

## Bill S.270 Public Comment and Written Testimony

February 18, 2020

I am writing in regard to the proposed Bill S.270 Massage Therapists. I understand that there has already been communication about this bill, and would like to add my own thoughts and concerns.

I am a certified practitioner of the Feldenkrais Method™, and maintain a private practice which includes teaching classes to the public as well as working privately with clients. I belong to the Feldenkrais Guild, through which I am held to a strict code of professional ethics. Our work is vastly different from Massage, as is our training and the methods employed.

I understand that there is a proposal to change the wording from Licensure as a Massage Therapist to Registration as a Massage Therapist. While this means I can continue my work, it also means I must represent myself as a professional in a field I do not practice in.

I personally find this very uncomfortable from an ethics standpoint. In proposing a Bill which should promote a greater degree of safety and accountability, those of us in other professions that, in part, employ touch are being asked to misrepresent ourselves.

From a policy standpoint, I am concerned that this could be a slippery slope. While the Committee may have the best intentions of being able to include many professions under the label 'Massage Therapists' for Registration, this may bring us a step closer to Licensure at a future time, and under a different legislative body.

I do know that alternative wording has been forwarded to the Committee, with examples from other states. Also, the contact information for the Feldenkrais Guild has been forwarded (<https://www.feldenkraisguild.com/government-relations>).

I strongly encourage the Committee to take the time to research wording and policy which would allow the many 'touch professionals' in Vermont to continue their practices in the way that best represents them. Exemption from the bill has been recommended and is common across the country.

I welcome any contact which would provide further clarification. I can be reached at [millhouse@gmavt.net](mailto:millhouse@gmavt.net) or at 802-434-4515.

Thank you for your consideration.

Carolyn King

Guild Certified Feldenkrais Practitioner

Vermont Licensed Special Educator since 1978

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Dear Senator,

Thank you for reaching out to me. I will not be there today. I do not disagree with the Registration process, but I do disagree with the proposed "signed disclosure" requirement. See rationale below. I hope my letter can be read or shared with the committee. Thank you. Marjorie Pivar, Director of the Shiatsu School of Vermont, Brattleboro.

Dear Senator White,

While I understand the need for registering Massage and Bodywork Therapists, I view the OPR recommendation to be discriminatory against Bodywork Therapists.

"Mandating that massage therapists provide new clients with a disclosure stating the actions that constitute unprofessional conduct, how to review whether a massage therapist is properly registered, and a method for filing a complaint against a massage therapist"

**It is unfair that Bodyworkers are singled out as likely perpetrators of unprofessional conduct and are required to provide their clients with a "protection protocol" while other professionals such as teachers, clergy, and foster parents are not required to do so.**

**The required disclosure casts our profession in a dubious light while ignoring the professions where misconduct is well known. This is unfair.**

Marjorie Pivar, Director

Shiatsu School of VT

(802) 490-0489

[shiatsuvt@gmail.com](mailto:shiatsuvt@gmail.com)

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To Senate Committee on Government Operations Members,

I am writing to address my concerns over proposed Bill S.270, which seeks *“to require individuals and establishments offering massage therapy to be licensed and professionally regulated by the Secretary of State’s Office of Professional Regulation.”* My name is Diane Rodgers and, though at one time I practiced massage, I am no longer a massage therapist but, rather, a Certified Advanced Rolfer®, with a Structural Integration Practice in Burlington and Montpelier for 21 years. I was certified by the Dr. Ida Rolf Institute December 1997 and received my Advanced Certification in 2005.

It is my understanding that the introduction of this bill was precipitated by an incident(s), which took place last year in Middlebury, that compromised the integrity, privacy and safety of massage clients by a predatory, albeit credentialed massage professional. I am sure I will not be the first to mention that I am doubtful that licensure is the only solution that would eliminate such perpetrations. What comes to mind is Dr. Larry Nassar in the cases of the USA Women’s Gymnastics team. Though he was not a massage therapist, he was fully licensed, and completely terrible.

The public deserves to know the scope of practice of the various types of touch professionals as well as the appropriate measures to take in reporting incidents. This issue is addressed in §5411, *DUTIES OF THE DIRECTOR, (2)(A)* which provides rules for disclosure for the benefit of new clients, but under the heading of massage therapist. Disclosure is an excellent way of protecting the public from harm and would not necessitate licensure. However, the scope of practice for Structural Integration (SI) is different than that of massage therapy and distinctions should be made and considered for exemption of licensure.

Though we all strive to improve the well being of our clients, SI is more specifically concerned with improving human structure and function as it relates to the gravitational field. SI practitioners assess connective tissue/global patterns and then organize sessions or series of treatments to address those patterns by using anatomically precise directional touch combined with specific client movement. The goal of SI is to balance the body in gravity in this manner, little or none of which is described in the definition of massage therapy.

Bill S.270 does not define the differences between the many types of touch professionals, though seeks to regulate them all under the broad and vague definition of massage therapy, §5402. It also proposes to appoint 3 massage therapists serve as advisors to *“carry out provisions of this chapter”* in §5412. The professional qualifications, educational process and methods of Structural Integration are different than that of massage therapists. SI has its own national board certification and the Dr. Ida Rolf Institute has its own Ethics Committee to which

complaints or incidents can be reported. I do not think it is appropriate for SI practitioners to be overseen and regulated by practitioners of a different profession.

If Massage Therapists, as an entity, want to be licensed for their own purpose, that should be made available to them. I am not a massage therapist nor do I offer massage therapy in my practice. I do not wish be required to attend massage school, take continuing education classes or exams for, or to be licensed as a massage therapist. I believe that Structural Integration should be excluded/exempted from massage licensure or, if licensure is deemed necessary, have its own licensure, overseen by SI professionals.

I participate in continuing education that is relevant to my pursuit to remain current on the advancements of Rolwing® Structural Integration and to enhance my professional knowledge and skills. I would be happy to add my name to a registry of “touch professionals” in VT and participate in efforts afforded by professional disclosure to keep members of the public, who seek bodywork, safe. I believe that good and readily available information about practitioners and reporting processes, not licensure, is the answer to keeping the public safe from sexual harassment and assault.

