



S. 270 An Act Relating to the Professional Regulation of Massage Therapy

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

I am here to speak with you in support of S.270 - an act relating to the professional regulation of massage therapy. We want to thank the Legislature and OPR for the Addendum to the Sunrise Report and for recognizing the seriousness of the harm caused by massage therapists who engage in sexual misconduct with their clients.

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

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

The Network has several policy priorities related to the professional regulation of massage therapists. First, we believe that there ought to be a reporting mechanism outside of the criminal legal system to report unprofessional conduct. Second, we believe that this mechanism must be able to revoke a professional credential for a length of time needed to protect the public. And finally, we believe that the

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



definition of massage therapy must be sufficiently broad to encompass bodywork that creates a vulnerable power imbalance between practitioners and their clients. Many other states have accomplished this through their regulatory schemes.

We believe that S.270 is a strong bill and that the protections included in the bill would help keep victims safe. It would provide them with adequate pathways to report their abuse outside of the criminal legal system, to help ensure their abusers do not have the opportunity to offend again. In particular, we are very supportive of the following provisions:

- Obtaining criminal background checks before licensure.
 - This is a proactive measure that may prevent harm.
 - This is especially important, as most of the other provisions are more reactive - in the sense that they kick in once harm has already occurred.
- The disclosures required on page 7 section (2)(A) that require all therapists to notify new clients of: (iii) The actions that constitute unprofessional conduct; and (iv) the method for filing a complaint or making a consumer inquiry

The definition of who qualifies as a massage therapist and is required to be licensed is one that requires some careful consideration. Any situation in which an individual is in the vulnerable state of being touched while disrobed should qualify for the protections afforded with licensure.

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