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Dear Senator White,Chair and Commitee members:

Please be advised that I support the testimony from the United States Trager Association re: S.270. (See below)

My wife, Jan Sandman is a longtime Trager Practioner here in Montpelier. Trager is a system of movement education, not massage therapy. It's inclusion in S.270 would impact her ability to practice and earn a living. Unlike massage, movement re-education does not necessitate the removal of a client's clothing during a session.

Thank you for your time and consideration.

Sincerely,
Steve Pitonyak
30 Summer Street
Montpelier, Vermont

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

Copy to the Office of Professional Regulation

Dear Chair White and Committee Members:

Practitioners of The *Trager*® Approach do not practice massage therapy and the United States *Trager*® Association (USTA) has no position on how to regulate the practice of massage therapy. We support massage therapy professionals to advocate for whatever regulation, if any, they deem appropriate for their own profession. However, we know from experience that regulation intended to address problems associated with the practice of massage therapy too often negatively affect our own Practitioners. This is the case with S.270.

The *Trager*® Approach is a system of movement education, distinct from massage therapy, and should not be regulated as such. The very broad definition of “massage therapy” in S.270, as introduced, would inappropriately include The *Trager* Approach and harm our Certified *Trager* Practitioners by forcing them to meet unsuitable educational requirements, and adding extra expenses and barriers to practice. This would also force them to misrepresent our work to the public as “massage therapy”. We must object to professional massage therapy licensing for the practice of The *Trager* Approach.

The Office of Professional Regulation recommends the use of registration, instead of professional licensing, and adding “bodywork” as a practice to be regulated. Even this lesser level of regulation would still have a significant impact on our Practitioners (and many others) with questionable benefit “ *to safeguard the health, safety, and welfare of the public”* as stated in S.270.

The only instances of sexual misconduct cited to justify licensing/registration were among massage therapists.Yet the OPR recommends regulation of all forms of “bodywork” because *“a too-narrow definition will allow perpetrators of sexual misconduct to simply re-title themselves as another type of massage, body or energy work professional…..thus evading oversight”*(from Addendum). This may seem reasonable but is speculative. There is no baseline of data from having *only* massage therapists registered to see how much re-titling would actually occur if all the other uninvolved practices were not subject to registration. It may not be justified to impose registration on everyone.

Many practices already have safeguards against persons misusing their titles. The United States *Trager* Association and its Certified Practitioners have been self-regulated for over thirty years. The names *Trager®, Mentastics®* and our “Dancing Cloud Logo” are registered service marks that we diligently protect from unauthorized use by anyone not certified and in good standing with the USTA. The USTA is the organization that trains and certifies *all* Practitioners in the US. It is a simple matter for any member of the public or law enforcement to verify, through our website or office, the status of someone claiming to a Practitioner. Registration as proposed may not offer a significantly greater level of control than the process we have in place now.

The title of “bodywork” is problematic. The USTA asks its members to not use “bodywork” to describe or market The *Trager®* Approach; in some states it is a protected title only to be used by licensed massage therapists; “bodywork” is sometimes used as cover word by criminals and forcing practitioners to use that label exacerbates the problem; “bodywork” is not a useful descriptor for what we do. This law would require our Practitioners to go against what we consider best practice.Many of the practices that would be called “bodywork” in S.270 do not use that label and feel that it will misrepresent to the public who they are and the work they do. It also carries the implication that they are potential criminals that the public must be protected from. This is no small matter to smaller or emerging professions trying to establish their own identity in the marketplace.

Practitioners of these same professions can truthfully tell you that are not in it for the money and extra fees, in addition to professional organization dues and continuing education add up.

While registration of all “bodywork” practitioners would be less onerous than full professional licensing, the impact would not be trivial and less restrictive means may be available. A number of states have enacted so-called “Safe Harbor” laws

that provide a framework for allowing the unlicensed practice of the broad array of alternative health and wellness methods while providing accountability for practitioners. The basic element in Safe Harbor legislation is the official written Disclosure that each practitioner is required to make, display in the place of work and otherwise make available to the public on request – this would, of course include authorities, local business licensing departments, landlords etc. The form and contents of the Disclosure would be prescribed in the law. In addition to basic information such as name, contact information, services offered, qualifications for each service etc. other information, such as contact information where consumers may make inquiries or complaints, or citations for misconduct, could also be required. Penalties for making false statements or practicing outside the scope of their disclosure would be set and enforced. This gives consumers and local authorities a way of knowing who is setting up practice and a way to hold them accountable without licensing or registration.
Although this bill is well intended to deal with a real problem, we are concerned that is has been moved forward too quickly and without enough input from all the affected practitioners. From the Addendum it appears that stakeholders at the public meetings were massage therapists, victims and their advocates, and law enforcement. It seems that, as it often happens, a problem in the massage therapy community was addressed without sufficient input from non-massage professionals who were then pulled into the regulation on the assumption that we can all be regulated in the same way as massage therapy and for the same reasons. It is not so simple.

We urge the Committee for Government Operations and the Office of Professional Regulation to reconsider this legislation and allow for more input from, and consideration of, the larger community of practitioners who may be unfairly impacted this legislation.

Thank you for your diligent work on a serious issue and the opportunity to offer this testimony. We look forward to further productive discussion and, in that regard, I am at your service.

Sincerely,

Jim Noriega
Law & Legislation Committee Chair
702.378.9530/ legislative@tragerus.org

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