I appreciate your consideration of this matter.

Sincerely,

Diane Rodgers,

Certified Advanced Rolfer®

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Mischul Brownstone

[mischul@accessvt.com](mailto:mischul@accessvt.com)

February 16, 2020

Jeanette White, Chair, Senate Committee on Government Operations

115 State Street

Montpelier, VT 05641

Dear Chair White and Committee Members,

I am writing as a Guild Certified Feldenkrais Teacher® with concern about S.270 and the proposed amendments by the Office of Professional Regulation as written.

The Feldenkrais Method® of somatic education and the practice of Therapeutic Massage are distinct professions fundamentally different in their aims and methods.

I come to this position with a deep appreciation of both massage and the Feldenkrais Method. I

was a massage practitioner from 1973-1983 and a founding member of the Vermont Massage Guild. I've been a practicing Feldenkrais practitioner from 1983 to the present.

Massage is a therapeutic modality using touch with the practitioner active and the client passive. The Feldenkrais Method is an educational system where the practitioner suggests movements with words and sometimes gentle guided touch to the student's clothed body. The aim of the Feldenkrais Method is the student becoming aware of how she or he moves and becoming active in choosing more efficient, graceful and less self-damaging ways of moving and living. Training to become a massage therapist in no way prepares one to be a Feldenkrais practitioner. Nor, for that matter, visa-versa.

Vermont has gone from one professional practicing massage therapist in 1972, with no other bodywork, movement or energetic disciplines being practiced to dozens of methods and hundreds if not over a thousand practitioners in practice. The different experiential, conceptual and scientific thinking and methods underlying them enrich the whole. It is important to keep these distinctions and not lump these approaches together.

Figuring out when state regulation is in the best interests of the people and the appropriate kind and amount of regulation is an important and responsible undertaking. There is always the difficulty of differing interests and finding a balance between needed protection and not stifling the creativity and development of a field of knowledge and practice. Nationally, a lot of cooperative effort by professionals of many disciplines, including massage therapists, massage boards and legislators has gone into finding a workable solution to the problem of massage therapy being defined very broadly in state statute. For your consideration, the Feldenkrais Guild of North America is sending you a letter detailing the solutions that have been found by various states.

Please allow time for this important discussion to unfold.

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**Subject:** Say NO to S 270

My name is Jennie Kristel. I have just moved from Burlington, Vermont to Dartmouth MA.

I'm writing to ask that you please withdraw the Senate bill S270 attempting to state license all bodywork practitioners. While I fully support ending sexual abuse or trafficking, *this bill will not do this*. If passed, S170 would negatively affect all Reiki and other energy healers and bodywork practitioners and our clients in Vermont who are doing sound and ethical practices.

There are thousands of practitioners and businesses from a wide array of disciplines this bill will negatively affect due to the broad definition of bodywork which will include "a person who uses touch, words or directed movement to deepen awareness of patterns of movement in the body, or the affectation of the human energy system or acupoints or Qi meridians of the human body while engaged within the scope of practice of a profession with established standards and ethics;" Licensing and/or registering massage therapists has not stopped sexual misconduct. There have been numerous prosecutions in MA, FL and throughout the country of licensed massage therapists for sexual misconduct.

Licensing all practitioners will not stop sexual abuse. And taking jobs away from those who practice ethically doesn't help those who come for Reiki treatments (or other holistic practices such as Qi Gong) who have experienced sexual abuse and who choose a treatment form such as Reiki because it doesn't involve taking one's clothes off or there isn't a need for touch. Which is critical to consider.

Many holistic modalities such as Reiki have been recognized by the National Institute of Health as complementary and integrative medicine and utilized by more than 1000 hospitals nationwide. They should not be identified as massage or included in a massage bill, and should be exempt.

There are more than 200 holistic modalities the proposed law would affect.

MA tried to pass similar legislation which failed because of the complexity of the more than 200 holistic modalities it would affect and the thousands of people it would put out of work

*I have practiced Reiki for more than 25 years, starting as a personal way to support myself and my family energetically. It was so positive, I wanted to expand this to supporting those I work with. I have had hundreds of hours in training, and many more hours in practice; this bill will personally impact me as I still teach and practice in Vermont. I have taught Reiki since 2003, including at the college level as a 3 credit course. In teaching at college level, students are expected to examine and discuss at length issues of ethics about using Reiki that encompass multiple important areas including touch, power and authority, trauma, and issues of cultural appropriation. This conversation carries into all my classes. I have successfully worked as a Reiki practitioner in hospices, hospitals, mental health, (including working with survivors who were trafficked), many events to support families in bereavement, as well with people experiencing chronic illnesses and transplant survivors. I am very alarmed at the potential harm this bill could do not only to our livelihood, but for other professionally trained Reiki practitioners. If this bill is to pass we would not be able to support those in Vermont in our respective fields. This bill does not at all recognize my training, nor my many years of experience in this field.*

S270 attempts to create a new and burdensome licensing law for these currently exempt practitioners and force them to obtain a bodywork license instead. **These are different kinds of training.** These practices do not pose an imminent risk of harm and should be protected and practiced in the public domain.

**I would be happy to meet with you and as well, offer you a Reiki session in order for you to be able to experience what it is like to receive Reiki.**

Thank you for your attention to this important issue! Please Vote NO on S.270.

Jennie Kristel, Reiki Teacher/Practitioner

Jennie Kristel, MA, REAT, RMT APTT

Registered Expressive Arts Therapist

Adjunct Professor: Lesley University

Reiki Master /Teacher

Accredited Playback Theatre Teacher

She/Her/Hers

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Ms. Carrigan,

I would like to voice my support for S270 as posted on line. I work at Green Mountain Oasis in Bennington, VT and have been there for 5 years. I very much like this bill as tendered and would like to see it pass this time. We put in hundreds of hours into our profession and being licensed will open more business opportunities for us to consider.

many thanks

Kathleen Gleason

Green Mountain Oasis

Bennington, VT.

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I am Marlana Freitas in Bennington VT. d/b/a Balanced Health Coaching and Massage for the past 20 years. I would like to register as being in support of S270 as regards license requirements for massage therapists.

