROMOTING
4 HEALTH AND WELL-BEING.

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

11 (3) "MASSAGE THERAPY" DOES NOT INCLUDE:

12 (I) THE DIAGNOSIS OR TREATMENT OF ILLNESS, DISEASE, OR
13 INJURY;

14 (II) THE ADJUSTMENT, MANIPULATION, OR MOBILIZATION OF
15 ANY OF THE ARTICULATIONS OF THE OSSEOUS STRUCTURES OF THE HUMAN BODY
16 OR SPINE; OR

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

22 (4) THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION DO
23 NOT PRECLUDE THE APPLICATION OF THE MODALITIES DESCRIBED IN PARAGRAPH
24 (1) OF THIS SUBSECTION TO AN INDIVIDUAL WHO HAS AN INJURY.

25 (G) "PRACTICE MASSAGE THERAPY" MEANS TO ENGAGE PROFESSIONALLY
26 AND FOR COMPENSATION IN MASSAGE THERAPY.

27 (H) "REGISTERED MASSAGE PRACTITIONER" MEANS AN INDIVIDUAL WHO IS
28 REGISTERED BY THE BOARD TO PRACTICE MASSAGE THERAPY IN A SETTING THAT
29 IS NOT A HEALTH CARE SETTING.

30 (I) "REGISTRATION" MEANS, UNLESS THE CONTEXT REQUIRES
31 OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO PRACTICE MASSAGE
32 THERAPY IN A SETTING THAT IS NOT A HEALTH CARE SETTING.

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

3 **(III) A GRADUATE OF A BOARD-APPROVED COURSE IN MASSAGE**
4 **THERAPY; AND**

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

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

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

15 **(C) EACH CONSUMER MEMBER OF THE BOARD:**

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

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

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

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

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

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

1 (D) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT
2 HAVE A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE
3 BOARD.

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

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

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

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

11 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
12 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
13 QUALIFIES.

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

16 (6) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL
17 TERMS.

18 (G) (1) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE
19 OR MISCONDUCT.

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

23 6-203.

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

26 (B) THE BOARD SHALL DETERMINE:

27 (1) THE MANNER OF ELECTION OF THE OFFICERS; AND

28 (2) THE DUTIES OF EACH OFFICER.

1 **6-204.**

2 (A) THE BOARD AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS
3 MAY EMPLOY A STAFF IN ACCORDANCE WITH THE BUDGETS OF THE BOARDS.

4 (B) THE BOARD AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS
5 JOINTLY SHALL APPOINT AN EXECUTIVE DIRECTOR, WHO SERVES AT THE PLEASURE
6 OF BOTH BOARDS.

7 (C) THE EXECUTIVE DIRECTOR:

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

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

10 **6-205.**

11 (A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS
12 A QUORUM.

13 (B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF MEETINGS
14 OF THE BOARD.

15 (C) IN ACCORDANCE WITH THE BUDGET OF THE BOARD, EACH MEMBER OF
16 THE BOARD IS ENTITLED TO:

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

19 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE
20 TRAVEL REGULATIONS, AS PROVIDED FOR IN THE STATE BUDGET.

21 **6-206.**

22 (A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS TITLE,
23 THE BOARD MAY:

24 (1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
25 TITLE;

26 (2) SUMMON WITNESSES, ADMINISTER OATHS, TAKE AFFIDAVITS,
27 AND TAKE TESTIMONY ABOUT MATTERS THAT RELATE TO THE DUTIES OF THE
28 BOARD; AND

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

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

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

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

9 **(3) FILE REPORTS OF THE ACTIVITIES OF THE BOARD AS REQUIRED**
10 **BY THE SECRETARY;**

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

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

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

18 **6-207.**

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

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

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

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

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

1 **(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE STATE**
2 **BOARD OF MASSAGE THERAPY EXAMINERS FUND.**

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

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

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

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

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

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

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

18 **6-208.**

19 **A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §**
20 **5-725 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR**
21 **OTHERWISE PARTICIPATING IN THE ACTIVITIES OF THE BOARD.**

