

March 9, 2020

Jeanette K. White, Chair, Senate Committee on Government Operations
115 State Street
Montpelier, VT 05641

Dear Chair White and Committee Members:

I am writing on behalf of the Feldenkrais Guild of North America (FGNA) regarding S.270.

We have been closely following the discussion of the bill by your committee, and have reviewed the recordings of your meetings since the bill was introduced. We appreciate the consideration that the committee and the Office of Professional Regulation are giving to the serious issues and concerns that have been raised by stakeholders regarding the bill.

I understand that at your meeting on March 10 you will be reviewing a draft with amendments to the bill, that:

- (a) would not require licensure or registration for practices where the clients are clothed, and have a reasonable expectation of privacy (whether in a group or individual setting); and
- (b) would refer to non-massage professions using a term such as “touch professions”, rather than “bodywork”.

FGNA strongly supports both of these proposals, because the original version of S.270 and the original recommendation from OPR could be interpreted to require certified Feldenkrais teachers to become licensed or registered massage therapists or bodywork therapists in order to practice the Feldenkrais Method of somatic education. This would place an unnecessary financial and administrative burden on these individuals, require them to be identified as massage therapists or bodywork therapists, and in the case of licensure would require them to receive education that is not relevant to their field.

The committee also discussed voluntary state certification programs. Guild Certified Feldenkrais Teachers® currently pay \$325 for certification through FGNA, which they must obtain in order to practice, and use our registered service marks. They should not be required to pay an additional fee to the state in order to refer to themselves as certified Feldenkrais practitioners.

There has been written and verbal testimony regarding the use of exemptions or exclusion from regulation as a “walkaround” to government oversight. This concern was addressed in detail in FGNA testimony of February 17. We understand the importance of addressing serious issues of sexual misconduct by massage therapists and others. When exemptions for specific practices are necessary,

they should be limited to individuals who meet the standards of a professional organization or credentialing body, and can be tailored to meet the particular needs for accountability, as has been done elsewhere (Oregon, for example).

As discussed in our testimony of February 17, 2020 (attached), according to the Standards of Practice for the Feldenkrais Method® of somatic education, the Feldenkrais Method is an educational system, and it is not massage therapy or bodywork. It is a separate and distinct profession, with its own educational standards and certification requirements. FGNA and its predecessor developed and have enforced internationally recognized accreditation and certification standards for the Feldenkrais Method since 1977. Please see our previous testimony for a fuller discussion our position.

Thank you again for your careful consideration of the concerns that have been expressed by FGNA, our members, and other stakeholders. Please feel free to contact us if we can assist in any way with your further deliberations.

Sincerely,



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Attached: Testimony of February 17, 2020

FGNA TESTIMONY OF FEBRUARY 17, 2020

Jeanette K. White, Chair, Senate Committee on Government Operations
115 State Street
Montpelier, VT 05641

Dear Chair White and Committee Members:

We are writing on behalf of the Feldenkrais Guild of North America (FGNA) in opposition to S.270 as written, and to the proposed amendments offered by the Office of Professional Regulation (OPR) as written.

Please allow all stakeholders sufficient time to review the bill and the changes being proposed by OPR, and to provide testimony in a public hearing.

S.270 and the proposed amendments could be interpreted to require certified Feldenkrais teachers to become licensed or registered massage therapists or bodywork therapists in order to practice the Feldenkrais Method of somatic education. This would place an unnecessary financial and administrative burden on these individuals, require them to be identified as massage therapists or bodywork therapists, and in the case of licensure would require them to receive education that is not relevant to their field.

According to the Standards of Practice for the Feldenkrais Method® of somatic education, the Feldenkrais Method is an educational system, and it is not massage therapy or bodywork. It is a separate and distinct profession, with its own educational standards and certification requirements.