With regard to new therapists; there should be a minimum of 500 hours of instruction at an accredited institute, or 5 years of apprenticeship by the deadline of 1-Jan-2022.

Thank you for your time and attention.

Marlana Freitas

Balanced Health Coaching and Massage

160 Benmont Ave. South wing

Bennington, VT. 05201

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## Feldenkrais Guild

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The following are service marks, trademarks, or certification marks of the *Feldenkrais Guild* of North America: *Feldenkrais*®, *Feldenkrais Method*®, *Functional Integration*®, *Awareness Through Movement*®, *ATM*®, *FI*®, *Guild Certified Feldenkrais Teacher*®, and *Guild Certified Feldenkrais Practitioner*™.

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.<sup>1</sup>

<sup>1</sup> 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>

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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. 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*<sup>®</sup> of somatic education, the *Trager Approach*<sup>®</sup> to movement education, and *Body-Mind Centering*<sup>®</sup>. **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.

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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,

Andrea Wiener, FGNA Government Relations Administrator

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781.557.8276

Misha Forrester, FGNA New England Government Relations Liaison

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Appendix: Regulatory status of the Feldenkrais Method<sup>®</sup> of somatic education

**APPENDIX: Regulatory status of the Feldenkrais Method® of somatic education**

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))

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#### **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.*

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Hello!

I am a resident of the State of Vermont and also an energy healer. Energy healing is a form of complimentary medicine in some uses and a spiritual practice or form of prayer in others. Requiring registration or licensure for energy healing is ill advised because of the way in which it would restrict Vermonters' ability to practice or explore their spirituality. When used in complimentary medicine facilities, linking energy medicine to massage could have limiting and deleterious consequences.

As I'm sure you have heard, many holistic modalities such as Reiki have been recognized by the National Institute of Health as complementary and integrative medicine and utilized by more than 1000 hospitals nationwide. They should not be identified as massage or included in a massage bill, and should be exempt.

There are more than 200 holistic modalities the proposed law would affect. Massachusetts tried to pass similar legislation which failed because of the complexity of the more than 200 holistic modalities it would affect and the thousands of people it would put out of work.

Vermont has a great tradition of allowing non-licensed and non-certified psychotherapists to practice legally and the state has undoubtedly benefited from it.

Please consider removing any consideration of energy healing from the proposed massage therapy licensing bill. And if this bill passes, please also consider creating a second registration process for non-licensed or non-certified massage therapists.

Licensing massage therapists will not deter sexual misconduct or sexual trafficking as several others states have amply demonstrated.

Warmly-

Delyn Hall

Ward 5

Burlington, Vermont 05401

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Hello,

Thank you for taking the time to read my testimony. I have been meaning to write in, with gratitude regarding all the state support and services I have been utilizing since late last year that have helped me get my business up and going. I will write all of that in a different letter as this testimony for bill s270 needs my immediate attention.

For now those services include: BROCC for my business plans and their microeconomics program, VOC REHAB for counseling and possible grant funding, WIOVA for possible financial support for more trainings, Department of Labor "ICAN" program for financial support. I am a low income single mom desperately trying to get my business, Studio Gratitude, to a self sustaining point where I will be able to raise my daughter without so much state assistance, like food stamps for example.

I found out about this bill late last night and only have a few moments to spare before my next client. I wish I could be at the state house tomorrow but it is a 2 hour drive for me!

I am a VT certified massage therapist receiving my training from Pyramid Holistic Wellness Center in Rutland, certified in 2014. Our teachers warned us about massage practice changing in coming years as far as licensing goes. Maybe the licensing aspect for MASSAGE THERAPY should be looked at, yes, I agree. But to include ANY other holistic healing modalities on the same level as massage, is NOT ok. Licensing massage in our state will not stop the sexual misconduct. I've had to kick clients out of my studio (my home business) for sexual misconduct. I am aware of misconduct in local "spas" in Bennington that offer sexual favors, or whatever you call it! To me it's gross and wrong, but for years has gone under the radar and certain spots remain open. It gives the rest of us a bad reputation but we deal with it in our own ways. I do not want to be licensed. I do not want to take an exam. I want to practice massage just the way I've been, and it has been perfectly fine. So many healers will not be able to practice if this takes effect. But that isn't even my issue with this bill. The fact that adding any other healing modality into this umbrella of massage therapy licensing is totally wrong.

I am also a Reiki Master/Teacher. I taught 9 students this weekend and am so grateful there are 9 more healers in our state! [www.reiki.org](http://www.reiki.org) has tons of information. Reiki and other holistic modalities are recognized throughout the country with separate institutions and should absolutely be except from this bill. There are more than 200 holistic modalities this law would effect. It's too messy! Too much! Let's slow down, go step by step, and honor the work of myself, friends, employers, teachers ....and especially clients, in their healing journeys.

I have loved living in VT nearly my whole life and have stayed here solely due to my healing work. If the state makes it more difficult to work here, I will consider moving. I am just finally getting my business to a good spot, and now this bill pops up. I have bragged about how full of healers this area is. I've met clients who travel to VT just for healing services. It's different here, they say. And I know it is. I often wonder if I were to move, what it would be like to work and live in a state that is not so supportive as VT has been, and if I would find "my people".

I am a regional coordinator for VermontReikiAssociation for Bennington and we are here as a resource for anyone who works with the state. Any of the board members or RC's would be happy to speak with anyone. Massage therapy licensing should not affect any of our other healing modalities. Please reconsider.

Thank you

Abby Skidmore

Studio Gratitude, owner

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Kelly McDermott-Burns

HeartSong Reiki

105 Timbercrest Rd.

Stockbridge, VT 05772

February 17, 2020

Dear Senators,

Thank you for your service to our state.

I am reaching out to share my concern about the addendum to Bill S.270 which you will be voting on soon. Of course, I am for anything that protects people from human trafficking, however, the reach of this particular bill's addendum goes too far.

