

SENATE BILL 216

J2, J5, J4

3lr1533
CF HB 242

By: **Senators Ellis and Augustine**

Introduced and read first time: January 23, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Massage Therapy – Definition, Registration, and Reimbursement**

3 FOR the purpose of altering the definition of “massage therapy”; altering the date after
4 which the option to be registered by the State Board of Massage Therapy Examiners
5 to practice massage therapy in a setting that is not a health care setting will no
6 longer be available; repealing a provision of law that provides that certain provisions
7 of law do not require a nonprofit health insurance plan, an insurer, a health
8 maintenance organization, or a person acting as a third party administrator to
9 reimburse a licensed massage therapist or registered massage practitioner for any
10 services rendered; and generally relating to the regulation of massage therapists and
11 massage practitioners.

12 BY repealing and reenacting, without amendments,
13 Article – Health Occupations
14 Section 6–101(a) and 6–301(a)
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health Occupations
19 Section 6–101(f)(3) and 6–302(c) and (e)
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2022 Supplement)

22 BY repealing

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 6–403
 3 Annotated Code of Maryland
 4 (2021 Replacement Volume and 2022 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Chapter 705 of the Acts of the General Assembly of 2022
 7 Section 2 and 3

8 BY repealing and reenacting, with amendments,
 9 Chapter 706 of the Acts of the General Assembly of 2022
 10 Section 2 and 3

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

13 **Article – Health Occupations**

14 6–101.

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

16 (f) (3) “Massage therapy” does not include:

17 (i) The diagnosis [or treatment] of illness, disease, or injury;

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

20 (iii) Except as provided in paragraph (2) of this subsection, the laying
 21 on of hands, consisting of pressure or movement on an individual who is fully clothed,
 22 except for footwear, to specifically affect the electromagnetic energy or energetic field of the
 23 human body.

24 6–301.

25 (a) Except as otherwise provided in this title, before an individual may practice
 26 massage therapy in the State, the individual shall be:

27 (1) On or before October 31, 2026:

28 (i) Licensed by the Board; or

29 (ii) Registered by the Board to practice massage therapy in a setting
 30 that is not a health care setting; or

31 (2) On or after November 1, 2026, licensed by the Board.

1 6-302.

2 (c) On or before September 30, [2023] 2024, to qualify to be registered, an
3 applicant shall be an individual who:

4 (1) Is of good moral character;

5 (2) Is at least 18 years old;

6 (3) Has graduated from a program for the study of massage therapy with
7 a curriculum:

8 (i) Approved by the Board;

9 (ii) Endorsed by:

10 1. The Commission on Massage Therapy Accreditation; or

11 2. An equivalent entity that is an accrediting agency or
12 organization that accredits both institutions of higher education and programs offering
13 instruction in massage therapy;

14 (iii) Accredited by an institutional accreditation agency recognized by
15 the United States Department of Education; and

16 (iv) That requires at least 600 contact hours of classroom instruction
17 that includes the following areas of content:

18 1. Anatomy, physiology, and kinesiology;

19 2. Massage therapy theory;

20 3. Contraindications and pathology;

21 4. Professional ethics;

22 5. Health and hygiene;

23 6. Research;

24 7. Supervised hands-on techniques; and

25 8. Clinical assessment and documentation;

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

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

3 (e) On or after October 1, [2023] 2024, the Board may not issue an initial
4 registration to practice as a registered massage practitioner.

5 [6–403.

6 This subtitle does not require a nonprofit health service plan, an insurer, a health
7 maintenance organization, or a person acting as a third party administrator to reimburse
8 a licensed massage therapist or registered massage practitioner for any services rendered
9 even though the services are within the scope of practice of the licensed massage therapist
10 or registered massage practitioner.]

11 Chapter 705 of the Acts of 2022

12 SECTION 2. AND BE IT FURTHER ENACTED, That an individual registered by
13 the State Board of Massage Therapy Examiners on October 1, [2023] 2024, shall be
14 considered, in all respects, registered as a registered massage practitioner by the Board
15 and, subject to the provisions of this Act, for the remainder of the term of the individual’s
16 registration.

17 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of Massage
18 Therapy Examiners shall adopt regulations necessary to implement the provisions of
19 Section 1 of this Act on or before October 1, [2023] 2024.

20 Chapter 706 of the Acts of 2022

21 SECTION 2. AND BE IT FURTHER ENACTED, That an individual registered by
22 the State Board of Massage Therapy Examiners on October 1, [2023] 2024, shall be
23 considered, in all respects, registered as a registered massage practitioner by the Board
24 and, subject to the provisions of this Act, for the remainder of the term of the individual’s
25 registration.

26 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of Massage
27 Therapy Examiners shall adopt regulations necessary to implement the provisions of
28 Section 1 of this Act on or before October 1, [2023] 2024.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2023.