Feldenkrais® lessons pose no risk to public safety. The Guild Certified Feldenkrais Teacher applies principles of somatic education, using movement and attention to bring about increased awareness and improved functioning through an experiential learning process. Feldenkrais Awareness Through Movement® classes and Functional Integration® lessons have been found effective for people looking to improve posture, movement and function, including seniors, athletes, and performers. Feldenkrais lessons are also used by children and adults with special needs and neurological conditions. Some lessons include gentle, non-invasive, and non-corrective touch, to guide attention and promote learning. The Feldenkrais Method is held in high regard by other professionals, and has been the subject of extensive research.¹

FGNA and its predecessor developed and have enforced internationally recognized accreditation and certification standards for the Feldenkrais Method since 1977. Only teachers and trainees who are certified by FGNA are eligible to use FGNA's registered service marks.

¹ Hillier S, and Worley A. The Effectiveness of the Feldenkrais Method: A Systematic Review of the Evidence. Evidence-Based Complementary and Alternative Medicine. 2015, Article ID 752160. Retrieved from <http://dx.doi.org/10.1155/2015/752160>

Certified teachers must undertake a minimum of 800 hours of an accredited training program over at least three years. They are required to adhere to FGNA's Standards of Practice and Code of Professional Conduct, and to fulfill continuing competency (continuing education) requirements annually.

The right to practice may be suspended or revoked for violations of these requirements. Information about how to file a complaint is available on our website, and the incidence of complaints is extremely low. There has never been a complaint originating in Vermont in the 36 years that Feldenkrais lessons have been offered there.

For these reasons, massage and bodywork licensure or registration requirements are unnecessary and inappropriate for Guild Certified Feldenkrais Teachers.

We have heard the testimony of Senator Hardy and Director Hibbert, regarding serious issues of sexual misconduct by massage therapists, and we understand the importance of addressing these issues. If a massage therapy or bodywork licensure or registration bill is enacted, it should include exemptions for movement education and for other non-massage professions and practices. The exemptions can be limited to individuals who meet the standards of a professional organization or credentialing body.

The following exemption language for movement practices has been approved by the members of the Federation of Therapeutic Massage, Bodywork, and Somatic Practice Organizations (<http://www.federationmbs.org>).

Nothing in this Article shall be construed to prevent or restrict the practice of any person in this state who uses touch, words and directed movement to deepen awareness of existing patterns of movement as well as to suggest new possibilities of movement **while engaged within the scope of practice of a profession with established standards and ethics, provided that their services are not designated or implied to be massage or massage therapy.**

Movement-based practices are conducted with participants clothed as one would normally be in a public place, such as the street or an exercise studio. Such practices include, but are not limited to the *Feldenkrais Method*[®] of somatic education, the *Trager Approach*[®] to movement education, and *Body-Mind Centering*[®]. **Practitioners must be recognized by or meet the established standards of either a professional organization or credentialing body that represents or certifies the respective practice based on a minimum level of training, demonstration of competency, and adherence to ethical standards. (emphasis added)**

Similar language has also been approved for structural integration and energy practices. We are sure that other professional organizations would join FGNA in being available to collaborate with the legislature and OPR to adapt this language as necessary to meet your needs in Vermont.

Exemptions from massage therapy and bodywork licensure requirements for certified Feldenkrais practitioners are in effect in most states that regulate the practice of massage therapy, including Alaska, Arizona, Colorado, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine,

Massachusetts, Michigan, Missouri, Montana, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, Virginia, Washington and Wisconsin.

We welcome the opportunity to work with you to find a solution that addresses the concerns of all parties.

Sincerely,



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Appendix: Regulatory status of the Feldenkrais Method® of somatic education

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Below are examples of states where the Feldenkrais Method has been exempted or excluded from massage therapy licensing requirements. The Feldenkrais Method is not explicitly included in massage therapy or bodywork licensing requirements in any state.