I am a small business owner in Stockbridge. I have been practicing and teaching Reiki since 2004, and have been a long time member of the non-profit VT Reiki Association. Did you know our state is the only one that has a Reiki association? I am currently a board member and ethics officer of that organization as well as the Director of the Shelter Animal Reiki Association and their Chief Ethics Officer.

The Sunrise Review Addendum to Bill S.270 is concerning, specifically, this section defining massage therapy:

*If the General Assembly decides to create a registration requirement for massage therapists, OPR encourages the General Assembly to **define massage therapy broadly** so as to encompass varying forms of massage, body-, and energy work in which a client may be placed in a vulnerable position relative to a practitioner. There are many different types of massage, body-, and energy-work professionals working in Vermont. These professionals offer services from Swedish massage to cupping to Reiki.*

Reiki is a gentle, non-invasive, hands-on or off modality. It has long been accepted in hospitals around the state. Many state hospice services also include Reiki as a way to bring peace and relaxation to patients and families. As it is, the volunteer opportunities are expanding and we are working hard to keep up with demand. This bill will put an end to our much needed services in the community in addition to putting many practitioners out of business. Not only will this language affect Reiki practitioners, but many others who practice therapies that are not massage.

Perhaps you are familiar with Massachusetts Bill S168? It was defeated just last week in the Massachusetts legislature. I would encourage you to follow their lead and reconsider what this bill will do to our state's holistic practitioners.

Thank you for considering.

Sincerely,

Kelly McDermott-Burns

Owner, HeartSong Reiki

Treasurer and Ethics Officer, VT Reiki Assoc.

Director, East Coast Operations

Chief Ethics Officer

Shelter Animal Reiki Association

HeartSong Reiki

HeartSong for Animals

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To: Senate Committee on Government Operations

From:

Nancy Mosher

Central Vermont Reiki

141 Main St.

Montpelier, Vt 05602

Date: February 17, 2020

Re: S. 270

Dear Committee:

I am writing to object to the language in S. 270 which creates a wide and non-specific umbrella for healing modalities covered in the effort to require licensing of massage practitioners.

I am a Reiki practitioner and teacher and have been practicing for ten years. My training does not include anything that remotely resembles massage. Reiki is a Japanese-born system that includes light touch on or off the body. Practitioners are initially taught to practice this benign and spiritually-based modality on themselves. As our training progresses, we are taught to offer a series of light touch hand positions, again on or off the body, to help relieve stress and support balance and well-being. Reiki is widely considered an energy therapy and is performed fully clothed.

Our professional association, the Vermont Reiki Association, has over 150 members. We have a code of ethics, which our members agree to follow. This code of ethics spells out the details of professional conduct. To my knowledge we have never had a violation. There are hundreds of people who practice Reiki in Vermont, sometimes on friends, families and pets, sometimes in a professional setting. Most Vermont hospitals invite Reiki practitioners to volunteer, because of patient demand. There is medical evidence that Reiki helps reduce stress and improve outcomes for many different kinds of patients.

Requiring us to practice under a massage license would put the vast majority of us out of business. We do not practice massage, and don't want to. Furthermore the many Vermonters who benefit from our services would suffer.

There are many other modalities practiced in Vermont which involve touch, but are not in any way related to massage, such as healing touch and cranio-sacral work.

Similar legislation was introduced in the Vermont legislature some years ago, sponsored by the state massage organization. The wording in that legislation clearly exempted those of us who do energy-based work. It was never passed but would have been acceptable to those of us who practice Reiki.

A bill similar to the one you are reviewing was voted down recently in the Massachusetts legislature because it would put so many wellness practitioners, who are not massage therapists, out of business.

Thank you for considering my concerns.

Nancy Mosher

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To Senate Committee on Government Operations members,

My name is Bobby Ibarra, and I live and work Burlington, VT. I am writing in regard to S270, the measure seeking to license massage therapy in response to the misconduct of a massage therapist in Middlebury last year.

While I appreciate the need to stop this sort of thing from happening, I am writing to bring awareness to some problems with S270 as it is proposed.

I'd like to start off by letting you all know a bit about myself. I am a Board Certified Structural Integrator, and have maintained a practice for the last 2 years. I am not a massage therapist.

Next, I will outline what is problematic with S270.

While sexual assault and harassment are already illegal, I agree that helping the public know how and to whom to report an incident are important. S270 addresses this issue in § 5411. DUTIES OF THE DIRECTOR.

*(2)(A) The Director shall adopt rules requiring massage therapists to disclose to each new client before the first treatment the following information:*

*(i) the massage therapist's professional qualifications and experience;*

*(ii) the infection control procedures and public health practices to be followed to protect the public from communicable diseases;*

*(iii) the actions that constitute unprofessional conduct; and*

*(iv) the method for filing a complaint or making a consumer inquiry.*

*(B) The rules described in this subdivision (2) shall include provisions relating to the manner in which the information disclosed shall be displayed and signed by both the massage therapist and the client.*

This disclosure could be implemented without licensure. If the fundamental drive to license massage therapy, or even touch professionals in general, is to protect the consumer from predation, this would seem to be a more simple, direct and effective means. The perpetrator in the Middlebury case had massage credentials and education. He also had the benefit of the power differential of a credentialed professional in a working relationship with naive consumers. This, paired with a registry of touch professionals is sufficient to protect the public from harm.

S270 goes on, however, to include licensure for "massage therapists." The definition of massage therapy, below, is quite broad. § 5402. DEFINITIONS, "(5) "Practice of massage therapy" means the provision, for a consideration, of a system of structured touch, palpation, or movement of the soft tissue of another person's body in order to enhance or restore the general health and well-being of the recipient. This system includes techniques such as effleurage (stroking or gliding), petrissage (kneading), tapotement or percussion, friction, vibration, compression, passive and active stretching within the normal anatomical range of movement, hydromassage, and thermal massage. These techniques may be applied with or without the aid of lubricants, salt, or herbal preparations; water; heat; or a massage device that mimics or enhances the actions possible by human hands."

