

S.220 Written Testimony - Melissa M. Marks, LMT, MMP, BCTMB  
House Committee on Government Operations  
August 25th, 2020

Rep. Sarah Copeland Hanzas and committee members,

I'd like to use this letter as insight on how surrounding states are defining Massage Therapy and/or Massage.

I have maintained a license from the state of NY since 2011 where I graduated massage school, and have been practicing in Montpelier, VT as a massage therapist for nine years. I also hold a board certification of therapeutic massage and bodywork (BCTMB) and am a certified medical massage therapist offering Orthopedic Massage Therapy for folks referred to me from medical practitioners in the Montpelier community.

I feel S.220 does not fully encompass the definition and scope of practice of Massage Therapy. Given the crucial importance of the Middlebury case and Senator Hardy's original bill, I appreciate the willingness and extra effort OPR has completed around this issue; however, I urge you all to consider support of full licensure of Massage Therapists, not the amended registration language.

Adding to this, the language in chapter 105 "Provided to clients in a manner in which the clients remove street clothing..." does not encompass massage therapy such as chair massage or sports massage where clients remain clothed. No where in any other states' definitions are they using this language. If a massage therapist provides sports massage or chair massage, does this mean they are exempt, and/or not a massage therapist?

Thank you for taking the time to look this over, please reconsider the language drafted in S.220 carefully.

Sincere Regards,  
Melissa M. Marks, LMT MMP

**New York:**

**<http://www.op.nysed.gov/prof/mt/article155.htm>**

**§ 7801. Definition of practice of massage therapy.**

The practice of the profession of massage therapy is defined as engaging in applying a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.

**§ 7802. Practice of massage therapy and use of title "masseur", "masseuse" or "massage therapist" or the term "massage" or "massage therapy".**

Only a person licensed or authorized pursuant to this chapter shall practice massage therapy and only a person licensed under this article shall use the title "masseur", "masseuse" or "massage therapist". No person, firm, partnership or corporation claiming to be engaged in the practice of massage or massage therapy shall in any manner describe, advertise, or place any advertisement for services as defined in section seventy-eight hundred one of this article unless such services are performed by a person licensed or authorized pursuant to this chapter.

**New Hampshire:**

**<http://www.gencourt.state.nh.us/rsa/html/XXX/328-B/328-B-mrg.htm>**

**VI. "Massage" means the application of a system of structured touch** which includes holding, pressure, positioning, or causing movement, by manual means, for the purpose of promoting, maintaining, and restoring the health and well-being of the client. Massage is designed to promote general relaxation, improve movement, relieve somatic and muscular pain or dysfunction, stress and muscle tension, and provide for general health enhancement, personal growth, and the organization, balance, and integration of the body.

**VIII. "Massage therapist" means a licensed individual who performs massage for compensation.** Titles used may include: massage therapist, massage practitioner, bodywork practitioner, bodyworker, muscle therapist, massotherapist, or somatic therapist practitioner. A massage therapist uses visual, kinesthetic, and palpatory skills to assess the body, and may evaluate the client's condition to the extent of determining whether massage is indicated or contraindicated.

**328-B:2-a Scope of Practice. –**

A massage therapist may do any of the following when performing massage, including, but not limited to:

- I. Use of heat and cold, hydrotherapy, heliotherapy, and external application of herbal or topical preparations not classified as prescription drugs.
- II. Analysis of posture and movement.
- III. Provision of education in self-care and stress management.
- IV. Performance of techniques in which the massage therapist had been trained intended to affect the systems of the body.

**MASS:**

<https://www.mass.gov/orgs/board-of-registration-of-massage-therapy>

**Massage Therapists instructs or administers massage or massage therapy for compensation.**

The Board reviews legislation and proposes new rules and regulations affecting the profession. It maintains high standards within the field and protects consumers by investigating and resolving complaints against practitioners. It also works to maintain the educational standards of the profession by directing curricula, licensing schools, and establishing continuing education requirements.

**Massage therapy is the systematic treatment of the soft tissues of the body** by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific stretching. Massage Therapy may include the use of oil, ice, hot and cold packs, tub, shower, steam, dry heat or cabinet baths, in which the primary intent is to enhance or restore the health and well-being of the client.

**Connecticut:**

**[https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/practitioner\\_licensing\\_and\\_investigations/plis/massagetherapist/MSGStatutepdf.pdf?la=en](https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/practitioner_licensing_and_investigations/plis/massagetherapist/MSGStatutepdf.pdf?la=en)**

**(c) "Massage therapist" means a person who has been licensed to practice massage therapy under the provisions of sections 20-206a to 20-206f, inclusive.**

**(d) "Massage therapy" means the systematic and scientific manipulation and treatment of the soft tissues of the body, by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion and nonspecific stretching. Massage therapy may include the use of oil, ice, hot and cold packs, tub, shower, steam, dry heat, or cabinet baths, for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical and mental condition. Massage therapy does not encompass (1) diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, (2) any service or procedure for which a license to practice medicine, chiropractic, natureopathy, physical therapy, or podiatry is required by law, or (3) Thai yoga practiced by a person who is registered as a yoga teacher with the Yoga Alliance Registry and has completed two hundred hours of training in Thai yoga.**

**(e) "Massage" shall have the same meaning as "massage therapy", as defined in subsection (d) of this section.**

**(a) No person shall engage in the practice of massage therapy unless the person has obtained a license from the department pursuant to this section. Each person seeking licensure as a massage therapist shall make application on forms prescribed by the department, pay an application fee of three hundred seventy-five dollars and present to the department satisfactory evidence that the applicant: (1) Has graduated from a school of massage therapy offering a course of study of not less than five hundred classroom hours, with the instructor present, that, at the time of the applicant's graduation, had a current school code assigned by the National**

Certification Board for Therapeutic Massage and Bodywork and was either (A) accredited by an agency recognized by the United States Department of Education or by a state board of postsecondary technical trade and business schools, or (B) accredited by the Commission on Massage Therapy Accreditation, and (2) has passed an examination prescribed by the department. The National Certification Board for Therapeutic Massage and Bodywork's national examination for state licensing option shall not satisfy the examination requirements for a person seeking licensure pursuant to this section. (b) Licenses shall be renewed once every two years in accordance with the provisions of section 19a