22 **SUBTITLE 3. LICENSES AND REGISTRATIONS.**

23 **6-301.**

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

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

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

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

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

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

14 **(3) A FAMILY MEMBER PRACTICING MASSAGE THERAPY ON ANOTHER**
15 **FAMILY MEMBER;**

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

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

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

22 **(I) FOR WHICH THE PERSON WHO OPERATES THE BEAUTY**
23 **SALON HAS OBTAINED A PERMIT FROM THE STATE BOARD OF COSMETOLOGY AS**
24 **REQUIRED UNDER § 5-501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS**
25 **ARTICLE; AND**

26 **(II) IN WHICH THE INDIVIDUAL IS PROVIDING COSMETOLOGY**
27 **AND ESTHETIC SERVICES, INCLUDING THE APPLICATION AND REMOVAL OF SKIN OR**
28 **SKIN CARE PRODUCTS.**

29 **6-302.**

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

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

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

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

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

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

13 **2. 24 HOURS OF ADVANCED MASSAGE THERAPY**
14 **CONTINUING EDUCATION AS APPROVED BY THE BOARD IN BASIC AND APPLIED**
15 **SCIENCE COURSES RELATED TO HEALTH CARE;**

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

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

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

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

22 **(IV) PROFESSIONAL ETHICS;**

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

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

26 **(B) TO QUALIFY TO BE REGISTERED, AN APPLICANT SHALL BE AN**
27 **INDIVIDUAL WHO:**

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

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

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

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

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

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

8 **(IV) PROFESSIONAL ETHICS;**

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

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

12 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
13 **MAY WAIVE ANY REQUIREMENT OF THIS SUBTITLE FOR AN APPLICANT WHO IS**
14 **LICENSED, CERTIFIED, OR REGISTERED TO PRACTICE MASSAGE THERAPY IN**
15 **ANOTHER STATE.**

16 **(2) THE BOARD MAY GRANT A WAIVER UNDER PARAGRAPH (1) OF**
17 **THIS SUBSECTION ONLY IF THE APPLICANT:**

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

19 **(II) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:**

20 **1. HAS COMPLETED EDUCATIONAL REQUIREMENTS**
21 **THAT THE BOARD DETERMINES TO BE EQUIVALENT TO THE BOARD-APPROVED**
22 **EDUCATIONAL REQUIREMENTS IN THIS STATE;**

23 **2. AT THE TIME THE APPLICANT BECAME LICENSED,**
24 **CERTIFIED, OR REGISTERED IN THE OTHER STATE, PASSED IN THAT STATE OR ANY**
25 **OTHER STATE AN EXAMINATION THAT THE BOARD DETERMINES TO BE EQUIVALENT**
26 **TO THE EXAMINATION REQUIRED IN THIS STATE; AND**

27 **3. IS OF GOOD MORAL CHARACTER.**

28 **6-303.**

1 **(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL**
2 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF**
3 **PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

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

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

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

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

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

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

23 **(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
24 **THIS SECTION:**

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

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

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

1 **6-304.**

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

3 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
4 BOARD REQUIRES;

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

7 (3) PAY THE APPLICATION FEE SET BY THE BOARD.

8 (B) THE BOARD SHALL ISSUE A LICENSE OR REGISTRATION TO ANY
9 APPLICANT WHO:

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

11 (2) MEETS THE REQUIREMENTS OF THIS SUBTITLE.

12 (C) THE BOARD SHALL INCLUDE ON EACH LICENSE AND REGISTRATION
13 THAT THE BOARD ISSUES:

14 (1) THE SEAL OF THE BOARD; AND

15 (2) THE KIND OF LICENSE OR REGISTRATION.

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

20 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

21 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

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

23 (IV) SUBSEQUENT WORK HISTORY;

24 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

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

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

4 **6-305.**

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

8 **(2) A LICENSE OR REGISTRATION MAY NOT BE RENEWED FOR A TERM**
9 **OF LONGER THAN 2 YEARS.**

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

16 **(1) THE DATE ON WHICH THE CURRENT LICENSE OR REGISTRATION**
17 **EXPIRES;**

18 **(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**
19 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE**
20 **THE LICENSE OR REGISTRATION EXPIRES; AND**