It does not significantly differentiate massage therapy from any number of other modalities. While structural integration (SI) is more specifically about improving the form and function of the human body in the field of gravity, better health and well-being may also attain. While an SI practitioner is very unlikely to use most of the interventions listed, some could be used. The definition is too vague and broad to clearly delineate the profession of massage therapy. This is an inappropriate appropriation of professional jurisdiction. Massage therapists certainly have the right to apply for state licensure for their profession, as do other professionals. That issue should be made separate from legislation to protect the public from harm from an array of touch professions.

This bill could cause harm to practitioners of other touch professions. S270 does not respect the

spectrum of touch professions and creates an inequitable distribution of power amount them. Structural Integration is a separate profession, with distinct goals, methods and educational processes. It has its own national board certification. The definition of massage therapy in S270 is broad enough to include SI and even movement therapies such as Feldenkrais Awareness through Movement and Rolf Movement™ within it. My objection to this is that I could be required to be licensed as a massage therapist and to pass an exam or attend continuing education that is not relevant or appropriate to my practice. § 5424. LICENSE RENEWAL *(a) The Director shall adopt by rule the continuing competence requirements that shall be required of applicants for massage therapist licensure renewal.*

For example, in my practice I do not require clients to undress. They are asked to move about in the process of their session and so the massage concept of draping is not only superfluous but also detrimental to the process. Draping is included in massage therapy exams. There is no reason to expect an SI professional to be able to pass an exam for another profession. This is only one example. It also does not address the primary consideration which is public safety

For these reasons, SI has been excluded or exempted from massage licensure in many states. In others, it has its own licensure. Either of these options is appropriate as the criteria for maintaining the license is then overseen by a board of SI professionals. In the case of S270,

§ 5412. ADVISOR APPOINTEES,

*(a)(1) The Secretary of State shall appoint three massage therapists for five-year staggered terms to serve at the Secretary's pleasure as advisors in matters relating to massage therapy.*

*(2) An appointee shall have not less than five years' experience as a massage therapist immediately preceding appointment, shall be licensed as a massage therapist in Vermont, and shall be actively engaged in the practice of massage therapy in this State during incumbency.*

*(b) The Director shall seek the advice of the massage therapy advisor appointees in carrying out the provisions of this chapter.*

SI practitioners would be overseen and regulated by members of a different profession. I recommend that if SI and its practitioners are not exempted from this group that the board be composed of a representative group of professionals, including SI practitioners, movement practitioners, energy workers, etc.

In this vein, calling this group of various professionals "massage therapists" is inappropriate and allows one type of touch profession to control all others. In creating any sort of regulation of these professions, using the term "touch professional" alleviates this issue. If all professions are grouped together for

purposes of promoting public safety, then this term allows all the professions to exist independently of each other while still under an umbrella for purposes of registration and thereby, public safety.

In conclusion, I want to be very clear that I fully support the intention of protecting the public from sexual harassment and assault. I believe that creating a clear path for reporting these incidents is important. I object only to being regulated by a professional body that does not allow for representation of my profession. The intention of S270 could be met by changing the name of the group of professions to touch professionals and by creating a registry of such practitioners. Should any of the individual professions, including massage therapists wish to pursue a licensure for their profession, that effort should be made separately from this effort to protect the public.

Thank you,

Bobby Ibarra, BCSI

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2/18/2020

Melanie Giangreco, National Board Certified Reflexologist, owner of Mpath, LLC in Richmond, VT

Regarding: Senate Bill 270, an act relating to the professional regulation of massage therapy

### **Reflexology and Massage are Separate Professional Disciplines**

Senate Bill 270 (as introduced) defines “Practice of massage therapy” as “a system of structured touch, palpation, or movement of the soft tissue of another person’s body in order to enhance or restore the general health and well-being of the recipient. This system includes techniques such as effleurage (stroking or gliding), petrissage (kneading), tapotement or percussion, friction, vibration, compression, passive and active stretching within the normal anatomical range of movement, hydromassage, and thermal massage. These techniques may be applied with or without the aid of lubricants, salt, or herbal preparations; water; heat; or a massage device that mimics or enhances the actions possible by human hands.”

As in the definition above, the term “massage” is often used loosely to include other touch techniques, such as reflexology, that are unique and separate from standard massage techniques.<sup>1</sup> According to the Reflexology Association of America, “Reflexology, an integrative health practice, maps a reflection of the body predominantly on the feet, hands and outer ears. It uses manual techniques to deliver pressure to neural pathways assisting the body to function optimally.”<sup>2</sup> Reflexology manual techniques include alternating pressure using small movements of the thumbs and fingers, and rotation or steady pressure on a reflex point. Touch is applied to specific areas (most commonly the feet, hands, and ears) to promote a response via the nervous system in a part of the body that is removed from the area of the body that is touched.

Protecting public health and safety is of the utmost importance. Clients are fully clothed (except for footwear) during a reflexology session, and for that reason this practice often attracts those who wish to receive stress reduction and relaxation, but do not wish to disrobe due to personal comfort or modesty (sometimes as a result of past sexual or physical trauma), or religious

conviction. The current definition of “massage” in S. 270 groups together complementary health practices that offer low-risk techniques into the same category as massage<sup>3</sup> and in doing so could impact the public’s ability to access health practices of their choosing.

I request that reflexology be granted an exemption within the definition of massage in S. 270. An example of wording could be: “The term ‘massage’ does not apply to an individual practicing reflexology who meets the requirements and passes the national certification examination of the American Reflexology Certification Board or other psychometrically valid national reflexology exam approved by the State of Vermont.”<sup>4</sup>

<sup>1</sup> See attachment: “The Differences Between Reflexology & Massage”

<sup>2</sup> <https://reflexology-usa.org/information/raas-definition-of-reflexology/>

<sup>3</sup> See attachment: “List of 210 Complementary Health Therapies Compiled by the MA Coalition of Holistic Practitioners 2019”

<sup>4</sup> See attachment: List of states which currently include an exemption for reflexology in massage law, and a list of states that have passed reflexology laws.

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To Senate Committee on Government Operations members,

My name is Hanni Guinn. I live in Ripton and work in Middlebury. I am writing in regard to S270, which seeks licensure for massage therapists in response to events in Middlebury last year. I have several clients in my practice who received massage at Roger’s Relaxing Massage between 2015 and 2019. I have heard and seen how it affected them and I fully appreciate the need to stop this sort of incident from happening again, and to restrict the perpetrator’s ability to practice massage therapy again in this state. I am writing this committee today to call attention to problems in S270 as proposed.

