

S.270 Testimony
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**Vermont Chapter of the American Massage Therapy Association (AMTA-
VT)**
Senate Government Operations Committee - February 18, 2020

Good afternoon, I want to first thank the Senate Government Operations Committee for the opportunity to speak today. My name is Maureen Slayton. I am board certified in Therapeutic Massage & Bodywork. Additionally, I am a Nationally Certified Athletic Trainer, licensed to practice in the State of Vermont. I have been in private practice nearly 20 years. I specialize in Rehabilitative & Deep Tissue Massage. I am a member of the American Massage Therapy Association.

I am here today to support S.270, the licensure of massage therapists in Vermont. While we appreciate the willingness of OPR to recommend some type of regulation, the regulatory oversight associated with registration is less than a complete solution and does not adequately address the myriad of public protection concerns associated with the Massage Therapy profession.

After reviewing the report given by Lauren Hibbert, Director of OPR on Jan 18, 2020, it is even more imperative to stress the importance of Massage Therapy licensure. We strongly disagree with OPR's position that qualifications-based licensure of massage therapists would result barriers to entering the professional field of massage therapy and that minimal educational requirements will not protect the public.

I would like to talk for a moment about what massage therapists do and why licensing is the way to protect the public. Massage therapists do not simply rub the body to provide relaxation. If that was all we did, I could see where one would think education is not needed. This, however, does not encompass all that we do.

- We work with a variety of people who have various pathologies and conditions.
- We work with people who are pre- and post-surgery
- We work with people who are battling chronic back and neck pain
- We work with people who have been in car accidents or other forms of trauma

- We treat people with nerve pathologies
- We work with pregnant women and people battling cancer who may have contraindications about which we need to be educated.
- We see people who are in pain.

Adequately educated, trained and vetted professionals are a cornerstone of public protection when it comes to the licensing of individuals. A knowledge of contraindications (i.e., reasons to withhold how a procedure can impact a patient with a preexisting health condition), ethics and boundaries is critical, and is a central component of proper education and training.

Registration, as proposed by OPR, contradicts the notion of public protection. The lack of minimal education/training and background checks, for a start, allows for potential risk of client injury or harm. Registration does not accurately measure whether someone is qualified to provide these services. Individuals who have had their license revoked in another state or a relevant conviction could exploit the registration system, as that requirement would be to self-report any criminal history, thereby posing a public safety risk.

The Massage Therapy field is growing and changing at a rapid rate. The more that massage therapy is advancing, the greater the potential for harm. AMTA-VT supports licensure of the profession because the Health and Safety of the consumer is **paramount**. Massage therapy practices are increasingly integrated into Vermonters' health care. More physicians, nurses, PT's and other allied health professionals are recommending Massage Therapy to their patients.

For the last several years, OPR has failed to truly recognize evidence that Massage Therapy regulation is needed and warranted. Sadly it took the Middlebury incident and the courage of the victims to demand more accountability. By not having a clearly defined scope of practice for massage therapy, we are giving a false "sense of freedom" to practice or do whatever you want. Word of mouth will not protect the public from harm. The Middlebury massage therapist is already asking when can he re-open his massage practice. Where is the level of oversight that will protect the public from him doing this again?

With a rising number of people seeking the services of massage therapists, as well as the increased use of massage therapy to treat health care conditions, it is more important than ever that consumers have confidence in the safety and

efficacy of the treatment they are seeking. Safety and efficacy can be most effectively achieved with licensing. Individuals who have had their license revoked in another state or a relevant conviction could exploit the registration system, as that requirement would be to self-report any criminal history, thereby posing a public safety risk.

Ethics continuing education is also critical. In October I fulfilled my ethics continuing education requirement as a Nationally Board Certified Massage Therapist. The courses I took were called Fundamentals in Ethical Decision Making, Self Evaluation for an Ethical Practice and Creating Healthy Boundaries. A fair amount of time was spent on what is unprofessional conduct and sexual misconduct.

Lastly, reasonable expenses should not pose a barrier to public protection in Vermont. While we appreciate the cost to the state to regulate, we have also evaluated the cost to massage therapists to be regulated. Costs to massage therapists associated with licensure have not posed a barrier to the practice of massage therapy in other states. In fact, the profession of massage therapy is thriving in the nation. These costs are minimal in comparison to other health professions and far outweigh the costs associated with improper training, such as injury to a patient or the cost of litigation.

The costs differential to the state between licensure and registration is minimal. At the low estimate for registration, the state would require approximately 1.5 FTEs and, at the high estimate for licensure, the state would require 2.5 FTEs. This could be covered by realistic licensing fees, without any need for an appropriation from the state.

It is time for Vermont to license the massage therapy profession, ensure protection is the chief priority, and close the loophole in New England permitting massage therapists barred in neighboring states to practice in our state.

Thank you for your consideration of this crucial issue.