21 **(3) THE AMOUNT OF THE RENEWAL FEE.**

22 **(C) BEFORE A LICENSE OR REGISTRATION EXPIRES, THE LICENSED**
23 **MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER PERIODICALLY**
24 **MAY RENEW IT FOR AN ADDITIONAL TERM, IF THE LICENSED MASSAGE THERAPIST**
25 **OR REGISTERED MASSAGE PRACTITIONER:**

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

27 **(2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM**
28 **THAT THE BOARD REQUIRES; AND**

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

1 **(D) (1) EACH LICENSED MESSAGE THERAPIST OR REGISTERED MESSAGE**
2 **PRACTITIONER SHALL NOTIFY THE BOARD IN WRITING OF ANY CHANGE IN THE**
3 **NAME OR ADDRESS OF THE LICENSED MESSAGE THERAPIST OR REGISTERED**
4 **MESSAGE PRACTITIONER WITHIN 60 DAYS AFTER THE CHANGE OCCURRED.**

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

9 **(E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSED MESSAGE**
10 **THERAPIST AND THE REGISTRATION OF EACH REGISTERED MESSAGE**
11 **PRACTITIONER WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

12 **6-306.**

13 **(A) IF A LICENSED MESSAGE THERAPIST OR REGISTERED MESSAGE**
14 **PRACTITIONER FAILS FOR ANY REASON TO RENEW A LICENSE OR REGISTRATION,**
15 **THE BOARD SHALL REINSTATE THE LICENSE OR REGISTRATION IF THE FORMER**
16 **LICENSED MESSAGE THERAPIST OR FORMER REGISTERED MESSAGE**
17 **PRACTITIONER:**

18 **(1) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE**
19 **OR REGISTRATION WITHIN 5 YEARS AFTER THE LICENSE OR REGISTRATION**
20 **EXPIRES;**

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

23 **(3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE**
24 **BOARD.**

25 **(B) (1) THE BOARD MAY NOT REINSTATE THE LICENSE OF A FORMER**
26 **LICENSED MESSAGE THERAPIST OR REGISTRATION OF A FORMER REGISTERED**
27 **MESSAGE PRACTITIONER WHO FAILS TO APPLY FOR REINSTATEMENT OF THE**
28 **LICENSE OR REGISTRATION WITHIN 5 YEARS AFTER THE LICENSE OR REGISTRATION**
29 **EXPIRES.**

30 **(2) IF THE BOARD DOES NOT REINSTATE A LICENSE OR**
31 **REGISTRATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, A FORMER LICENSED**
32 **MESSAGE THERAPIST OR FORMER REGISTERED MESSAGE PRACTITIONER MAY**
33 **APPLY FOR A NEW LICENSE OR REGISTRATION BY MEETING THE LICENSING OR**
34 **REGISTRATION REQUIREMENTS IN EFFECT AT THE TIME OF APPLICATION FOR**

1 OBTAINING A NEW LICENSE OR REGISTRATION UNDER THIS TITLE AND ANY
2 ADDITIONAL REQUIREMENTS DETERMINED BY THE BOARD.

3 **6-307.**

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

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

16 **6-308.**

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

23 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
24 OBTAIN A LICENSE OR REGISTRATION FOR THE APPLICANT OR FOR ANOTHER;

25 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR
26 REGISTRATION;

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

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

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

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

4 **(II) GIVES ANY FALSE OR MISLEADING INFORMATION ABOUT A**
5 **MATERIAL MATTER IN AN EMPLOYMENT APPLICATION;**

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

9 **(7) PROVIDES PROFESSIONAL SERVICES WHILE:**

10 **(I) UNDER THE INFLUENCE OF ALCOHOL; OR**

11 **(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS**
12 **SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER**
13 **DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL**
14 **INDICATION;**

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

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

18 **(10) IS PROFESSIONALLY INCOMPETENT;**

19 **(11) HAS VIOLATED ANY PROVISION OF THIS TITLE;**

20 **(12) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;**

21 **(13) IS PHYSICALLY OR MENTALLY INCOMPETENT;**

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

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

1 **(16) EXCEPT IN AN EMERGENCY LIFE–THREATENING SITUATION**
2 **WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS**
3 **FOR DISEASE CONTROL AND PREVENTION’S GUIDELINES ON UNIVERSAL**
4 **PRECAUTIONS;**