First, let me give you a little background about myself. I have been working as a Nationally Certified Massage Therapist for 20 years and a Certified Rolfing Structural Integrator™ Practitioner for 8 years. In 2010, I decided to attend the Dr. Ida Rolf Institute in order expand my practice. I underwent an additional two years of training to be a Structural Integrator however not all Structural Integrators attend massage therapy school. These modalities are not the same even though they are both considered hands on modalities.

Second, I will underscore the ways in which S270 works to meet the need for regulation to support public safety and then show ways in which it oversteps this goal.

While sexual assault and harassment are already illegal, I agree that helping the public know how and to whom to report an incident are important. S270 addresses this issue in § 5411. DUTIES OF THE DIRECTOR.

*(2)(A) The Director shall adopt rules requiring massage therapists to disclose to each new client before the first treatment the following information:*

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*(B) The rules described in this subdivision (2) shall include provisions relating to the manner in which the information disclosed shall be displayed and signed by both the massage therapist and the client.*

This disclosure could be implemented without licensure. If the fundamental drive to license massage therapy, or even touch professionals in general, is to protect the consumer from predation, this would seem to be a more simple, direct and effective means. The perpetrator in the Middlebury case had massage credentials and education. He also had the benefit of the power differential of a credentialed professional in a working relationship with naive consumers. This, paired with a registry of touch professionals is sufficient to protect the public from harm.

S270 goes on, however, to include licensure for "massage therapists." The definition of massage therapy, below, is quite broad. § 5402. DEFINITIONS, "(5) "Practice of massage therapy" means the provision, for a consideration, of a system of structured touch, palpation, or movement of the soft tissue of another person's body in order to enhance or restore the general health and well-being of the recipient. This system includes techniques such as effleurage (stroking or gliding), petrissage (kneading), tapotement or percussion, friction, vibration, compression, passive and active stretching within the normal anatomical range of movement, hydromassage, and thermal massage. These techniques may be applied with or without the aid of lubricants, salt, or herbal preparations; water; heat; or a massage device that mimics or enhances the actions possible by human hands."

It does not significantly differentiate massage therapy from any number of other modalities. While structural integration (SI) is more specifically about improving the form and function of the human body in the field of gravity, better health and well-being may also attain. While an SI practitioner is very unlikely to use most of the interventions listed, some could be used. The definition is too vague and

broad to clearly delineate the profession of massage therapy. This is an inappropriate appropriation of professional jurisdiction. Massage therapists certainly have the right to apply for state licensure for their profession, as do other professionals. That issue should be made separate from legislation to protect the public from harm from an array of touch professions.

This bill could cause harm to practitioners of other touch professions. S270 does not respect the spectrum of touch professions and creates an inequitable distribution of power among them. Structural Integration is a separate profession, with distinct goals, methods and educational processes. It has its own national board certification. The definition of massage therapy in S270 is broad enough to include SI and even movement therapies such as Rolf Movement™ within it. My objection to this is that SI therapists could be required to be licensed as a massage therapist and to pass an exam or attend continuing education that is not relevant or appropriate to my practice. § 5424. LICENSE RENEWAL (a) *The Director shall adopt by rule the continuing competence requirements that shall be required of applicants for massage therapist licensure renewal.*

For example, in my practice I do not require clients to undress. They are asked to move about in the process of their session and so the massage concept of draping is not only superfluous but also detrimental to the process. Draping is included in massage therapy exams. There is no reason to expect an SI professional to be able to pass an exam for another profession. This is only one example. It also does not address the primary consideration which is public safety.

For these reasons, SI has been excluded or exempted from massage licensure in many states. In others, it has its own licensure. Either of these options is appropriate as the criteria for maintaining the license is then overseen by a board of SI professionals. In the case of S270,

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*(b) The Director shall seek the advice of the massage therapy advisor appointees in carrying out the provisions of this chapter.*

SI practitioners would be overseen and regulated by members of a different profession. I recommend that if SI and its practitioners are not exempted from this group that the board be composed of a representative group of professionals, including SI practitioners, movement practitioners, energy workers, etc.

In this vein, calling this group of various professionals “massage therapists” is inappropriate and allows one type of touch profession to control all others. In creating any sort of regulation of these professions, using the term “touch professional” alleviates this issue. If all professions are grouped together for purposes of promoting public safety, then this term allows all the professions to exist independently of each other while still under an umbrella for purposes of registration and thereby, public safety.

In conclusion, I want to underscore that I fully support the intention of protecting the public from sexual harassment and assault. I believe that creating a clear path for reporting these incidents is important. I object only to being regulated by a professional body that does not allow for representation of my profession. The intention of S270 could be met by changing the name of the group of professions to touch professionals and by creating a registry of such practitioners. Should any of the individual professions, including massage therapists wish to pursue a licensure for their profession, that effort should be made separately from this effort to protect the public.

Thank you for your time and consideration,

Hanni Guinn, NCTMB, Certified Advanced Rolfer

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I am writing in regard to the proposed Bill S.270 Massage Therapists. I understand that there has already been communication about this bill, and would like to add my own thoughts and concerns.

I am a certified practitioner of the Feldenkrais Method™, and maintain a private practice which includes teaching classes to the public as well as working privately with clients. I belong to the Feldenkrais Guild, through which I am held to a strict code of professional ethics. Our work is vastly different from Massage, as is our training and the methods employed.

I understand that there is a proposal to change the wording from Licensure as a Massage Therapist to Registration as a Massage Therapist. While this means I can continue my work, it also means I must represent myself as a professional in a field I do not practice in.

I personally find this very uncomfortable from an ethics standpoint. In proposing a Bill which should promote a greater degree of safety and accountability, those of us in other professions that, in part, employ touch are being asked to misrepresent ourselves.

From a policy standpoint, I am concerned that this could be a slippery slope. While the Committee may have the best intentions of being able to include many professions under the label ‘Massage Therapists’

for Registration, this may bring us a step closer to Licensure at a future time, and under a different legislative body.

