

**MARYLAND STATE BOARD
OF
MASSAGE THERAPY EXAMINERS
FISCAL YEAR 2023 REPORT**



OCTOBER 25, 2023

Introduction

The Maryland State Board of Massage Therapy Examiners (the "Board") is the agency charged with the regulatory oversight of the practice of massage therapy in the State. It operates under the provisions of the Annotated Code of Maryland, Health Occupations Article, Title 6 (Practice Act), and COMAR Regulations 10.65.01-10.65.09.

The Board is mandated to issue licenses to massage therapist (LMTs) and registrations to massage practitioners (RMPs); ensuring that licensed massage therapists (LMTs) and registered massage practitioners (RMPs) are properly trained and educated; ensuring that LMTs and RMPs are properly licensed or registered; ensuring that LMTs and RMPs are engaged in professional development for continued license or registration; receiving and resolving complaints from the public, law enforcement, courts, insurance companies, and others regarding massage professionals who may have violated the Practice Act; and, setting standards for the practice of massage therapy that reflect new and emergent developments in the practice of massage therapy through legislation and regulations. In Fiscal Year (FY) 2023, the Board regulated approximately three thousand, six hundred, forty-three (3,643) active massage professionals.

Two Board members resigned from their positions to pursue other opportunities. Those vacancies were filled prior to the end of the fiscal year.

Board Member Activities

Each Board member serves on at least one committee to help achieve the mission and goals of the Board. Committees include the Disciplinary Review Committee (DRC), Licensing Committee (LRC), Advisory (Legislative/Regulations) Committee, Continuing Education Committee (CEU), Case Resolution Conference (CRC) and various other ad hoc committees.

The Board maintains membership in national massage therapy and regulatory organizations including, the Federation of State Massage Therapy Boards (FSMTB), the American Massage Therapy Association (AMTA), Federation of Association of Regulatory Boards (FARB), and Council on Licensure, Enforcement and Regulations (CLEAR). In FY 2023, the Board sent two representatives to the Annual FSMTB conference held in Charlotte, North Carolina. We also presented at the AMTA-MD annual conference and held information forums with Maryland Massage Schools on the new laws on massage education and training in Maryland.

The Board Chair and Executive Director participated in a national conference on human trafficking, sponsored by The Network.

Board Members and Staff Development and Training

Board members and Board Staff continue to improve their regulatory knowledge and leadership skills to ensure the Board functions efficiently. Training completed include: Implicit Bias; CLEAR, FARB and FSMTB seminars, webinars, and on legislative and regulatory trends post the pandemic; how to govern effectively; and the impact of human traffic on the massage profession.