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

6 **(18) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR**
7 **CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5–101 OF THE CRIMINAL**
8 **LAW ARTICLE;**

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

11 **(20) ENGAGES IN CONDUCT THAT VIOLATES THE PROFESSIONAL CODE**
12 **OF ETHICS;**

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

15 **(22) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
16 **ACCORDANCE WITH § 6–303 OF THIS SUBTITLE.**

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

26 **(C) (1) AN INDIVIDUAL WHOSE LICENSE OR REGISTRATION HAS BEEN**
27 **SUSPENDED OR REVOKED BY THE BOARD SHALL RETURN THE LICENSE OR**
28 **REGISTRATION TO THE BOARD.**

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

32 **(D) THE BOARD SHALL FILE A NOTICE FOR PUBLICATION IN THE EARLIEST**
33 **PUBLICATION OF THE MARYLAND REGISTER OF EACH REVOCATION OR SUSPENSION**

1 OF A LICENSE OR REGISTRATION UNDER THIS SECTION WITHIN 24 HOURS AFTER
2 THE REVOCATION OR SUSPENSION.

3 **6-309.**

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

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

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

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

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

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

22 (G) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF §
23 6-308 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE HEARING
24 AS SPECIFIED IN REGULATION ADOPTED BY THE BOARD.

25 **6-310.**

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

1 **(B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER**
2 **§ 6-308 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT MAY TAKE A**
3 **DIRECT JUDICIAL APPEAL AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT.**

4 **6-311.**

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

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

8 **(2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER**
9 **§ 6-308 OF THIS SUBTITLE.**

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

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

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

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

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

16 **(1) RESIDES; OR**

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

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

21 **(2) AN ACTION UNDER THIS SECTION MAY BE BROUGHT AGAINST AN**
22 **INDIVIDUAL WHO IS AUTHORIZED TO PRACTICE MASSAGE THERAPY UNDER THIS**
23 **TITLE.**

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

27 **(F) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD**
28 **OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF MASSAGE**

1 THERAPY UNDER § 6-501 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 6-308
2 OF THIS SUBTITLE.

3 SUBTITLE 4. MISCELLANEOUS.

4 6-401.

5 (A) THE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH STANDARDS
6 FOR ADVERTISING OR SOLICITING BY LICENSED MASSAGE THERAPISTS OR
7 REGISTERED MASSAGE PRACTITIONERS.

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

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

14 (1) THE USE OF THE TRADE NAME IS NOT DECEPTIVE OR
15 MISLEADING;

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

22 (3) THE NAME OF THE LICENSED MASSAGE THERAPIST OR
23 REGISTERED MASSAGE PRACTITIONER PROVIDING MASSAGE THERAPY SERVICES
24 APPEARS ON THE BILLING INVOICES, STATIONERY, AND ANY RECEIPT GIVEN TO A
25 PATIENT; AND

26 (4) TREATMENT RECORDS ARE MAINTAINED THAT CLEARLY
27 IDENTIFY THE LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE
28 PRACTITIONER WHO HAS PERFORMED THE MASSAGE THERAPY SERVICE FOR THE
29 PATIENT.

30 6-402.

1 **A HEALTH CARE PROVIDER WHO IS LICENSED OR CERTIFIED UNDER THIS**
2 **ARTICLE MAY NOT REFER PATIENTS TO AN INDIVIDUAL WHO IS NOT A LICENSED**
3 **MASSAGE THERAPIST.**

4 **6-403.**

5 **THIS SUBTITLE DOES NOT REQUIRE A NONPROFIT HEALTH SERVICE PLAN, AN**
6 **INSURER, A HEALTH MAINTENANCE ORGANIZATION, OR A PERSON ACTING AS A**
7 **THIRD PARTY ADMINISTRATOR TO REIMBURSE A LICENSED MASSAGE THERAPIST OR**
8 **REGISTERED MASSAGE PRACTITIONER FOR ANY SERVICES RENDERED EVEN**
9 **THOUGH THE SERVICES ARE WITHIN THE SCOPE OF PRACTICE OF THE LICENSED**
10 **MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER.**

