

HOUSE BILL 1598

J2

(8lr2847)

ENROLLED BILL

— *Health and Government Operations/Education, Health, and Environmental Affairs* —

Introduced by **Delegate Krebs**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Massage Therapists – Licenses and Registrations – Education and Display**
3 **Requirements**

4 FOR the purpose of ~~altering the exemption from certain licensure and registration~~
5 ~~requirements for certain students enrolled in an approved education program who~~
6 ~~practice massage therapy~~; altering the educational requirements to qualify for a
7 license to practice massage therapy; altering the educational requirements to qualify
8 to be registered to practice massage therapy; requiring each holder of a license or
9 registration to practice massage therapy to display the license or registration ~~and a~~
10 ~~certain renewal certificate~~ in a certain location; defining certain terms; and generally
11 relating to the licensure and registration of massage therapists.

12 BY repealing and reenacting, without amendments,

13 Article – Health Occupations

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.

Italics indicate opposite chamber/conference committee amendments.



1 Section 6-301
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2017 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Health Occupations
6 Section ~~6-301~~ and 6-302
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2017 Supplement)

9 BY adding to
10 Article – Health Occupations
11 Section 6-306.1
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2017 Supplement)

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

16 **Article – Health Occupations**

17 6-301.

18 (a) Except as otherwise provided in this title, an individual shall be:

19 (1) Licensed by the Board before the individual may practice massage
20 therapy in the State; or

21 (2) Registered by the Board before the individual may practice massage
22 therapy in a setting that is not a health care setting in the State.

23 (b) This section does not apply to:

24 (1) A student ~~OF MASSAGE THERAPY~~ enrolled in an approved education
25 program [as determined by the Board while practicing massage therapy in the State] ~~FOR~~
26 ~~MASSAGE THERAPY WHO PRACTICES MASSAGE THERAPY, WITHOUT COMPENSATION,~~
27 ~~TIPS, OR BARTERING, AS A REQUIRED COMPONENT OF THE COURSE OF STUDY;~~

28 (2) An individual permitted to practice massage therapy under regulations
29 adopted by the Board, if the individual otherwise has qualified to practice massage therapy
30 in any other state or country that has substantially similar requirements for authorization
31 to practice massage therapy and the individual is in the State for no more than 7 days;

32 (3) A family member practicing massage therapy on another family
33 member;

1 (4) An athletic trainer while functioning in the course of the athletic
2 trainer's professional capacity;

3 (5) An individual employed by the federal government to practice massage
4 therapy while practicing within the scope of the individual's employment; or

5 (6) An individual working in a beauty salon:

6 (i) For which the person who operates the beauty salon has obtained
7 a permit from the State Board of Cosmetology as required under § 5-501 of the Business
8 Occupations and Professions Article; and

9 (ii) In which the individual is providing cosmetology and esthetic
10 services, including the application and removal of skin or skin care products.

11 6-302.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 ~~(2) "CONTACT HOUR" MEANS A SINGLE PERIOD OF 50 MINUTES~~
15 ~~DURING WHICH A STUDENT RECEIVES DIRECT OR SUPERVISED FACULTY~~
16 ~~INSTRUCTION IN AN ACADEMIC COURSE OR THROUGH OTHER EDUCATIONAL~~
17 ~~ACTIVITIES, INCLUDING LABORATORY WORK OR PRACTICUM.~~

18 ~~(3) "CREDIT HOUR" MEANS CREDIT AWARDED BY AN INSTITUTION OF~~
19 ~~HIGHER EDUCATION FOR THE SUCCESSFUL COMPLETION OF AT LEAST 15 CONTACT~~
20 ~~HOURS PER SEMESTER OF COURSEWORK OR OTHER EDUCATIONAL ACTIVITIES.~~

21 (2) "CONTACT HOUR" MEANS 50 MINUTES OF ACTUAL
22 INSTRUCTIONAL TIME PER EACH 60-MINUTE HOUR.