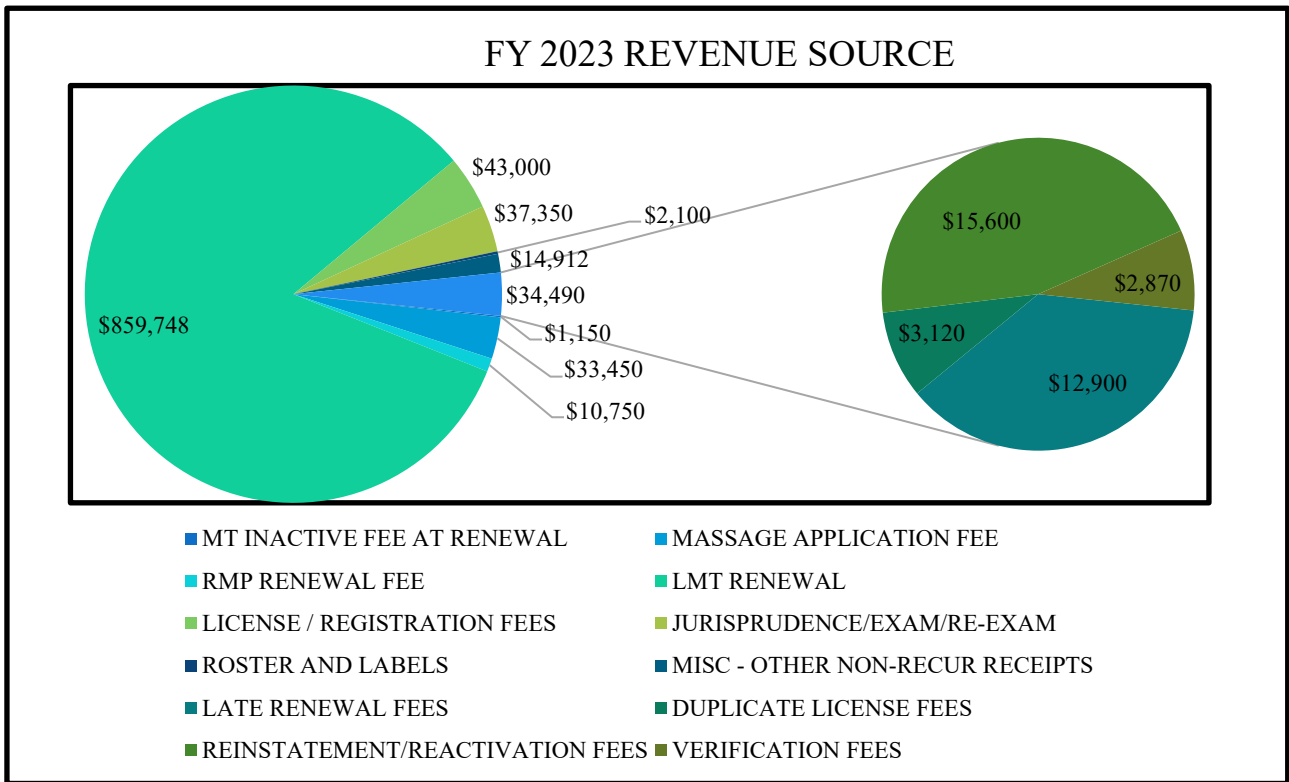
Board staff completed various in-house trainings offered through MDH's training department (HUB) and Percipio, enabling them to utilize Google Suite to effectively streamline Board operations.



Fiscal Position

The Board’s operations are funded by revenue generated primarily from licensure and registration fees. A significant portion of the revenues is collected during each renewal cycle which occurs in the even-numbered years. Statutorily, the Board of Massage Therapy Examiners and the Board of Chiropractic Examiners share the same staff. In so doing, the Board is able to reduce operating costs.

The fund balance at the start of FY 2023 was \$320,391.12, a carryover from FY 2022. Revenue collected in FY 2023 was approximately \$1,036,950 of which \$859,748.00 was derived from biennial license and registration renewal fees.



Total funds available to support Board operations during FY 2023 was \$1,357,341.12. Appropriations (budgeted expenses) for FY 2023 were \$675,307.00. Expenditures through June 30, 2023 totaled \$493,067.28 resulting in a Fund Balance of approximately \$864,273.84.

FY 2023 Revenue	Amount	FY 2023 Expenditures	Amount
Funds Balance from FY 2022	\$320,391.12	FY 2023 Appropriation	\$675,307.00
Incoming Revenue from FY 2023	\$1,036,950.00	FY 2023 Expenses	\$493,067.28
Funds Available in FY 2023	\$1, 357,341.12	Unspent Appropriation	\$182,239.72
Less Total Expenses in FY 2023	\$493,067.28		
Funds Carried Forward to FY 2024	\$864,273.84		



2023 Legislations Impacting the Board

The Board submitted two bills during the 2023 Legislative Session, both of which passed in both chambers and are now law, effective July 1, 2023.