I do know that alternative wording has been forwarded to the Committee, with examples from other states. Also, the contact information for the Feldenkrais Guild has been forwarded (<https://www.feldenkraisguild.com/government-relations>).

I strongly encourage the Committee to take the time to research wording and policy which would allow the many 'touch professionals' in Vermont to continue their practices in the way that best represents them. Exemption from the bill has been recommended and is common across the country.

I welcome any contact which would provide further clarification. I can be reached at [millhouse@gmavt.net](mailto:millhouse@gmavt.net) or at 802-434-4515.

Thank you for your consideration.

Carolyn King

Guild Certified Feldenkrais Practitioner

Vermont Licensed Special Educator since 1978

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Position paper on S.270, an act relating to public regulation of massage therapy, from Public Policy Committee of Women Business Owners Network(WBON). Co-chairs, Pat Heffernan and Mary Claire Carroll

### **The Impact of Massage Licensure Vermont Women Business Owners**

Senate Bill 270 “proposes to require individuals and establishments offering massage therapy to be licensed and professionally regulated by the Secretary of State’s Office of Professional Regulation.” The vast majority of massage therapists, and other touch professionals and complementary health practitioners are female and typically self-employed. Therefore, the Women Business Owners Network (WBON) requests that the Senate Committee on Government Operations consider the impact of this bill on women business owners.

Several WBON members and collaborators are massage therapists, while others have completed professional training in other touch-related professions including, but not limited to, Feldenkrais Method, Rolfing, Reflexology, and Jin Shin Jyutsu. Many of these professions have ethics

standards and procedures, standards of competency that are achieved through rigorous training programs and requirements for continuing education, and processes for removal of credentials should a practitioner not adhere to national or international standards for the specific profession. In these cases, licensure in massage would require additional training unrelated to the practitioner's scope of practice, creating undue financial burden on small business owners, many of whom are women.

Women choose touch-related professions as a means of increasing their financial security and independence, and often begin this work as a mid-life career change or as a second career to supplement household income. While massage licensure has the goal of protecting public health and safety, it also has the potential to negatively impact women's right to work. This in turn creates public health and safety concerns when women are less financially stable and able to meet the needs of themselves and their families.

WBON requests that touch professionals working within a limited scope of practice be exempt from massage licensure, provided that their field of practice is clearly defined and a national organization or certifying body has oversight. Suggested wording for an exemption (based on other states that have provided exemptions in their massage laws): "Practice of massage therapy does not include professions including, but not limited, to Feldenkrais Method, Rolfing, Structural Integration, Reflexology, Reiki, Jin Shin Jyutsu, Shiatsu, Bowen Technique, Cranial Sacral Therapy, Alexander Technique, and Myofascial Release provided that the practitioner is duly qualified by a national or international organization or certifying body, and affiliated with an organization that has established standards and ethics."

Mary Claire Carroll

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February 17, 2020

TO: Senators Hardy, Balkint, Baruthm, Bray, Campion, Clarkson, Ingram, Lyons, McCormack, Perchlik, White, Pollina, Clarkson and Collamore, and Director Hibbert

RE: ABMP Comments re: S. 270

VIA EMAIL

Associated Bodywork & Massage Professionals (ABMP) is a national membership association that provides professional liability insurance, business resources, professional publications, and legislative

and regulatory advocacy for more than 80,000 members nationwide, including over 400 members in Vermont.

ABMP is writing in response to Senate Bill 270, which provides for massage therapy licensure. We have issues with S. 270 in its current form, in regard to licensure, education hours, school accreditation, formatting, and establishment licensing. We hope you will hear our concerns and consider our bill amendment suggestions.

### **Licensure**

ABMP is concerned that S. 270 is not so much a licensure bill intended to protect the public but is rather being introduced as a means to discipline massage therapists. It is unusual in massage practice acts to have prohibitions at the beginning of the bill. Most practice acts throughout the country identify the licensure qualifications, the scope of practice, and the board duties before turning towards prohibited acts and discipline.

It is our understanding that this bill was drafted in part in response to a Middlebury, VT massage therapist who was convicted of voyeurism. We submit that 99% of massage therapists are not engaged in this behavior. The consequences Mr. Schmidt faced are reflective of any individual convicted of such a crime: he was prosecuted through the criminal code. ABMP is opposed to the current language as it assumes that predators are the biggest issue regarding massage therapists.

In most states, massage therapists are identified as health care professionals and are licensed after completing a certain number of hours of education, perhaps passing a background check, and passing a national examination. Due to public safety concerns, massage is licensed in 45 of the 50 states. We urge the Vermont Legislature to consider drafting a more traditional licensing law that includes, but is not limited to, courses in anatomy, physiology and contraindications, ethics, boundaries, and business practices. Knowledge of these topics are important to public safety.

There are good examples of licensing laws throughout the country. In fact, the Federation of State Massage Therapy Boards (FSMTB) has an excellent Model Practice Act that you can reference at the following link: [https://www.fsmtb.org/media/1126/model\\_message\\_therapy\\_practice\\_act.pdf](https://www.fsmtb.org/media/1126/model_message_therapy_practice_act.pdf). In addition, Colorado has a choice practice act, among other states. Here is the Colorado Massage Practice Act also for your reference: <https://drive.google.com/file/d/0B-K5DhxXxJZbdHJdTljekhFZIk/view>

ABMP encourages a step back to discuss a licensing bill that would protect the public and work with massage therapists. We would be willing to assist with examples of what other states have done with their licensing laws and to provide comments from the massage community. 2

## **Education Hours**

A keystone of almost every state's massage licensing statute is its educational hours requirement for licensees. Such a requirement is critical so that the public is assured that licensees have been adequately trained in their field. S. 270 does not include an educational hours requirement. ABMP supports 625 hours of required massage therapy education as recommended by the ELAP study (<http://www.elapmassage.org>). After careful research and analysis, the ELAP project work group determined that "approximately 625 classroom hours of capable instruction would be required for students to acquire just core skills and abilities." An educational hours requirement is a critical part of any massage licensing statute, and ABMP is in favor of a 625-hour requirement, which many states have adopted. ABMP cannot support a bill that does not have an hourly requirement.

