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February 27, 2026

To: Hon. Emilie Kornheiser, Chair
House Committee on Ways and Means

From: Jennifer Colin, Director, Office of Professional Regulation

Re: H.588, An act relating to professions and occupations regulated
by the Office of Professional Regulation

Dear Committee Members:

Thank you for inviting me to testify today on this year's OPR bill.

Massage Therapy Establishments – Registration and Fees

Today the Committee heard testimony regarding Section 18 of H.588, relating to the new regulation of Massage Establishments through registration. As you know, in the last legislative session, the General Assembly gave OPR the task of working with stakeholders regarding the appropriate credential for the regulation of massage establishments. OPR completed that work in the fall and determined that registration is right-size regulation for this credential in order to effectively protect the public.

Today, the testimony from a registered massage therapist focused on the fees for the establishment registration credential. OPR fees for advisor professions are established in 3 V.S.A. § 125. In Title 3, the standard fee for a registration, which has no qualifications, is \$100 for the initial application (per (b)(1)), and for a biennial renewal is \$275 (per (b)(4)). Today's witness and his spouse are both registered massage therapists who work in their home. He shared that for couples engaged in this work, the establishment renewal fees, in particular, posed a substantial financial burden.

Upon the conclusion of the testimony, OPR was asked to reconsider whether fees could be waived for establishments with limited practitioners or whether an alternative fee structure was possible.

Cost of the Regulatory Program

The occupational regulation of Massage Therapists, Bodyworkers and Touch Professionals is an expensive program, largely due to the extensive enforcement work in this profession. Since OPR is a special fund agency, enforcement work is paid for through credential fees only, and not through a general fund appropriation.

Currently, there are 1261 registrants. Individual registrants in this profession pay an initial application fee that is 10% lower than the standard application fee for registration credentials, \$90. The individual renewal fee is \$275. Since OPR began regulating the profession in 2021, we have received over 100 complaints including:

- 22 complaints alleging human trafficking;
- 29 complaints alleging sexual misconduct, boundary violations or grooming behavior; and
- Approximately 40 complaints alleging unauthorized practice (practice without a registration credential).

Thus far, 19 cases have resulted in discipline, including the removal of practitioners from the profession through revocation or voluntary surrender of the credential. Data from the last two years shows that this profession has one of the highest ratios of complaints to the number of practitioners, approximately 5.5%.

Enforcement is a critical component of OPR's public protection mission. The agency employs 9 investigators, including 6 law enforcement officers, four prosecutors, two case managers, a paralegal, and an in-house quasi-judicial section that includes a docket clerk and administrative law officers to hear unprofessional conduct cases. Again, this critical work is funded through credential fees.

These fees also compensate OPR for the staff who do administrative work required for professional regulation, including processing applications, as well as facilities and general expenses.

Alternative Fees

Based on the testimony today and the request to reconsider fees for establishments with a limited number of practitioners, OPR has determined that it would be possible to reduce the fees for establishments with only two registered practitioners with a negligible impact on revenue. OPR would need additional time to assess the impact of further reduction of fees for establishments with three or more registrants.

If the Committee determines that a reduced fee should be available to Establishments with only two practitioners, OPR would suggest an initial application fee of \$50 and a biennial renewal fee of \$75, per the draft language on the following page.

* * * Massage Therapists, Bodyworkers, and Touch Professionals * * *

Sec. 8.

26 V.S.A. chapter 105 is amended to read:

CHAPTER 105. MASSAGE THERAPISTS, BODYWORKERS, AND TOUCH PROFESSIONALS
Subchapter 1. General Provisions

§ 5425. Fees

(a) Applicants and persons regulated under this chapter shall pay those fees set forth in 3 V.S.A. § 125(b).

(b) An establishment where the practice of massage or the practice of bodywork is provided by only 2 massage therapists, bodyworkers, or touch professionals shall pay reduced fees set forth in 3 V.S.A. § 125(b).

Sec. 9.

3 V.S.A. chapter 5 is amended to read:

§ 125(b) Fees

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

* * *

(1) Application for registration, \$100.00, except application for:

* * *

(D) Massage therapist, bodyworker, or touch professional, \$90.00.

(E) Massage establishment qualifying for a reduced fee under 26 V.S.A.

§ 5425(b), \$50.

(2) Application for licensure or certification, \$115.00, except application for:

~~(M) Massage therapist, bodyworker, or touch professional, \$90.00.~~

[Repealed.]

* * *

(4) Biennial renewal, \$275.00, except biennial renewal for:

* * *

(Y) Massage establishment qualifying for a reduced fee under 26 V.S.A.

§ 5425(b), \$75.