

PROPOSAL

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Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 65 BOARD OF MASSAGE THERAPY EXAMINERS

Notice of Proposed Action

[25-265-P]

The Secretary of Health proposes to amend:

- (1) Regulations .06, .07, and .09 under **COMAR 10.65.01 General Regulations**;
- (2) Regulations .04 and .05 under **COMAR 10.65.02 Rules of Procedure for Board Hearings**; and
- (3) Regulations .02, .03, .05, and .06 under **COMAR 10.65.03 Code of Ethics**.

This action was considered by the Board of Massage Therapy Examiners at a public meeting held on September 24, 2025, notice of which was given by publication on the Board's website at health.maryland.gov/massage/Pages/home.aspx pursuant to General Provisions Article, 3 302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Repeal the requirements for initial registrations pursuant to Chs. 705 and 706, Acts of 2022;
- (2) Make clarifying changes;
- (3) Add a definition and guidelines for sexual misconduct in the Code of Ethics;
- (4) Add draping requirements during a massage; and
- (5) Clarify written consent requirements.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jordan Fisher Blotter, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534 Baltimore, Maryland 21201, or call 410-767-0938, or email to mdh.regs@maryland.gov. Comments will be accepted through January 2, 2026. A public hearing has not been scheduled.

10.65.01 General Regulations

Authority: General Provisions Article, 4-333(c); Health Occupations Article, 6-101, 6-102, 6-201 6-206, 6-301 6-306, and 6-504; Annotated Code of Maryland

.06 Application for Licensure [or Registration].

A. (text unchanged)

[B. On or before September 30, 2024, to be a registered massage practitioner, an applicant shall:

- (1) Complete the application provided by the Board;
- (2) Pay the application fee as specified in COMAR 10.65.07; and
- (3) Submit one recent 2 inch by 2 inch passport type photograph on a solid white background of the applicant;
- (4) Submit a completed criminal background check;
- (5) Provide evidence that the applicant is:
 - (a) Of good moral character; and
 - (b) 18 years old or older;

(6) Pass the State Board of Massage Therapy Examiners Jurisprudence Examination, which is administered by the Board, with a score of at least 75 percent;

(7) Have sent directly to the Board by the administering authority proof of having passed a Board-approved examination;

(8) Have copies of official transcripts sent directly to the Board by the school from which the applicant graduated that documents completion of a program of at least 600 classroom hours in massage therapy education that is:

(a) Approved by the Board;

(b) Endorsed by:

(i) The Commission on Massage Therapy Accreditation (COMTA); or

(ii) An equivalent entity that accredits both institutions of postsecondary education and programs offering instruction in massage therapy; and

(c) Accredited by an institutional accreditation agency recognized by the United States Department of Education;

(9) Provide documentation of having satisfactorily completed the requirements listed in Regulation .07 of this chapter;

(10) Provide documentation of current certification of qualification in CPR, at a minimum at the Basic Life Support (BLS) level; and

(11) Have verification of status sent directly to the Board by the issuing state, if certified, licensed, or registered to practice massage therapy in another state.]

[C.] B. The Board may not issue a license [or registration] if the criminal history record information required under Health Occupations Article, 6-303(b), Annotated Code of Maryland, has not been received.

[D. On or after October 1, 2024, the Board may not issue an initial registration to practice as a registered massage practitioner.]

[E.] C. On [or before October 31, 2026, on] a request made on an application approved by the Board, the Board shall convert the registration of an individual registered by the Board as a registered massage practitioner to a license to practice massage therapy if the individual complies with regulations under this subtitle.

[F.] D. (text unchanged)

.07 Required Massage Therapy Education and Training.

A. (text unchanged)

[B. Classroom Training: RMPs.

(1) An applicant for a registration to practice massage therapy shall provide documentation of graduation from a Board-approved program of at least 600 hours for the study of massage therapy that includes the following areas of content:

(a) Anatomy, physiology, and kinesiology;

(b) Massage therapy theory;

(c) Contraindications and pathology;

(d) Professional ethics;

(e) Health and hygiene;

(f) Research;

(g) Supervised hands-on techniques; and

(h) Clinical assessment and documentation.

(2) Cardiopulmonary resuscitation (CPR) shall be included but does not count towards the 600-hour minimum.

(3) An applicant may attend more than one training institution, if the applicant graduates from a school requiring satisfactory completion of a minimum of 600 classroom hours in massage therapy education.]

[C.] B. Education and Training in a Foreign Country.

(1) The Board may grant a license [or registration] to practice massage therapy to an applicant who completed an educational program in a foreign country if the applicant:

(a) (b) (text unchanged)

(2) (3) (text unchanged)

.09 Registration.

[A. The Board shall:

(1) Issue an initial registration until September 30, 2024, to an approved applicant that:

(a) Is not valid for more than 2 years; and

(b) Expires on the date set by the Board; or

(2) Notify an applicant not approved for registration, by a letter which specifies the reason or reasons for disapproval.]