Alaska

Alaska exempts persons “using only light touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement or to affect the energy systems.” (AS 08.61.080(11))

Delaware

Delaware excludes from regulation “Actions by any person engaged in an occupation which does not require a certificate or certification, including, but not limited to, physical education teachers, athletic coaches, health or recreation directors, instructors at health clubs or spas, martial arts, water safety and dance instructors, or coaches, who is acting within the scope of activity for which such person is trained” (DE Code Ann. tit. 24 § 5307(d)(2))

Georgia

The Georgia statute exempts the Feldenkrais Method as follows: "Nothing in this chapter shall be construed to affect, restrict, or prevent the practice, services, or activities of . . . [a] person who uses touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement while engaged within the scope of practice of a profession with established standards and ethics, provided that his or her services are not designated or implied to be massage or massage therapy." (GA Code Ann. § 43-24A-3)

Idaho

The Idaho statute exempts “the practice of any person in this state who uses touch, words and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement while engaged within the scope of practice of a profession, provided that their services are not designated or implied to be massage or massage therapy. Such practices include, but are not limited to, the Feldenkrais method® of somatic education, the Trager approach® to movement education, body-mind centering®, Ortho-Bionomy® and craniosacral therapy. (ID 54:4003(2)(e))

Illinois

The Illinois statute excludes from its definition of massage "those acts of...therapeutic or corrective measures that are outside the scope of massage therapy practice..." (225 IL Comp. Stat. 225/10)

The Feldenkrais Method is expressly exempted: "Nothing in this Act prohibits practitioners that do not involve intentional soft tissue manipulation, including [the Feldenkrais Method and other disciplines] from practicing." (225 IL Comp. Stat. 225/25(e))

Kentucky

The Kentucky statute exempts the Feldenkrais Method: "Persons who use procedures within the scope of practice of their profession, which has established standards and ethics, provided that their services use touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement...but who are not designated or implied to administer massage or to be massage therapists. These practices include...*the Feldenkrais Method*..." (KY Rev. Stat. Ann. § 309.352(5))

Massachusetts

The Massachusetts statute exempts the Feldenkrais Method: Chapter 112 Section 228. (b) exempts...the practice of a person who uses touch, words or directed movement to deepen awareness of patterns of movement in the body..." and goes on to explicitly state what is meant by this phrase by identifying that "Such practices shall include...the Feldenkrais Method..." (MA Gen. Laws Ch. 112 § 228(b))

Missouri

Missouri exempts in statute practitioners "who use touch and words to deepen awareness of existing patterns of movement in the human body as well as to suggest new possibilities of movement." (1998 MO. Laws 324.265.7(3))

New Jersey

The New Jersey statute specifically excludes interpretations which could be "construed to prohibit any person from using touch, words and directed movement to deepen awareness of existing patterns of movement in the body, or to suggest new possibilities of movement provided that these services are not designated or implied to be massage and bodywork therapy and the client is fully clothed." (No. 4455, Pub. L. No. 2007 c. 337, as approved 1/13/2008.)

New Mexico

The New Mexico statute exempts the Feldenkrais Method: "Nothing in the Massage Therapy Practice Act shall be construed to prevent...practitioners of...Feldenkrais method...from practicing those skills." (N.M. Stat. Ann. § 61-12C-5.1(D))

New York

The New York State Board for Massage Therapy and the State Education Department ruling stated that Massage Board, as well as the Board for Physical Therapy, found, after a thorough review, that "*the Feldenkrais Method*, as currently practiced, and demonstrated at the meeting of the Board for Massage Therapy on June 26, 2000, does not fall within the scope of practice of massage therapy."

North Carolina

The North Carolina statute exempts "The practice of movement educators such as dance therapists or teachers, yoga teachers, personal trainers, martial arts instructors, movement repatterning practitioners, and other such professions." (N.C. Gen. Stat. § 90-624(6))

Washington

In statute and rules, Washington exempts individuals “who have completed a somatic education training program approved by the secretary.” Requirements for practices to fall under the definition were subsequently defined. Training programs in the Feldenkrais Method meet those requirements. (WA Rev. Code Ann. tit. 18, § 18.108.050)

The Feldenkrais Method is also excluded from massage therapy regulation in Arizona, Colorado, Delaware, Iowa, Maine, Michigan, Minnesota, Montana, New Hampshire, Oklahoma, Oregon, Pennsylvania, Virginia and Wisconsin. Massage therapy is not regulated in Kansas, Minnesota, Vermont and Wyoming.