23 (3) "CREDIT HOUR" MEANS A MINIMUM OF:

24 (i) 15 CONTACT HOURS, DURING WHICH THE INSTRUCTIONAL
25 TIME WAS PROVIDED THROUGH ACTUAL CLASS TIME, EXCLUSIVE OF REGISTRATION,
26 STUDY DAYS, AND HOLIDAYS;

27 (ii) 30 CONTACT HOURS, DURING WHICH THE INSTRUCTIONAL
28 TIME WAS PROVIDED THROUGH SUPERVISED LABORATORY OR STUDIO TIME,
29 EXCLUSIVE OF REGISTRATION, STUDY DAYS, AND HOLIDAYS; OR

30 (iii) 45 CONTACT HOURS, DURING WHICH THE INSTRUCTIONAL
31 TIME WAS PROVIDED THROUGH SUPERVISED PRACTICA, INTERNSHIPS, AND
32 COOPERATIVE EDUCATION PLACEMENTS, WHEN LEARNING WAS DOCUMENTED.

1 (5) Has passed an examination approved by the Board; and

2 (6) Submits to a criminal history records check in accordance with § 6–303
3 of this subtitle.

4 **[(b)] (C)** To qualify to be registered, an applicant shall be an individual who:

5 (1) Is of good moral character;

6 (2) Is at least 18 years old;

7 (3) Has ~~SUCCESSFULLY completed~~ **GRADUATED FROM A PROGRAM FOR**
8 **THE STUDY OF MASSAGE THERAPY:**

9 (I) **THAT HAS BEEN APPROVED BY THE MARYLAND HIGHER**
10 **EDUCATION COMMISSION AND ACCREDITED BY AN ACCREDITING AGENCY OR**
11 **ORGANIZATION THAT ACCREDITS BOTH INSTITUTIONS OF HIGHER EDUCATION AND**
12 **PROGRAMS OFFERING INSTRUCTION IN MASSAGE THERAPY ~~AND BODYWORK; OR~~**
13 **AND**

14 (II) **THAT HAS BEEN APPROVED BY THE BOARD ~~AND THE~~**
15 **~~MARYLAND HIGHER EDUCATION COMMISSION~~ AND THAT REQUIRES AT LEAST 600**
16 **CONTACT hours of [education in a Board–approved program for the study of massage**
17 **therapy] CLASSROOM INSTRUCTION that includes the following areas of content:**

18 [(i)] 1. Anatomy, physiology, and kinesiology;

19 [(ii)] 2. Massage theory, techniques, and practice;

20 [(iii)] 3. Contraindications to massage therapy; ~~and~~

21 [(iv)] 4. Professional ethics;

22 5. **PATHOLOGY; AND**

23 6. **RESEARCH;**

24 (4) Has passed an examination approved by the Board; and

25 (5) Submits to a criminal history records check in accordance with § 6–303
26 of this subtitle.

1 ~~[(c)]~~ (D) (1) Subject to paragraph (2) of this subsection, the Board may waive
2 any requirement of this subtitle for an applicant who is licensed, certified, or registered to
3 practice massage therapy in another state.

4 (2) The Board may grant a waiver under paragraph (1) of this subsection
5 only if the applicant:

6 (i) Pays the application fee set by the Board; and

7 (ii) Provides adequate evidence that the applicant:

8 1. Has completed educational requirements that the Board
9 determines to be equivalent to the Board-approved educational requirements in this State;

10 2. At the time the applicant became licensed, certified, or
11 registered in the other state, passed in that state or any other state an examination that
12 the Board determines to be equivalent to the examination required in this State; and

13 3. Is of good moral character.

14 **6-306.1.**

15 ~~EACH HOLDER OF A LICENSE OR REGISTRATION TO PRACTICE MASSAGE~~
16 ~~THERAPY SHALL DISPLAY THE LICENSE OR REGISTRATION AND ANY CURRENT~~
17 ~~RENEWAL CERTIFICATE CONSPICUOUSLY IN THE OFFICE WHERE THE HOLDER IS~~
18 ~~ENGAGED IN PRACTICE, INCLUDING ANY TEMPORARY PRACTICE LOCATION.~~

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.