



S. 220 An Act Relating to Professional Regulation
Section 28. Massage Therapy
Jessica Barquist, Policy & Organizing Director
House Government Operations, August 21, 2020

Thank you for the invitation to testify today. The Vermont Network Against Domestic and Sexual Violence is Vermont's leading voice on domestic and sexual violence in our state. We represent 15 Member Organizations throughout the state which provide advocacy and support to victims of domestic and sexual violence. Together, these organizations served 8,760 individuals last year in Vermont and reached 12,000 youth through prevention programming in schools and other settings throughout our state.

We want to thank the Legislature and OPR for the Addendum to the Sunrise Report and for recognizing the seriousness of the harm caused by massage therapists who engage in sexual misconduct with their clients. I am here to speak with you in support of S. 220 which includes the regulation of massage therapists and other bodywork professions.

In recent years, the Vermont Network and our Member Organizations have worked with multiple people who have experienced sexual misconduct by massage therapists. These experiences include misconduct by self-employed individuals, those working at spas within resorts or hotels, and those working for national massage chains with franchises in Vermont. While the details and severity of these claims vary, each constituted clear violations of personal autonomy and common-sense standards of appropriate behavior on the part of massage therapists. While this misconduct was clearly unprofessional, in some cases the acts likely did not rise to the level of criminal misdeeds.

Several of these cases have left victims deeply traumatized and mistrustful of a modality and profession that is intended to be therapeutic. While many of these victims have sought the counsel and support of advocates or attorneys associated with Vermont Network programs, very few have chosen to pursue criminal complaints due to the shame associated with this victimization and the difficulty of navigating the criminal process. One notable exception is the case of Roger Schmidt of Middlebury. He was charged in 2018 with videotaping many of his clients without their consent and engaging in other questionable behavior with clients seeking massage therapy.¹

The Network has several policy priorities related to the professional regulation of massage therapists. First, we believe that there ought to be a reporting mechanism outside of the criminal legal system to

¹ <https://www.addisonindependent.com/201807massage-therapist-faces-new-allegations>



report unprofessional conduct. Second, we believe that this mechanism must be able to revoke a professional credential for a length of time needed to protect the public. We also believe that the definition of bodywork must be sufficiently broad to encompass all forms of therapy that create a vulnerable power imbalance between practitioners and their clients. Lastly, we would like victims to have a pathway for financial compensation.

We believe that S.220 adequately addresses all but one of these concerns and that the protections included in this bill would help keep victims safe. Our one outstanding policy priority is regarding the ability for survivors to get financial compensation when abuse has occurred. This could be accomplished by adding in a provision that requires all registered bodywork professionals to carry liability insurance. In practice, most massage therapists already carry liability insurance policies. Unfortunately, Roger Schmidt did not, and his many victims had no avenue for pursuing financial compensation in that case. Liability insurance provides an additional level of protection for victims in situations of negligence or when the intent to harm is denied. Adding this provision to S. 220 would make this an incredibly strong bill in support of survivors and victims of assault at the hands of bodywork professionals.

Thank you for your time and consideration of this important issue.