

HOUSE BILL 1598

J2

8lr2847

By: **Delegate Krebs**

Introduced and read first time: February 9, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

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

14 Section 6–301

15 Annotated Code of Maryland

16 (2014 Replacement Volume and 2017 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Health Occupations

19 Section ~~6–301~~ and 6–302

20 Annotated Code of Maryland

21 (2014 Replacement Volume and 2017 Supplement)

22 BY adding to

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 Article – Health Occupations
 2 Section 6–306.1
 3 Annotated Code of Maryland
 4 (2014 Replacement Volume and 2017 Supplement)

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

7 **Article – Health Occupations**

8 6–301.

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

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

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

14 (b) This section does not apply to:

15 (1) A student ~~OF MASSAGE THERAPY~~ enrolled in an approved education
 16 program ~~has determined by the Board while practicing massage therapy in the State~~ ~~FOR~~
 17 ~~MASSAGE THERAPY WHO PRACTICES MASSAGE THERAPY, WITHOUT COMPENSATION,~~
 18 ~~TIPS, OR BARTERING, AS A REQUIRED COMPONENT OF THE COURSE OF STUDY;~~

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

23 (3) A family member practicing massage therapy on another family
 24 member;

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

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

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

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

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

6–302.

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

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

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

(2) “CONTACT HOUR” MEANS 50 MINUTES OF ACTUAL INSTRUCTIONAL TIME PER EACH 60-MINUTE HOUR.

(3) “CREDIT HOUR” MEANS A MINIMUM OF:

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

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

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

[(a)] (B) To qualify for a license, an applicant shall be an individual who:

(1) Is of good moral character;

(2) Is at least 18 years old;

(3) Has [satisfactorily completed] GRADUATED WITH:

(i) ~~[At least 60 credit hours of education at] BEEN AWARDED AN ASSOCIATE OF APPLIED SCIENCE IN MASSAGE THERAPY FROM~~ an institution of higher education, as defined in § 10–101 of the Education Article, [and] as approved by the

1 Board and the Maryland Higher Education Commission, ~~of which a minimum of 24 credit~~
 2 ~~hours shall have been in basic and applied science courses related to health care;~~ ~~AND~~
 3 ~~ACCREDITED BY AN ACCREDITING AGENCY OR ORGANIZATION THAT ACCREDITS~~
 4 ~~BOTH INSTITUTIONS OF HIGHER EDUCATION AND PROGRAMS OFFERING~~
 5 ~~INSTRUCTION IN MASSAGE THERAPY AND BODYWORK, THAT INCLUDES AT LEAST~~
 6 ~~750 CONTACT HOURS OF CLASSROOM INSTRUCTION;~~ or

7 (ii) ~~SUCCESSFULLY COMPLETED:~~

8 1. At least 60 credit hours of education at an institution of
 9 higher education, as defined in § 10–101 of the Education Article, and as approved by the
 10 Maryland Higher Education Commission; and

11 2. 24 **CREDIT** hours **OR 360 CONTACT HOURS** of advanced
 12 massage therapy continuing education as approved by the Board in basic and applied
 13 science courses related to health care, ~~INCLUDING AT LEAST 25 HOURS OF SUPERVISED~~
 14 ~~CLINICAL EXPERIENCE IN A HEALTH CARE FACILITY;~~

15 (4) Has completed ~~[600]~~ **750 CONTACT** hours of education in a
 16 Board–approved program for the study of massage therapy that includes the following
 17 areas of content:

18 (i) Anatomy, physiology, and kinesiology;

19 (ii) Massage theory, techniques, and practice;

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

21 (iv) Professional ethics; ~~AND~~

22 **(V) PATHOLOGY ; AND RESEARCH;**

23 **(VI) RESEARCH;**

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

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

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

28 (1) Is of good moral character;

29 (2) Is at least 18 years old;

1 (3) Has ~~SUCCESSFULLY completed~~ GRADUATED FROM A PROGRAM FOR
 2 THE STUDY OF MASSAGE THERAPY:

3 (I) THAT HAS BEEN APPROVED BY THE MARYLAND HIGHER
 4 EDUCATION COMMISSION AND ACCREDITED BY AN ACCREDITING AGENCY OR
 5 ORGANIZATION THAT ACCREDITS BOTH INSTITUTIONS OF HIGHER EDUCATION AND
 6 PROGRAMS OFFERING INSTRUCTION IN MASSAGE THERAPY AND BODYWORK; ~~OR~~
 7 AND

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

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

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

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

15 [(iv)] 4. Professional ethics;

16 5. PATHOLOGY; AND

17 6. RESEARCH;

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

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

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

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

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

27 (ii) Provides adequate evidence that the applicant:

28 1. Has completed educational requirements that the Board
 29 determines to be equivalent to the Board–approved educational requirements in this State;

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

4 3. Is of good moral character.

5 **6-306.1.**

6 **EACH HOLDER OF A LICENSE OR REGISTRATION ~~TO PRACTICE MASSAGE~~**
7 **~~THERAPY~~ SHALL DISPLAY THE LICENSE OR REGISTRATION ~~AND ANY CURRENT~~**
8 **~~RENEWAL CERTIFICATE~~ CONSPICUOUSLY ~~IN THE OFFICE~~ WHERE THE HOLDER IS**
9 **ENGAGED IN PRACTICE, ~~INCLUDING ANY TEMPORARY PRACTICE LOCATION.~~**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.