- **HB238-SB215 Massage - Discipline - Governor Approved 04-11-2023** - authorizes the Board to grant a stay of enforcement of a Board order in accordance with the Administrative Procedure Act; prohibits the stay of a Board order under judicial review; adds violation of a Board order as a ground for disciplining massage therapists and practitioners; adds procedures related to the discipline of massage therapists, including appeals procedures and reinstatement procedures; alters the application of the penalties for practicing or attempting to practice massage therapy without a license or registration and for false representation to the public of an authorization to practice massage therapy; and generally relating to the practice of massage therapy.
- **HB242-DB216 Massage Therapy - Definition, Registration and Reimbursement - Governor Approved 05-03-2023** – altered the definition of “massage therapy” to now recognize massage therapy as “treatment” under certain circumstances; repealed a provision of law that provides that certain provisions of law do not require a nonprofit health insurance plan, an insurer, a health maintenance organization, or a person acting as a third party administrator to reimburse a licensed massage therapist or registered massage practitioner for any services rendered; and extended the deadline (**September 30, 2024**) by which the option to be registered by the Board to practice massage therapy (RMP) in a setting that is not a health care setting will no longer be available.

The Board has submitted regulations to the Secretary of the Department of Health to implement the new laws on massage education standards, single tier licensure qualifications, and RMP to LMT conversion.

Board Operations

The Board's operations are separated into three distinct units:

1. **Licensing Unit** - processes applications for initial licensure/registration, reinstatements, reactivations and renewals; verification of licensure/registration status, and coordination of the administration of the Board's jurisprudence examination.
2. **Compliance Unit** - is responsible for the Board's disciplinary process and investigates complaints for possible violations of the Act. The Unit also monitors compliance of the terms and conditions of Board orders.
3. **Administrative Unit** - is responsible for the fiscal operations of the Board, processing all incoming mail, revenue deposits, incoming telephone inquiries, publication of the Board Meeting agendas and minutes on the Board's website, and other administrative functions.

LICENSING UNIT REPORT

The Licensing Unit processes initial license/registrations, renewal, restatement and reactivation applications, and responds to inquiries from potential licensees and registrants who are considering practicing in Maryland. The 2022-2024 license and registration renewal process was a resounding success thanks to the hard work of the licensing team.

The Licensing Unit Team

The team is comprised of the Licensing Unit Manager, the Massage Licensing Specialist, and the Chiropractic Licensing Specialist. The Unit is fully staffed and continues to accept and process applications efficiently while maintaining the highest level of customer service.

Licensing Statistical Information

In FY 2023, one hundred, ninety-three (193) new licenses and registrations were issued to qualified applicants.

License and Registration Statistics as of June 23, 2023

Licensee Category	Status	Numbers
Licensed Massage Therapist	Active	2,030
Licensed Massage Therapist	Inactive	233
Registered Massage Practitioners	Active	1,423
Registered Massage Practitioners	Inactive	106

In anticipation of the adoption of regulations to implement RMP to LMT conversion, the team is proactively preparing conversion application forms and procedures for processing conversion applications received in the future. We look forward to working with RMPs who seek to convert to LMT status in FY 2024.

COMPLIANCE UNIT REPORT



The Compliance or Disciplinary Unit (the “Unit”) assists the Board in fulfilling its mission of ensuring that quality massage therapy care is provided to the public. The Unit accomplishes this objective by investigating complaints, presenting investigative findings to the Board, implementing the Board’s recommendations, transmitting cases to the Office of the Attorney General (OAG) for prosecution, and monitoring case management compliance. The staff of the Unit regularly interacts with the public, licensees and registrants, and responds to

informational requests. The Unit works collaboratively with other branches of the Maryland Department of Health (MDH), Board Counsel and prosecutors in the Office of the Attorney General, and with other government agencies.

The Unit experienced a complete staff turnover, losing both investigators at the end of May 2022. Recruitment of new staff was initiated immediately and continued throughout FY2023. After an extensive search and four rounds of interviews, we were able to re-hire a former investigator in the second quarter of FY2023, to fill one of the vacancies. Despite the extended vacancy, investigations of complaints alleging imminent harm were not significantly impacted as tasks were re-assigned amongst the existing staff to ensure appropriate coverage of those investigations.