11 **6-404.**

12 **(A) IN THIS SECTION, “MASSAGE THERAPIST AND PRACTITIONER**
13 **REHABILITATION COMMITTEE” MEANS A COMMITTEE THAT:**

14 **(1) IS A COMMITTEE OF THE BOARD OR A COMMITTEE OF AN**
15 **ASSOCIATION THAT REPRESENTS AT LEAST 250 LICENSED MASSAGE THERAPISTS IN**
16 **THE STATE THAT:**

17 **(I) IS RECOGNIZED BY THE BOARD; AND**

18 **(II) INCLUDES MASSAGE THERAPISTS AND MASSAGE**
19 **PRACTITIONERS; AND**

20 **(2) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION (C)**
21 **OF THIS SECTION.**

22 **(B) A REHABILITATION COMMITTEE OF THE BOARD OR RECOGNIZED BY**
23 **THE BOARD MAY FUNCTION:**

24 **(1) SOLELY FOR THE BOARD; OR**

25 **(2) JOINTLY WITH A REHABILITATION COMMITTEE REPRESENTING**
26 **ANOTHER BOARD OR BOARDS.**

27 **(C) A MASSAGE THERAPIST AND PRACTITIONER REHABILITATION**
28 **COMMITTEE SHALL EVALUATE AND PROVIDE ASSISTANCE TO ANY LICENSED**
29 **MASSAGE THERAPIST, REGISTERED MASSAGE PRACTITIONER, OR OTHER**
30 **INDIVIDUAL REGULATED BY THE BOARD IN NEED OF TREATMENT AND**

1 REHABILITATION FOR ALCOHOLISM, DRUG ABUSE, CHEMICAL DEPENDENCY, OR
2 OTHER PHYSICAL, EMOTIONAL, OR MENTAL CONDITION.

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

6 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
7 PROCEEDINGS, RECORDS, AND FILES OF THE MASSAGE THERAPIST AND
8 PRACTITIONER REHABILITATION COMMITTEE ARE NOT DISCOVERABLE AND ARE
9 NOT ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION ARISING OUT OF MATTERS THAT
10 ARE BEING OR HAVE BEEN REVIEWED AND EVALUATED BY THE MASSAGE THERAPIST
11 AND PRACTITIONER REHABILITATION COMMITTEE.

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

17 (E) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF THE
18 JURISDICTION OF A MASSAGE THERAPIST AND PRACTITIONER REHABILITATION
19 COMMITTEE IS NOT CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE
20 MASSAGE THERAPIST AND PRACTITIONER REHABILITATION COMMITTEE OR FOR
21 GIVING INFORMATION TO, PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION
22 OF THE MASSAGE THERAPIST AND PRACTITIONER REHABILITATION COMMITTEE.

23 **6-405.**

24 (A) IN CHARLES COUNTY AND WASHINGTON COUNTY, THE COUNTY
25 COMMISSIONERS MAY ADOPT ORDINANCES OR REGULATIONS RELATING TO
26 MASSAGE ESTABLISHMENTS AND THE PRACTICES OF MASSAGE THERAPISTS,
27 MASSAGE PRACTITIONERS, AND ANY OTHER INDIVIDUALS WHO PROVIDE MASSAGE
28 FOR COMPENSATION.

29 (B) (1) THE CHARLES COUNTY COMMISSIONERS SHALL PROVIDE THAT
30 THE DIRECTOR OF THE CHARLES COUNTY HEALTH DEPARTMENT AND THE OFFICE
31 OF THE SHERIFF FOR CHARLES COUNTY HAVE THE AUTHORITY TO CARRY OUT THE
32 PROVISIONS OF THE ORDINANCES OR REGULATIONS ADOPTED UNDER SUBSECTION
33 (A) OF THIS SECTION.

34 (2) THE WASHINGTON COUNTY COMMISSIONERS SHALL PROVIDE
35 THAT THE WASHINGTON COUNTY HEALTH OFFICER AND THE OFFICE OF THE

1 SHERIFF FOR WASHINGTON COUNTY HAVE THE AUTHORITY TO CARRY OUT THE
2 PROVISIONS OF THE ORDINANCES OR REGULATIONS ADOPTED UNDER SUBSECTION
3 (A) OF THIS SECTION.