## **School Accreditation**

Accreditation is an expensive proposition for massage therapy schools. COMTA is the only USDE-recognized accreditation agency for massage therapy programs. The average cost of COMTA accreditation is approximately \$10,000. In addition, COMTA and ACCSC are the only accreditation agencies that actually look at curriculum. The remaining accrediting agencies only look at the financial stability of the program. ABMP believes the state department of higher education or post-secondary education is sufficient in approving schools. Beyond that, perhaps the Director/Advisory Committee might be considered the approver of schools. We are opposed to mandatory accreditation.

## **Formatting**

S. 270 is formatted differently than other massage practice acts throughout the country. It is clear the focus is on prohibitions and discipline, and not on the licensure of massage therapy practitioners. We suggest moving §5403 – Prohibitions to a later section after licensing is discussed, perhaps around §5428.

Exemptions – Most massage practice acts also exempt a number of modalities from having to be a licensed massage therapist. These modalities include:

- (I) Practices using reflexology, auricular therapy, and meridian therapies that affect the reflexes of the body;
- (II) Practices using touch, words, and directed movements to deepen a person's awareness of movement patterns in his or her body, such as the Feldenkrais method, the Trager approach, and body-mind centering;
- (III) Practices using touch or healing touch to affect the human energy systems, such as reiki, shiatsu, and meridians;
- (IV) Structural integration practices such as Rolfing and Hellerwork; and
- (V) The process of muscle activation techniques.

*Colorado Revised Statute §12-235-110(e)*

In fact, many exempt sections of massage practice acts include doctors, naturopaths, nurses, physical therapists, and other health care professionals. ABMP would be happy to provide you with examples of other statutes' exemptions upon request.

## **Establishment Licensing**

Licensed massage therapists are overwhelmed not the problem, nor the source, of illegitimate businesses. Forcing this community of workers to pay for the inspections and disciplinary actions of illicit operations is wholly unfair.

Massage therapists earn a minimal living—on average, \$25,000 per year. These are not full-time careers, due to the physical demands of the job itself. In addition to low salaries, massage therapists face the financial struggle of 3

regularly increasing licensing fees, costly continuing education course requirements, and general maintenance of business operations. We question whether the need for establishment licensing, and the fees associated, should be the burden of massage therapists alone to carry in an attempt made by local governments or the state to address the issue of illicit businesses masquerading as massage therapy. We appreciate that sole practitioners would not be required to obtain an establishment license pursuant to S. 270.

Should massage therapists become licensed professionals in Vermont, they would have to prove their education or apprenticeship, and pass an exam (at least pursuant to current S. 270 language). Massage therapists would be vetted. The overwhelming majority of massage therapists would be practicing lawfully, delivering legitimate therapeutic massage therapy, and following the laws as they exist. It is unjust to single out massage therapists alone in an effort to solve the problem of human trafficking. ABMP does not argue that human trafficking is not associated with massage. There are illicit massage businesses in the country that portray themselves as massage businesses. Our argument is that licensed massage therapists should not be the only ones paying for the investigations and prosecution of these illicit businesses. These bad actors should have to pay for the cost of investigation and prosecution and higher disciplinary fines.

It is our opinion that states and local governments should focus on nuisance laws and criminal codes when addressing criminal acts such as human trafficking. Codes need to be strengthened, and resources need to be allocated to allow law enforcement to aggressively take down human trafficking and address the blight local communities face. States should look at criminalizing—with more than a pleadable misdemeanor—solicitation by the johns and the owners and managers who employ unlicensed or unregistered individuals who offer “massage services.” These individuals should be charged with the highest level of misdemeanors and have substantial fines of up to \$10,000. There should be mandatory closures of these businesses, with no other massage business opening in that location for two years. We also encourage massage therapy boards to work with law enforcement to educate them about what massage therapists do and what they don’t do and to help local law enforcement weed out the bad actors. We believe better transparency between local governments and law enforcement with massage therapy boards is also in order. This would include notifying each other when an action is taken against a licensed massage therapist or establishment at the board or law enforcement level.

Human trafficking is bigger than the massage profession alone. Combatting human trafficking should not be done solely through the massage profession or the massage practice act. Massage therapists alone should not bear the financial burden of investigating these illicit businesses. As such, ABMP opposes the portion of S. 270 that proposes massage establishment licenses in its current form and encourages the Vermont legislature to table this bill until such time as a larger conversation can be had with the massage therapy community.

#### **Office of Professional Regulation Addendum to the 2015-2016 Preliminary Sunrise Assessment on Massage Therapy**

To conclude this letter, we’d like to briefly address the 2015-2016 Preliminary Sunrise Assessment on Massage Therapy. The assessment argues against licensure, and the Addendum issued by the Office of Professional Regulation states: “Nor would requiring individuals to fulfill certain qualifications address the public harm of sexual misconduct by requiring individuals to fulfill certain qualifications address the public harm of sexual misconduct by massage therapists.” (Addendum to the 2015-2016 Preliminary Sunrise Assessment on Massage Therapy, January 15, 2020, p. 13.)

In footnote 12 on page 13 of the Addendum, the report attempts to prove the statement above is true by referencing Roger Schmidt, a massage therapist convicted of voyeurism and a former member of ABMP. The Addendum asserts that Schmidt was “certified by the Associated Bodywork and Massage Professional association,” thereby creating the assumption that licensure does not prevent nor deter sexual misconduct.

ABMP would like to clarify that we are a membership association, not a regulatory agency that issues licenses. Being a “certified member” of ABMP is a membership level that allows for greater access to member benefits and discounts. It is not equivalent to professional certification. Being a certified member of ABMP is similar to being a gold member of an association. 4

Thank you for considering our opinions, suggestions and clarifications. Please email me at [laura@abmp.com](mailto:laura@abmp.com) or contact me by phone at 303-679-7645 if you have any comments or questions.

Sincerely,

Laura B. Embleton

*Government Relations Director*

Associated Massage & Bodywork Professionals