Disciplinary Statistical Information

In FY 2023, there were a total of thirty-one cases under investigation. Three (3) of those cases were unresolved in FY 2022. Of the total number of cases investigated, twenty (20) were closed after initial review by the Disciplinary Review Committee (DRC). Three (3) were referred to the Office of the Attorney General (OAG) for prosecution. Five (5) cases resulted in formal disciplinary action and are published on the Board’s

website. The remaining three (3) complaint cases require further action by the Unit and the DRC.

Discipline Cases Disposition

Complaints Pending from Previous Year	3
New Complaints Received	31
Total Cases Under Investigation	31
Cases Referred to the Office of the Attorney General	3
Cases Closed Without Action after Initial Review	20
Cases with Formal Action Taken (Public Action)	0
Cases with Informal Action Taken (Letters of Education)	2
Unresolved Complaints as of June 30, 2023	9

Public Disciplinary Actions Against Licensees/Registrants/Applicants



Public Disciplinary Actions¹ included Revocations, Summary Suspensions, Suspensions, Probation, Reprimand, Denial of Application, Denial of Renewal Application, Denial of Reinstatement Application and/or Termination of Probation. Non-public actions are not disclosable by law and include Letters of Education or Letters of Admonishment sent to the licensee/registrant by the Board.

In Fiscal Year 2023, the Board revoked the license of one (1) LMT and the registration of one (1) RMP; accepted the surrender of the registration of one (1) RMP; terminated the consent order of one (1) RMP; and placed the registration of two (2) RMPs on probation.

Name	License/Registration Number	Board Action
Anton Zaitsev, RMP	R01417	Effective 09/28/2022, Revoked, Sexual Misconduct.
Anny Mantilla, RMP	R02668	Effective 02/22/2023, Probation Terminated.
Hasani Lori Adams, LMT	M05761	Effective 02/22/2023, Revoked. Sexual Misconduct, Criminal Conviction.
Evan Stahler, RMP**	R03268	Effective 05/24/2023, Three-Year Probation, Habitual Intoxication.
Chaun Rogers, RMP	R02880	Effective 06/28/2023, Voluntary Surrender in Lieu of Further Investigation and Disciplinary Action. Practicing on a Suspended License.
Pablo Moreno, RMP	R01830	Effective 06/28/2023, One Year Probation, Violation of Professional Standards.

All disciplinary actions are reported to the National Practitioner Data Bank and a copy of each order is published on the Board's website.

¹ Disciplinary Actions are based on investigations initiated in previous years as well as in Fiscal Year 2023.

** Respondent entered into a Pre-Charge Consent Order.



Case Management

At the end of FY 2023 there were four (4) cases being monitored. The Unit remains committed to the Board's mission of protecting the citizens of Maryland.

ADMINISTRATIVE UNIT REPORT

The Administrative Unit continues to play an integral role in the operations of the Board. The Unit processes deposits of revenue received, payment of Board bills, all CEU approval requests, Board Member and Board staff travel arrangements, provides information to the public on continuing education requirements, fees, license/registration verifications, requested forms, applications, Board statute and regulations, and various Board matters.

Conclusion

The Board Members and the Board staff experienced several successes including, the passage of two laws proposed in the 2023 Legislative Session, and reconnection to a computer network post the December 4, 2021 security incident. We are continuously evaluating trends in the massage industry and how best to protect the public, while at the same time elevating the professional standards for the massage profession.

Goals for FY 2024 and beyond include:

- Developing a strategic plan to guide the Board over the next five years;
- Automating the initial licensure/registration application process;
- Implementing online payments of fees;
- Updating the Licensing Management system;
- Maintaining a positive and productive relationship with licensees, registrants and stakeholders; and
- Continuous improvement in customer service.

We encourage all licensees and registrants to attend the Open Session on the fourth Wednesday of each month either virtually or in-person. The Board's meeting schedule and meeting location are published on the website at <https://health.maryland.gov/massage>. Participants earn one credit hour of CEU, up to a maximum of three hours, which may be used during the renewal cycle to satisfy ethics or jurisprudence requirements.

Working together we are able to accomplish great things!

We are here to serve!