4 **SUBTITLE 5. PROHIBITED ACTS.**

5 **6-501.**

6 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT
7 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE MASSAGE THERAPY,
8 MASSAGE, MYOTHERAPY, OR ANY SYNONYM OR DERIVATION OF THESE TERMS IN
9 THE STATE UNLESS LICENSED OR REGISTERED BY THE BOARD.

10 **6-502.**

11 (A) AN INDIVIDUAL WHO IS NOT A LICENSED MASSAGE THERAPIST OR
12 REGISTERED MASSAGE PRACTITIONER UNDER THIS TITLE MAY NOT ADVERTISE OR
13 CLAIM BY TITLE, ABBREVIATION, SIGN, CARD, OR ANY OTHER REPRESENTATION
14 THAT THE INDIVIDUAL PRACTICES MASSAGE, MASSAGE THERAPY, MYOTHERAPY, OR
15 ANY SYNONYM OR DERIVATION OF THESE TERMS.

16 (B) AN INDIVIDUAL WHO IS A REGISTERED MASSAGE PRACTITIONER UNDER
17 THIS TITLE, OR A BUSINESS ENTITY THAT EMPLOYS AN INDIVIDUAL WHO IS A
18 REGISTERED MASSAGE PRACTITIONER UNDER THIS TITLE, MAY NOT ADVERTISE TO
19 THE PUBLIC THAT THE INDIVIDUAL OR BUSINESS ENTITY PROVIDES
20 HEALTH-RELATED THERAPEUTIC MASSAGE SERVICES.

21 (C) UNLESS AUTHORIZED TO PRACTICE UNDER THIS TITLE, A PERSON MAY
22 NOT USE THE TITLE "MASSAGE THERAPIST", "MT", "LICENSED MASSAGE
23 THERAPIST", "LMT", "MASSAGE PRACTITIONER", "MP", "REGISTERED MASSAGE
24 PRACTITIONER", OR "RMP", OR ANY OTHER TERM OR TITLE WITH THE INTENT TO
25 REPRESENT THAT THE PERSON PRACTICES MASSAGE THERAPY.

26 (D) (1) IN CHARLES COUNTY AND WASHINGTON COUNTY, AN
27 INDIVIDUAL MAY NOT PERFORM A MASSAGE OR OFFER TO PERFORM A MASSAGE ON
28 ANOTHER INDIVIDUAL FOR COMPENSATION UNLESS THE INDIVIDUAL WHO
29 PERFORMS THE MASSAGE OR OFFERS TO PERFORM A MASSAGE IS A LICENSED
30 MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER.

31 (2) A LAW ENFORCEMENT OFFICER IN CHARLES COUNTY OR
32 WASHINGTON COUNTY MAY DEMAND PROOF OF LICENSURE OR REGISTRATION.

33 **6-503.**

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

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

3 **(2) ANY DIPLOMA OR DEGREE REQUIRED UNDER § 6-302 OF THIS**
4 **TITLE.**
5 **6-504.**

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

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

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

15 **(B) A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OF THIS SECTION**
16 **SHALL REIMBURSE THE BOARD FOR THE DIRECT COSTS OF THE BOARD, INCLUDING**
17 **COURT REPORTING SERVICES AND EXPERT WITNESS FEES, INCURRED AS A RESULT**
18 **OF A PROSECUTION UNDER SUBSECTION (A) OF THIS SECTION.**

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

20 **6-601.**

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

22 **6-602.**

23 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE**
24 **MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS**
25 **ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY**
26 **1, 2026.**

27 **Article – State Government**

28 **8-403.**

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

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

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

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

9 (11) Chiropractic [and Massage Therapy] Examiners, State Board of (§
10 3–201 of the Health Occupations Article: 2019);

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

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

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

22 (1) two members in 2019;

23 (2) two members in 2020; and

24 (3) three members in 2021.

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

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

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

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

2 (a) An individual who holds a license or registration to practice massage therapy
3 issued by the State Board of Chiropractic and Massage Therapy Examiners on or before
4 October 1, 2016, shall be considered licensed or registered in all respects by the State Board
5 of Massage Therapy Examiners as established under Section 3 of this Act and subject to
6 the provisions of this Act for the remainder of the term of the individual's licensure or
7 registration.

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.