[B.] A. (text unchanged)

[C. The Board may not issue a registration if the criminal history records information required under Health Occupations Article, 3 302.1, Annotated Code of Maryland, has not been received.]

[D.] B. (text unchanged)

10.65.02 Rules of Procedure for Board Hearings

Authority: Health Occupations Article, 6-206, 6-309, and 6-310; State Government Article, 10-206; Annotated Code of Maryland

.04 Pre-hearing Procedures.

A. (text unchanged)

B. Oaths and Subpoenas. The Board may administer oaths and compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the State as in civil cases in the circuit court of the county or of Baltimore City, by subpoena issued over the signature of the [President or Secretary] *Board Chair or Chair s designee* and the seal of the Board. Upon a request by a party and statement under oath that the testimony or evidence is necessary to their defense, the Board shall issue a subpoena on their behalf.

C. J. (text unchanged)

.05 Conduct of the Hearing.

A. Duties of Presiding Officer.

(1) (3) (text unchanged)

(4) The [President, or the President s] *Board Chair or Chair s designee*, shall be the presiding officer, and shall have complete charge of the hearing, permit the examination of witnesses, admit evidence, rule on the admissibility of evidence, and adjourn or recess the hearing from time to time.

(5) (6) (text unchanged)

B. D. (text unchanged)

10.65.03 Code of Ethics

Authority: Health Occupations Article, 1-212, 6-102, 6-206, and 6-308, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (3) (text unchanged)

(4) Sexually exploitative relationship means when sexual contact occurs in an existing therapeutic relationship between the massage therapist and the client or between the instructor and the student, or within [a period of time] *6 months* after formal termination of the therapeutic or instructor-student relationship where the client or student may still be vulnerable to the power imbalance that exists in the relationship between the licensee or registrant and the client or student, even if the relationship may appear to be mutually consensual.

(5) *Sexual misconduct means any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation.*

[(5)] (6) (text unchanged)

.03 Standards of Practice.

A. C. (text unchanged)

D. A licensee or registrant may not:

(1) (2) (text unchanged)

(3) Engage in:

(a) [a] *A commercial activity that conflicts with the duties of a licensee or registrant;*

(b) *Therapeutic deception; or*

(c) *Non bona fide treatment;*

(4) (6) (text unchanged)

E. *Draping.*

(1) *Draping is required for all massage sessions.*

(2) *At all times, the client s genitals and gluteal cleft shall remain covered.*

(3) *The therapist may not reach under the drape or touch any area without explicit consent.*

F. *Termination of Massage Session. Either the therapist or the client has the right to end the session or professional relationship at any time.*

G. *Except as otherwise provided by law, a licensed massage therapist or a registered massage practitioner may not practice massage therapy under a name other than the name on the license or registration issued by the Board.*

.05 Professional Boundaries.

A. (text unchanged)

B. A licensee or registrant may not:

(1) Exploit a relationship with a client, staff member, or student for the licensee s or registrant s personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship; *or*

(2) Engage in a sexually intimate act with a client[; *or*

(3) Engage in sexual misconduct that includes, but is not limited to:

(a) *Therapeutic deception;*

(b) *Non bona fide treatment; or*

(c) *A sexually exploitative relationship].*

C. *Sexual Misconduct. A licensee or registrant may not engage in sexual misconduct of either a verbal or a physical nature that includes, but is not limited to:*

- (1) Sexual behavior with a client in the context of a professional evaluation, treatment, procedure, or other service to the client, regardless of the setting in which professional service is provided;*
- (2) Sexual behavior with a client under the pretext of diagnostic or therapeutic intent or benefit;*
- (3) Requesting sexual favors of a client;*
- (4) Touching a client in a sexual manner;*
- (5) Therapeutically unnecessary discussion of sexual matters or other verbal conduct of a sexual nature while treating a client;*
- (6) Taking photographs or videotapes of a client for sexual purposes;*
- (7) Sexual behavior that would be considered unethical or unprofessional;*
- (8) A sexually exploitive relationship;*
- (9) Failing to provide privacy for disrobing;*
- (10) Using the relationship with the client to initiate or solicit a dating, romantic, or sexual relationship;*
- (11) Having nonconsensual sexual contact with a coworker or employee;*
- (12) Encouraging a client or key third party to masturbate in the presence of the therapist or masturbation by the therapist while a client or key third party is present;*
- (13) Offering to provide practice-related services in exchange for sexual favors; or*
- (14) Exposing the therapist's breasts, genitals, or any sexualized body part.*

.06 Records, Confidentiality, and Informed Consent.

A licensee or registrant shall:

A. E. (text unchanged)

F. Comply with applicable federal and State laws for human research programs; [and]

G. Comply with applicable provisions of Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland[.];

H. Obtain written consent to provide breast massage or intra-oral massage; and

I. Obtain written parental consent to provide massage therapy services to a minor.

MEENA SESHAMANI, MD, PHD
Secretary of Health